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APPENDIX, No. 9,

TO THE

ELEVENTH VOLUME.

APPENDIX TO THE ELEVENTH VOLUME

OF THE

3424

JOURNALS

OF THE

LEGISLATIVE ASSEMBLY

OF THE

PROVINCE OF CANADA.

From the 19th AUGUST, 1852, to the 14th JUNE, 1853, both days inclusive,

AND IN THE SIXTEENTH YEAR OF THE REIGN OF OUR SOVEREIGN LADY

QUEEN VICTORIA.

Being the 1st Session of the 4th Provincial Parliament of Canada.

—
SESSION, 1852-3.
—

Printed by Order of the Legislative Assembly.

VOL. 11.

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RETURN

TO AN ADDRESS from the Legislative Assembly of the 27th ultimo, for Copies of any Report or Reports made by Captain Fortin, or person in command of the Vessel despatched by the Government in 1852, to protect the Fisheries in the Gulf of the River St. Lawrence.

By Command,

A. N. MORIN,
Secretary.

SECRETARY'S OFFICE,
Quebec, 4th May, 1853.

(Translation.)

QUEBEC, 16th February, 1853.

SIR,—I have the honor to transmit to you herewith my Report on the Fisheries of the Gulf of St. Lawrence.

I believe that I have touched upon the most important points connected with my mission. If, however, Government should require any information which I may have omitted, I shall consider it my duty to furnish it forthwith.

I have the honor to be, Sir,
Your obedient and humble servant,

(Signed,) P. FORTIN, J. P.

The Hon. A. N. Morin,
Provincial Secretary,

REPORT.

Cruise of the Coast-guard Schooner "ALLIANCE."

We were quite unable to leave Quebec before the 15th June, the equipment of the vessel not being completed before that day.

The crew of the schooner was composed of a captain, first and second mates and ten seamen. All wore seamen's uniform.

The schooner carried two guns, and was otherwise armed.

After leaving Quebec, I touched at Kamouraska and at Percé, in order to be sworn in as a Justice of the Peace for the Districts of Kamouraska and Gaspé.

From Percé we proceeded to the Magdalen Islands, and having cruised round them for five days, came to an anchor in the Bay of Plaisance, opposite the trading posts on Amherst Island. I went ashore, and was fortunate enough to meet the notables and the fishermen belonging to the Island, who expressed the greatest satisfaction in learning that the Canadian Government had at length resolved to afford them and the other fishermen of the Gulf of St. Lawrence the protection which they had so long solicited, on account of their remote situation and the absence of any military or police force whatever, at these different places.

They expressed a hope, moreover, that this protection would be continued to them every year.

I collected at this place very useful information relative to the fisheries which are carried on at the Magdalen Islands.

At the time of our arrival, the herring fishery was over.

More than a hundred schooners, almost all belonging to the United States had been engaged in that fishery.

Many disorders commonly take place during the herring fishery. As there exists in a manner no judicial or other authority in the Island, the foreign fishermen commit many depredations, make themselves masters of everything, and frequently drive away our fishermen from the stations which they had made choice of in Amherst Harbour, which is very small; so that many schooners are compelled to remain outside, where they are exposed to accidents.

The fisheries which are carried on, on the coasts of the Magdalen Islands, are the Herring, the Cod, and the Seal Fisheries.

Fish always abounds there, but nevertheless, it sometimes happens that it entirely fails.

The inhabitants of the Magdalen Islands are almost all employed in carrying on fishing, and according to the information which I obtained, they are poor, although the Islands are situated most advantageously for fishing and for the trade in fish.

I shall advert hereafter to the means suggested to me, and the best adapted in my opinion to procure the development in our country of that branch of industry, which is among our neighbours in so flourishing a condition.

On the 3rd July we left the Magdalen Islands, and two days after we cast anchor in the Bay *à la Frégate de Malchiatick*, on the coast of Labrador.

I proceeded with Captain Talbot to visit two permanent Seal Fisheries and one Salmon Fishery in the River Etamamu.

Availing ourselves of the first favorable wind we sailed from Matchiatick, coasting along towards the north-east, and lay to at several ports, as will be seen in the Journal kept by me on board, and which I transmit herewith.

On the 13th we cast anchor in *Blancs Sablons Bay*.

I devoted ten days to visiting the ports on *Blancs Sablons Bay*, and the Bay of Brador, 5 miles distant to the west.

In the Bay were 49 schooners engaged in Cod-fishing. Seven belonged to the Magdalen Islands, ten to the United States, and the remainder to Nova Scotia and the other British Provinces.

From the Bay of Brador, where I fell in with fifteen schooners, I proceeded to *Bonne Espérance*, situated ten leagues to the west of *Blancs Sablons Bay*.

I found 29 schooners, all belonging to the United States, at anchor in Salmon Bay, a mile to the east of *Bonne Espérance*.

From the last mentioned place we proceeded to St. Augustin, where we were detained a few days by fogs and contrary winds.

The season for the Mackarel Fishery having arrived, I gave the necessary orders, so as to be present during its continuance on that part of the coast of Labrador, where the fishermen of the United States, according to the treaty of 1818, between Great Britain and the United States, relative to the Fisheries, are not entitled to fish within three miles of the shore. And it is on that part of the coast that the Mackarel is most abundant.

On 7th August we entered Mingan harbour, without having found any schooners belonging to the United States. On the same day, about 6 P. M., the sloop of war "Devastation," and the Brigantine "Arrow," its tender, came also to an anchor in the Bay.

On the following day, I went on board the sloop, and had the advantage of meeting Commander Campbell, with whom I had a long conversation relative to the best

means to be adopted for the protection of the Fisheries, and in conformity with my orders, I placed the Canadian vessel at his disposal.

The next day one of the Officers of the sloop brought me a letter, of which the following is a copy:—

HER MAJESTY'S S. S., "DEVASTATION."

MINGAN, 8th August, 1852.

SIR,—It would materially strengthen my arrangements for the protection of the Fisheries on the coast, if, consistently with your orders, you could cruise between Mingan and the Bay of Seven Islands, till the 20th instant.

I am informed that American fishing-vessels may now be expected to arrive in great numbers, and that the last named Bay is a very favorite rendezvous with them.

I have also reason to believe that the coast about St. John's river is much frequented by them.

Should it be in your power to be at or about the Bay of Seven Islands on Saturdays and Sundays, till the expiration of the time specified, I may have the advantage of again falling in with you and receiving such information for the benefit of the service upon which we are mutually employed as you may be enabled to give.

I have the honor to be,

Sir,

Your most obedient servant,

(Signed,)

C. CAMPBELL,

Commander.

Dr. Fortin,

&c., &c., &c.,

"Alliance."

On the 10th I received a visit from Commander Campbell, and stated to him that I should be guided by his arrangements. He advised me to hoist a pennant, such as vessels of war carry, in order to shew what my vessel was, and inspire more respect.

On the 11th we left Mingan in order to cruise upon the Coast. We saw no Foreign schooners at the mouth of St. Johns River.

We fell in with six which were fishing on the Mingan Bank, six leagues from shore.

On the 15th we entered the Bay of Seven Islands. There were only two schooners, belonging to Nova Scotia.

I landed, and met Mr. Henderson, the Agent, at the Hudson Bay Company's Trading-post, who was greatly pleased at the arrival of the cruiser, "Alliance," and informed me that the previous year more than fifty schooners from the United States had anchored in the Bay to fish for mackarel. The fishermen of that nation being superior in number, insulted him, carried off his firewood and set fire to the fences which inclose the buildings belonging to the Company, and the fire would have inevitably extended to the store which then contained a great quantity of goods, if it had not been stopped by the exertions of Mr. Henderson and his men.

We returned to Mingan, and on the 22nd August entered a second time the Bay of Seven Islands. I learned that an American schooner had come there to fish, but hearing that the cruiser, "Alliance" was upon the coast, had sheered off.

I did not fall in with Commander Campbell in the Bay of Seven Islands, as he had led me to expect in his letter, although we did not leave the last mentioned place before the 28th August.

On the 29th, we were at Mingan, and the Mackerel Fishery being ended, I resolved to make sail, with the first favorable wind, for the eastern part of the coast, with a view of visiting those posts which I had not yet seen.

On the 3rd September we set sail, touched on the 5th at Matchiac, and on the 8th cast anchor in the Bay of the *Esquimaux du Petit Macatina*.

The next day three persons occupying permanent Seal-fishing establishments, named Pierre Thibault, André Wells dit Gallibois and Louis Coulomb, came on board to lay a complaint against James Mauger, who had, in 1848, established himself on Great Gull Island of *Petit Macatina*.

Their complaint was in these terms:—

“In the year 1845, Mr. James Mauger came to Gull Island to fish for Seals, without inquiring of the inhabitants of Little Macatina, whether it would be injurious to them.

“The fishery being ended, we discovered that he did us great injury. We went to him and inquired, in the presence of witnesses, whether he was disposed to quit. We promised to assist him in conveying his tackle and fishing-hut to another place. He answered us, that nothing but the law would induce him to remove.

“From that time we have continued to suffer. Last year we went to him and offered him money, but the amount which he demanded was too high. We are on the point of abandoning our fishing-grounds, because we can no longer live on them.

Mr. Mauger interrupts the passage of the Seals, and entirely changes their direction. We can prove this by witnesses who are at hand, and who have fished at the *Petit Macatina*.

“It is full time that the law should come to our aid; for our fishing tackle is wearing out, and we are destitute of the means of renewing it. Our families are suffering. We hope, for a decision as early as possible, in order that, if Mr. Mauger is to move away, we may carry on our fishing, and if he is to remain, we may look for other fishing-grounds.

(Signed,)

“

“PIERRE THIBAULT,

“ANDRE WELLS dit GALLIBOIS.

“LOUIS COULOMB.

On the 8th September, James Mauger being present, the complainants produced witnesses who proved, that, in reality, since Mauger had been established on the Gull Islands, the Seals no longer entered the fishing-grounds of the *Petit Macatina*.

James Mauger produced no witnesses.

I considered that the best course to be pursued was to cause the locality to be visited by experienced persons. I therefore told the complainants to make choice of an Arbitrator, (*expert*) and James Mauger to select another, and intimated that at my return from the *Blancs Sablons* Bay, these two Arbitrators, with whom Captain Talbot would be joined, would visit all the inlets of the Gull Island, and make a Report which I would transmit to Government.

It was quite impossible for us to sail before the 15th from Esquimaux Harbor, the wind having always been foul.

On the 18th we came to an anchor in Blancs Sablons Bay, having touched at *Bonne Espérance*.

All the schooners had left the bay to fish further to the eastward. On the 22nd we returned to Esquimaux Harbor.

On the 27th I proceeded with the Arbitrators to visit the inlets of the Gull Island, where James Mauger is established. On the 28th the Arbitrators made their Report, which I transmit to Government.

On the 29th we left Esquimaux Harbor, and kept along shore, and I shortened sail at all the posts which I had not visited.

On the 4th October we cast anchor, for the third time, in Blancs Sablons Bay.

On the 8th we weighed anchor, and touching at several ports on the coast, made sail for Quebec, where we arrived on the 22nd October, 1852.

Coast of Labrador.

What is generally designated in Canada as the Coast of Labrador, comprises the King's Posts, the Seigniorship of the Mainland of Mingan, and that part of the coast which extends from the eastern limits of that Seigniorship to Blanc Sablons Bay, the eastern boundary of the Province of Canada. This bay is about 300 leagues from Quebec.

The King's Posts are leased by the Government to the Hudson's Bay Company, and extend to the eastward as far as the Cape and River of Cormorants.

The Company has trading posts at several places, and carries on fisheries in all the rivers where the salmon ascend. The most important, is the River Moisie, six leagues east of the Bay of Seven Islands. This yields about 200 barrels salmon in the year. The mackerel abounds on this Coast, from the Seven Islands to Mingan.

The fishermen from the United States used to carry on a successful fishery here; but, last year, thanks to the presence of the schooner, *Alliance*, not a single vessel belonging to the United States has caught fish here.

The Seigniorship of the main land of Mingan extends from Cape Cormorant to the River Gagnish.

This seigniorship was granted on the 25th February, 1661, to François Bissot.

The Title runs thus:---

"The *Terra Firma* of Mingan, conceded on the 25th February, 1661, by the Company, to the Sieur François Bissot, of the River of the main land of Mingan, commencing at Cape Cormorant on the North Shore, and running to Grand Bay in the direction of the Esquimaux, where the Spaniards commonly fish, by two leagues in depth."

This Seigniorship is also leased by the Seigniors to the Hudson's Bay Company.

The most considerable Rivers are the St. John, the Mingan, and the Natashquan, which together yield about 300 barrels of salmon yearly.

It is at the entrance of the River Natashquan, where the cod is most abundant in the Spring, that the schooners which frequent the Coast of Labrador commence their fishery.

That part of the Coast which extends from the River Gagnish to Blanc Sablons Bay is most important. It is on the numerous Isles and Islets in the neighbourhood of this Coast, that the greater part of the fishing establishments for the stationary Seal fishery are situated.

These Islands and Islets, together with those opposite Mingan, were granted under the denomination of the *Fief* and Seigniorship of the Islands and Islets of Mingan, on the 10th March, 1676, to Messieurs Louis de Lalande, the younger, and Louis Joliet.

I have been enabled to procure the following information relative to this Seigniorship.

In 1772, the proprietors leased it for fifteen years to Messrs. Thomas Dunn and William Grant, on consideration of their paying three per cent. on the gross produce of their fishery.

In 1807 a company composed of Messrs. Richardson, Woolsey, Lymburner, &c., purchased this Seigniorship at Sheriff's sale at Québec.

They caused the stationary Seal-fishery to be carried on for a few years, but the Seals having considerably diminished in number on the coast, they gave up the fishery, after selling the best posts, those of *la Tabatière* and the Bay of Brador to the late Mr. Robertson of *la Tabatière*, for the sum of £500.

The greater part of the Company's men settled at the posts where they had been employed. Since that period many foreigners have tried the fisheries, and finding them good, remained as settlers.

The only Seigniorship on the main land of this part of the coast is that of St. Paul.

It was conceded to Amador Godfroy, Esq., of St. Paul, on the 20th March, 1706, and comprises five leagues in front on each side of the River St. Paul, Quitzaqui, or Grand River, by ten leagues in depth. The Company of Richardson, &c., purchased this Seigniory also in 1807 at Sheriff's sale at Quebec.

Messrs. Nathaniel and Philip Lloyd, proprietors of this Seigniory, paid £33 6s. 8d. to Receiver Caldwell for *quints*.

A STATEMENT OF THE SETTLEMENTS ON THE COAST OF LABRADOR, SHEWING THE SITUATION, THE OCCUPANT AND THE REVENUE, &c. OF EACH.

River Coacocho.

Salmon Fishery—Occupant, Augustin Boulanger.

This fishery was formerly carried on by the Hudson's Bay Company.

Xavier and Olivier Rochette, brothers, settled here, and, at a subsequent period sold their rights to the actual occupant.

The Indians come down this River.

A. Boulanger has sold furs obtained by trading with the Indians, for the sum of £150.

Total produce of the fishery, 34 barrels of Salmon.

Population, 3 men, 1 woman, 3 children.

Points Mistassini and Marrashinaski between Wolfe Bay and Cape Whittle.

Salmon Fishery established by Captain Talbot in 1850.

Produce of the fishery, 11 barrels of Salmon.

Point of La Grosse Isle Wapitigan.

Salmon and Seal Fishery, established by the same person in 1850.

Produce of the fishery, 5 barrels Salmon, 30 Seals.

Island of St. Vallier de Matchiatick.

Seal Fishery established by Joseph Tanguay and Ambroise Goulette.

Pierre Blais and Sam. Robertson purchased their rights in 1851, for the sum of £150.

Produce of the fishery, 60 Seals.

Population, 3 men, 1 woman, 3 children.

Island of St. Joseph of Matchiatick.

Seal Fishery established in 1846, by Xavier and Olivier Rochette.

Produce of the fishery, 150 Seals.

Population, 4 men, 2 women, 11 children.

River Etamamu.

Salmon Fishery—Occupants, Edward Hamel and Michel Blais.

Produce of the fishery, 80 barrels of Salmon.

Value of the produce of their hunting, £30.

Population, 3 men, 1 woman, 2 children.

Pointe à Morier to the south west of Watagheistic Bay.

Seal and Salmon Fishery—Occupant, Jean Hamel.

Produce of the fishery, 6 barrels of Salmon.

“ “ 50 Seals.

Value of the produce of the hunting, £50.

Population, 2 men, 1 woman, 2 children.

Grosse Isle of Watagheistic.

Seal and Salmon Fishery—Occupant, J. B. Fortier.

Produce of the fishery, 6 barrels of Salmon.

“ “ 60 seals.

Value of the produce of the hunting, £100.

Value of Seals shot, £100.

Population, 3 men, 1 woman, 3 children.

River Natagamu.

Seal Fishery, established 16 years since, by Thomas Colar.

Produce of the fishery, 50 Seals.

Value of the produce of the hunting, £60.

Value of Seals shot, £60.

Thomas Colar carries on a trade with the Indians who come down the River.

Population, 3 men, 1 woman, 6 children.

Island of Little Macatinna—Havre à la Croix.

Picrre Pévéreau, Cooper, established since two years.

Population, 1 man, 1 woman, 2 children.

Island of Little Macatinna—Pointe au Pot, (one mile to the Eastward.)

Seal Fishery—occupant, Louis Coulomb.

This fishery was established in 1832, by Charles Robitaille, who sold his rights to Edward Morissette, the first husband of Louis Coulomb's wife.

Produce of the fishery in 1847, 215 seals.

“ “ 1848, 91 “

“ “ 1849, 25 “

“ “ 1850, 0 “

“ “ 1851, 10 “

Population, 3 men, 1 woman, 5 children.

Island of Little Macatinna, Esquimaux Bay, (¼ of a mile North of the last mentioned post.)

Seal Fishery, established by Charles Robitaille—Occupant, Andrew Wells dit Gallibois, from 8 to 11 years past.

Produce of the fishery in 1847, 156 seals.

“ “ 1848, 100 “

“ “ 1849, 52 “

“ “ 1850, 4 “

“ “ 1851, 11 “

Population, 2 men, 1 woman, 4 children.

Island of Little Macatinna, (½ mile North from the last mentioned post.)

An ancient Post of the Company—Occupant, Pierre Thibault, for 18 years past.

Produce of the fishery in	1847,	187 seals.
“	“	1848, 40 “
“	“	1849, 27 “
“	“	1850, 0 “
“	“	1851, 15 “

The diminution of the produce of these three last mentioned fisheries is not unreasonably imputed to the fact that James Mauger spreads his nets in the inlets between the Gull Islands of *Petit Macatinna*. Their fisheries were, as may be perceived, in 1847, very considerable, and since that time they scarcely pay the labor of carrying it on.

The three fisheries of Little Macatinna, situated near to each other, are not combined, because as the coast lies North and South, the Seals which come from the East resort either to the one or the other of these fisheries, as it may chance.

Population, 2 men, 1 woman, 5 children.

Great Gull Island du Petit Macatinna,

Situated about 3 miles East from the last mentioned fisheries—Occupant, James Mauger, established since 1848.

Produce of the fishery in	1848,	55 seals.
“	“	1849, 9 “
“	“	1850, 11 “
“	“	1851, 92 “

Population, 2 men, 1 woman, 5 children.

Little Macatinna River.

Two individuals named Bélanger and Bussière are settled at this River for the purpose of hunting.

Value of the produce of their hunting, £150.

Population, 2 men, 1 woman, 2 children.

Whale's Head Island (West) du Petit Macatinna.

Seal Fishery established by Michel Kentz in 1844.

Produce of the fishery, 35 Seals.

“ “ 100 quintals of Cod.

Population, 6 men, 1 woman, 3 children.

Whale's Head Island (East) du Petit Macatinna.

Seal Fishery established by Edouard Gauthier in 1841—Occupants, Samuel and John Robertson of *la Tabatière*. They purchased the rights of Edouard Gauthier, in 1851, for the sum of £900.

Produce of the fishery, 300 Seals.

William Tucker is fishing-master for the occupants.

Population, 5 men, 1 woman, 2 children.

Mutton Bay River.

Salmon Fishery—Occupant Benjamin Reed, for 8 years past.
Produce of the fishery, 30 barrels of Salmon.
Population, 2 men, 1 woman, 6 children.

Northern Inlet of the Islands at the entrance of Mutton Bay.

Seal Fishery—Occupant, James Cannon, residing in Red Bay of *La Tabatière*.
Produce of the fishery 30 Seals.
Population, 2 men, 1 woman, 6 children.

Long Point of Mutton Bay.

A former post of the Company, Salmon and Seal Fishery established by John Hawkins, in 1823—Occupant, Jean Vallerand for 8 years past.
Produce of the fishery 50 Seals.
“ “ 10 barrels of Salmon.
Population, 3 men, 1 woman, 3 children.

Another Post in Mutton Bay, one mile North of the preceding.

Seal Fishery—Occupants, the children of — Giguère; fishing-master—Alexander Hawkins.
Produce of the fishery, 30 barrels of Salmon.
Population, 1 man, 4 children.

Great Macatinna (Main Land).

Seal Fishery established by François Michel, in 1826.
Produce of the fishery, 26 Seals.
Value of the produce of his hunting, £30.
Population, 1 man, 3 children.

Island at the entrance of the Great Macatinna.

Seal Fishery, established in 1851, by Louis Paquette dit Lavallée, residing at Schooner Bay (*la Baie des Goëlettes*).
Produce of the fishery, 56 Seals.
Population, 3 men, 1 woman, 2 children.

Grand Isle of the Great Macatinna.

Seal Fishery, established in 1848 by Hilaire Gaumont.
Produce of the fishery, 300 Seals.
Population, 7 men, 1 woman, 6 children.

Ancient Post of La Tabatière.

Seal Fishery—Occupant, Laurent Gallibois, for 15 years past.
Produce of the fishery, 30 Seals.
Population, 2 men, 1 woman, 2 children.

La Tabatière.

This fishery, the most important on the coast, comprises twelve Islands and Islets.

Proprietors, Samuel and John Robertson, the sons of the late Samuel Robertson. This fishery has been divided into two parts for eight years past. Samuel has the fishery at McKay, to the north, and John that at *La Tabatière*.

Produce of the fishery at McKay, 1,300 Seals.

Produce of the fishery at *La Tabatière*, 700 Seals.

They employ 24 men.

The fishing-tackle, consisting of nets, cables, anchors, &c., cost more than £2000.

Mr. Samuel Robertson, last year, opened a store at *La Tabatière*; he sold more than £300 worth of Salmon, in 1852.

Population, 30 men, 8 women, 18 children.

Salt Lake (Lac Salé), 3 miles to the east of La Tabatière.

Seal Fishery—Occupant Charles Bilodeau for 18 years past.

Produce of the fishery, 200 Seals.

Population, 3 men, 2 women, 4 children.

Kikapöë.

Seal. Fishery—This post was conceded by the Company to Louis Lessart, who sold it, in 1838, to James McKannon. In 1839 Edourd Gaultier established himself at the Red Islands, situated about a mile to the east. It is through the passage between those Islands that the Seals enter the fishing ground of Kikapöë, the produce of which diminished so considerably, as soon as the nets were spread at the Red Islands, that McKannon was obliged to give £200 to the occupant of the Islands, to induce him to leave the passage open.

Produce of the fishery, 200 Seals.

Population, 3 men, 2 women, 7 children.

Whale's Head, Kikapöë.

Seal Fishery, established in 1844, by Jean Legouvé.

Produce of the fishery, 250 Seals.

Population, 4 men, 1 woman, 4 children.

Jean Legouvé has established a trading-post on the River St. Augustin.

St. Augustin.

Salmon and Seal Fishery.

Proprietors, Andrew and Matthew Kennedy, who purchased of the Company in 1823.

Produce of the fishery, 130 Seals.

“ “ 200 barrels of Salmon.

Population, 10 men, 3 women, 11 children.

Bay of the Portage (near Chicataca.)

Seal Fishery—Occupant, Philippe Lebrock, of *Blancs Sablons Bay*.

Produce of the fishery, 300 Seals.

River of St. Augustin.

Robert Shelter and Michael Allen are established on this River, and carry on hunting and trading.

Population, 2 men, 1 woman, 4 children.

Dog Island (Isle au Chien.)

Salmon and Seal Fishery—Occupant, Thomas Rale.

Produce of the fishery, 5 barrels of Salmon.

“ “ 80 Seals.

Population, 3 men, 1 woman.

Old Fort Island, (Isle du Vieux Fort.)

Samuel Robin, established for 14 years past, carries on the Cod Fishery.

Produce of the fishery, 80 quintals of Cod.

Population, 8 men, 1 woman, 8 children.

Burnt Islands, (Iles Brulées.)

Seal Fishery—Occupant, Léger Lévesque dit Lafrance, established for 11 years past.

Produce of the fishery, 100 Seals.

“ “ 50 quintals of Cod.

Population, 5 men, 1 woman.

River St. Paul.

Salmon Fishery—Proprietor, Louis Chevalier, whose grandfather, Philippe Chevalier, purchased this post from the proprietors of the Seigniorship of St. Paul.

Produce of the fishery, 80 barrels of Salmon.

Population, 3 men, 1 woman, 2 children.

Pointe à la Perche, opposite to River St. Paul.

Salmon Fishery—Occupant, John Godard, for 20 years past.

Produce of the fishery, 10 Barrels of Salmon.

Population, 3 men, 1 woman, 2 children.

Bonne Espérance.

Seal Fishery—Occupant, William Shaw, for 20 years past.

Produce of the fishery, 120 Seals.

“ “ 20 quintals of Cod.

Population, 5 men, 1 woman, 4 children.

Salmon Bay, (Baie des Saumons.)

Salmon Fishery—Occupant, John Heward.

Produce of the fishery, 15 barrels of Salmon.

“ “ 60 quintals of Cod.

Population, 4 men, 1 woman, 3 children.

Salmon Bay, (Baie des Saumons.)

Seal Fishery—Occupant, William Chapman, established these ten years past.
 Produce of the fishery, 100 Seals.
 “ “ 180 quintals of Cod.
 Population, 5 men, 1 woman, 5 children.

Fisking Island, (Baie des Saumons.)

Seal Fishery—Occupant, James Burke, who purchased this post of John Goward, in 1848, for the sum of £150.
 Produce of the fishery, 60 Seals.
 “ “ 100 quintals of Cod.
 Population, 4 men, 1 woman, 5 children.

Salmon Bay, (Baie des Saumons.)

Salmon Fishery, established by Darius Choaker in 1817.
 Produce of the fishery, 15 barrels of Salmon.
 “ “ 150 quintals of Cod.
 Population, 4 men, 1 woman, 6 children.

Little Fishery.

Spring Seal-Fishery—Occupant, Samuel Marsh, established for 20 years past.
 Produce of the fishery, 50 Seals.
 Population, 2 men.

Five Leagues.

Spring Seal Fishery—Occupant, Samuel Kates and John Griffin, established twenty years ago.
 Produce of the fishery, 50 Seals.
 “ “ 30 quintals of Cod.
 Population, 9 men, 1 woman, 6 children.

Middle Bay.

Peter Hatwood carries on the Cod fishery.
 Produce of the fishery, 50 quintals.
 Population, 2 men.

Bel Amour.

Spring Seal-Fishery—Occupant, James Burke, established 18 years since.
 Produce of the fishery, 50 Seals.
 “ “ 250 quintals of Cod.
 Population, 7 men, 1 woman, 3 children.

Brador Bay.

Spring Seal-Fishery.—Proprietor, Randall Jones, who purchased this post from the late Samuel Robertson.
 Produce of the fishery, 800 Seals.
 “ “ 150 barrels of Herrings.
 “ “ 150 quintals of Cod.
 Population, 6 men, 2 women, 8 children.

Basin of the Bay of Brador.

Richard Burke, established 5 years, carries on the Cod Fishery.

Produce of the fishery, 300 quintals of Cod.

Population, 4 men, 1 woman, 3 children.

Samuel Jones has been established for two years past in the Basin of Brador to carry on the Cod Fishery.

Produce of the fishery, 200 quintals.

Population, 4 men, 1 woman, 3 children.

Cook's Island.

James Starnes, established these two years; carries on the Cod Fishery.

Produce of the fishery, 250 quintals.

Population, 5 men, 1 woman, 3 children.

Island of the Bay of Brador.

Louis Morency, established 3 years, for the Cod Fishery.

Produce of the fishery, 20 quintals.

Population, 1 man, 1 woman, 2 children.

Bottom of the Bay of Brador.

Spring Seal-Fishery,—Occupant, Louis Jones, these 8 years.

Produce of the fishery, 260 seals.

Population, 3 men, 1 woman, 7 children.

Anse des Dunes.

Spring Seal-Fishery, established by Thomas Goodchild—Occupant, Louis Labadie, son-in-law of the last mentioned person.

Produce of the fishery, 260 Seals.

“ “ 50 quintals of Cod.

Population, 6 men, 1 woman, 12 children.

Long Point.

Spring Seal-Fishery,—Occupant, Philippe Lebrocq.

Produce of the fishery, 500 seals.

Long Point, ($\frac{1}{2}$ mile to the East.)

Stephen Estheridge, established 4 years, carries on the Cod and Seal Fishery.

Produce of the fishery, 50 Seals.

“ “ 150 quintals of Cod.

Population, 3 men, 1 woman, 2 children.

Long Point, (near the preceding.)

Charles Dicken, established in 1824.

Produce of the fishery, 70 Seals.

“ “ 10 barrels of Salmon.

“ “ 90 quintals of Cod.

Population, 3 men, 1 woman, 1 child.

Long Point.

J. B. Dumas, established 8 years, carries on the Cod Fishery and follows hunting.

Produce of the fishery, 150 quintals of Cod.

Value of the produce of the hunting, £100.

Population, 6 men, 1 woman, 2 children.

Small Harbor, (Petit Hâvre.)

Establishment for Cod fishing belonging to Edouard Lefebvre of Jersey, formed 30 years since.—Edouard Vauthier is the Agent.

Produce of the fishery, 1800 quintals of Cod.

“ “ 17 barrels of Oil.

He employs 52 men, and owns a brigantine of 100 tons, and 17 fishing barks.

Establishment of John Syvret of Jersey.

Produce of the fishery, 900 quintals of Cod.

“ “ 8 barrels of Oil.

He employs 24 men, owns a brigantine of 80 tons, and 10 fishing barks.

Small Harbour.

Establishment of John Nicholson, of New Brunswick.

Produce of the fishery, 400 quintals.

He employs 9 men, owns a schooner of 70 tons, and 4 fishing barks.

Pot Point, (Pointe au Pôt.)

Spring Scal-Fishery, established by Martin Parent, in 1817.

Produce of the fishery, 300 Seals.

Population, 4 men, 1 woman, 2 children.

Blancs Sablons Bay.

Establishment for Cod fishing, belonging to Thomas Lavallée.

Produce of the fishery, 100 quintals of Cod.

Population, 4 men, 1 woman, 2 children.

Bottom of Blancs Sablons Bay.

Establishment of Philippe Lebrocq, for Cod fishing.

Produce of the fishery, 1700 quintals of Cod.

“ “ 16 barrels of Oil.

“ “ 100 barrels of Herring.

Philippe Lebrocq employs 60 men, and owns two brigantines and 16 fishing barks.

West Point of Wood Island.

Establishment of David LeBouthillier, Brother & Co.

Produce of the fishery, 1700 quintals of Cod.

“ “ 16 barrels of Oil.

They employ 69 men, own a brigantine of 180 tons, and 17 fishing barks.

They have caught 127 Seals.

Total population of the whole Coast.

Men, 364.—Women, 62.—Children, 222.

Total Produce on the whole Coast.

Seals.....	7325
Barrels of Salmon.....	543
Quintals of Codfish.....	9480
Barrels of Cod Oil.....	80
Value of Peltry.....	£1070

Value of Produce.

	£	s.	d.
7325 Seals, at £1 each.....	7325	0	0
543 Barrels of Salmon, at £3 per bl.....	1629	0	0
9480 Quintals of Codfish, at 12s. 6d. per cwt.....	5922	10	0
80 Barrels of Oil, at £7 10s. per bl.....	600	0	0
Value of Peltry.....	1070	0	0
Total value.....	£16576	10	0

REMARKS ON THE STATIONARY SEAL FISHERY ON THE COAST OF LABRADOR.

The Phoca or Seal inhabits the Arctic Ocean during the Summer. In the month of December it begins to appear in the Straits of Belle-Isle. It is not, however, before about the 25th December that it commences its regular progress along the coast. Its course is then invariably towards the West, as far as Cape Whittle. On reaching that point, the most of them turn southward, and disperse over the Gulph of St. Lawrence.

Towards the month of March, the females bring forth on the floating masses of ice. At the beginning of June, the Seal again approaches the coast, and takes his course eastward, in order to pass out by the Straits of Belle-Isle, and return to the open sea.

We see then, that the Seal has two regular migrations: one in the Autumn and another in the spring.

The manner of taking the Seal is as follows:—

The first thing is to make choice of a point on the Coast, or an inlet between the islets, by which a great number pass annually. Inclosures are made with nets, having an opening, which in the autumn, is towards the east, and in the spring towards the west.

As soon as one or more shoals have entered the enclosure (*la pêche*), a net, which had been previously kept at the bottom of the water, at the opening before-mentioned, is raised by means of capstans. This net completely obstructs the entrance, and the Seals can no longer retreat. The fishermen then enter the enclosure in boats: shots are fired occasionally, the frightened Seals plunge and are taken in the meshes of the nets as they endeavour to escape.

The oil is not extracted before the spring. Each Seal yields from six to eight gallons of oil.

The skin is valued at three shillings; on the coast, the Seals are worth one pound each.

The number of Seals taken in each fishery is the more considerable in proportion as the fishing-tackle is more complete.

For instance, if in a fishery enclosed in a main passage between islets, the proprietor has nets enough to obstruct the other openings through which the Seals might escape, and to place a long one afloat several hundred fathoms at sea, he will be certain not to lose a single Seal.

All the occupants of the fishing-posts have not the means of procuring the necessary tackle, and accordingly there are fisheries which at present yield no more than £100, which, if well furnished with tackle, would yield £200 or £300.

Others have the means indeed, but hitherto not the courage to use them, fearing to be interfered with by other fishermen; or even to be dispossessed.

The occupants having no titles, live in a state of continual uneasiness.

They all pray that Government will be pleased to grant them titles, securing to them the possession of the posts with the necessary precincts.

These precincts cannot be the same for all the posts.

The following are the means which I suggest in order to define those precincts, so that justice may be done to all the occupants.

Two of the most experienced fishermen, accompanied by Captain Talbot, will visit each post. They will make a report to the Magistrates of the precincts which the fishing stations should have, and the Magistrates will be furnished with blank licences, which he will sell to the occupants at rates proportioned to the ordinary produce of each fishery.

This revenue would serve to meet a part of the expenses of the cruiser.

I am convinced that as soon as the occupants shall be certain of being able to fish without interruption, they will increase their fishing-tackle, and the produce of the coast in Seals and fish will be considerably increased also.

Of the Fisheries which are carried on upon the Coast of Labrador.

The stationary Seal and Salmon Fisheries constitute but a very small part of the immense and inexhaustible riches of this coast.

There are also the great Cod, Mackarel and Herring Fisheries, which every year attract to Labrador more than a thousand schooners from the United States, Nova Scotia, and the other British Provinces.

Of this number, Canada scarcely reckons ten, and even these belong to the Magdalen Islands. Not a single one from Quebec or from the Parishes in the lower part of the River.

Nevertheless, we build vessels cheaper than the United States or Nova Scotia.

We have good fishermen and hardy mariners. We can equip and store our vessels at a lower rate than it can be done elsewhere. Some inducement then is necessary to lead Canadians to embark in an undertaking which is so profitable and so important.

I have had occasion to meet persons engaged in the fish trade who had sent out fishing parties into the Gulf of St. Lawrence, and they have all assured me that as long as our fisheries were not encouraged by a Government Bounty, or by a drawback on every article used in the building and equipment of fishing vessels, we can never compete on favourable terms with other fishermen.

This is, no doubt, the cause which has hitherto kept back Canadians from gathering in their due share of the riches of the Gulf.

Trade of the Labrador Coast.

The soil and climate of Labrador are unfriendly to all cultivation, except that of a few potatoes and turnips.

The inhabitants of this coast are compelled therefore to send to Quebec for all the provisions which they require, or otherwise to purchase them from the traders.

Quebec sends six or seven schooners, who return with fish, Seal and Cod-Oil, furs, &c., in exchange.

Nova Scotia sends to the Coast the greatest number of trading vessels.

More than twenty schooners and a brig laden with provisions and produce of the United States and the Islands, leave the different ports of the last mentioned Province every year, and arrive on the Coast of Labrador to carry on a traffic which yields them great profits.

As there are no Officers of Customs on the coast, they enter all this produce without payment of duties.

It is evident therefore that an Officer of Customs is required on the coast, charged with the collection of duties on all articles coming from the United States and the West Indies.

The traders of Canada will then be on a footing of equality with others, and be able to compete with them. They will, at the same time, be able to carry on a trade with the rest of the Labrador Coast, the population of which consists of several thousand souls.

The Officer of Customs will be directed, at the same time, to enforce the Regulations which may be made to prevent a fraud which the masters of American schooners often practice, viz: that of fishing on parts of the coast from which they are by Treaty excluded, by means of an English register.

The vessel appointed to protect the fisheries should be on the coast at the beginning of June, in order to prevent the eggs being carried off.

This is the method employed in taking away the eggs: fifteen schooners, of from twenty to forty tons, carrying five or six hands each, take possession of the islets on which thousands of birds, particularly Penguins and small Divers come to lay.

The men who remain constantly on the Islands in order to remove the eggs every day, are armed, and do not permit the inhabitants of the coast, nor the Indians to approach.

These depredations have been committed for twenty years, and accordingly the wild fowl has greatly diminished.

The schooner *Alliance* not having reached the Coast of Labrador before the month of July, it was impossible to afford any protection in this particular.

The vessel should next proceed to the Magdalen Islands, during the Herring Fishery.

That fishery terminated, the vessel should return to the North Shore, and the Magistrate would devote the necessary time to the demarcation of precincts and the distribution of licenses at every stationary Seal and Salmon fishing post.

Towards the month of August, the vessel would proceed to cruise between Mingan and the Seven Islands, to prevent the schooners belonging to the United States from fishing on that coast.

And now, I have only to express a hope, for the general interests of all British subjects, that the Government will take into its serious consideration the subject of the encouragement of our fisheries, and I am not afraid to assert, that having such encouragement and efficient protection, they will, in a short time, attain the extent and importance which they have already attained in Nova Scotia and the United States.

(Signed,)

P. FORTIN.

Quebec, 16th February, 1853.

On board the schooner ALLIANCE, 28th September, 1853.

I, Antoine Talbot, Captain and Pilot of the schooner *Alliance*, having been duly sworn as Arbitrator, (*Expert*) in behalf of Government, declare that I have visited the Islands, Islets, Rocks, and Inlets of the Gull Islands, and that my opinion is as follows:—That Mr. Mauger, by setting his nets prevents the Seals from entering the western inlets of Great Gull Islands to reach the fisheries of the Little Macatinna, believing that those are the inlets which would conduct the Seals into the fishing grounds of the Little Macatinna, exactly as the inlets landward of Great Gull Island would do.

I consider that Mr. Mauger does great damage to the proprietors of the fisheries of Little Macatinna.

I consider moreover, that all the westward and landward inlets ought to be left free for the benefit of the said fisheries.

(Signed, ANTOINE TALBOT.

On board of the schooner ALLIANCE, 28th September, 1853.

I, Charles Bilodeau, proprietor of the Seal Fishery of Salt Lake, having been duly sworn as arbitrator, declare that I have visited the Islands, Islets, Rocks, and Inlets of Gull Islands, and that if Mr. Mauger lays his nets only on the Point of Gull Island, which is opposite to a rock lying nearly south-east from it, and if he leaves the other inlets free, he will not do much damage to the persons in possession of the fisheries of Little Macatinna.

(Signed,) CHARLES ^{his} BILODEAU.
mark

Witnesses, } (Signed,) HILAIRE GAUMONT,
" ANTOINE TALBOT.

On Board the Schooner "ALLIANCE," Monday, 28th September, 1852.

I, Hilaire Gaumont, proprietor of the Island of Great Macatinna, having been sworn as arbitrator, do declare that I have visited the Islands, Islets, Rocks, and Inlets, of Gull Islands, and that the Inlets (*passages*) of Gull Islands, are necessary for the Fisheries of Little Macatinna.

I consider that the shoals of seals passing through the said inlets will proceed directly to, and fall into the Fisheries of Little Macatinna.

My opinion is that Mons. Mauger, by setting his nets in the inlets of Gull Islands does considerable damage to the Fisheries of Little Macatinna.

I do not think the Seals which are once turned back by Mons. Mauger's nets will find their way to the Fisheries of Little Macatinna.

(Signed,) HILAIRE GAUMONT.

QUEBEC, 4th November, 1852.

SIR,—I consider it my duty to state to you for the information of His Excellency the Governor General, that in order to afford more efficient protection to our important Fisheries in the Gulf of St. Lawrence, a vessel is required, whose sailing is superior to that of all the vessels frequenting the shores of the Gulf for fishing or trading purposes.

The schooner "Alliance," belonging to Mr. Joncas, and chartered by Government for the protection of the Fisheries, did not justify the opinion which was entertained of her sailing.

Having been built, moreover, for the coasting trade, she was not adapted to the service required, from her power of sailing, construction of rigging, &c. Experience has shewn that many American schooners, superior in sailing qualities, and fitted out for the Mackarel Fishery, which they carried on until last year, on that part of the Labrador coast where they have not, by Treaty, the right of fishing, might still come to fish there with full certainty that they would easily give the slip to the "Alliance."

Since I returned to Quebec, I have consulted men in the profession, and I recommend the construction of a schooner (clipper-built) of about 100 tons burthen, of which I could, in a few days, furnish a model from the moulding-shop of Mr. Thomas Lee's ship yard.

This schooner, which ought to be of the first class, will cost £1250 currency, including all accommodations, as berths for the officers, cook-room, kitchen, steward's room, &c.

The protective service does not require that this vessel should be afloat more than six months in the year.

On its return to Quebec the vessel should be hauled into a dry dock, so that it would be serviceable for at least twelve years without requiring any repairs to the hull. The sails and cordage alone will need to be renewed, as they are worn out.

The schooner "Alliance" has cost the Government, during the present year, including the hire and the various fittings requisite to equip her for the service, nearly £450, representing a capital of £7500. The interest of £1250, which is the probable cost of the proposed schooner, with the necessary annual repairs, such as painting, cordage, sails, &c., will not exceed £200.

It is evident, therefore, that Government and the service would be gainers by the building of a vessel such as I recommend.

Add to this, if our shipyards should turn out a vessel of superior speed, our ship building would acquire a reputation which it has not at present.

In connection with this subject, I have to add that in my general report, which will be shortly laid before the Executive, I propose to recommend an Officer of Customs for the Labrador coast, who, for the advantage of the service, ought to reside on board the guard-ship; and this is an additional argument for the building of a vessel with superior sailing qualities.

It is my intention also to recommend that fishing licenses be granted, which will render it incumbent on the Government to afford special protection to the persons receiving them; and for that purpose the guard-ship must be such a vessel as will be able at any moment promptly to reach any point on the coast where her presence may be required.

Finally, I may be permitted to remark that the amount derived from these licenses, together with that of the customs duties collected on the north shore, will, doubtless, exceed the expenses which the guard-ship, as proposed by me, would entail upon the Government.

I have considered it my duty to make this communication, in anticipation of my general Report, in order that, if my plan should be adopted, there may be more time to carry it into execution.

I have the honor to be, Sir,
Your obedient servant,

(Signed,) P. FORTIN, J. P.

The Hon. A. N. Morin,
Provincial Secretary.

QUEBEC, 1st *February*, 1853.

SIR,—I have the honor to present to you an approximate statement of the expenses of the service of protecting the Fisheries in the Gulf of St. Lawrence, in the event of the Steamer "Doris" being employed by Government.

I also suggest the arrangements which ought, in the opinion of Captain Boxer, to be taken in order to ensure the efficiency of both services.

The steamer will make its usual voyage in the river at the opening of the navigation, to lay down the buoys and anchors.

On its second voyage, which will take place about the end of May, to supply the light-houses in the River and Gulf of St. Lawrence with oil, &c., the Magistrate, the pilot, and the crew of the Magistrate's boat will go on board.

The provisions being supplied, the steamer, instead of returning to Quebec, will proceed to the Magdalen Islands, where she will cruise during the Herring fishing which lasts several weeks.

From the Magdalen Islands the vessel will proceed to the Coast of Labrador, along which she will cruise for some time, in order that all Fishermen who may then have arrived on the coast for the Cod fishing may see that there is a vessel commissioned to enforce the observance of treaties and to protect British subjects.

The steamer may return to Quebec by the 15th July.

The Magistrate will remain on the coast with Captain Talbot and his barge, with a crew of six men. He will be able to afford all needful protection, and settle an important question—the definition of the limits of each stationary Salmon and Seal fishery.

Commander Campbell of the sloop-of-war "Devastation," with two boats and their crews, was able to protect the Bay of Chaleurs and the Bay of Gaspé, while the service required the presence of the "Devastation" on the Coast of Labrador and elsewhere.

The steamer, "Doris" is now obliged to make a second voyage to the Gulf of St. Lawrence, towards the month of August, to visit the light-houses, &c.

In order to the performance of both services, she will sail a little earlier, and having made her second visit, will meet the Magistrate on the Coast of Labrador.

The steamer may return to Quebec about the commencement of October.

The Trinity House will employ a pilot-schooner to aid the pilots' operations to the North Channel of the St. Lawrence, and to lay down buoys during the absence of the "Doris."

ESTIMATE OF EXPENSES.

Coals,	£150	0	0
6 seamen,	103	0	0
Captain Talbot's salary as Pilot,	125	0	0
Unforeseen expenses,	70	0	0
Magistrate's salary,	150	0	0
	£600	0	0

If the Trinity House requires the Government to pay any other expense, there remains £400 of the £1,000 voted by the Legislature for the protection of the Fisheries.

The expenses of the steamer "Doris" will not be increased, because the Captain and crew are engaged for the season.

The steamer "Doris," cost £1,908 in the season of 1851.

I have the honor to be, Sir,
Your most obedient servant,

The Honorable A. N. Morin,
Provincial Secretary.

(Signed,)

P. FORTIN.

REPORT.

The Committee to which were referred the State of the Fisheries carried on in the Gulf of St. Lawrence and on the Labrador Coast, by inhabitants of this Province, the disadvantages under which they labor, the best means of removing the same and the expediency of Legislative encouragement for such Fisheries, in what respect and how:—BEG LEAVE TO PRESENT THIS THEIR FIRST REPORT:

Your Committee have given the subject referred to them, and the various petitions therewith connected, all the attention to which their importance is entitled.

To ascertain whether any and what encouragement were granted in the Lower Provinces, to the Fisheries carried on by inhabitants thereof, Your Committee, at the outset of their inquiries, caused circulars to be addressed to certain of the authorities in those Provinces from whom they deemed it probable that information on this head to be relied upon, might be obtained. The answers received have been, with one exception, full and satisfactory, some of them containing much statistical and other very interesting and useful information relating to the Fisheries and trade, and which are hereunto appended.

It is stated by the answer from St. Johns, Newfoundland, that “No bounties whatever are granted either by the British or Colonial Government in furtherance of the prosecution of the British Newfoundland and Labrador Fisheries, that these Fisheries are confined to the catch of Cod, Seal, Salmon, Herrings and Caplin on the coast of Newfoundland and Labrador, the Bank fishery being no longer prosecuted. That they extend around the Island (except at such places as are held under treaty by the French Government, including the Islands of St. Pierre, Miquelon, and Langley) and on the coast of Labrador from the entrance of Hudson Strait to a line drawn due North and South from Ance au Sablon, to the 52° of North latitude. The supposed number of vessels and boats and fishermen employed in the Fisheries on the Newfoundland coast and Labrador the past year, (1851) is as follows:—

	Number.
Vessels and Boats,	4,570
Tonnage thereof.....	37,800
Men engaged therein.....	17,670

“Those vessels which are engaged at Labrador, return at the close of the fishing season, bringing back the families of the fishermen who have assisted in the cure of fish there.

“That the Seal fishery is prosecuted in registered decked vessels, fitted and sailing direct from the Island, all of which depart about the 1st March in each year, and return to port as soon as a sufficient success may attend the enterprise.

“They are usually from 50 to 200 tons, and are manned with compliments varying from 30 to 60 persons in each. The other fisheries above referred to are prosecuted in the summer months, or between May and October.

“That the Labrador coast is visited yearly by fishermen and trading vessels from the United States, Canada, Nova Scotia and neighbouring Provinces as well ; but where no Custom House is established, duties collected, or other revenue regulations exist.

“That from and after the 10th October, 1849, all Imperial duties ceased to exist in Newfoundland, and that goods are now only subject to the one Colonial rate on importation, as per table in the Appendix.

“That in order to obtain early foreign fish in Markets in Europe, numerous British and Spanish vessels sail from the ports of this Island (Newfoundland between July and September for British ports at Labrador in ballast, and there load accordingly, which saves the expense of the transportation and final landing or re-shipment in this Country of such commodities as Codfish, Salmon, Herrings, and fish oils.”

Mr. Hayward, Comptroller of Customs and Navigation Laws, at St. Johns, to whom your Committee are indebted for the above information, observes in conclusion : “That Newfoundland contains a population consisting of 95,000 souls, who are depending principally, if not altogether on other countries for food and supplies, and as the prosecution of Agricultural pursuits has not been found to answer, except as an auxiliary to our fisheries, I humbly conceive that a vast extended trade may be beneficially opened up with Canada in the supply by her of all description of provisions, more particularly in exchange for the staple articles of this Colony, such as Codfish, Cod and Seal Oils, Seal Skins, Herrings, Salmon, Mackarel and Caplin, if such a commerce were established upon a fair basis of Legislative Reciprocity.”

Your Committee are left to infer from the information they have received from Halifax (Nova Scotia,) that no Legislative encouragement is afforded the Fisheries carried on from that Province, it being, it would seem the opinion there, that the Fisheries carried on along the sea coast of Nova Scotia will of themselves be sufficiently remunerative, and amply repay the industry and capital employed in them, if adequately protected in the exclusive enjoyment of their own fishing grounds against intruders from the neighbouring States.

With respect to the Fisheries carried on from New Brunswick, your Committee have ascertained that the Legislature of the Province has recently afforded a limited encouragement to them, by exempting from duties all articles necessary to the deep-sea Fisheries, with a grant of £500 in 1851, and a similar grant in 1852, to Fishery Societies, on condition of their raising a certain amount by contribution among themselves, the said sums to be disbursed in premiums.

No bounties, however, are allowed by the Legislature of that Province towards encouraging the Fisheries. Your Committee are at the same time informed by the authority whence their information on this subject is derived, that a sufficient length of time has not yet elapsed to ascertain whether the above measure of granting money for premiums has had a beneficial effect in a public sense, or not.

In Prince Edward Island an Act was passed in 1851 “for the encouragement of the Cod and Mackerel Fisheries,” by which a bounty of 12s. 6d. per register ton, old measurement, is allowed on vessels properly manned, equipped, and embarked in the Cod or Mackerel Fisheries during either of the years 1851, 1852, or 1853 ; the said bounty payable to the person or persons being an inhabitant or inhabitants of the said Island, who shall own and fit out the said vessels from the Island, provided that such vessels are respectively equipped, and fully furnished with all needful supplies stores and materials. No person to be entitled to any such tonnage bounty on any vessel, unless it shall have been expressly fitted out for the Cod or Mackerel Fisheries, and have been at sea in the actual prosecution of the fishing

voyage for a period of not less than three and a half calendar months, between the 15th day of June and the 1st day of October, in either of the said years, (unless and excepting such time as may be required to return to land fish caught or taken by the crew thereof) and shall not, during such period, have carried any freight, but shall have been solely and exclusively employed in the said Fisheries under this provision of the Act. The sum of £409 13s. 9d. was, in 1851, paid in bounties to the owners of 18 such small vessels, the total of whose tonnage amounted to 846, the highest of them being 150 tons, and lowest 17, and the total product of whose Fisheries for the season were 2425 quintals of Codfish, 350 barrels herrings, and 872 barrels of Mackerel.

Besides the above, it is also provided by the same Act "that for the further encouragement of the Mackerel Fishery of this Island there shall be granted and paid out of the public monies in the Treasury of the Island, over and above any tonnage bounty granted by this Act in each of the said years 1851, 1852 and 1853, £100 of lawful current money of this Island, which shall, in each of the said years, be paid and applied as bounties to the owners of such vessels or boats, as shall in such years be fitted out, equipped, manned, and supplied in the Island, and shall be owned by inhabitants thereof, and shall catch and bring into port into this Island the greatest number of barrels of Mackerel, being actually and *bonâ fide* caught and secured by the crews or other persons on board of such vessels or boats during the fishing season in any one of the above years, and to be paid in the following proportions, that is to say, to the owner of the vessel or boat having the largest quantity of barrels of Mackerel, the sum of £40; to the owner of the vessels or boat having the next largest quantity £30; to the owner of the vessel or boat having the next largest quantity £20; and to the owner of the next or fourth vessel or boat having the next largest quantity the sum of £10; provided always that no bounty shall be given or paid to the owner of any such vessel or boat not having caught and brought into port in this Island as aforesaid, at least one hundred barrels of such Mackerel, during the fishing season in the years in which such bounty shall be claimed."

The Government of France affords to its subjects carrying on the Fisheries at the Islands of St. Pierre and Miquelon, upon the south coast of Newfoundland, or in the Gulph of St. Lawrence, a most liberal encouragement. It allows for every quintal of Codfish taken in our waters, that is to say, on the coast of Newfoundland or Gulph, within the limits prescribed them by treaty ten (10) francs, equal to 8s. 4d. sterling when debarked in France, and five (5) francs additional on their exportation in French vessels to Foreign States, and for every man or boy employed during the voyage fifty (50) francs.

The United States have made very liberal provision for the encouragement of their Fisheries. By an Act of Congress passed in 1819, three dollars and a half per ton are given to all vessels above five tons and under thirty tons, employed in the Fisheries, and four dollars per ton to all vessels above 30 tons, on condition always of four months sea service, that is to say, for a fishing voyage. An allowance of three and a half dollars per ton is also granted by the same Act to vessels above 30 tons for a voyage of three and a half months, provided the crew consist of not less than ten men.

It would appear by the above, that the Governments of Newfoundland and of Nova Scotia deem it unnecessary to encourage the Fisheries by Legislative aid, the capital and industry engaged in them yielding of themselves, a fair remuneration; and that although the Legislatures of New Brunswick and of Prince Edward Island have temporarily made provision for the encouragement of these Fisheries, it is but slender, and in fact only by way of experiment, the benefits whereof remain to be seen. The liberal encouragements granted by the Governments of France and the United States of America to their Fisheries, have the effect of sending, year after year, during the fishing season, fleets of their bankers and fishing craft into the Gulph where they carry on extensive, and no doubt, profitable Fisheries, constituting

nurseries for their respective navies, and of enabling them to compete with, and undersell us, in the article of fish, the products of our own waters, in foreign and even in our own, Upper Canada, markets, as the returns hereunto appended shew. Serious complaints, it is also to be observed, have been made, from time to time, against American Fishermen frequenting the Gulph, who, regardless of treaty stipulations, encroach upon our waters, and the fishing grounds exclusively reserved for our own Fishermen settled on the coast, and there carrying on the sedentary or shore Fisheries in barges or open boats; but the evils complained of on this score by the inhabitants have in a great measure been prevented during the last summer by the vigilance of the cruisers sent thither, and stationed in the Gulph for the purpose by the home Government, and particularly by Her Majesty's War Steamer "Devastation," Captain Campbell, whose zeal, diligence and activity seconded by his officers and men in this important service, have deserved the approbation and gratitude of the entire population of the coast, and which also your Committee with pleasure acknowledge.

Next to the articles of timber and flour, the products of the Gulf Fisheries constitute the chief staple of our export trade; and if your Committee may allude in connection with them to a matter of great public interest recently much discussed, and the subject, it is said, of negotiation at the present time between the Governments of Great Britain and the United States, viz:—Reciprocity in trade, very desirable certainly, upon equal and fair terms with our neighbours of the Union, it would be, to express their humble conviction, that to obtain it at the expense of admitting them to an equal participation in the fishing grounds on the seaboard belonging exclusively to our own people, and for which the United States have no equivalent of the like nature, nor indeed of any description to offer in return, would be a sacrifice, we can but ill afford, far exceeding in value the proposed boon, which it were more profitable to forego than acquiesce in at such a cost, which inevitably would prove the ruin of our sedentary Fisheries on the Gulf Shore. The cession of an equality of rights to foreigners with our fellow subjects in those Fisheries within the reserved limits would, in all probability, give rise to endless disputes, discontent, antagonism, and possibly, occasional conflicts between the two classes, and necessitate the establishment and maintenance of an expensive Coast Police force to preserve order, to say nothing of the demoralizing effects in a political as well as social sense which an intercourse with the crowd of strangers resorting to the Coast year after year during the fishing season would entail upon the settlers.

Your Committee append to this Report the information they have received from various persons more or less concerned in the Gulf Fisheries, and from whose concurring testimony it would seem that encouragement to those carried on from this Province is in their opinion to a certain extent indispensably necessary to enable them to compete with our Provincial, and particularly with our American neighbours; but it will also be seen by referring to the papers annexed, that there is considerable diversity of opinion as to the best mode of affording the proposed encouragement, some proposing merely to exempt all articles necessary to the fisheries from duties; others would give a tonnage bounty, as in Prince Edward's Island, to encourage the construction of Bankers or Small Vessels for the Bank Fisheries in the Gulf and Straits of Belleisle. Others propose premiums for the greatest quantity of fish, exceeding a certain amount, taken in any one "voyage" or season, by a barges' or boats' crew (generally of two men). Some speak of a bounty on the export of fish.

Which of these different modes may be best adapted for the encouragement of the Fisheries it is difficult to determine. In the way of experiment they may all be advisable; but to give any of them a fair trial, your Committee are of opinion, that three seasons at least, if not five, should be the term assigned for the purpose. It is maintained by political economists, and not without reason, that any branch of industry that is not of itself remunerative, ought not to be upheld at the expense of other branches. There are, however, so many considerations connected with this

favorite branch of national industry, to entitle it to the protection and encouragement of the Canadian Legislature, so many drawbacks to its successful competition with our neighbours, profitably occupied in those Fisheries at our door, that unless some temporary aid to animate and encourage those engaged in it, and to cherish and keep it alive, be afforded they may from a source of wealth as undoubtedly they might be made, dwindle, in so far as Canadian interests are concerned in them, into insignificance, and an age elapse before those who will succeed us shall, with the utmost industry and exertions, it may be in their power to realize, recover from the injury we shall have entailed upon them by our supineness and neglect. But unquestionably the first encouragement and most important to the success and prosperity of our Fisheries consists in the protection and maintenance of our fellow subjects engaged in them, in the exclusive possession and enjoyment of our own waters, without which all others will be found unavailing.

Your Committee finally are of opinion that it is expedient to afford encouragement to the Whale, Seal, Cod, Makarel, and other Fisheries carried on in the Gulf of St. Lawrence by inhabitants of this Province, by a total exemption of all articles necessary to such Fisheries from duties, so, as to place them as nearly as possible on an equality with those from foreign countries resorting to the same waters, with whom they have to compete. They are also of opinion that as an experiment it may be advisable to allow annually during three or five years, or for any other period sufficiently long for a fair trial, a moderate tonnage bounty as in Prince Edwards Island, to small vessels, that is to say, not exceeding 75, tons equipped and manned as Bankers by inhabitants of this Province; and moreover, that to animate and encourage that most laborious and useful class of our Coast population, the laboring fishermen, a liberal bounty should be allowed to such of them in each settlement as by their diligence, industry, and success are an example to their neighbours, either by giving a bounty or premium to the respective crews of the four best boats, or in some other shape. These are the hardy and enterprising men settled on the coast, who daily, during the fishing season, resort at break of day in their barges to the neighbouring fishing grounds, drawing thence the cod and other fish, which, when cured, constitute the staple of our seaboard, and are exported by cargoes to the European and South American markets, bringing back to us, in return, the products of those countries, the duties upon which more than amply compensate us for those we may forego in encouraging the fisheries. Your Committee are further of opinion that an annual appropriation for the period aforesaid might also with propriety be made in favor of any Fishery Societies, which for the purpose of encouraging the Fisheries might be formed, as recently done in New Brunswick, and an amount be voted to each and every such Society, equal to the sum raised among themselves by voluntary contribution, for the encouragement of the Fisheries; on the same principle, in fact, as the votes in favor of Agricultural Societies are annually given.

If the views of Your Committee are approved of, and the suggestions which they have deemed it their duty to submit towards encouraging the fisheries are thought proper in whole or in part to be adopted, it will of course rest with the Executive Government to carry them out, and to recommend the money vote or votes necessary for the purpose, as no such vote can originate without its special recommendation. But Your Committee beg in conclusion to observe that whatever appropriations may be made for the purpose of encouraging the Fisheries, and they sincerely trust that encouragement will be afforded, they are humbly of opinion, that it will be better to leave the application of the monies voted for the purpose, and all necessary details in connection therewith, to the Government, to be regulated by it annually at the commencement of each season by an order in Council, as circumstances may require, rather than by an Act of Parliament, the provisions of which may not admit of deviation, in order that in an experiment of such vital importance to the industry

and trade of the Country, full scope may be allowed, and, if needful, a fair trial in another or, other shapes be afforded, if the first shall prove a failure.

The whole, nevertheless, most respectfully submitted.

ROBERT CHRISTIE,
Chairman.

10th May, 1853.

The undersigned dissent from the above Report inasmuch as they consider an expression of opinion by the Provincial Legislature of Canada, adverse to the surrender of the Fisheries, at this moment premature.

1st. Because it may embarrass or retard the progress of a Treaty, the terms of which, the public are led to believe, are now under consideration.

2nd. Because they concur in the opinions heretofore expressed by the Legislature of New Brunswick and Prince Edward Island, "That a free exchange of the natural productions of the United States, and these Colonies, including those of the Field, the Forest, the Mines, and the Fisheries, would be of greater advantage to both countries," than retaining the right of the Fisheries.

The dissentients take also the opportunity to observe that the disadvantages under which our Fishermen on the coast of Labrador, the Gulph of St. Lawrence and generally in British North America labor, chiefly arise from the artificial aid conferred by the Government of the United States in the shape of bounties to the Cod and Mackarel Fisheries, which, it is ascertained by Official Returns from the United States Treasury, amounted from 1844 to 1848, to \$1,627,505, and furthermore by the imposition of 20 per cent. duty on fish imported from British North America into the United States, for consumption therein.

The practical operation of these bounties is to enable the Fishermen from the States of Maine and Massachusetts to build vessels, at higher rates, man them at higher wages, catch fish within our waters, on the sea coast, at less expense than our people can, and to convey them by sea to the ports of New York and Boston, and export them thence by Canal and Railway, (after paying tolls to the State,) to Upper Canada for consumption and there sell them at a profit.

The value of the fish imported and consumed in Canada in 1851,	was	£11,156	17	0
"	"	"	"	"
"	"	"	1852,	13,231 0 0

on which a duty was paid of £1,395 17s. 2d., and £1,653 17s. 9d. Of the fish so imported into Canada, to the value of £6,623, and £7,769 15s. 6d. was the catch by fishermen of the States, when the same could have been caught by our own fishermen on our own coasts, furnishing return freights through our own waters, without duty or any other restriction.

The dissentients are moreover humbly of opinion that in case the Governments of Great Britain and the United States should not come to a mutual arrangement with respect to the proposed commercial intercourse now under discussion, the most prompt and effectual measure to regain the natural advantages to which we are entitled from our proximity to those Fishing Grounds, is to pay a direct bounty to the fishermen in precisely the same manner and to the same amount as the Government of the United States pay to their fishermen, to be apportioned by the Imperial and Provincial Governments, instead of the incidental bounty now paid to armed cruisers.

All of which is respectfully submitted,

WM. HAMILTON MERRITT,
G. P. RIDOUT.

APPENDIX.

The following letters were received in answer to a Circular sent.

HER MAJESTY'S CUSTOMS.

SAINT JOHN, N. B. 15th September, 1852.

SIR,—I have the honor to acknowledge receipt of your letter of 6th instant, requesting information relative to the Fisheries of this Province, and in reply thereto, have to inform you, that there is encouragement given by the Government of this Province to the Fisheries in the following shape, viz: Exemption from duties of all articles necessary for the deep sea Fisheries; a grant of £500 in 1851, and a similar grant in 1852, to Fishery Societies, on condition of their raising a certain amount; the money to be disbursed in premiums. The whole of this money has not as yet been expended however.

No bounties are allowed in this Province. A sufficient length of time has not elapsed yet, to ascertain whether the above measure of granting money for premiums has had a beneficial effect in a public sense or the reverse. With reference to the other particulars required by you, I beg to state that it is not in my power to furnish you with accurate information, but I have much pleasure in forwarding to your address by the same mail that conveys this letters, a very able report on the Fisheries of this Province, drawn up by M. H. Perley, Esq., under the direction of the Government, and which contains all the information required by you.

I have the honor to be,

Sir,

Your obedient Servant,

ALEXANDER GRANT,

Controler.

W. C. Burrage, Esq.

SECRETARY'S OFFICE, 18th September, 1852.

SIR,—I have the honor to enclose, for the information of the Canadian Legislature, two Acts passed by the Legislature of this Island, No. 1. An Act relating to the Fisheries which received the Royal allowance, 3rd September, 1844 No. 2. An Act for the encouragement of the Cod and Mackerel Fisheries, and also a return No. 3, of the amount of tonnage bounties claimed and paid by the Government of the Colony during the past year, in addition to which the sum of one hundred pounds was paid under the fourth Section of the Act.

Likewise, Royal Gazette, No. 4, containing copies of the despatches transmitted by Sir Alexander Bannerman to the Colonial Minister. It is impossible to ascertain the quantity of fish caught by the inhabitants of the Colony, the Fishery being chiefly carried on in boats which are to be seen in all parts of the Island.

I have the honor to be,

Sir,

Your obedient servant,

JAMES WARBURTON,

Colonial Secretary.

G. R. Goodman, Esq.

Controller Navigation Laws

(Translation.)

ANSWERS of the undersigned to the questions submitted to him, by the Committee to whom has been referred the state of the Fisheries in the Gulf.

1st. I have, at present, no Fishing Depôt in Labrador, but I transact business with a large number of fishermen and traders belonging both to Labrador and other places situated in the Gulf of St. Lawrence.

2nd. But few of the Canadian ship-owners and fishermen frequent the Coast of Labrador, having no titles to the possession of the grounds occupied by them for fishing, and there being no authority to protect them in the possession of these grounds, they are constantly exposed to be foretalled by others in greater numbers than themselves, and they thus lose the fishing season. On this account the merchants of Quebec, are backward in making advances to persons, who, generally speaking, are possessed of nothing beyond their vessels, and whose means of paying for the advances made to them, do not extend beyond the profits arising from their fisheries. Canadian ship-owners have also another great disadvantage to contend with, which is, that in procuring their equipment, and the stock necessary for their traffic, on the Coast of Labrador, they are unable to compete with foreigners who procure the same articles free from the duties imposed upon the goods of Canadian ship-owners at Quebec. They are therefore obliged to sell at higher prices, and thus they can only effect sales to small bidders, in thinly populated localities which are not frequented by foreigners, indeed nearly the entire commerce along the Coast of Labrador is in the hands of traders from the United States, Halifax and Newfoundland.

3rd. I am of opinion that Government should give titles to those at present *bond fide* possessors of the posts which they now hold, and to those desirous of establishing depôts, on the payment by them of an annual rent to Government. Confidence would thus be instilled into these holders, for if it were certain that those to whom these fishing grounds are granted, might enjoy them in security, great improvements would be made. Many merchants, I myself among the first, would forthwith take concessions of land for fishing depôts if we were sure of protection, and that we should not witness the improvements made away with, which would be necessary to carry on these fisheries in a proper manner.

At the same time the same duties with which our merchandize is burdened, should be imposed by authority on foreign goods, or a remission (drawback) of the duties granted to us, the advantages possessed by foreigners over us, would thereby be destroyed—by means of a judicial authority to enable merchants to compel payment for goods advanced by them, the price of these goods thus advanced, would be considerably reduced, for at present the merchant is not only exposed to the risk which I have just mentioned, but there being no means of enforcing payment, he is moreover obliged to trust to the good faith of the fishermen.

4th. I consider it very desirable that Government should afford encouragement to those engaged in the fisheries, at all events, for several years to come, or until the fisheries shall have assumed a settled condition.

I conceive that the best means of encouragement would be to pay a certain sum per ton, to every vessel fishing for a certain number of months along the coast, and to accord some premium to the inhabitants for every quintal of cod taken by them.

I think, that should the Government offer any such encouragement the whale fishery, which is one of the most lucrative and most important in the Gulf, ought not to be forgotten. After, a few years encouragement, I am of opinion that it will become one of the most important objects our commerce.

I think it unnecessary to add, that this encouragement should be accorded at Quebec.

FRS. BUTEAU.

Quebec, 25th September, 1852.

PERCÉ, COUNTY OF GASPÉ, September 27, 1852.

DEAR SIR,—I am in receipt of your circular of the 14th instant, together with the questions of the Committee on the Fisheries, and in reply, beg leave briefly to submit the following remarks in answer, as the result of many years experience,

having been about 30 years engaged more or less in prosecuting the fishery business, keeping boats and employing men, as well as exporting fish to foreign and other markets, to a limited extent, however, compared to some others. In the first place, I consider those engaged in the fishery in this Province, to be labouring under almost every disadvantage and discouragement, compared with other Countries engaged in this branch of business; for instance the Americans, our neighbours, and the French, the only other nations beside ourselves engaged to any extent in the fishery, not only allow all articles for the fishery free of duty or nearly so, but actually encourage the fishery by large bounties, while we, of this Province, engaged in the same business have, with the exception of salt and lines and a few other articles, to pay the enormous tariff of from $12\frac{1}{2}$ to 30 per cent. On all articles of clothing, $12\frac{1}{2}$ and groceries, with the exception of molasses, the only sweetening used by the fisherman, it is nearly 30 per cent., consequently the cost of living to the consumers, is much more expensive, and the merchant, to enable the poor fisherman to live, is obliged to give a much higher price for fish than he can get for them. And as a consequence of all this, we cannot compete with those other Countries, when we meet with them in the same markets, for they can afford to sell their fish for much less a price, in the foreign Market than ours cost at home, and make money, while we must, and do lose; and unless something is done by our Legislature, to encourage and sustain the fishery, very speedily those engaged in it will be obliged to abandon the business in despair. I have generally employed about 30 men in my small establishment, but since the present high tariff has been imposed, I have reduced it to only 8 or 10 men, and some others, I know, have reduced from 100 to 30 men and boats accordingly. Not only the Americans and French fisheries are encouraged, but in all our sister Provinces, encouragement is given more or less in the shape of Bounty, and their duties are not so high. I need hardly offer the Committee advice as to the remedy in some measure, for those difficulties, for it naturally presents itself, first, a reduction or annihilation of the duties on the necessary articles used by the fisherman, and secondly, a liberal bounty on all exported fish; we have borne those impositions and hardships long enough, viz: high duties, no bounty and the Yankees allowed to fish in our waters (with the exception of the present year) without let or hindrance. I do hope the Committee will take all these things into their most serious consideration and recommend the Legislature to reduce or altogether remove the duties on all articles needed for the fishery, and to encourage by bounty. Surely there cannot be an empty chest now, as the answer used almost always to be when any thing was asked for the fisheries. Hoping I shall be pardoned for the length and rudeness of my remarks, by the Committee and yourself, I beg leave to subscribe myself one of the aggrieved fishermen of Gaspé, and yours and the Committee's

Humble and obedient servant,

PETER MABEE,
Percé.

W. C. Burrage, Esqr.,
Clerk Committee.

PASPEBIAC, 28th September, 1852.

SIR,—The undersigned have the honor to acknowledge the receipt of the circular severally addressed to them by order of the Committee named to take into consideration the state of the Fisheries carried on by inhabitants of this Province, &c. &c. And having met together, respectfully beg leave to submit the result of their deliberations, for the consideration of the said Committee.

The disadvantages under which we labour are two fold. First, by reason of the high duty paid in this Province on most articles required for the Fishery. Secondly, the absence of bounties or assistance of any kind.

We therefore consider that the Legislature of this Province would not only confer a great boon on the Fishermen of the Lower Province, but also benefit the farmers of Upper Canada, and the trading and manufacturing community, by affording a bounty of twenty shillings per ton on all small vessels built and fitted out expressly for the Mackerel, Herring, and deep sea Cod Fishery. The poverty of the inhabitants generally, along this coast, precluding them from building decked crafts, for want of means to procure, to them, the only costly part—the iron work, rigging, sails, &c., &c. This the bounty would enable them to obtain.

In our present position we, cannot compete, either with the Sister Provinces or the fishermen of the United States, and unless some timely assistance be afforded, the fisheries on this coast will gradually dwindle into insignificance.

We would further recommend that a bounty of two shillings be granted to the fishermen on every quintal of cured Codfish. Seven shillings and six pence on each barrel of No. 1 Mackerel. Five shillings per barrel on No. 1 Herring, and a proportionate rate on the lower numbers of each.

These bounties would give new life and vigour to our gradually expiring fisheries. A large fleet of fishing vessels would be built in the course of a couple of years, affording profitable employment, not only to our own population, but to hundreds of young men from the Parishes below Quebec, thus causing an increased consumption and demand for flour, pork, manufactures, and imports generally.

In addition to bounties we beg leave further to recommend a reduction of duty on nets, lines, cordage, sail cloth, and all articles required for the fishery, all of which are obtained on more favourable terms in the neighboring Provinces. We will instance the article of molasses (an absolute necessary for Fishermen) which pays only two pence per gallon in New Brunswick, against five pence half-penny in Canada, equal to about fifty per cent. on the first cost.

We have the honor to be,

Sir,

Your very obedient servants,

JOHN FAUVEL,

Agent to Charles Robin & Co.

ALFRED CARCAUD,

Agent to LeBoutillier Brothers.

PHILIP VIBERT,

BARNABAS MCGIE, J. P.

EDWARD PERREE,

Manager of the firm of Alfred Mansell, Esqr.

PORT DANIEL, 29th September, 1852.

SIR,—In answer to the question from the Committee on the Fisheries, I beg to state that I am not directly engaged in the Fishery, but as all the inhabitants, are if not directly, indirectly interested in the Fisheries, as it is our staple branch of Trade, and I rejoice with all others that the Legislators of the Province have taken a view favorable to the Fishermen. That a bounty or encouragement should be given to them as in the neighbouring Province, there is no dissenting voice heard,

if the Funds of the Province will allow of it without taxing one part of its inhabitants for the encouragement of the other. I recommend as follows, viz: To all decked Crafts who fit out for the express purpose, and a proof of following the same of not less than six months, ten shillings Currency, per ton on register, and four shillings per Barrel for No. 1 Mackerel, others in proportion, two shillings and six pence for No. 1 Herring, five shillings per barrel for No. 1 Salmon, others in proportion; one shilling per quintal of Dry Cod Fish, and that all fishermen fishing in boats or in shore be entitled and receive the same, always to be understood that no boat catching less than twenty quintals Cod Fish, or less than ten barrels of Mackerel or Herring, five barrels of Salmon, shall be entitled to receive anything, as it is understood for an encouragement for the man who takes the fish. I recommend that the bounty or encouragement if any, shall be paid upon proof of the quantities taken through the hands of the Municipal Council or Collectors, and not through the merchants whom the fishermen generally suppose will not do them justice in such cases. I further strongly recommend that all duties be removed from all articles required for the Fisheries. I also recommend low bounties, as at any future time they can be increased at pleasure while to decrease them would be attended with discouragement to the fishermen. For further information I refer the Committee to David LeBoutillier, Esq., M. P. P. for the County Bonaventure, who is thoroughly versed on the subject.

I have the honor to be,

Sir,

Your obedient Servant,

WILLIAM McPHERSON.

To Wm. C. Burrage, Esq.,
Clerk to Committee on Fisheries,
Quebec.

NEW CARLISLE, 1st October, 1852.

SIR,—I have the honor to acknowledge receipt of the circular you addressed to me from the Committee of the House of Assembly, to which a general answer has been sent, signed by other gentlemen and myself; but the subject is one of such vital importance, not only to this District but the entire Province, that I beg leave most respectfully to add some further remarks.

The subject of the North American Fisheries is one which has occupied my attention for the last twenty years, having been personally concerned and interested therein with parties trading on this coast, previous to my leaving London for this quarter, (in the capacity of Chief Superintendent of the Gaspé Fishery and Coal Mining Company,) and my family connexions in the Island of Jersey are extensively engaged therein on various parts of the Newfoundland coast. A residence in Gaspé of upwards of seven years, during which I have carefully inspected the entire sea-board on this side of the St. Lawrence, has enabled me to become thoroughly conversant with all the practical details of our fishing operations.

In old and wealthy nations, like the Mother Country, I fully admit the inexpediency of Bounties. But our position is widely different: capital, that great motive power of all extensive commercial operations, is wanting. The entire population of British North America engaged in the Fisheries may be said to be comparatively poor—the result of past improvidence. When the shore-catch was abundant and prices remunerative, the uneducated fishermen had no thought for the morrow. The sea yielded to him an abundant harvest, and he considered her treasures inexhaustible. But a new era has now been entered upon in the history

of our Fisheries. The vast shoals of codfish which formerly spread along our shores, no longer enter the bays, but keep in deep water, being intercepted by the immense fleet of American schooners which repair to the fishing grounds with the first open water each successive spring. This vast fleet owes its existence and *yearly increase* to the Bounty by which the United States Government has wisely created and fostered it. A similar provision in this Colony would enable us to compete with the Americans; and a few years would suffice to cause a number of small schooners to be built in every creek and harbour along this coast, in which our hardy fishermen could repair to the Banks, and secure a fair share of the wealth now swept away by strangers.

Such a step would also be an act of humanity on the part of our Legislators, as the more daring of our fishermen repair to the Banks in their small open boats, to the imminent risk of life and property, in addition to the severe hardships they endure, each successive year adding to the number of those who sleep in an ocean grave.

If our fishermen were enabled to meet the Americans on equal terms, they, the Americans, would no longer secure the lion's share of the spoil. This would check the increase of their fishing fleet, and gradually reduce it, because they have to come a long distance, where a few hour's sail suffices to place our people on the fishing grounds. At present the case is reversed, as those of our fishermen who repair to the Banks, can scarcely be said to have two days' fishing in each week, the other four being lost in going to and fro, &c. The American, on the contrary, remains quietly at his work until his schooner is loaded, each vessel performing two voyages in the course of the Summer.

If a Bounty were granted, two or three heads of families would unite to build a schooner, procuring the timber on their own, or waste lands of the Crown. The hull being thus obtained without much outlay, the merchants would advance the outfit, to be repaid by the Bounty. Without some such aid, a boat is all that our fishermen can afford to build. The merchant will not advance for the outfit of a schooner, when he can only depend on the exertions of the owner for his return, to which must be added the risk of loss by dangers of the sea. The hulls of three schooners are now rotting on the beach, within a short distance of my residence, because the builders had not the means of procuring the necessary tackle and apparel.

The Bounty given to the people of the United States, enables them not only to supply their own wants, but to become our competitors in the West India, Brazilian, and other Foreign Markets. Turn again to France, where a Bounty of ten francs, equal to eight shillings and four pence sterling, is paid on every quintal of fish imported into France. When sent to a Foreign Market, a lesser Bounty is allowed, but as I write from memory only, I cannot state the precise amount. To this add two hundred francs (I believe) for each apprentice shipped in vessels engaged in the Fishery, and an additional sum if she perform two voyages. The French are also our rivals in Foreign Markets, and when, as was the case last year, prices are ruinously low in Foreign Ports, the Bounty enables the French merchant to make a saving voyage, when ours suffer a serious loss.

Want of time prevents my entering into further details.

I have the honor to be,

Sir,

Your most obedient servant,

PHILIP VIBERT

W. C. Burrage, Esquire,
&c., &c.

CAPE COVE, 7th October, 1852.

SIR,—I beg to acknowledge the receipt of your favor of the 14th ultimo, requesting my opinion on the state of the Fisheries carried on in the Gulf of St. Lawrence or Labrador Coast.

I have been engaged in the Fisheries in the County of Gaspé, for the last twenty-seven years, during which time I have carried on the fishing myself, and have supplied the planters and fishermen to carry on the fishing. When I first came to this place, one boat and two men, would catch as many quintals of Cod Fish, as three boats or six men can now do; the reason for this difference is, that our neighbours (the Americans) are permitted to fish too close to our shores, (three miles) and to trespass year after year on our fishing grounds, obliging our fishermen to risk their lives in their small open boats, to fish at a distance of ten leagues from shore, and to toil days and nights in all kinds of weather. The change among the Roman Catholics, in the manner of keeping Lent, has occasioned a considerable diminution in the consumption of fish, and the heavy duties that have been imposed upon our imported goods, and no encouragement worth speaking of, having been allowed us, our fishermen are consequently in a state of great misery, and having in some instances been compelled to engage themselves on board American schooners, while others have gone to Quebec, to seek employment. The neighbouring Provinces have the means of under-selling us, in consequence of the bounty they receive, and the importation of the goods necessary for the Fisheries, free of duty.

I am of opinion that the articles necessary for the carrying on of the Fisheries only, should be admitted free of duty, such as, Nets, Seines, Lines, Hooks, Lead, Cordage, Boat Sails, Graplings, Gaff and Fishing Boats, and that a bounty of per quintal should be granted for dry Codfish cured by themselves. according to the quantity taken.

I have the honor to be,

Sir,

Your most obedient servant,

THOMAS SAVAGE.

W. C. Burrage, Esquire,
&c., &c.

QUEBEC, 21st October, 1852.

GENTLEMEN,—In answer to the questions submitted to me by the Committee on the subject of the Gulf or Labrador Fisheries, I have the honor to state that I have been engaged in the Fisheries for the last ten years, and have had many proofs of the disadvantage and discouragement that the operative fishermen have to contend with.

The duties levied on every article requisite for the fisheries are so high that it is impossible for any man, however industrious, to live by his earnings. The consequence is now, that those engaged in the principal fishing ports in the Gulf of St. Lawrence, those who embarked largely in that trade have abandoned it, and their capital employed in a different channel.

I would, therefore, consider it would be advantageous for that particular trade that all articles necessary for the use of fishermen and the curing of fish should be imported duty free, and a bounty corresponding to that allowed by the American Government to their fishermen be granted to the fishermen, subjects of Her Majesty.

I am led to understand that a very large trade in fish has been carried on some years ago between the Gulf St. Lawrence and the West India Islands, which trade is now altogether lost to this Province in consequence of excessive duties and a total absence of encouragement.

These obstructions to the industry of our Gulf and Labrador operatives close a mine of wealth lying almost at their feet, which a Legislative enactment removing the obstructive duties, and granting the encouragement of a moderate bounty to the operative fishermen, say of twenty shillings per ton, would create a spirit of enterprise and contentment amongst the inhabitants, and prove of vast advantage to the Province at large.

I have the honor to be,
Gentlemen,
Your most obedient servant,

WILLIAM CORBET.

(No. 449.)

INSPECTOR GENERAL'S OFFICE,
QUEBEC, 23rd October, 1852.

SIR,—In compliance with the request of the Committee of the Legislative Assembly, appointed "to inquire into the state of the Fisheries carried on in the "Gulf of St. Lawrence," as conveyed in your letter of the 20th instant, I have the honor to inclose a statement of the Revenue from the District of Gaspé, for the years 1846 to 1851 inclusive, and so much of the year of 1852 for which Returns have been received.

I have the honor to be,
Sir,
Your obedient servant,

JOSEPH CARY,
Deputy Inspector.

To W. C. Burrage, Esquire,
Clerk of Committees, Legislative Assembly.

STATEMENT of the Revenue from the District of Gaspé from the year 1846 to 1851, and so much of the year 1852, for which Returns have been received :

Ports.	1846.			1847.			1848.			1849.			1850.			1851.			1852. to 5th July.		
	£.	s.	D.	£.	s.	D.	£.	s.	D.	£.	s.	D.	£.	s.	D.	£.	s.	D.	£.	s.	
Gaspé,.....	989	8	3	627	9	3	468	10	3	2053	8	...	1918	14	7	1708	10	10	884	4	10
New Carlisle,.....	1461	13	11	2020	8	9	1317	17	0	2053	6	6	1239	1	3	1274	12	4	1243	8	1
Amherst,.....	158	17	5	278	16	3	107	5	2	388	15	2	418	12	7	111	11	0	107	10	10
Total, District,.....	2609	19	7	2926	14	3	1893	12	5	4497	9	8	3676	8	5	3094	14	2	2235	3	9

JOSEPH CARY,
Deputy Inspector General

Inspector General's Office,
Quebec, 22nd October, 1852.

HALIFAX, NOVA SCOTIA,
3rd November, 1852.

SIR,—I have the honor to acknowledge the receipt of your letters dated 6th September and 21st October.

I herewith enclose the Acts for the protection of the Fisheries of British North America, and will endeavour to send you some further information on the subject alluded to.

I beg to say, that the honor of being the medium to convey such information as I can procure for the Committee, is of itself quite a sufficient recompense for any trouble which may attend it.

I have the honor to be,
Sir,
Your most obedient servant,

HENRY TRACE,
Comptroller Her Majesty's Customs.

To the Committee of the Legislative Assembly.

GENTLEMEN,—In answer to your communication of yesterday, I have been engaged in the Trade and Fisheries of the Labrador, the past sixteen years. I have visited more than forty Harbours on that coast, and have given evidence to the Imperial Government, the Legislature of Newfoundland, and information to Sir G. W. Seymour, the Admiral of the North American Station, on the subject of the Fisheries. The Fisheries and Trade of Labrador labour under great and serious disadvantages—they are these; on the importation of fish, oils, furs, salmon, &c., the produce of Labrador (comprising its exports) into Canada, a duty is imposed of 12½ per cent., while the same articles imported thence into Newfoundland, Nova Scotia, New Brunswick and Prince Edward Island pay no duties.

Labrador has a sea coast of 1,000 miles; in the fishing season a population of over 30,000, who import all the provisions they consume and export to the amount of £800,000 to £1,000,000 annually. The Americans and Nova Scotians fully alive to the profitable trade and rich fisheries of Labrador have, by every means in their power, endeavoured to foster and encourage it, consequently the United States and Nova Scotia each send many hundreds of fishing and trading vessels to Labrador, and this trade is yearly increasing, while north of Lance Sablon there is not, I believe, a single Canadian fishing or trading vessel. The advantages of the Trade and Fisheries of Labrador must therefore be evident, and I would suggest that all restrictions and duties should be removed, and the trade thrown open, and that a trade with a country which would consume so much of the produce of Canada, and where *no* duties *are* or can *be* collected or imposed, in consequence of its being under no direct Government, (the Americans having the same right of fishery as British subjects,) should, by every legitimate means, be encouraged.

In my opinion it is impolitic to begin a system of bounties, but should the other North American Colonies do so, (not otherwise) it would be an encouragement to, and 'twould enable your fishermen to compete with Americans and others, if a bounty of 20s per ton, Register, were given to all vessels under 100 tons, fitted out in and belonging to the Colony or hired for such purpose by a resident, which vessel should be *bona fide* employed in the fishery, and absent on such voyage for four months.

Your obedient servant,

MATTHEW H. WARREN.

Quebec, 28th October, 1852.

QUEBEC, 1st November, 1852.

SIR,—I have to apologize in not replying before this to the inquiries made in your letter of the 10th of September, in reference to the Fisheries in the Gulf of St. Lawrence or the Labrador Coast, but a press of business has prevented me from attending to the same.

The house in which I am senior partner, has been acting as agents for a number of establishments, residing at Gaspé and the Labrador Coast, engaged in the fishing business for nearly 20 years, and during that period cannot remember a single year but what complaints have been made to us of the difficulties houses engaged in the fishing business have had to contend with, in having to compete in Foreign markets with rivals, receiving from their Government large bounties, either on the fish itself or given to vessels engaged in that business, and I can say with confidence, if a small protection or bounty, say 2s. 6d. per cwt., was made on all fish exported to Foreign markets, in British vessels, that the trade of the Province would be most materially benefitted thereby, and a large increase of business be the result. And a further benefit would occur by the admission, duty free, of salt, declared to be imported for that purpose.

With respect to our trade with Labrador, it has not increased in any thing like the proportion that it should do, when compared with the increase of the population on that coast; which I have no hesitation in saying is caused by the impolitic course adopted by our Government in levying duties on their produce, when imported from without the Province, thus driving the trade into the hands of the Americans, and our neighbours of New Brunswick and Nova Scotia, who frequent the Labrador in incredible numbers during the Summer season; and as there is nothing in the shape of a Custom House for hundreds of miles on the coast, the vessels trading there, supply the inhabitants with a large proportion of flour, provisions, &c., required, in payment for fish, furs, oils, &c., which, were it not for the duty already referred to, would, to a large extent, find its way here for sale, and returns would be sent from this in flour, provisions, &c. What makes the matter appear more inconsistent on our part, is that the very produce, (when imported direct, is charged with a prohibitory duty,) is admitted, *via* Nova Scotia, and cleared as their produce, duty free.

I would here remark that several of our correspondents residing at Fortcaux, who have been doing business with us for a number of years, have threatened unless the Act is repealed, to quit the trade with Canada, and confine their transactions with Nova Scotia and the United States.

I have the honor to be,

Sir,

Your obedient servant,

HY. J. NOAD.

To the Chairman of the Committee
on the State of the Fisheries.

CUSTOM HOUSE, SAINT JOHNS,
NEWFOUNDLAND, 16th November, 1852.

SIR,—I have had the honor to receive your letter dated the 9th ultimo, requesting me to afford certain information to the Committee of the Canadian Legislative Assembly, on the subject of the Fisheries prosecuted from this Island, to which I beg leave to remark as follows:—

That I have employed a competent person to prepare the following described Returns in connection therewith, at considerable labour, which will, I have no doubt, be found on investigation, to convey much useful information to the Committee.

1. An account of all goods imported into this Island from various countries, with their respective values and quantities, for the year 1851, shewing whence the supplies for the Fisheries are derived.

2. An account of the staple articles, the produce of the Fisheries exported to all parts, with their values and quantities, and value of all other exports for the same period.

3. An account of all vessels entered inwards, and cleared outwards in this Island, (distinguishing British and Foreign) with their tonnage and men, and shewing the trade with the different countries.

4. Table, shewing the rates of all duties payable on articles imported into Newfoundland, (in British Sterling, or in Spanish Dollars, at the rate of 4s. 4d. each dollar) together with a list of all goods exempt therefrom, on importation here.

5. An account of all vessels cleared outwards in Newfoundland, for the Spring Seal Fishery in the year 1851, with their tonnage and number of men employed.

And I beg leave to report further, that no bounties whatever are granted either by the British or Colonial Government, in furtherance of the prosecution of the British Newfoundland and Labrador Fisheries.

That these Fisheries are confined to the catch of Cod, Seal, Salmon, Herrings, and Caplin on the coast of Newfoundland and Labrador, the Bank Fishery being no longer prosecuted.

That they extend around this Island, (except at such places as are held under Treaty by the French Government, including the Island of St. Pierres, Miquelon, and Langley,) and on the coast of Labrador, from the entrance of Hudson's Strait, to a line drawn due North and South from Aux Sablon to the 52. of North latitude.

That the British Fisheries have been annually protected by the visit of a man-of-war, in Summer at the Western Ports, and by a ship-of-war, occasionally at Labrador; but the present season the British Admiral personally visited this Port in a line of battle ship, and was accompanied by a steam ship, and several others, smaller armed vessels, with a view to protection; added to which, the Local Government employed the present year, two small hired vessels only, for a similar purpose; and to prevent the French encroaching or taking bait in British waters, which is represented as having had a very favorable effect: such revenue hired craft were paid off at the end of the fishing season.

That the supposed number of vessels and boats, and fishermen employed in the Fisheries on this coast and Labrador the past year, is as follows, viz:—

Vessels and Boats,.....	4,570
Tonnage thereof,.....	37,800
Men engaged therein,.....	17,670

Those vessels which are engaged at Labrador, return at the close of the fishing season, bringing back the families of the fishermen who have assisted in the cure of fish there.

That the Seal Fishery is prosecuted in registered decked vessels, fitted and sailing direct from this Island; all of which depart about the 1st March in each year, and return to port as soon as a sufficient success may attend the enterprise; they are usually from 50 to 200 tons, and are manned with compliments varying from 30 to 60 persons in each.

The other Fisheries, before referred to, are prosecuted in the Summer months, or between May and October.

That the Labrador Coast is visited yearly by fishermen and trading vessels from the United States, Canada, Nova Scotia, and neighboring Provinces as well; but where no Custom House is established, duties collected, or other Revenue regulations exist.

That from and after the 10th October, 1849, all Imperial duties ceased to exist in this country, and goods are now only subject to one Colonial rate on importation, as per table annexed.

That in order to obtain early Foreign fish in markets in Europe, numerous British and Spanish vessels sail from the ports of this Island, between July and September, for British ports at Labrador, in ballast, and there load accordingly,

which saves the expense of the transportation and final landing or re-shipment in this country, of such commodities, as Cod Fish, Salmon, Herrings, and Fish Oils.

In conclusion, I beg leave further to observe, that Newfoundland contains a population consisting of 95,000 souls, who are depending principally, if not altogether, on other countries for food and supplies; and as the prosecution of agricultural pursuits has not been found to answer, except as an auxiliary to our Fisheries, I humbly conceive, that a vast extended trade may be beneficially opened up with Canada, in the supply by her, of all description of provisions, now particularly, in exchange for the staple articles of this Colony, such as Cod Fish, Cod and Seal Oils, Seal Skins, Herrings, Salmon, Mackarel and Caplin, if such commerce were established upon a fair basis of Legislative reciprocity.

Should further information be required by the Committee in future, I shall be happy in furnishing it on your application.

I have the honor to be,

Sir,

Your obedient servant,

GEORGE J. HAYWARD,

Comptroller of Customs
and Navigation Laws.

W. C. Burrage, Esquire,
Clerk, Committee Legislative Assembly,
Quebec.

POINT ST. PETER, 17th November, 1852.

SIR,—I have to acknowledge the receipt of your letter of 14th September last, with general questions subjoined by the Committee to whom is referred the consideration of the state of the Fisheries, carried on by the inhabitants of the Province or other British subjects in the Gulf of St. Lawrence or Labrador coast, and requesting me to transmit to you my answer thereto. In compliance with that request, I have the honor, through you, of informing the Committee that, as Agent here of Abraham DeGruchy, Esquire, of the Island of Jersey, I am engaged, concerned, and interested in the Fisheries in the Gulf of St. Lawrence, by conducting one of the most extensive establishments in that business at this place, where I fit out and supply a considerable number of fishing boats for the Cod Fisheries in the Gulf, under, my own management and superintendence, and also supply a considerable number of the minor fishing establishments of this place, and for twenty miles along this coast, in every article they require, for their Cod Fishing, at their establishments; and Mr. DeGruchy's establishment has so existed here since the year 1836. I am not aware of any disadvantages under which the Fisheries of this Province labor under compared with the Fisheries carried on from neighbouring Provinces. But the Fisheries of this, as well as the neighbouring British Provinces, I am under the necessity of explaining, labor under great disadvantages as compared with the Fisheries carried on from France, the United States of America, and other Foreign nations, by the respective Governments of these Foreign nations extending to their Fisheries great encouragement, by exemptions from duties on every article required for their Fisheries, and liberal Bounties, whereby their Fish Curers are enabled to undersell the Fish Curers of this and the neighbouring British Provinces in all Foreign markets, and could even, if they were so disposed, undersell them in their home consumption—whereby this branch of business, which, in the Foreign nations referred to, is a source of wealth and commercial and naval importance, has, in this and the neighbouring British Provinces, become so depressed and insignificant as to be scarcely worth following after. These disadvantages, coupled with the encroach-

ments, for some years past, allowed to be made by the fishermen of the United States of America, with impunity, on the British fishing grounds in the Gulf of St. Lawrence; in the face of the existing Treaty of 1818, has depressed and discouraged this branch of business, that several, formerly very extensively engaged therein, have of late years entirely abandoned it, and embarked their capital in other pursuits; while those who have not as yet followed their example, have so curtailed their business, that often poverty, want and wretchedness has ensued among their fellow-creatures, who formerly made a tolerably good living. It is true that last season these British fishing grounds were well protected by Her Majesty's ships of war cruising in the Gulf, whereby a more successful fishing was realized than has been experienced for many seasons bygone; and in anticipation that the same protection will be continued, and in consequence of this Committee having been appointed by the Honourable House of Assembly to take into consideration the state of the Fisheries in the Gulf of St. Lawrence and Labrador coast, giving pressage that something effectually beneficial is about to be done to encourage and promote the Fisheries of this Province, several of those who had abandoned the business are making preparations for resuming the same, and it is to be hoped they will not be disappointed in their expectations. I am clearly of opinion, that the only good that can be done for these Fisheries is to continue the protective force in the Gulf, extend to those engaged therein encouragement by exemptions from duty on every article required for the use of the Fisheries, and bestowing upon them such liberal Bounties as are extended to those engaged in the fishing business in the United States of America. In short, to assimilate the Laws, Rules and Regulations of the Fisheries in this Province as nearly as practicable to the Laws, Rules and Regulations of the United States of America. Such encouragement, I am satisfied, will satisfy the most fastidious, and enable all engaged therein to prosecute with spirit and energy a branch of business which gives employment to thousands of all ages and sexes.

I have the honor to be,

Sir,

Your most obedient servant,

JAMES ALEXANDER.

W. C. Burrage, Esquire,
Clerk Fishery Committee,
House of Assembly,
Quebec.

To the Committee of the Legislative Assembly on Fisheries.

Being one of those constituting the Committee on the Fisheries, I therefore consider it my duty to give my views on the matter, having been engaged in the Fisheries in Gaspé, twenty-five years, and at Labrador for the last ten years. I can positively state that the people of this Province, engaged in those fisheries cannot compete with the French, American, and even with those of our Sister Provinces, New Brunswick, Nova Scotia, and the Island of Prince Edward. The French Government grant a bounty of 10 francs for every quintal of dry fish cured by French subjects and brought into France; the Americans allow a bounty of 20s. per ton, measurement, of Vessels; Nova Scotia grants 20s. per ton, and Prince Edward Island 12s. 6d. per ton, and £400 in prizes; New Brunswick allows no tonnage bounty, but admits fishing tackle and other materials used for the Fisheries, free of duty. Under these circumstances, it is impossible for the fishermen of this Province to compete with their neighbours, and to trade in the same market. I would recommend a bounty of 20s. per ton measurement, for every decked vessel registered in this Province, engaged in the Cod and Mackerel Fisheries, during

the season, say four months, this would in part enable us to compete with the American fishermen, who charge us a duty of 20 per cent on fish imported by us into the United States. In the Bay of Chalcurs where the American vessels resort, in scores for mackarel, there is not a vessel of this Province so engaged, but if a bounty were given, it would be the means of enabling our fishermen to build schooners, and to adopt the same system of fishing as the Americans. The amount so paid by the Province would, in part be made up by the duty on luxuries, of 12½ per cent, which the fishermen would use, if they could compete and live as well as their neighbours; but under the present system, they can only realize the common necessaries of life. I am of opinion that measures should also be taken to encourage, if possible, and by all means, the labouring fisherman industriously pursuing in his boat his occupation, and business at the fisheries; for instance, I would give a bounty of one shilling per quintal for dried fish, to any boat's crew of two men, who, fishing at least five months in the season, should take 80 quintals, or over. The annual appropriation for this encouragement to the Fisheries need not exceed £5,000. There formerly was a considerable trade with the West Indies, which has long ceased to exist, from the total inability of our merchants to compete in those markets with the Americans, and other foreigners. If encouragement were given, so as to revive that important trade, we should recover a hundred fold in our revenue, any small outlay we might make in promoting it. Our Fisheries are depressed beyond measure, whilst those of our neighbours are flourishing, and who, by means of them, carry on a profitable trade with the West Indies, South America, and the Mediterranean. I am of opinion that the produce of our own Gulf fisheries, if encouraged, would supply us in return with West India produce, more than necessary, for the supply of the whole consumption of the Province.

The oldest merchants in the trade of the fisheries are now fast curtailing their business for want of Legislative encouragement. The Government will, in my opinion, be highly blameable, if it does not extend its care and protection to the Fisheries. This we have long sought, and still seek for, not as a matter of favor but of justice, and we entertain a hope the Government will finally attend to our just demands.

DAVID LEBOUTILLIER, M. P. P.

Quebec, 8th November, 1852.

8th November, 1852.

Mr. Francis Ahier, of Gaspé having perused the matter submitted to the Committee, by David Le Boutillier, Esq., Member for Bonaventure, says, he concurs in all that is stated by that gentleman. A long residence in the Bay of Gaspé, that is to say since 1824, during which time he has been constantly concerned in the trade and fisheries, enables him to state with confidence that this branch of national industry having to contend as it does, with fisheries carried on at their doors by Foreigners encouraged by bounties as well as by their fellow subjects of the neighbouring Provinces, enjoying also encouragement, is going downwards. We cannot compete in Foreign markets with them. We have no trade for instance with the West Indies, although it might, if we had any thing like a liberal encouragement, carry on an extensive trade with those Islands, particularly in our inferior fish—fish of the best quality being sent to the Mediterranean and South America markets. The consequence is, that a large portion of the inferior fish of the Gaspé District goes to Halifax, whence it goes to the West India markets, by means of which the Halifax merchants carry on a profitable trade, bringing home West India produce in return, which he sends to Canada, deriving a handsome profit from a trade which we altogether forego for want of encouragement from the Legislature of our own Province, which most unaccountably seems insensible of the value of the fisheries

and immense trade that might be carried on through them. I think the bounty of a shilling per quintal of dried Codfish to a boat's crew of two men, realizing eighty quintals or over in any one season, scarcely a sufficient encouragement, considering the very low ebb at which, for want of protection for the time past, the fisheries actually are reduced; I am of opinion that if a bounty is to be given to the fishermen, it should be at least for the first season, one shilling and six pence, which for eighty quintals would make £6 or £3 for each man. This really would be an extra encouragement, though after all a small one, for five months' hard labor. Boat's crews not realizing eighty quintals, of course would get no bounty. Thus the laborious and industrious would be rewarded, and the country's trade would be the gainer, while the idle and negligent fishermen would profit nothing, at least, through the treasury of the Province; whereas those who should take eighty quintals or more would certainly get something worth while, for instance, a boat's crew who should take in the season 100 quintals, (which, in good seasons, is not unusual) would be entitled to £7 10s., and so on for any greater quantity. The Legislature should, of course, provide against imposition, and take care that the precise quantity taken by each boat's crew claiming the bounty be faithfully ascertained. I do not suggest anything on this head, as it is matter of detail only to be considered if the Legislature thinks fit to grant bounties.

QUEBEC, 23rd February, 1853.

SIR,—In acknowledging receipt of your communication of the 17th instant, I beg leave to state in reply to the question put to me by the Committee to whom is referred the consideration of the state of the Fisheries.

That I have not for many years had any concern in commerce, and consequently do not supply any house concerned in the Fisheries.

In reply to the general question, I beg further to state it is too self-evident to make it a question, that the Fisheries cannot be carried on to advantage, if at all, unless in some way encouraged by Legislative aid.

New Brunswick, Nova Scotia, and Prince Edward Island allowing a bounty on fish, it is impossible that Canada, not being so immediately in the vicinity of the Fishing Grounds, can compete with them.

Many years ago when I was concerned in commerce, an Act was in force of the Imperial Parliament, I believe, 14 George 3rd, by which, under a Schedule, a certain value was affixed to certain articles, the produce of the West Indies and Canada; any person shipping Canada produce mentioned in the said Schedule, was permitted to bring a return cargo of articles likewise mentioned in the Schedule free of duty to the same amount shipped. The effect of this was to afford a constant demand for Canada produce at an enhanced price, and to enable the farmers and inhabitants to obtain the articles received in return at a reduced price. At that period the West India trade was very considerable, as the shipment of flour and other articles was generally made to the West Indies, not only by our own shippers, but also those of the other Colonies, as their vessels were sent to Quebec to load for the purpose of obtaining the advantage of the return cargo. Since that Act has been repealed there has been no trade of any consequence with the West Indies. I can suggest no better mode of encouraging the Fisheries (although I am aware that protection in any shape is considered objectionable) under the peculiar situation in which this Colony is placed, arising out of the protection given by all the surrounding Colonies, than a revival of that Act, with some changes and alterations to make it more applicable to the present state of the commerce of the country, by the addition of some articles not included in the Schedule, and leaving out others. Rum, for instance, was one of the articles of import which may now well be left out, and if my recollection is correct, I think Fish was not one of the articles of export mentioned, as

vessels that came up from Halifax generally purchased their fish below—a reference to the Act may, no doubt, suggest other articles. At the period I speak of, horses, which were one of the enumerated articles, were reared by the farmers for exportation, and a considerable commerce existed in that article, which has entirely, I believe, ceased to exist. A reference to the books of the Custom House will show the various articles shipped to the West Indies when that Act was in force. Vessels loading for the West Indies necessarily required many articles, the produce of the country, to make up an assorted cargo, such as apples, onions, potatoes, butter, &c., &c., all of which was beneficial to the farmer, and in various ways the loss of duty on the return cargo was amply made up to the country.

Your obedient servant,

BENJAMIN TREMAIN.

To W. C. Burrage, Esq.

(*Extract from a letter received from Gaspé, to the Chairman of the Committee.*)

Messrs. LeBoutillier and Fauvel are great advocates for “protection,” as last season, the beneficial effects of which are already felt, in the rise, both of the American and Colonial markets. The Americans know better than our Colonial Government, the immense wealth, which we have in our Gulf and Shore Fisheries, which indeed are the very Peru of British America, and they are most anxious to participate in them in common with the Colonists, but these must know right well, that the thing is not safe or practicable without annexation, and that if we cannot get “Reciprocity” without sharing our Fisheries with Foreigners, we should do without it, as we have done before.

An Account of all the vessels cleared outwards in the Island of Newfoundland, for the Spring Seal Fishery in the year 1851, with their tonnage and number of men employed.

From what Ports sailed.	Ships	Tons.	Men.
	No.	No.	No.
St. Johns,.....	92	9200	3480
Harbor Grace,.....	64	5949	2398
Spaniard's Bay,.....	5	439	192
Carbonear,.....	34	3408	1226
Brigus, Cupids and Port de Grace,.....	57	5309	2019
Trinity and Catalina,.....	30	2573	999
New Palican and Hart's Harbour,.....	11	927	367
Greenspond,.....	23	1740	696
Bay Bulls, Aquafort and Reviews,.....	7	651	252
Total employed from the Island,.....	323	30,196	11,629

GEO. J. HAYWARD,
Comptroller of Customs and Navigation Laws.

Custom House, St. Johns,
Newfoundland, 16th November, 1852.

POINT ST. PETER, GASPÉ,
24th November, 1852.

SIR,—In answer to the general question subjoined to your letter of the 14th of September last, by the Committee to whom is referred the consideration of the state of the Fisheries carried on by the inhabitants of this Province or other British sub-

jects in the Gulf of St. Lawrence or Labrador Coast, we have the honor to inform the said Committee that we are engaged and concerned, on our own account, in the Cod Fisheries carried on in the Gulf of the St. Lawrence to a considerable degree, having a pretty extensive fishing establishment at this place, where we fit out and supply a good many fishing boats under our own superintendence, and also advance and supply a good many smaller concerns and British fishermen with every article they require for their Cod Fisheries in the Gulf, taking payment for these advances and supplies in cod fish taken by these concerns and fishermen in the Gulf in the course of the fishing season, as we were formerly, as agents of Messrs. John and Francis Perree, of the Island of Jersey, engaged and concerned in these Fisheries. We must confess that we are not much acquainted with the Fisheries carried on in the Gulf or Labrador from the neighbouring British Provinces, and therefore not prepared to say that the Fisheries of this Province labor under disadvantages compared with the Fisheries carried on from the neighbouring British Provinces. But we know and feel the great disadvantages under which the British Fisheries in this as well as these neighbouring Provinces have to contend as compared with the Fisheries carried on from the United States of America, France and other Foreign nations, in consequence of the vast encouragement granted by the respective Governments, of these Foreign nations to their Fisheries, by exemptions from duty on every article required for their Fisheries, and by liberal bounties and other allowances, whereby they are enabled to undersell the Fish Curers of this and the neighbouring British Provinces in all Foreign countries, and could also undersell them in their own home markets—truly producing such a depression in the fishing business of this and the neighbouring British Provinces as to render it so unprofitable as to be not worth following after. The Fishermen of the United States of America having, for a number of years, been permitted in the face of the existing Treaty of 1818, to encroach upon the British Fishing Grounds in the Gulf of the St. Lawrence, to the great injury of the British Fisheries therein, is another grievance with which the British Fisheries in this Province, as well as the neighbouring British Provinces, have had these years to labor under; and all these disadvantages combined have so operated upon many who were extensively engaged therein as to abandon the same, and invest their capitals in other more profitable employment—while those who have continued to follow after the fishing business have so much limited their investments as to be seriously felt by the poor fishermen in this quarter. The protection, however, afforded to the British Fisheries last season in the Gulf of the St. Lawrence by Her Majesty's ships of war, having enabled those concerned in the Cod Fisheries in this quarter to realize a more successful fishing last season than they had done for a great many years previously; and in the expectation that the same protection will be continued in time to come, with the belief that something effectual will be forthwith recommended by the aforesaid Committee to ameliorate the condition of those engaged in the fishing business in the Gulf of the St. Lawrence, has so operated upon some of those who had abandoned the business that they are making preparations for resuming the same, and it is to be hoped they will not be disappointed in their just expectations. The exemption from duty on every article required for the Fisheries in this Province, and the extension of liberal bounties and similar other allowances to those engaged and concerned therein, as are extended and allowed to those engaged and concerned in the Fisheries from the United States of America, would be a great and advisable boon to be given to those engaged and concerned in the Fisheries in the Gulf of the St. Lawrence in this Province, and would enable them to compete with the Fish Curers of other nations. And therefore a continuation of the protection offered by Her Majesty last season to our Fisheries, and the extension to those engaged and concerned therein of bounties and other allowances as nearly similar as possible as are granted to those engaged and concerned in the Fisheries of the United States of America, are the only measures we can suggest that would remove the disadvantages under which the Fisheries in the

Gulph and Labrador labor under, as compared with the Fisheries carried on from France, the United States of America and other Foreign nations. In short we are of opinion, that unless the laws, rules, regulations, bounties, allowances and advantages of the Fisheries of this Province, carried on in the Gulf of St. Lawrence and Labrador coast are assimilated as nearly as practicable to the laws, rules, regulations, bounties, allowances and advantages of the United States of America, that this branch of business which gives employment to thousands of all ages, must be entirely abandoned

We have the honor to be, Sir,

Your most obedient servants,

JOHN and ELIAS COLLAS.

W. C. Burrage, Esq.,
Clerk Committee,
Quebec.

The following letter from Captain (now Rear Admiral) Edward Boxer, to the Executive Government on being called for by the Committee, were laid before it, by direction of the Honorable. the Provincial Secretary.

(Copy.)

QUEBEC, 31st October, 1848.

SIR,—I have the honor to forward to you, for His Excellency's information, copy of a letter I have addressed to Rear Admiral Sir F. Beaufort, Hydrographer of the Navy, in answer to his request to supply him with a list of all those places, at which it had appeared to me, from my professional experience, it would be desirable a Light-house should be established, the establishment of Light-houses in our Colonial possessions, occupying at present the deliberations of Her Majesty's Government; and having served many years in this country, and given this important subject much consideration, and experiencing the great want of them while serving in the Saint Lawrence, in command of Her Majesty's ships *Hussar* and *Pique*.

I beg, therefore, respectfully to call His Excellency's attention to those I have considered of importance should be established without delay; the great loss of life and property that takes place annually, and the high rate of insurance on the trade in consequence, (ten per cent being now charged) with the prospect of the trade increasing, should the free navigation of the Saint Lawrence be granted, calls, in my opinion, for a further increase in those necessary guides for their safety, and I beg to assure His Excellency that the most experienced Masters in the Quebec and Montreal trade are also of my opinion, and when this great object can be obtained with so trifling an expense in their erection and maintenance, compared to its importance to the Province and its trade, the annual expense in maintaining them would not require more than three farthings a ton on the shipping, and their erection not more than £5,000, with the appropriated grant for the improvement of the navigation from Quebec to the sea, in addition to the 4d. per ton required for our present establishments, which was unanimously approved of in a Bill introduced by the Attorney General in the House of Assembly in 1847, but thrown out by the Legislative Council, but which is absolutely necessary, should be again brought forward at the next meeting of the Provincial Parliament, otherwise the present revenue will not be able to support its establishment; or the Bill so long recommended by the Trinity Board for the consolidation of all its laws, and made similar to the laws that govern the great commercial ports in England, (which is so much required) be introduced in its stead

I feel it also my duty to point out to His Excellency that the Trinity Board, (from its increased duties which require a constant superintendence and inspection) should be provided with a steamboat which has been so often petitioned for by the Board, and as the work can be done so much better and with half the expense of the one contracted for, it is therefore of importance it should be provided for in the new Bill which was introduced in the Bill thrown out.

I beg also to recommend that the Harbour Master's fees be abolished, a tax so unequally levied on the trade, a schooner of 60 tons paying the same as a vessel of 1,400, and a fixed salary paid to him out of the tonnage duty, which has also long been recommended.

It would also be advisable that the Harbour Master's boat, (which is so much required for the superintendence of the trade in this extensive harbour) should be relieved from its employment in conveying the Quarantine Physician on board vessels arriving in the Harbour of Quebec, more particularly as his duty could be as well performed by accompanying the Boarding Custom House Officer, their examination of the Emigrant ships being similar, and the trade relieved from an unnecessary delay in having two boats to clear them. And when it is taken into consideration that the navigation is open only seven months in the year, and the vast importance it is to the trade that every facility should be given them in passing through its extensive waters, having also to compete with the American canals. I trust, therefore, I shall not be thought presuming in having offered these suggestions for His Excellency's consideration, which appear to me (from my professional experience) are of so much importance to the interests of the Province, should be adopted.

I have, &c.,

EDWD. BOXER, R. N.

Captain of the Port, and
Harbour Master of Quebec.

The Hon. JAMES LESLIE, Secretary,
Montreal.

(True Copy.)

QUEBEC, 30th October, 1848.

SIR,—I have the honor to acknowledge the receipt of a letter addressed to me by your direction, from Captain Beecher, of the 22nd ultimo, informing me that the establishment of Light Houses on the shores of our Colonial possessions is occupying in a great measure, the deliberations of Her Majesty's Government, and requesting me to send you a list of all those places where it appeared to me, (from my professional experience) it will be desirable a Light House should be erected, and whether it should be fixed or revolving, and the remarks and observations which lead me to that conclusion, and the advantages that could be gained by its establishment.

In answer to which I have the honor to inform you, that during the time I commanded Her Majesty's ships "Sparrow Hawk," "Hussar," and "Pique," I served several years on the North American station, my attention was necessarily called to this important subject, and while in the command of the "Hussar," was employed in surveying and settling the geographical positions of the different Capes and Head-lands in the Gulf of St. Lawrence, and on the completion of that service I had the honor to report to Sir Charles Ogle, the Commander in Chief, the great want of lights in the Gulf and River Saint Lawrence, and the importance for the safety of its trade (the amount of the loss of life and property being immense annually) its shores should be lighted, and I recommended that St. Paul's Island, Cape Rae, the east and west end of Anticosti, Cape Rosier, and the north and east end of Prince Edward Island, as good sites for their establishment; and while in the command of the "Pique," serving on the same station, I also had the honor to recommend to the Lords Commissioners of the Admiralty, the great necessity of further lights being established on Biquet and Red Island, and the importance of one being erected on Table Island on the coast of Nova Scotia, and I beg to refer you to that Report, dated July, 1833, which states my reasons for recommending it, and I am still of the same opinion, but I should further recommend that a gun be placed

there to fire every half hour in foggy weather. And on my appointment in 1841 to the office I now hold, I called the attention of His Excellency the Governor General and the Trinity Board to this important subject. The great loss of life and property, with the high rate of insurance on the trade to the Gulf and River call loudly for improving its dangers, and I recommend that Red Island and the east end of Anticosti should be lighted without delay, and a better system adopted for the education of Pilots; also erecting beacons, as land marks on different points on the south shore of Anticosti, and between Cape Chat and Cape Rosier, the land being so difficult to distinguish, particularly during short intervals of clearings in foggy weather, with the establishment of fog guns, bells and gongs at the different Light Houses. Those recommendations having been approved of and recommended by the Home Government to be adopted, and the Provincial Government having in 1847 granted £18,000 for that purpose, the Trinity Board this year has been enabled to adopt many of the suggestions recommended, (13) thirteen additional buoys having been laid down in the River, also contracting for beacons as land marks, and lighting the east end of Anticosti. Red Island will also be lighted the beginning of next month. But the St. Lawrence Canals having been opened this year, the trade must still further increase, being decidedly of opinion, if the free navigation of the Saint Lawrence is granted, with the corn laws repealed (having a practical knowledge of the whole route from Chicago to the sea) that the greater part of the produce of the Western States of America for Home consumption that have shipping ports in the Lakes, as well as our own, will be transported to Europe through the waters of the Saint Lawrence, for this simple reason that it can be done cheaper, quicker and shipped in better order, than it can be done through the Canals of the United States; also the yearly crops can be shipped before the navigation closes, it appearing to me, it would be more productive to the grower by warehousing it in England (to take the advantage of the markets) than to be shut up five winter months in this country; but to carry out this important object it would be necessary to give every facility for the transport of the trade through our Canals, with good and safe channels to them, carrying the same depths of water as can pass through the locks, and leaving no parts of its waters without good lights, buoys, beacons and pilots for its safe navigation; and having given this subject much consideration, I should therefore recommend the following places as proper sites for the additional lights that might be required, viz:

St. Paul's Island.

I have always been of opinion it was unnecessary that two lights should be established on this Island. The Commissioners appointed to examine and fix the site for a light on it, only recommended one, and it would have been far better had one of them been placed on the Bird Rock or Cape Ray. At present it appears to me of importance, that a gun to fire every half hour should be substituted for the bell, and I have just been informed by the master of the ship "Enchantress," wrecked on St. Paul's Island on the ultimo, that his vessel would have been saved had a gun been established on the Island to fire every half hour, as he must have heard the report in time to have avoided the danger. I should, therefore, strongly recommend that a gun be placed there in lieu of the bell, without the least delay, which is also the opinion of the most experienced masters in the trade.

Bird Rock.

I am strongly of opinion, that a light should be established on this rock, the current almost always setting to the southward, which frequently gets ships into difficulties among the dangers in its vicinity, and it being in the direct passage through the Gulf, makes it necessary that it should be seen in the night, that no delay might take place in rounding it, which is of importance to vessels inward and outward bound.

Cape Ray.

A light on this Cape would, in my opinion, be of the greatest service to the trade, the ice in the spring invariably setting down on the St. Paul's Island and Cape Breton; vessels are therefore obliged to keep on the Newfoundland shore; and this being the entrance to the Gulf, it is of importance that both sides should be lighted, for it often happens that one side is covered by fog, when the other is quite clear, which is another strong reason that one of the lights on St. Paul's Island should be shifted to it.

Cape Rosier.

I have always been of opinion that a light with a gun on this Cape would be of importance to the trade, the current invariably settling to the southward, and the wrecks that take place annually in its vicinity (five ships having been wrecked this season, one the "Astoria," with a general cargo, valued at £60,000) shews the great necessity for its establishment, and, had a gun been there to fire every half hour, those vessels would have been saved, as they must have heard the report in passing it, which would have enabled them to avoid the danger, it being very foggy when they run on shore.

West end of Anticosti.

A light having been established on the east end, it appears to me of importance, for the passage of the North Channel, that a light should also be established at the west end, it being a dangerous point, and which would be of great service to ships beating up between Anticosti and Cape Rosier, by allowing them to cross to the north shore in the night, a quicker passage being always made by beating up on that shore, in consequence of a strong current always running down on the south shore.

East end of Prince Edward's Island.

A light should be established on this low, dangerous place, which would be of the greatest service to the trade passing through the Gut of Canso, particularly to those bound to Miramichi, the Bay Chaleur, and the Gulf Ports of New Brunswick: it therefore appears to me of importance a light should be established there as soon as possible.

North end of Prince Edward's Island.

This low, dangerous point also requires to be lighted, which would be of importance to the trade bound to Miramichi, the Ports on the Gulf shore of New Brunswick, and the Bay Chaleur, and also to vessels passing through the Straits of Northumberland. Many wrecks take place on this coast.

Point Birch, Island of Miscou, at the South entrance of the Bay Chaleur.

The trade to Campbleton, Bathurst, Dalhousie, Carlisle, and other Ports in the Bay Chaleur, having so much increased, and is still increasing, makes it of importance that a light should be established on this low, dangerous point, and which would also be of importance to the trade of the River Saint Lawrence, many ships beating up with a foul wind, after being set up on that shore, the current invariably setting to the southward.

Bersimis Point, on the North Shore.

The great difficulty to distinguish distances from the lights in the Gulf and River Saint Lawrence, in consequence of a haze often hanging on the glass of the lanterns, makes it necessary that a light should be established on the north shore, between Point des Monts and the Saguenay, the brilliancy of Biquet light (at times)

often deceiving the Pilots and Masters of vessels as to the distance from it. I should therefore recommend that a light be established on Point Bersimis, as the most eligible site for one, which would very much lessen the dangers of Port Neuf and Manicouagan shoals. Many wrecks every season take place on these shoals.

Grandel Island (one of the Kamouraska Islands.)

A small light on this Island would be of great service to the trade, particularly in the fall months, as it would enable ships to pass Hare Island shoal with safety in the night, vessels often being obliged to heave to or anchor, waiting for daylight to pass between it and the Pilgrims.

St. Roch's Shoals, entrance of the Traverse.

I have always considered it would be of great advantage to the trade if a fixed light was placed on this shoal, instead of the floating light, which could be easily and safely done by sinking blocks and erecting a lighthouse on them, it often happening that the light vessel is injured by ships running aboard of her in passing through the Traverse, and sometimes breaks adrift in heavy gales of wind, leaving for a time that dangerous place without its necessary guide, and as the annual expense would not be half that of the floating light, which in a few years would pay for its erection, I should therefore strongly recommend that it be adopted; and while employed on the Naval and Military Commission for the defence of Canada, I pointed out to Her Majesty's Government the defenceless state of the River Saint Lawrence, and as heavy guns could be mounted on the blocks for the defence of the Traverse, (a most important point to be defended,) no time, in my opinion, should be lost in adopting this recommendation.

Bellechasse Island.

A small river light would be of service on this Island, and a refuge harbour, which is so much required for the river and gulph trade, could be made here with very little expense.

Carousel Island, one of the Seven Islands.

There being no light on the north shore to the eastward of Point des Monts, it would be of great service to the trade if a light was established on this Island, (the harbours among them being extremely good,) which would be very often useful as a refuge harbour in gales of wind from the eastward or westward. This light would also be of great service in beating up on the north shore.

Between Quebec and Montreal.

A small light is required on St. Antoine, a dangerous point, about 18 miles from Quebec. With this exception, the whole river between Quebec and Montreal is extremely well lighted.

Lakes St. Louis, St. Francis, and the River Ottawa.

The naval and military commission reported to His Excellency the Governor General, the great necessity for the establishment of lights on those Lakes and River, the trade (for the want of them) not being able to navigate them in the night; and the Canals being now open, makes it still more necessary they should have sufficient guides for that purpose, and measures, I believe have been taken to adopt their recommendation. The establishment of small lights between Cornwall and Kingston would also be of great advantage, it being of the greatest importance, their passage from the Upper Lakes to Montreal and Quebec should not be impeded, five months of the year being shut up, from having any communication with the sea.

Lakes Ontario and Erie.

Great attention has been paid to the lighting of those Lakes, but it appears to me the harbour lights should be made more brilliant, which would also answer for the general trade on their passage up and down, the American shores being extremely well lighted.

Lake Huron.

As our trade increases to Lake Superior, it will be necessary for lights to be established between the entrance of River Sinclair and Cape Hurd, and from that Cape to Sault St. Mary, also between Cape Hurd and Penetanguishene. That Cape or in its vicinity appears to me of importance should be lighted without delay.

In recommending the establishment of the above additional lights in the Gulph and River St. Lawrence, I am aware, in carrying them all out at present, it would be attended with too great an expense, not only for their erection but to the trade in maintaining them. But when it is taken into consideration, the dangers and difficulties of its navigation, in consequence of the horizon hardly ever being true, the currents so very irregular and the difficulty of judging the true distance from the land, with fogs and partial clearings, (the north shore often being clear when the south is covered), and the very great importance it is to the trade to get clear of its dangers (on their second voyage home) before the navigation closes, and the high rate of insurance (being now ten per cent.—England—fall voyage out and home—ten per cent.—United States, same voyage out and home about seven per cent) caused entirely by the great loss of life and property that annually takes place, by wrecks on its shores, and with a prospect of its trade increasing, should the free navigation of the Saint Lawrence be granted. No time, in my opinion, should be lost in establishing those of the most importance, and I should therefore strongly recommend the following, viz:—

St. Paul's Island.—A gun to fire every half hour in foggy weather to be substituted for the fog bell, and if practicable the revolving light to be removed to Cape Ray.

Bird Rock, Cape Rosier, with a gun to fire every half hour in foggy weather.

Grandel Island and a fixed light to be established on *St. Roch's Shoal* instead of the floating one. Should the above recommendations be carried out, I am satisfied the trade could easily maintain them, (the tonnage by Customs returns during the last three years, averaging as per margin, annually, independent of the Gulph and River Trade) by a duty levied of 5d. currency per ton, which would be ample for their maintenance, and less burdensome to the trade than in any other part of the world, and the unappropriated money, (for the improvement of the navigation below Quebec) with an additional grant of £5,000 would be ample for their erection.

I shall have the honor to send a copy of this letter to His Excellency the Governor General, and I have to request you will be pleased to lay this before the Lords Commissioners of the Admiralty, who are aware of my great anxiety to improve the dangers of the Saint Lawrence, which every day shews is of so much importance to the North American Provinces.

I have, &c.,

(Signed,)

EDWD. BOXER,
Captain Royal Navy.

P. S.—You are aware that my recommendation for the erection of an Observatory in the Citadel of Quebec has been approved of, and an estimate made by the Board of Ordnance for its erection, but I am sorry to say no other steps have been

Port of Quebec,
441, 286 Tons.
Port of Montreal
30,000 (about.)

591,296 Tons.

taken for its establishment, although the cost for its erection and maintenance would be so trifling compared to its great importance to the trade, from the great difficulty they have in rating their chronometers after they once enter the Gulph of the St. Lawrence, the horizon at all times being so imperfect, and the Masters of vessels being generally ignorant to do so by an artificial one, and I am quite satisfied if the Government would pay for its erection (about £450) the trade would willingly pay for its maintenance.

I herewith enclose also agreeably to your request, a statement how the lights should be distinguished if my recommendations are generally adopted.

(Signed,) E. B.

Statement of additional lights (whether fixed or revolving) recommended to be established in the Gulph and River Saint Lawrence.

St. Paul's Island—A fixed light with a gun to fire every half hour.

Cape Ray—Revolving light.

Bird Rock—Red light with a gun.

East End of Anticosti, (exhibited)—Fixed light with a bell.

South-west End of ditto, (exhibited)—Revolving light with a gun.

West End of ditto—Fixed light with a bell.

Cape Rosier—Two lights vertical in the same light-house with a gun to fire every half hour.

East End of Prince Edward's Island—Fixed light with a bell. The one on the North entrance of the Gut of Canso to be changed to red.

North End of ditto—Red light with a gong.

Point Birch, North End of Mission Island—Fixed light with a bell.

Carousel Island, one of the Seven Islands—Two fixed lights, vertical in the same light-house, (one white and the other red) with a gong.

Pointe des Monts, (exhibited)—Fixed light with a bell.

Pointe Bersimis—Two lights vertical in the same light-house with a gong.

Biquet, (exhibited)—Revolving lights with a gun firing every hour.

Red Island, (to be exhibited immediately)—Fixed red light with a bell.

Green Island, (exhibited)—Fixed light with a gong.

Grandel Island—Two fixed lights vertical in the same light-house.

Traverse—Fixed light on St. Roch's Shoal with a gong.

Bellechasse—Small fixed light with a bell.

(Signed,) E. BOXER,
Captain, Royal Navy.

(True copy.)
(Signed,) E. B.

The Representation of the Chamber of Commerce of the Island of Jersey,

HUMBLY SHEWETH,—

That the Merchants of this Island have, for upwards of a century, been extensively engaged in the North American Fisheries in Newfoundland, Canada, New Brunswick, and Cape Breton, at all of which they have large establishments for carrying on the trade, which have been created at a considerable expense.

That the Capital employed by them in the Fisheries may be estimated at a quarter of a million pounds sterling.

That the number of vessels employed in the Fisheries by the Merchants of this Island may be estimated at about 100, measuring upwards of 10,000 tons,

giving employment to about 2,000 British Seamen, and a still greater number of Fishermen in the Colonies.

That the Fisheries are therefore of very great value, not only from the number of vessels and the Capital employed in them, but also as a nursery for Seamen.

That this trade has for several years past been suffering from various causes, partly from the privilege possessed by Spanish vessels of importing Fish into Spain and her Colonies at a less duty than that levied on Fish imported into British ships, and principally by the bounties given by the French and United States Governments to their respective people, and which are so considerable as to enable them not only to compete successfully with, but to undersell the British Merchants in all Foreign markets.

That the encouragement given to their Fisheries by the French Government will be apparent from the following statement of bounties allowed by them, viz. :

- | | | | |
|----|--------|----------|---|
| 50 | francs | per man | for the Shore Fisheries in Newfoundland and Iceland. |
| 30 | " | " | for the Fishery on the Banks of Newfoundland. |
| 15 | " | " | for the Fishery on the Dogger Bank. |
| 10 | " | per cwt. | for all Dry Fish exported to the French Colonies. |
| 8 | " | " | for Fish exported to Foreign countries bordering the Mediterranean. |
| 6 | " | " | for Fish exported to Sardinia and Algèria. |

That, under all these circumstances, the Chamber of Commerce believes that if any concessions are made by the British Government, they will be most prejudicial to the interests of the British Fishery, and may be productive of its ruin.

That the Chamber has heard with alarm that on an application from the Governments of France and the United States for a revision of the existing treaties regulating the Fisheries in America, and asking for concessions to enable them to fish where they are not at present allowed. Her Majesty's Government has so far acceded to their request as to name a Commissioner to take these demands into consideration.

And the Chamber would humbly pray that instructions be given to the said Commissioner to make no alteration in the existing Treaties, as otherwise the British Merchant will be sacrificed, and the trade will eventually fall into the hands of the French and Americans, who enjoy most important advantages from the bounties allowed them by their respective Governments.

Differential duty in Spanish bottom about 2s. per cwt. ; previous to last years, 3s. (25 francs to the £1 stg.)

April, 1853.

QUEBEC :

PRINTED BY JOHN LOVELL, AT HIS STEAM PRINTING ESTABLISHMENT,

MOUNTAIN STREET.

R E T U R N

To an Address from the Legislative Assembly of the 4th instant, for Copies of Palace Harbour and Finlay Market Patents.

By Command.

A. N. MORIN,
Secretary.

SECRETARY'S OFFICE,
Quebec, 17th May, 1853.

PROVINCE OF CANADA.—ELGIN AND KINCARDINE.

VICTORIA, by the Grace of God, of the United Kingdom of Great Britain and Ireland, Queen, Defender of the Faith, &c., &c.

[Grant of the Palace Harbour, in the City of Quebec, to the Corporation of the said City.]

To all to whom these presents shall come, or whom the same may concern,

GREETING:

[Recorded 25th February, 1852.—Thomas Amiot, Dep. Registrar.]

WHEREAS, our loving subjects, the Mayor and Councillors of the City of Quebec, by their petition in that behalf, have humbly represented unto Us, that Palace Harbour, situated in front of the Queen's Wood Yard, in St. Peter's Ward of our City of Quebec, aforesaid, is required for improvements which are deemed necessary for the convenience and health of the inhabitants of our said City, and have humbly prayed that We should be graciously pleased to vest in the Corporation of our said City of Quebec, all that certain lot or parcel of the Beach of the River St. Charles, commonly known and distinguished by the name of Palace Harbour, aforesaid, and hereinafter particularly described, that the same may be applied in such manner as to render it useful and productive to the inhabitants of our said City of Quebec.

And whereas, our Governor General and our Executive Council of our said Province, having duly and maturely considered the said Petition, have adjudged it to be reasonable and advisable that the said Palace Harbour should be vested in the said Corporation of "The Mayor and Councillors of the City of Quebec," in trust for the Public uses and purposes, and upon the terms and conditions, and under and subject to the provisions, limitations and restrictions hereinafter mentioned. Now, know ye, that We having taken the premises into our Royal Consideration, and being resolved not to grant or otherwise alienate the said Palace Harbour save and except to the said Mayor and Councillors of the City of Quebec, nor to erect any houses, stores, or other such Buildings upon the same, or upon any Wharf or Wharves upon the same, nor to allow the said Mayor and Councillors of the City of Quebec to alienate the same, or erect any houses, stores, or other such buildings upon the same, or upon any Wharf or Wharves upon the same, but judging the said Petition of the said Mayor and Councillors of the City of Quebec, to be reasonable, and therefore being willing to vest in and grant unto the said Mayor and Councillors of the City of Quebec, the said lot or parcel of Beach, as known and distinguished by the name of Palace Harbour as aforesaid, in trust for the public uses and purposes hereinafter mentioned; of our especial grace, certain knowledge and mere motion, have given, granted and confirmed, and by these presents for Us, our Heirs and successors, do give, grant and confirm unto the said "The

Mayor and Councillors of the City of Quebec," in trust as aforesaid, the said lot or parcel of the Beach of the River St. Charles, called Palace Harbour as aforesaid, and bounded and abutted as follows, that is to say:—

"In front, towards the South-east, by Saint Paul Street; in rear, on the North-west, by the line established by the Commissioners to limit the grants of the Beach in the Harbour of Quebec; on the North-east, by the Saint Paul's Market Beach Lot, belonging to the said Corporation; and on the South-west, by the South-west line of Saint Roch Street, beginning at the South-westerly angle of the Saint Paul's Market Beach Lot, aforesaid, as at the point A, on the annexed plan, being the point of intersection found by the North-west side of Saint Paul's Street, of Forty French feet in width, and by the North-east line of the projected extension of Saint Nicholas Street, along the West line of Saint Paul's Market Wharf, also of Forty French Feet in width; thence running along the North-westerly line of Saint Paul's Street aforesaid, astronomically North, eighty-three degrees and nine minutes West, six chains and forty-seven links, equal to four hundred and twenty-seven feet, English measure, to an angle, as at the point B; thence still along the said line of Saint Paul Street and its prolongations, South sixty-four degrees thirty minutes West, five chains and ninety-eight links, equal to three hundred and ninety-four feet, eight inches, to the South-westerly line of Saint Roch Street aforesaid, as at C; thence along the said line of Saint Roch Street, comprising the said street, of Forty French feet in width in its projected extension towards low water mark of the River Saint Charles, astronomically North, twenty-five degrees thirty-eight minutes West, twenty-three chains and ninety-two links more or less, equal to one thousand five hundred and seventy-eight feet nine inches, English measure, to the line established by the said Commissioners to limit the grant of Beach and Water lots in the Harbour of Quebec, as aforesaid, as at D; thence along the said line, bearing on a line with the Light House erected on the Orleans Pier, at the extremity of Ramsay Street, astronomically South, seventy-three degrees East, fifteen chains, ninety-six links more or less, equal to one thousand and fifty-three feet four inches, English measure, to the South-westerly line of the Saint Paul's Market Beach lot, prolonged as at the point E; thence along the said line, being on the prolongation of the South-westerly line of the Saint Paul's Market Wharf, A.X., and forming the North-east side of the projected extension of Saint Nicholas Street aforesaid, of Forty French feet, astronomically South, twenty-four degrees thirty minutes East, sixteen chains and forty-two links more or less, equal to one thousand and eighty-three feet nine inches English measure, to the place of beginning; the said lot or parcel of Beach so circumscribed, containing nine hundred and eighty-eight thousand feet in superficies, English measure, more or less, equal to twenty-two acres two roods and twenty-nine perches."

To have, and to hold the said lot or parcel of Beach, ground, and premises called Palace Harbour as aforesaid, and hereinbefore described, unto them the said "The Mayor and Councillors of the City of Quebec," in trust for the public uses, objects and purposes, and under and subject to the conditions, provisions, limitations and restrictions hereinafter mentioned. And we do hereby grant to the said "the Mayor and Councillors of the City of Quebec," full power and liberty to use, occupy, and enjoy the said lot or parcel of Beach, ground, and premises, called Palace Harbour as aforesaid, in any manner that they the said the Mayor and Councillors of the City of Quebec, shall think fit, and as may appear to them most advantageous, beneficial and convenient for the inhabitants of our said city of Quebec and for the interests and convenience thereof, save and except as hereinafter mentioned; and to apply the profits and produce thence arising to the use and benefit of our said City of Quebec and the inhabitants thereof, in such manner as to them the said "the Mayor and Councillors of the City of Quebec" may appear to be most fit and advisable. Provided always, and these presents are upon the express condition that they, the said, "the Mayor and Councillors of the City of Quebec," shall not alienate the said lot or parcel of Beach, ground, and premises, called Palace Harbour, hereby granted, nor erect or cause or allow to be erected any house or store or other such like building thereon, or on any wharf or wharves erected or built thereon as hereinafter mentioned; and provided also, that they the said "the Mayor and Councillors of the City of Quebec" do and shall within three years from the date hereof erect and build, or cause to be erected and built on the South-westerly and South-easterly sides of the said lot or parcel of Beach, ground, and premises called Palace Harbour, hereinbefore granted to and vested in the said Corporation for the purposes aforesaid, certain Wharves or Piers and Slips for the reception and deposit

of timber, firewood and stones, for the greater convenience and accommodation of ships, vessels, and river craft resorting to and lying in our said Palace Harbour, and for the more safe and easy lading and unloading of goods, wares, and merchandizes, at any such Wharves, Piers, or Slips in and upon and from and out of any such ships, vessels, or river craft, but not for the storage of such timber, firewood, and stones, or other goods, wares, and merchandizes.

And provided also, that such Wharves or piers and slips shall be erected and built in conformity with the plan marked B, hereunto annexed, and intituled, "Plan of Palace Harbour with the projected improvements," the original of which plan, signed by Edward Boxer, Captain of the port of Quebec and Harbour Master, and R. Young Superintendent of Pilots, remains of record in the office of our Commissioner of Crown Lands of our said Province, or to any other plan or plans which may be agreed upon by and between our Governor General of our said Province, the commander of our forces therein, and the said "the Mayor and Councillors of the City of Quebec," and duly deposited of record in the office of our said Commissioner of Crown Lands of our said Province; which said Wharves, piers, or slips shall be constructed of proper materials, either of stone or wood, in a workmanlike manner, and be so loaded or filled as to be capable of resisting any pressure to which such wharves or piers may be exposed, and if built of wood shall be faced with substantial timber, of proper quality, so as to prevent the loading from escaping, and shall be kept in a complete and proper state of repair; the said Wharves or piers and slips to be subject to the inspection and approval of the Commissioners of Public Works of our said Province or any of them, or of any person or persons appointed for that purpose by the Governor, Lieutenant Governor, or person administering the Government of our said Province for the time being, whose certificate shall be necessary to establish the sufficiency of the said Wharves, piers, and slips and their conformity with the said plan B, or other plan agreed upon as aforesaid as the case may be.

And provided always, that the said Wharves shall at all times be kept free and clear of any deposits of goods, timber, cord-wood, or any other materials, except for such period as may be necessary for the landing and embarking of the same, and which in no case should exceed the duration of fifteen days, and the said wharves shall at all times be subject to the inspection of our Commanding Royal Engineer at Quebec, or such Officer as he may appoint for the purpose of seeing that no use is made of them to the detriment of the defences of our Fortress of Quebec, or at variance with the terms and conditions of these presents,—Reserving, nevertheless, to Us, our Heirs and successors, and to all Officers, non-Commissioned Officers, Soldiers, Sailors and Civilians in our Military and Naval Services, with their baggage, at all times, the right of using the said Wharves, Piers and Slips, free from any Tolls or rates for Wharfage, Cranage, or other dues, whenever our Services may require the use thereof;—subject, nevertheless, to a compliance with such other rules and regulations as may be lawfully established by the said Corporation of the City of Quebec, for the Government of the said Palace Harbour.

And provided also, that it shall and may be lawful for all and every person or persons whomsoever, to use the said Wharves, Piers, and Slips, for the purposes of Moorage, Wharfage, or Storage, and to moor and fasten Ships, Vessels, and Craft thereto, and to lade and unlade any Goods, Wares, and Merchandizes at such Wharf or Wharves, Pier or Piers, Slip or Slips, and also to use any Crane or Cranes erected thereon, upon payment of a reasonable rate or rates, as and for Moorage, Wharfage, Cranage, or Storage, to be assessed and allowed to the said Corporation, the Lessee or Lessees, Wharfinger or Wharfingers, of such Wharf or Wharves, Pier or Piers, Slip or Slips, by and under the authority and in the manner hereinafter mentioned.

And we do hereby, for Us, our heirs, and successors, grant to the said "The Mayor and Councillors of the City of Quebec," that it shall and may be lawful to and for the said "The Mayor and Councillors of the City of Quebec" to demand, have, and receive, to and for the use, benefit, and advantages of the said Corporation, from all and every person or persons whom the same shall or may concern, such reasonable rate or rates, as and for moorage of all Ships, Vessels, or Craft, which shall be moored or fastened to the said Wharves, Piers, or Slips, or any of them; and as and for Wharfage of all Produce, Goods, Wares, and Merchandizes, shipped off, laden or unladen at the said Wharves, or Piers, or Slips, or any of them; and as and for Cranage, for the use of any Crane or Cranes to be erected on the said Wharves or Piers, or any of them, or in the said Slips; and as and for the

stowage of Fuel, Timber, or Stones, placed or deposited in the said Slips, or any of them, as shall from time to time be fixed and established by any By-Law or By-Laws, Rules and Regulations, legally passed and adopted by the said Corporation of our said City of Quebec, and not disallowed by our Governor, Lieutenant Governor, or person administering the Government of our said Province. Provided always, and we do hereby reserve to Us, our heirs, and successors, and to all our liege subjects, for our and their respective benefit and advantage, from time to time, and at all times hereafter, at our and their respective will and pleasure, by night and by day, to go, return, pass, and re-pass through, along and over the aforesaid lot or parcel of Beach, ground, and premises hereinbefore described, and over any Wharf or Wharves, Pier or Piers, erected or to be hereafter erected thereon, for the purposes of towing of Boats, Barges, Rafts, Scows, and other Vessels, in and about the said Palace Harbour and the said River St. Charles, when and so often as they shall have occasion so to do. Provided also, that so much of the said lot or parcel of Beach, ground, and premises hereinbefore described and granted on trust as aforesaid, as shall not be occupied and covered by Wharves, Piers, or Slips as aforesaid, in conformity to the said Plan B, or other plan or plans agreed upon as aforesaid, shall be by our said Grantees, "The Mayor and Councillors of the City of Quebec" aforesaid, kept at its natural and proper level, free and clear from stones, rubbish, or impediments of any description whatsoever, that might affect or impede the navigation and use of the said Palace Harbour as the resort of Ships, Vessels, and Craft as aforesaid, and it is hereby also provided that if our said Grantees, "The Mayor and Councillors of the said City of Quebec" aforesaid, do not nor shall, within the aforesaid term of three years from the date of these presents, erect, build, and complete, or cause to be erected, built, and completed, the open public Wharves, or Piers, and Slips, of the dimensions, and in the manner in the said Plan B hereunto annexed, or in any other Plan or Plans agreed upon as aforesaid, shewn and exhibited, and as hereinabove described on the said lot or parcel of Beach, ground, and premises, called Palace Harbour, hereby granted, or having built, erected, and completed the same, should not keep and maintain the same in a complete and proper state of repair, as above mentioned, or should fail or neglect to keep the said Palace Harbour clear and free from stones, rubbish, and other impediments or obstructions as aforesaid, then, and in such case, this our present grant, and every thing herein contained, shall cease and be absolutely void, and the said lot or parcel of Beach, ground, and premises, so known as Palace Harbour as aforesaid, shall revert and escheat to Us, our Heirs, and Successors, and become the absolute property of Us or them, as if these presents had never been made; anything herein contained to the contrary in any wise notwithstanding.

Provided further, and We do also hereby expressly reserve to us our Heirs and Successors full power, right and authority, upon giving twelve months previous Notice to our said Grantees, "The Mayor and Councillors of the City of Quebec" aforesaid, (or without giving any notice to our said Grantees in case it shall be duly certified unto our Governor, Lieutenant Governor, or Persons administering the Government of our said Province of Canada, by the Commander of our Forces in our said Province, under his hand and seal, that a necessity for so doing exists by reason of any hostilities with any Foreign Power or other impending danger of a Military description) to resume the possession of the said lot or parcel of Beach, ground, and premises, called Palace Harbour, or any part or portion thereof, on payment or tender of payment, to them of a reasonable indemnity in that behalf for the ameliorations and improvements according to the said Plan B, or other Plan or Plans agreed upon as aforesaid, only which may or shall have been made on the said lot or parcel of Beach, ground, and premises, called Palace Harbour, as aforesaid; which indemnity, whether before or after the resumption of possession by Us, our Heirs and Successors as aforesaid, shall be ascertained and determined by Experts to be respectively nominated and appointed by our Governor, Lieutenant Governor, or Persons administering the Government of our said Province for the time being, and our said Grantees, "The Mayor and Councillors of the City of Quebec" aforesaid, in default of the acceptance by our said Grantees, "The Mayor and Councillors of the City of Quebec," of an offer of the fair value at that time of the said ameliorations and improvements.

Provided always, that the said indemnity shall be based upon the real and actual value at the time of the assessment and valuation of the said ameliorations and improvements contained and included in the said Plan B, or other Plan or Plans agreed upon as aforesaid, without any reference whatever to the damage which might result to and be incurred by the said Corporation, or by those holding under them for being deprived of the use and enjoy-

ment of the said ground or parts of ground, and of the improvements and ameliorations made and erected upon the same.

Provided further, that nothing herein contained shall be deemed or construed to give and grant to "The Mayor and Councillors of the City of Quebec," the right of alienating the said lot or parcel of Beach, ground, and premises, called Palace Harbour, as aforesaid; or any part thereof.

And provided also, that our said Grantees do and shall, at their own proper costs, charges, and expense, put themselves in possession of the said Beach, ground, and premises, hereby granted as aforesaid.

Provided further, nevertheless, and We do hereby reserve to Us, our Heirs and Successors, full power and authority to erect and build, without any indemnity, one or more battery or batteries, or any other works of Military Defence, upon the said lot or parcel of Beach, ground and premises hereby granted, or any part thereof, or on any Wharf or Wharves, Pier or Piers, Slip or Slips, to be therein erected or constructed, whenever our or their service may require the same.

And We do hereby direct and appoint, that within six months from the date of these presents, a copy of these our Letters Patent shall be registered in our Registrar's Office, in our City of Québec, in our said Province; and that in default thereof, the whole ground and premises hereby granted shall revert and escheat to Us, our Heirs and Successors, and become the absolute property of Us or them, in the same manner as if these presents had never been made; anything herein contained to the contrary, in any wise notwithstanding. And We do moreover, of our especial grace, certain knowledge and mere motion, consent and agree that these our Letters Patent being registered, shall be good and effectual in Law, to all intents, constructions, and purposes whatsoever, against Us, our Heirs and Successors, notwithstanding any mis-reciting, mis-bounding, mis-naming, or other imperfections or omissions of, or in anywise concerning the above granted or hereby mentioned or intended to be granted lot of ground, beach, and premises, called Palace Harbour, as aforesaid; or any part thereof.

In Testimony whereof, We have caused these Our Letters to be made Patent, and the Great Seal of our said Province to be hereunto affixed. Witness our Right Trusty and Right Well Beloved Cousin James, Earl of Elgin and Kincardine, Knight of the Most Ancient and Most Noble Order of the Thistle, Governor General of British North America, and Captain General and Governor in Chief in and over our Provinces of Canada, Nova Scotia, New Brunswick, and the Island of Prince Edward, and Vice-Admiral of the same, &c., &c.; at Quebec, this twenty-second day of November, in the year of our Lord, one thousand eight hundred and fifty-one, and in the fifteenth year of our Reign.

By Command.

A. N. MORIN,

Secretary.

[LEWIS T. DRUMMOND,
Attorney General, L.C.]

PROVINCIAL REGISTRAR'S OFFICE,
Quebec, 17th May, 1853.

I do hereby certify the foregoing to be a true and faithful Copy of the Record of the Original Letters Patent.

THO. AMIOT,

Deputy Registrar of the Province.

PROVINCE OF CANADA.—ELGIN AND KINCARDINE.

VICTORIA, by the Grace of God, of the United Kingdom of Great Britain and Ireland, Queen, Defender of the Faith, &c., &c., &c.

[Grant to the Corporation of the City of Quebec, of a Beach and Deep-water lot in front of Finlay Market, in the Lower Town of the City of Quebec.]

To all to whom these presents shall come, or whom the same may concern,

GREETING:

[Recorded 28th December, 1852.—Thos. Amiot, Deputy Registrar.]

WHEREAS our Loving Subjects, the Mayor and Councillors of the City of Quebec, by their Petition in that behalf, have humbly represented unto Us, that it would be advantageous to the welfare of the said City, that a certain Beach lot, situated in the Lower Town of the said City of Quebec, in that part of our Province of Canada, called Lower Canada, and on which is established a Market Place known as the Finlay Market, should be granted to and vested in the said Corporation, and have further represented that a certain Water Lot, in Deep Water of the River Saint Lawrence, in front of the said Finlay Market, is indispensably necessary in order to enable the said Corporation to afford easy and uninterrupted access to the said Market Place by the Water Craft frequenting the same, and have humbly prayed that We would be graciously pleased to grant unto the said Corporation of the Mayor and Councillors of the City of Quebec, and their successors for ever, the said Beach Lot and the said Deep Water Lot, as hereinafter particularly described, on such terms and conditions as to Us should seem fit.

And whereas our Governor General and our Executive Council of our said Province, having duly and maturely considered the said Petition, have adjudged it to be reasonable and advisable that the Beach Lot and Deep Water, so as aforesaid prayed for, and hereinafter more particularly described, should be granted to and vested in the said Corporation of the Mayor and Councillors of the City of Quebec, upon the terms and conditions hereinafter specified and declared. Now know ye, that We, of our especial grace, certain knowledge, and mere motion, have given, granted, and confirmed, and by these presents do give, grant, and confirm unto the said Corporation of the Mayor and Councillors of the City of Quebec, and their successors for ever, all that certain part or portion of the Beach in the River Saint Lawrence, situate at the Landing Place in the Lower Town of the City of Quebec, on which is now built the new Market, distinguished by the name of Finlay Market, bounded and abutted as follows, and in the manner represented on the Plan hereunto annexed, to wit:

“ On the West, by high water mark of the river St. Lawrence; on the East, by the line of low water in the said river St. Lawrence; on one side, towards the North, by the property of George Alford, Esquire; and on the other side, towards the South, by the property of François Defoy, Esquire, heretofore the Queen's Wharf; beginning at the line of high water as at E, on the annexed plan, being at the point of intersection of the line drawn between the property of George Alford aforesaid and the said Beach lot, and the East line of Union Street; thence running along high water mark aforesaid, diagonally South sixteen degrees thirty minutes West, forty-six feet English measure, to the angle or intersection of Union and Laplace streets as at F, forming the South-east angle of the property of Louis Turgeon, Esquire; thence diagonally across Laplace Street, South thirty-one degrees fifteen minutes West, astronomically, thirty feet to the intersection of the South line of said Laplace Street, as at G, being three feet on said line from the North-east corner of the stone house belonging to the Heirs Carrier, and being forty-one feet from St. Peter Street; thence running still along high water mark, parallel to the said houses and the properties of François Langlois, Pierre Lagueux, at the perpendicular distance of three feet therefrom astronomically South, eleven degrees fifty-six minutes East, one hundred and thirteen feet more or less to the North line of Napoleon Wharf, heretofore the Queen's Wharf; the property of François Defoy, as at H; thence along the said line astronomically South eighty-two degrees eleven minutes East, one hundred and eighty-seven feet, more or less to the line of low water of the river St. Lawrence, as at B; thence along low water mark following the foot of the Wharf erected in front of the New Market aforesaid, astronomically North four degrees thirty-four minutes East, two hundred and forty-two feet, to an iron ring bolt marking the South line of the property aforesaid of George Alford as at N; thence along

“ the said line, as established by the survey and proces verbal of Joseph Hamel, Surveyor
 “ of the said Corporation, dated the seventeenth day of December in the year of our Lord
 “ one thousand eight hundred and fifty-one, and in the fifteenth year of our Reign, astrono-
 “ mically South, eighty degress fifteen minutes West, two hundred feet more or less to
 “ the place of beginning : The said Beach Lot containing forty-two thousand nine hundred
 “ and seventy-four feet in superficies English measure aforesaid ; and all that certain lot in
 “ deep water of the River St. Lawrence, situate at the landing place in front of the New
 “ Market, otherwise now called Finlay Market aforesaid ; in the Lower Town of the City of
 “ Quebec, bounded and abutted in the manner represented on the said annexed plan as fol-
 “ lows, to wit:—On the West, by the foot of the Wharf aforesaid in front of the said Finlay
 “ Market, lying nearly on the line of low water mark in the river St. Lawrence ; on the
 “ North, by the South line of the Wharf known by the name of the St. Andrew’s Wharf,
 “ built by the said George Alford, Esquire ; on the South, partly by the North line of a cer-
 “ tain Wharf, now known under the name of Napoleon Wharf, and partly by the prolonga-
 “ tion of the said line ; and on the East, by the line established by the Commissioners to limit
 “ the grants of deep water lots in the Harbour of Québec, beginning on the line of low
 “ water aforesaid, being on the East line of the New Market Wharf aforesaid, at a point in-
 “ tersected by the South line of the St. Andrew’s Wharf as at A on the said annexed plan,
 “ being two feet one inch South from a certain ring-bolt marking the South line of the said
 “ George Alford’s property ; thence running along the foot or base of the said New Market
 “ Wharf, astronomically South, four degrees thirty-four minutes West, (the variations being
 “ fourteen degrees five minutes West corrected, two hundred and forty feet English mea-
 “ sure), to the Northerly line of Napoleon Wharf aforesaid, as at B ; thence along the said
 “ line and the prolongation thereof into deep water, astronomically South, eighty-two degrees
 “ eleven minutes East, one hundred and forty-four feet to the line of limit of the Commis-
 “ sioners aforesaid, as at C ; thence along the said line of limit, astronomically North, four-
 “ teen degrees forty-nine minutes East, two hundred and ninety-three feet six inches more
 “ or less to the intersection of the South line of the St. Andrew’s Wharf aforesaid, as at the
 “ point D ; thence long the south line of the said Wharf, South seventy-eight degrees West,
 “ fifty feet, to an angle of the said Wharf as at E ; thence eighty-three degrees ten minutes
 “ West, one hundred and forty-five feet to the place of beginning at A ; the said deep water
 “ lot containing forty-three thousand four hundred and forty feet in superficies, English
 “ measure.”

To have and to hold the said lot of Land and Beach, and the said deep water lot of Us, our Heirs and Successors, unto the said Corporation of the Mayor and Councillors of the City of Quebec, and their Successors for ever, to and for the use of the said City for ever, in free and Common Soccage by fealty, and at the Annual rent of one pound lawful money of our said Province, to be paid yearly and every year, at the Feast of Saint John the Baptist, to our Commissioner of Crown Lands for our said Province, for the use of Us, our Heirs and Successors, in lieu of all other rents, services, dues and duties whatsoever, in like manner as lands are now holden of us, in free and Common Soccage, in that part of the United Kingdom of Great Britain and Ireland called England. Provided always, and these our Letters Patent are granted upon the express condition that the said Corporation of the Mayor and Councillors of the City of Quebec, and their successors, shall at all times hereafter maintain and keep in good and substantial repair, to the satisfaction of our Commissioner of Public Works, or such person as shall from time to time be appointed by Us or him, to assist, examine and report on the state thereof, the Wharf and landing place now erected on the said lot of Land and Beach hereinbefore firstly described ; and that all further or additional work that the said Corporation shall or may hereafter deem it expedient for the benefit, convenience and advantage of the said City, or of persons or vessels frequenting the said wharf to erect on either of the said lots hereby granted, shall be so erected under the direction and subject to the inspection of our said Commissioner or person appointed by Us or him, as aforesaid. And in default of any one of the above conditions, the said lot of land and beach, and deep water lot hereby granted, shall revert and escheat to Us, our Heirs and Successors, and become the absolute property of Us or them, in the same manner as if the present grant had never been made ; anything herein contained to the contrary in any wise notwithstanding.

Provided always, nevertheless, and We do hereby reserve unto us, our Heirs, and Successors, full power, right, and authority, to erect and build one or more batteries, or any

other work of military defence, upon the said lots or either of the said lots or pieces of ground hereby granted, or upon any part of either of them, whenever our or their services may require the same. And We do hereby direct and appoint, that within six months from the date of these presents, a copy of these our Letters Patent shall be enregistered in the office of our Registrar, of and for our said Province, and that in default thereof the whole of the said Lots of Land, Beach, and Deep Water Lot hereby granted, shall revert and escheat to Us, our Heirs and Successors, and become the absolute property of Us or them, in the same manner as if the present grant had never been made; anything herein contained to the contrary in any wise notwithstanding.

And We do, moreover, of our especial grace, certain knowledge, and mere motion, consent and agree that these our Letters Patent, being enregistered as hereinbefore directed and appointed, shall be good and effectual in Law, to all intents and purposes whatsoever, against Us, our Heirs, and Successors, notwithstanding any mis-reciting, mis-bounding, mis-naming, or other imperfections or omissions of, in, or in any wise concerning the above granted or intended to be granted Lot of Land, Beach and Deep Water Lot, and premises, or any part thereof.

In Testimony whereof, we have caused our Letters to be made Patent, and the Great Seal of our said Province of Canada to be hereunto affixed. Witness our Right Trusty and Right well-beloved Cousin James, Earl of Elgin and Kincardine, Knight of the Most Ancient and Most Noble Order of the Thistle, Governor General of British North America, and Captain General and Governor in Chief in and over our Provinces of Canada, Nova Scotia, New Brunswick, and the Island of Prince Edward, and Vice-Admiral of the same, &c., &c., &c. At Quebec, in our said Province, this twenty-first day of December, in the year of our Lord One thousand eight hundred and fifty-two, and in the sixteenth of our reign.

By Command.

A. N. MORIN,
Secretary.

PROVINCIAL REGISTRAR'S OFFICE,
Quebec, 17th May, 1853.

I do hereby certify the foregoing to be a true and faithful Copy of the Record of the Original Letters Patent.

THOS. AMIOT,
Deputy Registrar of the Province.

REPORT

Of the SELECT COMMITTEE of the Legislative Assembly to whom was referred the subject of the formation of an ICE BRIDGE over the St. Lawrence at Quebec.

ORDER OF REFERENCE.

LEGISLATIVE ASSEMBLY.
MONDAY, 21st February, 1853.

Resolved,—That a Select Committee composed of Mr. Clapham, The Hon. Mr. Chabot, Mr. Tessier, Mr. Stuart, and Mr. Dubord, be appointed to take into consideration and report on the advantages to be derived from, and the means by which may be obtained, a periodical Ice Bridge across the River St. Lawrence at Quebec; and, also, on the importance of erecting Break-waters on the Point Levi Reef and Beauport Flat, in connection with, and in furtherance of the aforesaid object, as well as for the protection of the Harbour and general commerce of the country; with power to send for persons, papers, and records.

(Attest,)

W. B. LINDSAY,
Clerk Assembly.

WEDNESDAY, 23rd February, 1853.

Ordered, That the Petition of Dunbar Ross, Esquire, and others, of the City of Quebec and parts adjacent, be referred to the said Committee.

WEDNESDAY, 9th March, 1853.

Ordered, That it be an Instruction to the said Committee, to make inquiry on the possibility and practicability of establishing a line of communication by Steamers between the City of Quebec and the South Shore of the River St. Lawrence during the winter months, and what would be the best mode of construction of these Steamers, and of what materials and power, and the probable cost of the Steamers, and what number would be necessary.

REPORT.

The Select Committee appointed to take into consideration and report on the advantages to be derived from, and the means by which may be obtained, a periodical Ice Bridge across the River St Lawrence at Quebec, and other references; beg leave to make the following Report.

The occasional loss of life and property, besides the many inconveniences and difficulties incident to crossing the River St. Lawrence at Quebec, during the inclemency of our winter months, has, at various times, occupied public attention.

To surmount this great impediment to an advantageous intercommunication between the opposite shores, and in order to provide for the wants of a rapidly increasing population and commerce, however diverse opinions may have been, as to the way of attaining the object, a periodical Ice Bridge has hitherto been the primary point of consideration to which all efforts have been directed.

In the year 1832, by an Act of William 4th, cap. 49, the Legislature of Lower Canada appropriated certain sums of money with the view of ascertaining the practicability of ensuring the annual formation of an Ice Bridge to the South Shore, in the manner proposed by Captain John LeBreton, for the reasons stated in the preamble of the Bill, as follows: "Whereas the inhabitants of the City of Quebec and neighboring parts are greatly benefited by receiving an increased supply of produce whenever the River St. Lawrence is frozen over, (between Quebec and the opposite South Shore) so as to afford for some weeks together, a safe communication between the two shores." And of so much importance was the subject even then considered, at a time when the population and commerce were greatly inferior to their present condition, that an annuity of £200 per annum was granted to the said projector in the event of success. It will be seen also by the evidence of Captain Le Breton, taken before a Committee of the House, presided over by that eminent statesman, Andrew Stuart, Esq., on the 7th January, 1832, that the proposed plan and object had been highly approved of by His Excellency, Sir James Henry Craig, Governor in Chief, at the time the subject had been first mooted between the years 1807 and 1812. After trying for some time to accomplish the object, principally by the means of Ice Anchors and Hawsers to arrest the field ice, and straw and snow water to cement it, the projector failed in his expectations.

The subject was next taken up in the year 1842, by the Town Council of the City of Québec, and on the 25th February a Committee was appointed to take into consideration "the expediency of devising and adopting measures for the erection of one or more Piers in such eligible place or places in the River St. Lawrence, as may be most likely to ensure a periodical Ice Bridge between this City and Point Levi, for the general advantage of its inhabitants, and of the district of country trading and communicating therewith." After a careful inquiry, founded as well on personal knowledge, as the evidence of several persons of great practical experience, the Committee reported in the form of resolutions, adopted unanimously by the Council, as follows:—

1st: "That for the preservation of life and property, and for the encouragement of trade and agriculture, and the convenience of the inhabitants of a very extensive District of country communicating across the River St. Lawrence between this City and Point Levi, during the winter months, it is highly desirable and expedient that measures should be taken to effect a regular and periodical stoppage of the ice, so as to form a safe and commodious passage between the two shores of the River at that inclement season of the year."

2nd. "That from long residence in this country, and from general experience and observation, combined with the evidence taken of persons resident on both sides of the River, of great practical experience on the subject, it is the opinion of the Council that the object is perfectly practicable, and at an inconsiderable expenditure, in comparison with the vast advantages that would be derived therefrom."

3rd. "That for the furtherance of the object, a petition, based upon the testimony aforesaid, be framed and transmitted to His Excellency, the Governor General, to be submitted to the Provincial Legislature."

Owing to changes in the Town Council, as well as in the Government, the matter remained in abeyance until 1845, when, as will be seen in the second paragraph of a letter from Capt., now Admiral, Boxer, to Your Committee, dated on the 25th March last, the question was brought before the Legislature, when the Trinity Board received directions from His Excellency the Governor General, to report their opinion as to its advantages and practicability. The subject having been referred to Capt. Boxer, Mr. Young, and Capt. Alleyn, those Gentlemen reported on the 4th February, 1845, in which they give, what may be deemed, weighty reasons for objecting to the erection of piers, or the use of artificial means for arresting the Ice at Quebec; inasmuch as by so doing, the probability is, from the experience of years in which an Ice Bridge has been naturally formed, the navigation has been delayed several days, whereby goods destined for Montreal and Western Canada have not reached their destination so early as they might otherwise have done; and from the apprehension that a periodical recurrence of the same, might turn the carrying trade, both into and out of the country, into the channels furnished by the neighbouring States.

We now approach a period, "when labors more abundant," were bestowed on the consideration of this very important subject. On the 13th February, 1852, a Public Meeting of the citizens, regularly convoked for the special object, was held in this City, and a Committee of several Gentlemen of experience was appointed to inquire into and report thereon. After several meetings and obtaining the verbal, as well as written opinions and plans of many persons of great practical knowledge, the Committee called the citizens together on the 14th April following, and laid before them, in a Report, the result of their investigations, decidedly favorable to the measure and confirmatory of the views of the City Council ten years previously; all which the meeting approved and adopted. The Committee were further authorized to prosecute their labours before the Legislature by petition, which petition, in connection with all the documents in possession of the City Council and the Committee of citizens, have been the subjects of mature consideration.

It would not be doing justice to the subject, and would trench too much on the time of the House, to give even a brief outline of all the arguments and opinions adduced before the several Committees, viz: of the City Council and of the citizens, in a Report of this nature; yet, in order that the labours of those bodies may not be lost to the public, but be available, should there be occasion at a future day, Your Committee would respectfully recommend the printing thereof.

Your Committee have now the honor to report in respect to the order of reference of the 9th March last, on the motion of the Hon. Mr. Chabot, the Chief Commissioner of Public Works, that they have examined several persons of scientific and practical knowledge and experience, whose opinions are favorable to the object, and in whose views your Committee also coincide. They consider it but an act of justice to a young and meritorious citizen, Mr. E. W. Sewell, to state, that the idea of navigating across the St. Lawrence at Quebec during the winter months, was first suggested by him to the Committee of citizens, by a plan and letter of the 5th March, 1852, elucidating the subject.

In carrying out an idea incident to the marvellous progress and triumphs of enterprize and science, but novel in its nature, and attended with no ordinary difficulties, great prudence and precaution will be necessary to obviate the risk of failure. Your Committee therefore, while they agree in opinion with the several practical and scientific persons examined for this purpose, that the scheme is feasible, deem it advisable, in order to obtain the aid of the greatest amount of ability and practical knowledge, to recommend that premiums should be offered to the public, through the press of this City and Montreal, for models, plans, and specifications of a Steam Vessel, which shall be in all respects adapted to ply across the River St. Lawrence during the winter months, viz. : for the best or first prize model, plan, specification and practical suggestions, £50; for the 2nd best, the sum of £30; and for the third, £20.

The success of this measure, of which your Committee see no reason to doubt, will usher in a new era not only of local but general advantage. It is not without a sanguine hope that ere long, Ocean Steamers will find it beneficial to take their departure from England by the 1st of March, so as to arrive here before the vernal equinox. To this object a harbor of refuge at or near to Trois Pistoles, and the winter ferry will greatly contribute; the one by affording a temporary shelter in the event of untoward circumstances, and the other by keeping the River opposite the City free from obstruction. And even should the River become frozen over at an earlier period of the winter, the assistance of a powerful ferry Steamer, in opening a passage for an Ocean Steamer, would be of great service in the spring of the year.

In conclusion, Your Committee strongly recommend to Your Honorable House the present suggestions, and call the attention of the Executive Government of the Province to a matter so intimately connected with its general trade and interests.

The whole nevertheless humbly submitted.

J. G. CLAPHAM,
Chairman.

19th May, 1853.

PETITION OF DUNBAR ROSS AND OTHERS, REFERRED TO THE COMMITTEE.

To the Honorable the Legislative Assembly of the Province of Canada, in Parliament Assembled.

The Petition of the Undersigned, Inhabitants of the City of Quebec, and parts adjacent,

HUMBLY SHEWETH;

That, at a General Meeting of the Inhabitants of the City of Quebec, held on the 13th day of February last, for the purpose of considering the expediency and practicability of procuring the formation of an Ice Bridge on the River St. Lawrence, at or near the City of Quebec, during each Winter, it was unanimously resolved, That the annual formation of an Ice Bridge at Quebec would be highly advantageous to the said City, as well as to the surrounding portions of the District; and a Committee was thereupon named, with instructions to adopt the necessary measures for ascertaining its practicability and probable cost.

That the Committee so appointed, assiduously prosecuted their inquiries and investigation for several weeks, and succeeded in obtaining a considerable mass of evidence from men of science and art, as well as from other persons, whose long residence in and about Quebec, and whose habits of observation enabled them to communicate valuable information on the subject.

That it is conclusively established from the evidence above referred to, which your Petitioners are ready to lay before your Honorable House, together with the Plan of the Harbour accompanying the same, that the Ice, in front of the City, may be easily stopped during the winter months, so as to form a Bridge at a cost not exceeding £15,000, by the erection of a continuous solid Wharf, extending from Point Levi shoal to deep water, and an insulated Block or Wharf on the opposite shore or beach of the River St. Charles, by means of which the open water channel would be narrowed to the breadth of 950 yards.

That the annual formation of an Ice Bridge will not only be highly advantageous to the Inhabitants of the City of Quebec, but in a much greater degree to those of the large and populous Counties on the South side of the St. Lawrence, who are at present absolutely deprived of a Market for many bulky articles, such as Hay, Straw, Firewood, Ship Timber, &c., which cannot be brought across in Canoes at any reasonable cost.

That such a Bridge, in the absence of any other of a more durable character, will be indispensable as a means of access in winter to the Railroads whose termini are on the South Shore.

That your Petitioners have made the most minute inquiry into the probable effects of such a Bridge on the Navigation of the St. Lawrence in the Spring of the year, and are enabled to affirm that there is not the least ground for apprehending that it would impede or delay the opening of the Navigation; on the contrary, they are fully satisfied that a Bridge, obtained by artificial means in the commencement of the severe frosts of winter, would be formed of new and thin Ice extending as far as Cap Rouge, thereby preventing the accumulation of drift Ice, and the jamming of the river at Quebec, in boisterous seasons, which, when they occur, constitute the most formidable, if not the only obstacles to the opening of the Navigation, as has been abundantly proved in the instances when the Ice has stopped in thick and strong conglomerated masses, which could never occur if the Ice were made to form by artificial means, securing a smooth and thin sheet easily broken up by the high tides and increased temperature of the spring.

That the Wharf and Block in question would moreover form a Break-water of immense value for the security of the shipping in the Harbour, and more especially of rafts of timber and small river craft, all of which sustain very great damage every season from the frequent gales of easterly wind to which the Harbour of Quebec is now so much exposed; and would be eminently adapted for a Railroad Station, in the event of its being hereafter determined to connect the projected Railroad communication from Quebec to the Atlantic Board with a Railroad from Quebec to Montreal on the North Shore, Point Levi Shoal being opposite to the most eligible point of departure for such a Railroad, namely, the embouchure of the River St. Charles, from which it must start, in order to avoid the ascent and descent of the high ground upon which the City of Quebec is situate.

That your Petitioners further submit, as the result of the evidence obtained by the Committee of the Inhabitants, that the Wharf and Block in question, from their ready adaptation to the purposes of commerce, in affording space for extensive yards for deals, staves and all articles of lumber, for the mooring of ships, the wharfage of coals and bulky articles of import and export and Railroad traffic, would constitute a very considerable source of Revenue beyond the payment of their original cost, and that the expense of construction would be much diminished by the accommodation they would afford to ships discharging ballast, by means of which the Wharf and Block would be filled up,—the whole of which more amply appears in the Report of the said Committee to which your Petitioners respectfully refer.

Wherefore your Petitioners humbly pray, that your Honorable House will be pleased to take the premises into consideration, and inasmuch as the projected Ice

Bridge would be an object of general convenience, and as the cost of the works required for its formation are beyond the means of private individuals, and as these works would moreover greatly benefit the trade and the Revenue of the Province, your Honorable House would be pleased to adopt such measures as in your wisdom you may deem fit for carrying into execution the wishes of your Petitioners.

And your Petitioners, as in duty bound, will ever pray.

DUNBAR ROSS, Chairman,
and 394 others.

Quebec, 22nd October, 1852.

Extract from Report of the Standing Committee on Roads and Public Improvements, in the House of Assembly, of the late Province of Lower Canada.

Your Committee having received a proposal from Mr. LeBreton, late Captain in His Majesty's 60th or Rifle Regiment, and late Deputy Assistant Quarter Master General in Canada, to cause the Ice to stop before the City of Quebec, by certain works of his invention, and thus securing the Inhabitants of both shores of the St. Lawrence during the winter season, at all times in future, all the advantages which an artificial Bridge from the Lower Town of Quebec to Point Levi would confer, and this at an expense not exceeding £ . Your Committee deemed this object also to be of so much public importance, as like the two last mentioned ones, to require their immediate attention; to ascertain the merits of the scheme proposed by Mr. LeBreton, they examined two Gentlemen of science and judgment, to whom Mr. LeBreton had communicated the details of his Plan, respecting its feasibility. These Gentlemen, reporting favorably on Mr. LeBreton's Plan, Your Committee would humbly recommend that an appropriation of £300 should be made, to enable him forthwith to try the same, and in the event of its being successful, that there should be allowed to him as some remuneration for so valuable a service, during his natural life, to be paid to him each and every year that the public obtains an Ice Bidge between Point Levi and the Lower Town of Quebec, by means of such his Plans.

The whole, nevertheless, humbly submitted.

ANDREW STUART,
Chairman.

9th January, 1832.

SATURDAY, 7th January, 1832.

John LeBreton, Esquire, late Captain in His Majesty's 60th or Rifle Regiment, and late Deputy Assistant Quarter Master General in Canada, called in; and being interrogated, answered:—I was stationed at, and resided in Quebec, from the year 1807 to the year 1812. I took particular notice in what manner the Ice took opposite the Town. From the observations I then made, I found it was practicable to make the *Pont* take every season. From the remarks I then made, I drew a plan and submitted it to His Excellency Sir James Henry Craig, then Governor in Chief of this Province, which I explained to him; he so fully approved of it, that he said he would himself subscribe £200 towards its experiment. I also laid it before the late Honorable Mr. De Lanaudière, who also approved of it. It was Sir James H. Craig's intention to submit it to the House of Assembly at the ensuing Session; but he left the Province in the interval. On reconsidering the subject, and examining the River minutely, I am of opinion that it can be done for £200 or £300; and

the materials used for that purpose could last for twenty years afterwards. At the suggestion of the Chairman of the Committee, I disclosed the subject, as to the manner of making the said *Pont*, to the Reverend Mr. Wilkie, and William Sheppard, Esquire, who will give their opinion on the subject.

Question, by the Chairman, to *Mr. LeBreton*: I presume you would expect some remuneration if your project turns out to be successful?—I consider this matter of so much consequence to the country in general, that I shall be entitled to such remuneration as the Honorable the Legislature shall deem proper to grant.

William Sheppard, Esquire, called in; and being interrogated, answered:—Captain LeBreton has made known to me his plans for making the Ice in the Saint Lawrence opposite Quebec take, so as to be practicable as a winter Bridge. In consequence of the information received, I considered the project very practicable, on making use of fit opportunities of wind and tide.

The Reverend *Daniel Wilkie*, called in; and being interrogated, answered:—I had occasion to see a plan made by Mr. LeBreton, upon the method of causing the Ice to take opposite the Town: I think it is highly probable it would succeed. It is perfectly a new plan, and as far as I know, it has not been tried in any part of the world. The circumstances of the Ice, and of the current, give great reason to expect that it would answer the purpose. I wish it to be understood that I am not acquainted with all the currents that act upon the driftings of the Ice in the River. Combining the probability of success with the utility of the undertaking, I think the expense of the experiment would be well laid out.

The Reverend Mr. *Demers*, called in; and being interrogated, answered:—Captain LeBreton communicated to me the system which he imagined to cause the *Pont* before Quebec to take every year. After the explanations he gave me, I should be led to believe that the means which that Gentleman has invented would often enough meet with a happy result.

MINUTES OF EVIDENCE.

Committee met—

15th March, 1853.

PRESENT:

JOHN G. CLAPHAM, Esq., *Chairman*.

GEO. O'KILL STUART, Esq.

HYPOLITE DUBORD, Esq.

Captain David Vaughan, Shipbuilder, of Quebec, being examined, stated as follows:

1. I am of opinion that a Vessel may be constructed, so as in all respects to answer the purpose of traversing the River St. Lawrence between Quebec and Point Levi during the winter months.

2. Probably a Vessel might be retarded from making her trips regularly, and even at times, but rarely prevented from making the landing good on the Quebec side during a heavy gale of easterly wind, when there is generally a great pressure of ice near the shore and landing place—this might occur in extraordinary cases, during three or four days in the course of the winter.

3. There will be no difficulty in keeping the landing places clear, except in the preceding case; the labour of three or four men, even in severe weather, will be sufficient for this object.

4. The River below Quebec, when the ice is arrested at Cap Rouge, is always free to the Ocean, and a Screw Steamer, strongly constructed of wood, and plated with iron two feet above and three feet below light water mark, may safely navigate from Quebec to any part of the world during the winter months.

5. Iron buoys of boiler plate to be placed in the traverse and other parts of the river, having heavy chains and anchors, (same as in Lake St. Peter and the Lakes above.) Memo: Captain Vaughan has been 24 years connected with the navigation of the River in Steamers and other Vessels—a practical man, both Seaman and Shipwright—in 1837 and 1838, forced the John Bull through the ice to the 12th December, in the comparatively narrow River Richelieu, when the ice was 6 inches thick and only 400 feet wide.

Would recommend piers at the narrows below Cap Rouge, one on each side, the effect of which would be to arrest the field ice, and make a far less objectionable bridge than when it forms from natural causes, whether arising from a gale of easterly wind, or a jam or *déque*. Does not think that a bridge formed by the foregoing means would have the effect of impeding the navigation in spring—decidedly not below Quebec, and the probability is, that in the average of years it would be earlier above Quebec, through this instrumentality. Thinks that the best means to ascertain the minutiae, specification, plan and model of a Boat adapted for this purpose, will be to advertise for tenders, and offer premiums, say, £20 for the best plan, £15 for the 2nd best plan, £10 for the 3rd best plan, and models and specifications.

By Mr. Dubord,—At what rate does the current run at the traverse, where you would consider it advisable to place the buoys?—From 6 to 7 knots per hour. Considers that the edge of the South Shore in 24 feet at low water, would be the best place to anchor the buoys, and such place as the buoys are anchored in the summer season.

Where would you put the Steamer when not plying her trips?—In the dock or landing places at each side.

17th March, 1853.

Robt. McCord, Shipbuilder at Wolf's Cove, for Messrs. Gilmour & Co., on being questioned, says, that he has been in the above employ during the past twenty-eight years; has a general knowledge of the state of the ice during the winter months. Has no doubt whatever that a Steamer of sufficient strength, power, and adaptation, may be constructed to navigate between Quebec and Point Levi, and two or three hundred miles down the river and back, at all times during the winter months. It would only be a very heavy gale of wind and snow storm that would retard or prevent her doing so. Does not think there would be any difficulty in securing the Boat at the landing places, either by day or night. Considers that in order to obtain the services of men of science and practical knowledge, as to the best manner of carrying into operation the proposed object, it would be advisable to advertise for models, plans, and specifications, with a suitable compensation for such service.

ROBERT McCORD.

QUEBEC, 18th March, 1853.

Sir,—I yesterday received your communication of the 16th instant, and in answer beg leave, most respectfully, and with diffidence, to submit my answers to the four questions therein proposed, as to the mode of crossing the St. Lawrence during the winter months.

I have the honor to be, Sir,
Your obedient servant,

RT. JULYAN, Captain, R. N.
Assistant Harbor Master,
Quebec.

J. G. Clapham, Esq., M. P. P.
&c., &c., &c.
House of Assembly,
Quebec.

1st. Do you think that a Steamer of sufficient strength and of suitable construction can be built for the purpose of successfully traversing the River St. Lawrence, between Quebec and Point Levi, during the winter months?—I am of opinion that a Steamer might be built and successfully used in crossing to Point Levi, once or twice a day, *at slack water*, during three, out of the four winter months; but out of the latter time, I think it may be fairly calculated that there may be from twenty to thirty days that no Steamer could pass this. When the Railroads come to the terminus on the south shore, would be attended with great inconvenience both to passengers and goods, in the loss of time, and would, in my opinion, be a serious objection to this mode of traverse.

2nd. Will it, in your opinion, be possible, and with a moderate expenditure to keep the landing places clear of ice on both sides of the River?—To this question I should say; it would be difficult, expensive, and uncertain.

3rd. In order to obtain the model, plan and specification for the building of a Steamer (so adapted) would it be advisable, in your opinion, to advertise in Canada and the United States, say Boston and New York, for competitors, for premiums, and what sum respectively for three prizes, say, first, second, and third, would you consider sufficient encouragement for men of science and experience to compete for the same?—To this question I should say, advertise generally, for a model, plan and specification of a Steamer for the purpose with two premiums, the 1st £50, 2nd £25, which, I think, would be sufficient encouragement for competition. There are no men so likely to be efficient for this purpose as those who are acquainted with the locality, weight and power of the ice in January and February, and force of the current generally.

4th. Will you favor the Committee with your opinion as to the possibility of obtaining a periodical Ice Bridge, and its probable effects on the Navigation and the Commerce of this District?—In answer to a part of this question, I beg to refer you to my letter of the 5th February last, to the Editor of the *Quebec Gazette*, attached hereto. My opinion is, if a periodical Ice Bridge could be formed early in the winter season, (and I believe it to be perfectly practicable) if my plan of blocks to be laid down upon Point Levi shoal, as a nucleus for the ice to form upon, were carried into effect, you would never have the ice exceeding from two to three feet in thickness. Not as now, when an Ice Bridge takes by natural causes, it is generally in the month of February, when the ice is at its most solid demensions, and requires more natural power to get rid of it in the spring. As to an Ice Bridge across to Point Levi, obstructing the navigation of the St. Lawrence, it can no more do so, than it does in the River St. Charles, or at Three Rivers, or at Montreal, or on any other part of the St. Lawrence that may be frozen over yearly. Whenever the natural cause arrives for the ice to give way, go it must, and nothing can hold it but an Ice House. As to an Ice Bridge here at Quebec either obstructing or impeding the trade up or down the St. Lawrence, it is really preposterous for any person to hold, who is at all acquainted with the cause and effect of ice forming or breaking up in the Rivers and Lakes of this Province, and is but a futile argument, and not grounded upon natural and general laws. It is well known, that whether you have an Ice Bridge here or not, you can have no water communication with Montreal until the ice breaks up on Lake St. Peter, and which is *invariably* within twenty-four hours of the time it breaks up in the little River St. Charles. A simple fact that ships have been laying at the wharfs here for a fortnight or more, and could not send a bale of goods to Montreal in consequence of the Lake ice not coming down.

R. JULYAN.

QUEBEC, 21st March, 1853.

SIR,—I have the honor to acknowledge the receipt of your letter of the 16th instant, requesting me to furnish you with my opinion as to the practicability of obtaining a periodical Ice Bridge by artificial means, also of building a suitable Steamer to overcome the difficulties experienced in crossing the St. Lawrence between Quebec and Point Levy, during the winter months, for the information of the Committee appointed by the House of Assembly to inquire into this subject.

In reply to which, I beg leave to inform you that, in 1845, the Question of an Ice Bridge was brought before the House of Assembly, when the Trinity Board received directions from His Excellency the Governor General to report their opinion as to its advantages and practicability of forming one, which were referred to myself, Mr. Young, and Captain Alleyn, and I have the honor to enclose a copy of the Report with the Resolution of the Trinity Board relative to the same, which was forwarded to the Provincial Secretary for His Excellency's information. Since that period my former opinion has been fully corroborated by Montreal ships having been always detained here several days when an Ice Bridge had been formed above, and six ships were last year detained ten or twelve days from the same cause.

It therefore appears to me it would be very injurious to the commercial interests of the country to endeavour, by artificial means, to stop the ice, for it must be clear to every one it would delay the opening of the navigation for a longer period, which ought in every way to be avoided, as a delay of a few days in the spring might cause the whole of the produce of Upper Canada and the Lakes above to be sent through the American Rails and Canals to their Atlantic Ports for transshipment to the European Markets, instead of being sent through the waters of the St. Lawrence.

I beg also to observe that by the erection of jetties or blocks between Point Levi and the Beauport shores to ensure the formation of an Ice Bridge, would, by contracting it, be ruinous to the entrance of the harbour, and also prevent the early ships which often arrive in the middle of April, from getting a safe berth alongside the wharves, and no doubt the steamers contracted for by the Government would arrive much earlier and would be left below without any safe anchorage until the River was clear of ice. And so anxious have the merchants of Quebec been for the opening of the Navigation, when an Ice Bridge had been formed at Cap Rouge, that applications have been made several times, both to the Military authorities and myself, to blow up the Key at that place, for that purpose.

It appears to me also of importance that no further steps should be taken in this matter until the question with regard to bridging the St. Lawrence near Quebec, either by a Suspension Bridge or otherwise, is decided, a Bill being now before the House for the establishment of a Company for that purpose, and I have the honor to enclose, for the information of the Committee, a copy of a letter I received from one of the first Engineers in England on this subject.

The answers to the questions submitted to me for the building of a Steamboat to cross the St. Lawrence in winter, between Québec and Point Levi, are also enclosed.

I have the honor to be, Sir,
Respectfully your obedient servant,

EDWARD BOXER,

J. G. Clapham, Esquire, M. P. P.,
Chairman of the Committee.

P. S.—I beg also to refer the Committee to the Report of the Harbour Commissioners, which relates to the Ice Bridge, printed for the information of the House of Assembly.

Trinity Board's Report on the Ice Bridge to be formed at Quebec across the St. Lawrence.

(Copy, E. B.)

QUEBEC, 4th February, 1845.

GENTLEMEN,—The Board having called upon us to report our Professional opinion as to what effect the proposed Ice Bridges would have on the Navigation of the River St. Lawrence, should artificial means be adopted (by the erection of Piers) to effect that object, and having given this subject our serious consideration, it being of great importance to the Trade of the country that the Navigation should be opened as early as possible in the Spring, and having examined the minutes of the Trinity House as to the opening of the Navigation and other records as to fixing of the Ice, we find when an Ice Bridge had been formed the Navigation had been closed much later, for it must be observed that the detention of the Ice ever in one tide adds greatly to its accumulation above Quebec, the ebb tide running seven hours, and the flood only five, which, in our opinion, would make it of longer continuance if stopped in the early part of winter, and would still lengthen the time for the opening of the Navigation, which must always be of the greatest importance, not only to the Trade of the country, but also in naval operations in the event of hostilities, particularly as steamboats would then cross the Atlantic in a much shorter time, and be early in the lower part of the River, ready to move up immediately the Ice gave way.

It is also necessary to observe that, by the stoppage of the Ice, a large column of backwater is kept upwards in the Spring, in consequence of the great thaws taking place in the Rivers and Lakes above, by which much loss and damage to property is frequently occasioned, and the results would, of course, be seriously increased by the formation of an Ice Bridge at Three Rivers.

In illustration of the points, we beg to advert to the season of 1843, when the Great Britain and three other ships arrived between the 18th and 22nd of April, and the first steamboat from Montreal on the 5th of May, the bridge having given way on the 3rd, the Great Britain being bound to Montreal suffered a delay of 19 days, and was, with the three other ships, in great danger; two of them, when the ice gave way, were driven on shore and suffered considerable injury, and would in all probability have been lost had it been bad weather; in the same season (from the great rise of water above the Ice Bridge) great damage was sustained in the neighbourhood of Three Rivers, the rise water not having its usual outlet.

We are therefore of opinion, under the above circumstances, that artificial means ought not to be adopted to stop the Ice in the winter months.

We have &c.,

(Signed,)

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EDWARD BOXER,
RICHARD J. ALLEYN,
ROBERT YOUNG,The Master &c.,
Trinity House, Quebec.

TRINITY BOARD, 4th February, 1845.

The following Resolution was adopted:—

Resolved,—That the Report of Captains Boxer, Alleyn, and Mr. Young be received as containing the opinion of this Board, who further consider that the using of artificial means for stopping the ice would be a very dangerous experiment.

Copy of a letter from Captain Moorsom, Engineer, to Captain Boxer, on the building of a Bridge across the St. Lawrence near Quebec:

17½ GREAT GEORGE STREET
WESTMINSTER, 3rd June, 1851.

(Copy, E. B.)

DEAR CAPTAIN BOXER,—Sir James Kemp has drawn my attention to a paragraph in the *Quebec Gazette*, by which I perceive you are prominent in advancing the project for building a Bridge over the St. Lawrence at or near Quebec, and on looking over the paper in the way the matter is mentioned, it is evident a Suspension Bridge is contemplated.

Since you and I met at Halifax I have been engaged as Chief Engineer in constructing some of the most important Railways and the largest Bridges in these kingdoms, (models of two of which are now in the Exhibition here) and I have received from the Prussian Government a prize for my designs of the largest bridge of the kind in the world, proposed to be built over the Rhine at Cologne, for which designs there were 62 competitors, Engineers of all Nations. I think, therefore, I have some ground of experience for writing to you.

My opinion is, that you ought not to have a Suspension Bridge at all; you are going to have Quebec made the terminus of the most important Railway in British North America; it will be of infinite value to the City to have the terminal station of the Railway in the City and not on the Levi Shore, and the only way you can ensure this is by having a bridge capable of carrying locomotives. This no Suspension Bridge can do, we have tried it repeatedly in the United Kingdom. My Prussian designs (which are for a bridge 2015 feet long and 147 feet extreme height) accomplished this with spans of 600 feet, and I believe I could, for a moderate amount, construct a bridge of like character at Quebec, where I have been and have my notes of the locality.

If this general outline of my views is satisfactory to you, and your friends like to refer to me, I can go more into detail, but you may depend upon it, no officers of Government (to which I see the Gazette alludes as the parties to inquire into this matter) are calculated, from their limited experience, to look a thing of this kind boldly in the face, and if you trust to that source only, you will fail.

Believe me, very truly yours,

(Signed,)

W. S. MOORSOM.

Answers to the questions submitted to me by the Committee, for my opinion as to the practicability of building a steamboat to cross the St. Lawrence between Quebec and Point Levi, during the winter months.

1. Do you think, that a steamer of sufficient strength and suitable construction, can be built for the purpose of successfully traversing the River St. Lawrence between Quebec and Point Levi during the winter months?—I am decidedly of opinion, that a steamboat could be built with sufficient strength and power that could successfully cross the River between Quebec and Point Levi during the winter months, which boat, during the open season, by having great power, would be of the greatest service to the trade by being employed as a tow-boat or any other purposes that might be required.

2. Will it, in your opinion, be possible and with a moderate expenditure to keep the landing places clear of Ice on both sides of the River?—I am of opinion, with a very moderate expense (which the Corporation would I am satisfied, willingly pay) the landing place could be kept quite clear except in very strong gales from the eastward, the tide running close home to the

wharves on the City side, which prevents the formation of batteures, but it would require two wharves to be built on the Point Levy side into deep water for that purpose, leaving a space of about 150 feet between them, and as those wharves would be very useful to the Trade in the open season, deep water wharves being much required on that side, they would, I am satisfied, pay well for the expense of building.

3. In order to obtain the model, plan and specification for the building of a Steamer, (so adapted) would it be advisable, in your opinion, to advertise in Canada and the United States, say Boston and New York, for competitors for premiums, and what sum respectively for three prizes, say : first, second and third, would you consider sufficient encouragement for men of science and experience to compete for the same? I am of opinion it would be advisable that a premium, say ; £50, £30 and £20, should be offered to obtain a model, with plans and specifications for building such a vessel ; as vessels of that description might successfully be employed in many parts of the River above and the Lakes in the winter months, when the Ice is not fixed.

I beg respectfully to inform the Committee that my attention was first called to this subject by an American Gentleman last winter, who informed me that if the Corporation would give him encouragement, he would at once, at his own expense, build a vessel for that purpose, and since that period I have watched the Ice very particularly, which has satisfied me of its practicability.

EDWARD BOXER, R. N.
Captain of the Port and Harbour Master.

TORONTO, 14th April, 1853.

DEAR SIR,—Mr. Badgley having forwarded me a copy of the proceedings of the Legislative Assembly of the 18th instant, for the purpose of directing my attention to your motion for a Committee to consider the advantage of a permanent Ice Bridge, Breakwater, &c., a subject which happened to have engaged my attention upwards of 20 years since, and to which, during Mr. Badgley's late visit here I have referred. You will not, I trust, deem it too great a trespass, to offer a few remarks on so interesting and important a subject.

You perhaps recollect the circumstance of my having resided, during a period of nearly ten years, at Freemasons Hall, Buade Street, Upper Town, one of the most commanding positions from which to view, during the long winters, the effects of the currents and the winds upon the floating Ice constantly borne up and down by the flowing and receding tides, and which invariably left the impression on my mind that very little expense and assistance would be required to insure an Ice Bridge; not, however, by means of a breakwater at the Beauport Flats, or the Reef at Point Levy, but at the extreme end of the reef at the south-west point of the Island of Orleans. A barrier in this position would be formed at once effectual in preventing the descent of those extensive fields of Ice which are constantly sweeping round the Beauport Flats and shoals of the Island ere they pass down the River. A breakwater at the Point Levi Reef would doubtless not only prove a great auxiliary as well as a means of protection to the eastward for vessels which may arrive ere the Bridge had broken up, but would, at the same time, greatly enhance the importance of that vicinity for commercial purposes generally.

With regard to Beauport Flats improvement, you perhaps recollect a suggestion thrown out in the *Quebec Mercury* about the time above referred to, for the construction of a Stone Pier to extend from the easternmost wharf directly across the River St. Charles, both with a view to reclaiming for the extension of the Lower Town, and also the permanent advantage of a Floating Dock which, by means of a

single lock, might thus be afforded to an almost unlimited extent. At a time when a North Shore Railway is suggested, which can only approach the commercial part of the City, through the valley of the St. Charles, these highly important improvements must and will take place.

It only remains to remark that, had the suggestion above referred to been carried out, and had the ballast annually thrown into the River since that period, been received in Lighters and deposited within the proposed pier or esplanade, the Beaufort Flats by this time would have formed a series of magnificent streets. Under the present favorable auspices, however, it is to be hoped that you may succeed in obtaining Legislative assistance in carrying out your praiseworthy and noble design, and that in future the bed of the River St. Charles rather than that of the St. Lawrence into which so much wealth has been heretofore cast, may be adopted as a receptacle or ballast-ground.

The claims of the ancient Capital in these particulars, it must be admitted, have hitherto commanded scarcely any attention.

The City of Montreal has been more fortunate, and even in this City the subject of constructing an esplanade of similar extent to that under consideration by the Corporation, is decided upon and to be executed during the present season. A sketch of this I have the pleasure to enclose.

Under the present prospects of direct Steam Navigation to Europe, and of increased demand for shipbuilding, a branch of Trade peculiarly belonging to Quebec, although never sufficiently fostered, the day may not be distant when that City will rival in these particulars New York and St. Petersburg.

I am truly
Your's respectfully,

WILLIAM REES.

J. G. Clapham, Esquire, M. P. P.,
&c., &c., Quebec.

Mr. T. C. Lee, Shipbuilder, St. Rochs, Quebec.

Ques. 1. Do you think that a Steamer of sufficient strength and of suitable construction, can be built for the purpose of successfully traversing the River St. Lawrence between Quebec and Point Levi during the winter months?—Yes.

2. Will it, in your opinion, be possible and with a moderate expenditure, to keep the landing places clear of Ice on both sides of the River?—Yes.

3. In order to obtain the model, plan and specification for the building of a Steamer (so adapted) would it be advisable, in your opinion, to advertise in Canada and the United States, say, Boston and New York, for competitors for premiums, and what sum respectively for three prizes, say, first, second, and third, would you consider sufficient encouragement for men of science and experience to compete for the same?—Advertisements in Canada I should say would be sufficient—there is enough talent in the country without going to the United States—I would recommend the first prize to be £75, the second £50, and the third £25.

4. Will you favor the Committee with your opinion, as to the possibility of obtaining a periodical Ice Bridge, and its probable effects on the Navigation and the commerce of this district?—I am decidedly opposed to an Ice Bridge, because I consider it would retard the Navigation. I have noticed when it does form that the Navigation is retarded. I consider the Steamer would answer every purpose.

Schedule of Documents accompanying the foregoing Report.

- No. 1.—Copy of the Report of a Committee of the City Council, on the subject of an Ice Bridge. *Dated 12th September, 1842.*
- No. 2.—Copy of a Letter addressed by William Henderson, Esq., to J. G. Clapham, Esq. *Dated Frampton, 8th March, 1842.*
- No. 3.—Memoranda submitted to the Committee appointed by the Citizens of Quebec, to inquire into the practicability of forming an Ice Bridge in front of the City, by William Henderson. *Dated Quebec, 22nd February, 1852.*
- No. 4.—Letter from H. N. Patton. *Dated Point Levy, 21st February, 1852.*
- No. 5.—Letter from J. G. Clapham, Esq. *Dated Quebec, 21st February, 1852.*
- No. 6.—Letter from Michael Scott, Esq. *Dated Quebec, 25th February, 1852.*
- No. 7.—Letter from Captain John Lambly, late Harbour Master. *Dated Beauport, 22nd February, 1852.* With three Plans.
- No. 8.—Letter from Mr. J. Gourdeau, Superintendent of Pilots. *Dated 21st February, 1852.*
- No. 9.—Letter from E. B. Lindsay, Esq., Clerk Trinity House, Quebec. *Dated Trinity House, Quebec, 1st March, 1852.*
- No. 10.—Letter from Captain John Lambly. *Dated Beauport, 28th February, 1852,* with a Sketch.
- No. 11.—Letter from Captain John Lambly. *Dated Beauport, 28th February, 1852.*
- No. 12.—Remarks in reply to the Circular of the Committee, by Henry Atkinson, Esq. *Dated Quebec, 25th February, 1852.*
- No. 13.—Letter from Captain D. Vaughan. *Dated Quebec, 5th March, 1852.*
- No. 14.—Letter from E. W. Sewell, Esq. *Dated Etchemin, 5th March, 1852;* with a Section of a Steamboat.
- No. 15.—Letter from Mons. F. E. Verrault. *Dated Point Levi, 28th February, 1852.*
- No. 16.—Sketch of a proposed Bridge of Ropes to stop the Ice.
- No. 17.—Remarks by Capt. Julian, Assistant Harbour Master. *Dated Quebec, 8th March, 1852.*
- No. 18.—Calculations of the cost of erecting Blocks.
- No. 19.—Remarks on the probability of an Ice Bridge retarding the opening of the navigation, by W. H. A. Davies.
- No. 20.—Letter from William Patton, Esq.
- No. 21.—Calculations of the cost of erecting Wharf, by William Henderson, Esq. *Dated Quebec, 17th March, 1852.*
- No. 22.—Letter from Captain John Lambly. *Dated Beauport, 18th March, 1852.*
- No. 23.—Plans and Explanation of Method of stopping Ice, by Geo. Henderson, Esq.
- No. 24.—Letter from Captain Julian.
- No. 25.—Proceedings of a Public Meeting of the Citizens of Quebec, and a Committee appointed thereat; also the Report of that Committee. *Dated 14th April, 1852.*

No. 1.

*Report of a Committee of the City Council on the subject of an Ice Bridge.
September 12th, 1852.*

PRESENT :

Alderman MORRIN,
Alderman MUNN,
Councillor CLAPHAM,
Councillor CLAPHAM in the Chair.

Your Committee, to whom instruction was given on the 25th February last to take into consideration "the expediency of devising and adopting measures for the erection of one or more Piers in such eligible place or places in the River St. Lawrence as may be most likely to ensure a periodical Ice Bridge between this City and Point Levi, for the general advantage of its inhabitants, and of the District of Country communicating and trading therewith," have the honor to report to the Council that, in order to be the better enabled to form an opinion on the matter referred to them, they have called before them and examined Gentlemen, who from their long residence on either side of the River in the immediate vicinity of this City and Point Levi, and the circumstances and position in which they have been placed, were considered to possess the best information on the subject. The following is the evidence obtained from them:—

Captain Lambly, late Harbour Master, appeared before the Committee and stated, that he did not consider that the Ice taking early in the winter would tend to retard the period of its departure in the following spring. He thinks it would go with the first spring tides, and would not impede the navigation. That as the battures on the Beauport Flats will always take, a wharf built on the reef at Point Levi would be sufficient to stop the Ice, as represented by a diagram submitted by him. He considers an Ice Bridge would be of great advantage to the City and adjoining country, inasmuch as a direct communication from Quebec to the United States would be kept up during the winter, and that a trade would eventually be formed during that season, to an extent of which we can now form no conception.

James McKenzie, Esq., for a great many years resident at Point Levi, and proprietor of steamboats and other extensive property there, considers that an Ice Bridge would be of great public benefit to Town and Country; also that the object is practicable and can be attained at no very great expense.

A wharf of considerable dimension and great solidity, built upon a reef which extends from Point Levi to a distance of about fifteen acres into the channel from high water mark, at which extreme point there is not more than fifteen feet at low water, would cause the batture to remain solid and form a key. The wharf, in summer, would form a breakwater to the Harbour and a protection to the trade, and produce a revenue equal to that of any private wharf in proportion to its dimensions. The wharf ought to be built of square timber, and planked outside with five inch oak plank from low water to the extremities of the wharf, of dimensions of not less than one hundred feet wide at the extremities, and reduced to fifty feet at the shore. The cost of the undertaking, at the present low price of materials and labor, would not exceed seven thousand pounds. Does not consider any wharf necessary on the Beauport Shoals, as the battures form there without any assistance from art, by the taking of the North Channel between the Island of Orleans and the Montmorenci Falls, which always causes the battures to take to a great distance into the main channel of the River, and is the main key to the formation of an Ice Bridge. Does not consider that a periodical Ice Bridge would affect or retard the opening of the Navigation of the River, on account of the North Channel being the main key; when that breaks up, the Ice Bridge would be free. Does not recollect in any instance, a greater space of time than forty-eight hours between the breaking up of the Ice on

the Beauport Shoals, the River St. Charles, and the ice on Lake St. Peter, so that it may be said that the Navigation at these points opens simultaneously. Considers that if the formation of an Ice Bridge was assisted by the proposed wharf, the thickness of the Ice generally would be much less than it is when it takes naturally from easterly wind and a jamb. Being asked if he had known accidents to occur in crossing in winter, replied that they very frequently occurred, and on one occasion he had seen a canoe with eighteen persons on board cut in two, and overwhelmed in the Ice; fourteen persons in her were drowned—a fortnight before, two others were drowned; on one occasion, in crossing himself in a canoe, in company with three other canoes, three were smashed to pieces, and he narrowly escaped on a piece of Ice two inches thick—on many days loaded canoes cannot pass with safety, by which the trade is materially injured, and people are put to great trouble and expense. The present difficulty in crossing is a great discouragement to agriculture and trade on the other side, and is a subject of universal complaint. When the River takes naturally, thousands of persons come to market and cross the River, who are deterred from doing so on other occasions.

George Arnold, Esq., who was present when the foregoing testimony was given, being asked his opinion on the subject, replied that he fully corroborated all that Mr. McKenzie had said.

William Henderson, Esq., of Frampton—I have resided in Canada since a boy, upwards of forty-three years, of which period seven years at Montreal, thirty-two years at Quebec, and the last four years at Frampton, where I have had an interest for the last twenty years. The inhabitants of Frampton in common with all other residents on the south side of the River, would be greatly benefitted by having an Ice Bridge to Quebec. The greater proportion of their produce consists of bulky articles, such as Hay, Straw, Wood, &c., which cannot be transported to market by canoes at any expense such articles are calculated to bear, and consequently are entirely lost or not produced to the extent that the prospect of a ready market must induce, and even on less bulky articles, such as Pork, Beef, Live Stock, and Grain, the cost of transport in canoes, expenses, and detention at Point Levy, operate so heavily as to render the Quebec market a kind of *dernier resort* when people must send their produce only when reduced to the necessity of making a considerable sacrifice. The facility, and above all the certainty of having an Ice Bridge if even for a limited period during the winter months, would remove all these difficulties, and encourage a vast increase to these marketable commodities—the natural result would be a very great decline of prices upon articles of the very first necessity, in the Quebec market, for the south shore can certainly more than double the amount of these articles in this market if they could get at it while the winter roads are good, and the products of their industry are ready for market; I mean that the excess thus brought into market would be at least equal to all that is now brought into from the north shore, and perhaps much more. The result to the citizens of Quebec would be, that it is probable the whole cost of stopping the Ice might be saved in one or at most in two years. The undertaking should be made by the Corporation and money borrowed to construct the necessary wharfs; a reasonable toll upon the produce transported over the Ice Road would amply pay the interest of the money borrowed, and afford sufficient surplus to pay off the principal at no distant period. No one at all conversant with this branch of commerce will be inclined to dispute such results; provided only that an Ice Bridge can be made on such principles as demand no very extensive annual outlays after it is once effected. It is highly probable that the Ice Bridge might be made to take every year by means of chains supported by logs and held by strong mooring anchors and chains; but the expense of placing and removing these annually would be very great, and the danger of losing them when the Ice breaks up still greater, involving perhaps the total cost annually which no moderate toll could repay. Therefore a permanent annual Ice Bridge can only

be expected by constructing wharfs so as to confine the river within such narrow bounds as to force the Ice to accumulate and take early in the season, before it acquires such massive thickness as might render its flux and reflux with the tide irresistible. Every person who recollects Quebec so long as I do, must have observed the effects of the wharfs built during that period in this City, not only upon battures at the entrance of the River St. Charles, but also in front of the wharfs themselves. The batture is now annually covered with firm ice to more than double the distance from the Beauport shoals that it attained previous to the year 1815-16; and whereas formerly no Ice ever stopt in front of the wharfs, now it frequently extends several hundred yards from the wharfs, either in a solid sheet or a strong pack, removeable only by hard gales of wind. Hence it may, I think, be safely concluded that to secure an annual Ice Bridge, nothing more is required than a similar key to confine the River and hold the Ice on the opposite shore. I do not conceive that any wharfs are required or would at all be available, or even aiding to this end, constructed on the batture in front of the River St. Charles. But that this end could only be attained, and cannot otherwise be attained but by the construction of a wharf or several wharfs on a connected line extending from Point Levy upon and to the end of the batture in front of it, at once forming a perpendicular and direct stop to the ice in its natural channel of descent, and narrowing the channel between it and the firm ice on the opposite batture, so greatly as to render the stopping of the Ice in all human probability beyond a doubt. The expense of this undertaking could not be estimated with any degree of certainty, until the batture has been regularly surveyed, the soundings and nature of the bottom fully ascertained, and the strength and settings of the currents correctly given by some competent person. There are many persons in Quebec fully competent to this survey, and as the expense at most could not exceed one hundred pounds or so, no time ought to be lost in acquiring this important knowledge, and no money could be better employed than in its attainment. If such a survey is to be undertaken, it should be immediately while the season permits it to be done with ease and accuracy.

Pierre Pelletier, Esq., of the City of Quebec.—Has resided in this City thirty-two years, during which he has been engaged in an extensive domestic trade as well as with the Seigniories and Townships on the south side of the St. Lawrence, and also with the State of Maine. Has often been cognizant of very afflicting circumstances attendant upon the passage of the River during the winter months, sometimes arising from the entire destruction of canoes laden with goods and passengers, and loss of life and property, and also of sickness and deaths arising from long exposure on the passage. Is convinced that the delays often incident to the passage, and great expense attendant thereupon, combined with the frequent danger of crossing, operate very prejudicially to the trade of this City, and to the interest of the traders and greater bulk of the inhabitants of the south shore. Has heard great complaints upon the subject, and much regret on the part of the inhabitants that so great a barrier should exist for so long a period of the year when travelling is otherwise generally good, and at a time when the suspension of agriculture enable them to come from remote quarters to this market with their surplus products and commodities. Believes that a periodical Ice Bridge would tend to promote industry and be a great boon to the people on the south shore. Many articles of a bulky nature would be brought to market with advantage to the producer and consumer which are now lost and destroyed. Whenever the Ice takes, great joy pervades all classes on both sides of the River, the intercourse is more than ten-fold greater, and life and activity are diffused into the mind. Has heard very experienced persons express their opinions that it could be quite easy to stop the Ice at an early period of every winter, and that it would not be attended with great expense, also that the wharf or wharfs necessary to effect the object, would pay good interest for the outlay. His opinion that inasmuch as the projected work would be for the benefit of a great

extent of country, as well as for this City, notwithstanding the measure does originate here, that the work ought to be done by the Province and the revenues applied to its benefit.

Your Committee, while they coincide in the opinions expressed in the above evidence as regards the expediency of measures being taken for effecting the construction of an Ice Bridge, and of the practicability of the same, by the plan generally recommended therein, viz: the erection of a wharf or pier on the reef at Point Levi, as marked in the diagram submitted by Captain Lambly, differ, however, from William Henderson, Esq., in his opinion, that the work should be undertaken by the Corporation of Quebec, and consider that inasmuch as the work is intended for the benefit of a very extensive District of Country trading to this City, reaching as far as the most remote part of the Eastern Townships on the one side, and the Eastern Provinces on the other, it ought to be effected at the expense of the United Province, and the revenue that might arise from the wharf applied for the benefit of the Province. Your Committee have therefore adopted the following Resolutions, which they beg respectfully to submit to the Council for their consideration and adoption.

1. That for the preservation of life and property, and for the encouragement of trade and agriculture and the convenience of the inhabitants of a very extensive District of Country communicating across the River St. Lawrence between this City and Point Levy during the winter months, it is highly desirable and expedient that measures should be taken to effect a regular and periodical stoppage of the Ice, so as to form a safe and commodious passage between the two shores of the River at that inclement season of the year.

2. That from long residence in this Country, and from general experience and observation combined with the evidence taken of persons resident on both sides of the River of great practical experience on the subject, it is the opinion of the Council that the object is perfectly practicable, and at an inconsiderable expenditure in comparison with the vast advantages that would be derived therefrom:

3. That for the furtherance of the object, a Petition, based upon the testimony aforesaid, be framed and transmitted to His Excellency the Governor General, to be submitted to the Provincial Legislature.

All which, however, humbly submitted.

(Signed,)

JOHN G. CLAPHAM,
Chairman of Committee.

A true copy of the original remaining of record in my office.

F. GARNEAU, City Clerk.

No. 2.

Copy of a Letter from W. Henderson, Esquire, to J. G. Clapham, Esquire.

FRAMPTON, 8th March, 1842.

MY DEAR SIR,—As you have very obligingly expressed a wish that I should state to you my opinion respecting the proposed Ice Bridge at Quebec, I shall endeavor to do so, although I am not aware that I can suggest anything different from what you have proposed, as reported in the proceedings of the Town Council.

Notwithstanding the very illiberal remarks of some of the members of the Council, I will venture to assert that an Ice Bridge to communicate with the South Shore, would be of the very utmost importance as well to the City, as the country on this side. Large quantities of hay is annually lost or thrown away for want of a Market, and of course much less produced than would be, if it could be disposed of. As for fire

wood, no one thinks of taking it to Market. Many thousand acres of hard wood may be found within a convenient distance from the St Lawrence, which would be brought to Market, if it could be carted across the Ice. The price of taking over knees for ship building in winter is from 1s. 3d. to 7s. 6d., according to their size: that is to say, fully as much as the cost of cutting down and carting to Point Levi. Nor is it in these bulky articles alone that the inhabitants of the South Shore are deprived of a Market, and the Town of a more abundant supply. The loss of time, expense of the Farmers and their horses at Point Levi, danger, delays and heavy expense of ferrying in canoes, discourages any attempt to bring produce from a distance, and operates as a check to agriculture in all its branches.

If the inhabitants on the South Shore do not themselves come forward to petition, it is because in the first place, they depend upon the Corporation of Quebec, as much interested as themselves, and much more likely to succeed in any measure of this kind, and moreover, because considering the total neglect and injustice ever exhibited against this section of the Province, they have no hopes of succeeding in obtaining any share of the Government patronage to any object however important, that might entitle them to a portion of the public revenue, they so largely contribute to, dedicated as it is wholly to the advantage and embellishment of the West.

The object of stopping the Ice, so as to form a Bridge between Quebec and the South Shore, in winter, has employed my thoughts for many years. Many schemes at various times have been proposed, such as chaining booms across; arresting the Ice by detached masses &c., &c., and even the absurd idea of a chain bridge supported by iron pillars! Iron pillars in 20 fathoms water, to be raised 200 feet above its level, and chains to reach a mile!! Of what size must these be? And what power to raise them, or when raised to keep them in their places. A permanent bridge is an evident absurdity, an undertaking all the wealth and all the talent of London itself could not accomplish.

If the thing is at all to be accomplished, it can only be by confining the current by wharves on each side, so constructed as to throw the Ice from one side to the other, and thus produce a jamb so firm as to permit it to freeze before the force of the current swept it back. And this I firmly believe would be produced by covering the extensive shoal running in a direction across the River from Point Levi with three, four, or more wharves, the external one so constructed as to give the Ice a direction across the River to the shoal below the River St. Charles, where another Wharf would be required to arrest and stop it. Several small wharves would answer better than a single extensive one, as the Ice would speedily take between them, serving as a base for further accumulation; whereas a single one, would only slide it off.

The expense would probably be considerable, but it is also very likely that the wharves would pay their own cost, either by being used for the lumber trade or for public purposes, such as a lazaretto, Marine Hospital &c.

Upon the whole I think your plan good—the cost compared with the extensive benefit to be obtained, trifling, and the work, if carried into execution, of immense advantage towards and affording labor to a portion of the immigration likely to established themselves in this district, where such encouragement is highly desirable on that very account alone.

Whatever may be the result of your proposition, the inhabitants of the South Shore are deeply indebted to you on this, as on many former occasions where you have stepped out on their behalf. You will pardon me, if I add, nevertheless, a hope that you would sometimes turn your eyes from the West side of the Chaudière, and throw a glance upon the East, where you will also find an extensive and fine tract of Land deserving of much more notice than it has hitherto obtained.

I am, my dear Sir,

Your faithful humble servant,

To J. G. Clapham, Esquire.

(Signed,)

W. HENDERSON.

No. 3.

Memoranda submitted to the Committee appointed by the Citizens of Quebec to inquire into the practicability of forming an Ice Bridge in front of the City.

This undertaking, no less interesting than it is, in the history of science, novel, presents difficulties of no ordinary nature; difficulties arising from a project for which we find no analogy, no precedent in any of the great works that have hitherto been proposed or carried on in any part of the world for the comfort or convenience of man, or in any of the many works of science that have enlightened the world. It is therefore with the utmost diffidence that I permit myself to offer any opinion upon such an important subject—an opinion which may well be treated as mere conjecture at best. But at all events it may be the means of bringing the consideration of some better means of effecting the object in view more fully before the public, and thereby, perhaps, elicit such objections or remarks, or may pave the way towards something more feasible—and as connected with the plan I have the honor of now laying before the Committee, these memorandas may also be useful to those better able to decide upon the means most likely to attain the desired end, to whom it may be referred.

About ten years ago I addressed a letter to Mr. Clapham, alluded to in that Gentleman's Address to the general meeting, proposing as a probable means of forming an Ice Bridge, that certain Wharves or Blocks should be erected on Point Levi Shoals, and corresponding ones in front of Beauport Beach, where the water is also shallow. But while engaged in copying Captain Bayfield's Plan, which I had not before seen, I have attentively studied the direction of the tides as laid down upon the chart by that accurate and scientific officer, fully corroborated by watching the progress of the floating Ice down in the Basin, and am now convinced that my former opinion as to the particular locality of these proposed Wharves was erroneous, inasmuch as the strength and direction of the current was not duly estimated.

In effecting the object proposed, if maturely considered, it will be found that the set or direction and relative strength of the tides or current in the River is all important, as well with reference to the effect to be produced by the Wharves that may be erected with a view of stopping the Ice, as also in regard to the solidity or safety of the Wharves themselves.

If, for instance, one or more Blocks are constructed on each side of the river and fronting each other, on a general line at right angles with the set of the current, it is obvious that the weight of the Ice bearing down perpendicularly, will act with its utmost force against these structures, and that the velocity of the current in the open space between them, will be increased in proportion as they extend into, and narrow the free course of the river. Hence it follows, that laying aside the consideration of the imminent risk of the Wharves being swept away by the Ice, even their successful resistance so far from having the effect of arresting the Ice in the main channel of three or four thousand feet in width, must inevitably have a contrary effect, and in all probability for ever prevent the formation of an Ice Bridge, excepting on occasions much further apart than it now sometimes naturally occurs.

The river freezes over almost every winter opposite Cap Rouge, occasioned partly by suddenly narrowing at that point, and partly by rocks that act as so many Wharves, and no doubt but that at a comparatively small expense it might be made to take every winter. But the locality is too far off to be of any benefit to Quebec, and experience proves that it has little if any effect in the formation of a Bridge in front of the City. I shall therefore confine my observations to what may be effected in front of, or below the Town.

It has been suggested by another member of the Committee, as well as myself, that in the early part of the season an Ice Bridge might be formed by Booms,

secured at different short distances across the River, either directly or diagonally, by mooring anchors and chains; by opposing to the force of the current and Ice an angular point or points above and below, so as to force the Ice towards the shore on either side of the River, and prevent it bearing perpendicularly in its full force upon the Booms. But it is very difficult to foresee what effect the Ice might have upon the mooring apparatus, or upon the Boom itself—whether any anchors could be made of such strength, combined with immoveable hold in the grounds, as to resist dragging or breaking, or whether any Booms could be so constructed so to retain their situation at the surface of the water, with sufficient strength to resist the immense force of Ice in so strong a current.

The first cost as compared with the erection of Blocks would indeed be trifling; but on the other hand the annual cost of laying down, taking up, repairing, or replacing with new ones, would be very considerable—and as they must be placed very early in the season, while the Ice is light and in small masses, with any prospect of success, they would materially interfere with the navigation at a season when there is much press of business between this City and Montreal, so that upon the whole I consider that Blocks or Wharves, although at first far more costly, would eventually be as economical as Booms, far more to be depended upon, and offer no obstruction to maritime commerce, as by them the Ice could not be stopped, until such masses had formed, as would effectually put an end to free navigation; without entering into details, it may be admitted that Blocks or Wharves could not be constructed in very deep water with a strong current, excepting at an expense wholly disproportionate to the advantage to be gained, if indeed at all practicable so as to resist ice. In order therefore, to illustrate these observations, I shall suppose that seven fathoms or forty-two feet at low spring tides would be the greatest depth of water where these Blocks could be advantageously constructed, offering an elevation at the level of high water of sixty-two feet. When it is considered that at the height of between sixty and seventy feet from its foundation the Ice, impelled by a strong current, would act as a lever at the waters edge, it may be doubted if a Wharf could be built in any deeper water of sufficient solidity to resist an enemy of such formidable power.

But even at this great depth the River, directly in front of the City, could be contracted very little from what it already is by the existing Wharves, leaving an opening of at least three thousand four hundred feet, which by the increased velocity of the current bearing down perpendicularly upon the line of the Wharves, would as before explained, tend much more to the prevention than to the formation of an Ice Bridge. At this point it may be therefore considered as wholly impracticable.

At the Point Levi Shoal, at the same depth of seven fathoms water, the Blocks might be carried towards the Beauport Beach in a line directly north, as offering the very best direction with a view of stopping the Ice, to the distance of nearly two thousand two hundred feet, and on the opposite side from the outer edge of the Beauport Beach seventeen hundred and fifty feet, leaving the central space of four thousand feet, to arrest the Ice in. But very nearly the same difficulty exist here as in front of the City, that is the general line of these Wharves would leave the open space between them at very nearly right angles to the course of the tide or current up and down—therefore, although the strength of the tides are somewhat less than in front of the City, it is nevertheless highly improbable that these Wharves could not have any effect in stopping the Ice—to say nothing of the enormous expense of building a line of Blocks from seven fathoms water to the shore on the north side, a distance of six thousand feet, besides the two thousand feet on the south side. I therefore consider it very improbable that any works will be attempted at this point for the purpose of forming an Ice Bridge.

It now only remains to consider what could be effected elsewhere, and I shall venture to recommend a locality hitherto wholly unnoticed, as the only place below the Town where it appears at all practicable to obtain our object, and where I believe we can be certain of succeeding, and that at far less cost than at the Point Levi Shoals. That is at the point marked on the map as *Lower Point Levi*; and thence to the upper end of the Island of Orleans. I should propose four Blocks on the south side, extending only into six fathoms water, to the distance of nearly three thousand feet from the shore, and of two Blocks only on the Island side, extending fourteen hundred feet to six fathoms of water, leaving an open space between of three thousand seven hundred feet, as is marked upon the plan *in pencil*. Each of these Blocks may be two hundred feet square at the foundation, tapering gradually to the water's edge, with a space of upwards of two hundred feet between them, leaving the navigation open there as well as in the main channel.

By reference to the Plan the advantage of this locality above all others will be readily conceived. It will be seen that the north channel is nearly in a direct line with the general direction of the River above and in front of the City, causing the current to set strongly in that direction until it reaches a point about a mile above the Island of Orleans, where it divides, and thereby occasions a great diminution in the velocity of the stream, there beginning to set down the south channel, especially towards the centre, where the only difficulty is to be looked for in arresting the floating Ice, and where it will inevitably be stopped by the Island of Orleans and the Wharf or Wharves there projected, inasmuch as the ebb tide, the strongest and most to be dreaded in lieu of meeting the line of Wharves perpendicularly, will drive almost directly in a line with them down to the Island, as soon as the Ice has been stopped by and between the Blocks on the south side. It is true that on the south side the set of tides will meet the Blocks perpendicularly. But as it is there by no means so rapid as higher up and as the depth does not exceed six fathoms, little danger is to be apprehended for the solidity or safety of the Blocks; the flood tide is less powerful than the ebb, and in the main channel would set upon the Beauport Shoals and lower part of the Basin, and tend to an accumulation of Ice there.

Inasmuch as the distance to be covered with Blocks is about seventeen hundred feet less than it would be if constructed from the Point Levi Shoals, the cost would be much less, while the protection as a break water for vessels in the harbour would be equally efficient, besides the object of extending that protection over every part of the Basin, not to be attained at Point Levi Shoal.

During a residence of nearly fifty-three years in Canada, forty-one winters of which I have passed at Quebec and in its vicinity, the channel on the north side of the Island of Orleans has invariably been frozen over every winter; a fact mainly to be attributed to the set of the current, and consequent drift of fields of Ice in the early part of the season down that narrow, crooked and shallow passage, for although at high water the width of the north channel greatly exceeds that of the south, at low tide in many places it is not equal to a fourth part. The inference is that when Wharves are constructed at the proposed situation instead of a part, the far greater portion of the Ice will in the early part of the season be forced towards that channel, and ensure its being frozen over many weeks earlier than at present, and hence spread up the Basin and in front of the City.

But my paper admonishes me to pause, for although the remarks or arguments might be extended much farther, I fear that your patience must be nearly exhausted and must make my adieu rather abruptly.

(Signed,)

W. HENDERSON.

Quebec, 22nd February, 1852.

No. 4.

A Letter from H. N. Patton to the Chairman.

POINT LEVI, 21st February, 1852.

SIR,—As my temporary engagements with the Directors of the Quebec and Richmond Railroad Company may prevent my attending the meeting on Monday next, I am induced to submit my views, in reference to the Ice Bridge, in writing, which I should have had pleasure by doing personally.

I have no doubt the object could be obtained by either of the propositions I made to the Legislature many years since, when their sittings were at Quebec. The first was to make an attempt myself, and if I succeeded in obtaining one for nine consecutive years, I was to receive £1500, the Wharf remaining to myself.

My plan was, to construct a Wharf on the point above the Chaudière, and below Demer's Ferry—the Ice, in descending the River, from the course of the currents, strikes on the projected point at Black Edely Point, which throws it to the south shore, where I intended placing my Wharf, which if constructed, would cause a counter current, and the Ice thus retarded would jam. The second, was a suggestion to be taken up by the Legislature, or by their assistance, to erect an extensive Wharf at the lower end of the Point Levi Ferry, on the flat in front of the point called "Cabin des Pères," which would comprehend other interests of great moments. If I recollect right, at about one quarter of a mile from high water mark, I found about 30 feet at low water, diminishing towards the shore.

By the erection of an extensive Wharf there, I have no doubt, when the battures are made in the River St. Charles, the action of the current from that River, and the counter one from the Wharf, the Ice would jam.

The Wharves lately erected on the north side would materially assist.

The advantages derived from the construction of this Wharf would be great. In the first place, it would act as a breakwater, so much needed in the Harbour of Quebec. The schooners arriving from below with the ebb tide, and north east wind, are obliged to proceed to Diamond Harbour for shelter, and if the wind be strong, are unable to beat down until the tide has so far ebbed as to prevent the schooners getting over the sand bank of St. Charles.

The batteaux of hay and firewood from above, are similarly situated. I have known them to remain from one to ten days at Diamond Harbour before they could get in the St. Charles, where they go to unload, causing, very frequently, loss of the hay, from getting wet and the loss by delay. Were this Wharf erected, these vessels would come to anchor under the lea of the Wharf, and on the first ebb would lay up the St. Charles to the Palais.

I suggested also the advantage of a Marine Hospital on the Wharf, so much needed. The locality of the present one is ridiculous, irrespective of its being applied to purposes for which it never was intended. It is inaccessible by water, except at the top of high water, and even then, at some distance from the stream, the inconvenience of conveying the disabled seaman from the boat to the caleche, thence through the Town, a distance of about two miles, is great, besides the loss of time so precious in these cases. I relate one instance; a sailor died in the caleche with me, in Bridge Street, from delay, and the bad state of the roads. I also suggested a Quarantine Station, at which time there was none.

On visiting the Ice Houses at Boston and New York, it struck me we lost sight of an article of commerce within our reach—one on the Wharf to hold from 50 to 60 cargoes of ice would pay well—a ready market could be found in the West Indies, England and elsewhere. I need hardly say, our Ice is as far superior to the American as the English cheese is to our Canadian.

To fill up the Wharf, the vessels might be compelled to throw in their ballast, or they would willingly do so by getting their Wharfage free, thus, in some measure,

preventing the destruction of the anchorage, which in time will be the case near the shores, by the quantity of ballast each year thrown out. Parts of the Wharf might be allowed for a coal depôt for the steamers, or for landing deals or other sawn lumber.

I remain, Sir,

Your most obedient servant,

H. N. PATTON.

To the Chairman of the
Ice Bridge Committee.

No. 5.—*Letter from J. G. Clapham, Esquire, Chairman, to W. H. Davies, Esquire,*

QUEBEC, 21st February, 1852.

DEAR SIR,—In conformity to the wishes of the Committee, that each of its Members should contribute such information and opinions as may have a practical bearing on the subject for which they have been constituted:—to wit, the formation of an Ice Bridge, it is with pleasure that I enter upon this duty, under the hope that now the citizens have evinced an interest in the measure, it will receive that consideration and support so necessary to its ultimate success.

By the accompanying paper (*Le Canadien*) of the 4th March, 1842, it will be seen that the City Council, then took the initiative on the subject, and after a discussion, therein reported, embracing many arguments for and against the measure, a Committee was appointed to pursue a course similar to that which now engages our attention. As our Committee has requested you to procure a copy of the proceedings of the Council, I shall not advert thereto, further then to say, that the investigation, so far as the Council was concerned, resulted favorably, but owing to a variety of causes, principally of a political nature, no further action was then taken on the subject.

I also send you herewith a copy of a letter received from William Henderson, Esquire, of Frampton, dated 8th March, 1842, whose ideas, proceeding as they do, from one of our oldest, most intelligent, and patriotic citizens are worthy of marked consideration.

The further experience of the past ten years, during which I have had many opportunities, as well from personal observations, as from the declarations of hundreds of settlers in the Townships, of ascertaining the great inconveniences, delays, and losses arising from the present dangerous and costly mode of crossing both freight, cattle, and passengers, confirm me more strongly in the opinions then entertained, of the great and unqualified advantages likely to result from a periodical Ice Bridge, by which a direct and uninterrupted communication may be obtained at all times of the tide, and by night as well as day, during its continuance.

In alleging that the advantages will be, not only great, but unqualified, or without detriment to any other material interests, it is proper that this, the only point of difference in opinion, should be met with such arguments as are likely to have weight on the subject. In the course of last year I cut from a Toronto paper, a slip, which I enclose to you, containing an article on the "*Climate of the Atlantic coast of North America*," which throws some light on the subject. In the 8th paragraph, the writer observes, "Our vast Lakes cannot be the chief cause," (of our cold and late spring weather,) "for the cold near them, even in winter, when frozen, is less intense than on higher ground remote from them, and the Ice in them sinks and disappears long before the ceasing of the cold sea winds on the coast." The foregoing conclusion is just, and has reference equally to our own Lake St. Peter, and the River St. Lawrence, when winter begins to throw off its covering.

In the 9th paragraph, the writer proceeds to assign, what he believes to be a more efficient cause of our cold, during one-third of the year, than all others combined, to wit: "The ice-bergs or lofty masses, and the immense tracts of field ice which are formed in Hudson's and Baffin's Bay, and in the northern part of the Gulf of St. Lawrence, and which accompanying each other yearly towards the Equator. The two latter of those seas, especially with their large southerly openings, discharge their prodigious engelations near our north-easterly coast, which are all drifted by the currents along our shores, a few degrees distant, into the Gulf Stream, towards the tropic, and which it would seem would never melt, should they take any other direction."

The above hypothesis is partially correct, but not altogether so. Had the writer studied the subject a little deeper, and more philosophically, he would have found that the primary cause of those "vast and prodigious engelations," also combined in producing the effect, in conjunction with them, of the unseasonable cold, of which we complain. And for this cause it is not necessary to extend our search to the shores of Europe, to the Baltic Sea, or the Gulfs of Finland and Bothnia, for it is at our very doors.

In all parts of the world, among other distinctive marks of His wisdom, Divine Providence has ordained prevailing winds, and it is to the greater prevalence of north, north-west and north-easterly winds on the Atlantic Coast of North America, that we must mainly attribute the severity of our climate in winter, and the long continuance of cold weather, at times, even after the departure of the Ice and Snow from our fields, rivers and lakes. Whenever the wind is in the slightest degree southerly of east or west, and just in proportion as it becomes more southerly to south, if even in the depth of winter, and it matters not how great the quantity of Ice and Snow by which we are environed, the weather becomes temperate and mild and a thaw is the natural consequence; and during night as well as day, so long as the wind continues in the same quarter, and few are so unobservant of the invariable law of nature in this locality, and many degrees inland, as not to know, that when the wind veers a few points to the north of those quarters, cold and frost immediately ensue.

This view of the question is verified by the actual state of the climate on the north-west coast of America on the Pacific Ocean. There, the prevailing winds are the very opposite of ours at the same seasons of the year, and as like causes produce like effects, in that section of our hemisphere, and even in a higher parallel of latitude, both on the Columbia River and at Vancouver's Island, as the winds in winter generally blow from the south, the climate is mild, with only occasional snow, and in summer as the prevailing winds are northerly of west, rain is frequent, with cool weather, so that as an Agricultural country it has no advantage over us, except in the length of the season, in maturing the fruits of the earth.

Experienced Navigators are so well aware of the prevalence of certain winds at stated periods, in different quarters of the Globe, that in making a long voyage, to China for instance, or California, in order to avail themselves of this beneficial influence, instead of taking the most direct course from the point of departure, to the Port of destination, they find it to their advantage to diverge to the right and left, many hundreds of miles, and still they more speedily attain their object.

In no part of the world is the hand of Providence and the effect of prevailing winds more remarkable on climate than at the Cape of Good Hope. The south-east winds preponderate to that degree in summer, thereby tempering the heat engendered from a sandy soil and a nearly vertical sun, that it is one of the most healthy and agreeable countries in the world. In winter the prevailing wind being from the north-west, cloudy weather and rain come in its train, nourishing and preparing the earth for the reception and germinating of seed, which would perish from extreme drought, were a different course the order of Providence. In Palestine,

when as a punishment to its guilty inhabitants the early and latter rain were withheld; drought and famine was the consequence.

In short there are few countries without their advantages, as well as disadvantages. The country we inhabit is not exempt from the latter, but it possesses very many of the former; even elements of future greatness. It behoves us to endeavor to turn our advantages to the best account, and to remedy our disadvantages as far as is in our power. The one under consideration, the want of an Ice Bridge, can be remedied without difficulty, and as it can be done without prejudice to any other interests, the sooner we set about it the better.

The objection made in the Town Council by Mr. Alderman Jones, and which may possibly be elsewhere repeated, that an Ice Bridge formed by a jam is often of the thickness of 30 or 40 feet, is an exaggeration; but were it even so, such is the influence of the Sun in the month of April, when not counteracted by very strong northerly winds, in dissipating the surface of Snow and Ice, and in creating an underground and undercurrent thaw, together with the swelling and spreading of the Stream by the increase of the waters from a more southern latitude; the breaking and detaching of Ice, however ponderous, by the operation of high spring tides, which have a relative force, augmented in proportion to the depth of the object upon which they act: a depth of even 30 feet compared with the general depth of the River, of more than 100 feet, would be as dust in the balance, swept by the hand of Omnipotence. Nor is it forbidden to man, to assist nature when tardy or feeble in her periodical operations. We spread Snow, we chop ice, to hasten its departure from our street, and as it would be just as easy to set adrift, by the force of the current, a ship of the line, as a canoe in the broad, deep and rapid St. Lawrence, so would it be practicable to send adrift detached pieces of floating ice, however great their depth, *when it might be thought necessary to do so.*

Before closing these remarks it may not be amiss to state, that having frequently crossed the Ice at Cap Rouge from the landing place of Captain Bazile Demers, to a point somewhat above the property of Mr. John Porter, at a time when the passage or crossing was defective, or entirely deficient at or near the City, it has been a subject of reflection how far, as some think, a wharf erected on the North Shore just above the narrowest part of the River and nearly opposite the Chaudière, on the one side, and the extension of the wharf belonging to Captain Demers on the south side, as indicated by a sketch herewith sent (No. 3), might not more readily and as efficiently attain the object, allied as it is to the fact, that when the Ice has, at an early period of the winter, taken at Cap Rouge, we have generally, although not always, had a brige at Quebec, of smooth field Ice. Now, as far as the question of jam, of irregular or broken Ice, bears upon the main point at issue, its effect in retarding the opening of the Navigation between Quebec and Montreal, I consider it a matter of no consequence, whether it takes place at Cap Rouge or between the wharves proposed to be placed, the one on the Reef at Point Levi, and the River St. Charles. My convictions are, that neither the one nor the other will have the effect of retarding the navigation in the slightest degree, and I decidedly prefer that means should be adopted to ensure a bridge at Quebec by any means and for the longest period it can be obtained and secured. At the same time I consider that wharves erected at Cap Rouge would be advantageous, if only to hasten and secure a bridge at the earliest possible period, and which they would doubtless have a tendency, and contribute materially to effect.

I am, dear Sir,
Very truly yours,

J. G. CLAPHAM.

To W. H. Davies, Esquire,
Honorary Secretary of the Committee
appointed for the formation of
an Ice Bridge.

Climate of the Atlantic Coast of North America.

1. The average temperature of the year from north of Newfoundland to south of Chesapeake Bay, we believe to be lower than can be found in a corresponding range of latitude, south or north of the equator, or any other portion of the earth.

2. The greater cold of the year, however, is most conspicuous in the three months of spring, and the first month of summer—the difference in these months forms the distinguishing and great repelling feature of the climate of the American Atlantic Coast from lat. 35 deg. north, to the Polar Sea. It is to this section of North America, and to this portion of the year, that our remarks will be confined.

3. We premise our hypothesis as to what is the leading cause of this lingering of winter into the legitimate precincts of spring and summer, with a brief comparison of our spring climate with that of various points in the North of Europe.

4. A letter writer in Paris, (latitude about 49^o.) in letters of successive years, dated from the 2^d to the 4th of March, speaks in them all, of the then beautiful verdure of the surrounding hills. Other observers in Holland, 2 or 3 degrees further north, speak of their springs as varying very little in forwardness from those of the north of France. Others describe those of Prussia (10 deg. more northerly than our selves) as a month or two earlier than ours.

5. Paris, (situate inland about a hundred miles on an air line from the sea,) more than 5 degrees nearer to the pole than is Portland, has its hills covered with verdure nearly three months earlier than our own!

6. Is not this immense variation in spring time and temperature, worth a few minutes examination as to the prominent cause?

7. First, the highlands of New England, and the Alleghany range, though more elevated than any lands in the vicinity of the places cited in Europe, cannot be very considerable causes—for in elevation and extent they are not to be compared with those of the Alps, which cause no such a degree of cold on low lauds near them, though in a latitude higher than ours.

8. Our vast lakes cannot be the chief cause, for the cold near them, even in winter, when frozen, is less intense than on higher ground remote from them, and the ice in them sinks and disappears, long before the ceasing of the cold seawinds on the coast.

9. We proceed to assign what we believe to be a more efficient cause of our cold during one-third of the year, than all others combined. To wit, the icebergs or lofty masses, and the immense tracts of field-ice which are formed in Hudson's and Baffin's Bay, and in the northern part of the Gulf of St. Lawrence, and which accompany each other yearly towards the equator, The two latter of those seas, especially with their large southerly openings, discharge their prodigious congelations near our northeasterly coast, which are all drifted by the currents along our shores, a few degrees distant, into the Gulf Stream and towards the tropic, and which it would seem would never melt, should they take any other direction.

10. If it be said these are not the only inland-seas in high latitudes which communicate with the ocean—the Baltic sea, which with its Gulf of Finland and Bothnia corresponds in latitude, and considerably in magnitude, with Hudson's and Baffin's Bay, furnishes nothing remarkable in masses of Ice, and what there is, disappears where it is formed, like the Ice in our lakes. This is true—and the reason why the latter do lengthen the dominion of cold, and the former does not, is explained we conceive by the same theory. The outlets of the Baltic are narrow—its frozen productions, (vastly less in themselves,) are therefore retained till they become softened and soaked by the water below them, and till they sink and disappear. The outlets of our bays and gulf, on the contrary, are broad, and as fast as the reflection of the sun's rays from the land loosens the Ice on the shores, and before the main body is softened at all, the northerly winds drive it out fresh with its

wintry atmosphere, which in no small degree it retains while it remains undissolved ; and leaving the surface of the water chilled below the common ocean temperature for a time after.

11. As there is a stronger tendency in a colder atmosphere to invade a warmer, than the reverse, we think the long prevalence of our ungenial sea winds in spring and a part of summer may be thus produced.

12. The writer is fully aware that most of the above facts are well known to many, and especially to navigators ; but there may be some advantage in collecting them together—and if there should prove to be one original thought in all which has been suggested, which can be turned to profitable account, the writer will consider the hour or two thus occupied as not among the wasted ones of life.

The climate is affected entirely by the prevailing winds. The north-eastern coast, to a certain longitude, and to an extent interior, perhaps, not farther west than the Rocky Mountains, from the prevalence of north westerly winds during the winter Solstice is much more cold than all other portions of the globe in the same parallel of latitude. On the coast of the Pacific as the winds prevail in an opposite direction at the same period of the year at Vancouver's Island, and on the Columbia River, although farther north than Quebec, they have mild winters, with little snow, and in summer, from the condensation of the winds prevailing from the north, they have moist weather, and the heat not so intense as on the Atlantic coast.

Our object must be, to turn the dispensations of Providence to the best possible account—like the Barren Mountains in Wales, for ages considered of no value, but now worked to very great advantage, our fields of Ice may be turned to profitable account.

No. 6.

Letter, Michael Scott, Esquire, to W. H. A. Davies, Esquire.

QUEBEC, 25th February, 1852.

SIR,—It is with much pleasure that I comply with your request contained in your circular of the 19th instant.

The formation of an annual Ice Bridge has long been a favorite project with me, and I am very happy to see the measure taken up with spirit by the inhabitants of Quebec.

As to the practicability of the measure, I do not entertain the smallest doubt on the subject. The Ice uniformly stops of itself every year once or oftener, and remains for various lengths of time, which shews clearly nature has almost done the work herself and only requires some artificial assistance to accomplish the object.

By the same course of reasoning, it is easy to see where the works should be constructed, that is, wherever nature has shewn an inclination to work, it is there we ought to assist her.

The place where the Ice generally stops is in the narrows between the mouth of the Chaudière and the Cap Rouge Rivers ; of course it is there the works ought to be constructed,

There are a great many kinds of works that might be constructed, but what I would most recommend is four piers of about 200 feet square each, placed by twos opposite each other on each side of the channel, sunk in about 30 feet water, and the one pair of piers to be about 400 feet from the other pair, up and down stream.

Two piers might perhaps do, but I would have more confidence in four ; and if it should be found these do not stop the Ice, a net work of booms might be placed between the four piers, and there can be no doubt this would effectually stop the Ice.

But the objection to this net work scheme is, it might be more difficult to break the Ice in the spring and so retard the navigation. I do not, however, think there is

much danger in this respect, the Ice once stopped I have no doubt some means will be found to get rid of it.

As to the cost it is well known that floating Ice in such a current as we have to contend with is very powerful, and will therefore require very strong works to arrest its progress. I do not think works to make sure of the object would cost less than £20,000 to £30,000, but this sum would not be exclusively applied to this object, a very large revenue might be derived from the piers in the summer time for shipping purposes, and were the piers put down in a proper place, I have no doubt but that the whole or nearly so of the interest of the capital expended would be got for mooring ships to load and unload in the summer season.

These works would certainly not in the smallest degree impede the navigation, for vessels coming from sea to Quebec, but they might retard it a little from Quebec upwards, but I do not think it would be much, and this being at a season of the year when there is very little doing. I do not think this a serious objection.

Some people are of opinion that piers built on the point opposite Point Levi Church, would stop the Ice; I do not coincide in this idea, because piers on the one side of the River would be of little use unless there were piers on the opposite side also. Now the channel is so wide here, and the Ice floating up and down is so much broken up and piled into heaps, that it would be much more difficult to stop it than it would be above where the ice floats in much larger fields and with a much smoother surface, and the channel there being much narrower; there can be no doubt but that the Ice would be much easier stopped, and the locality being much more sheltered, the works constructed would be more available for other purposes.

If you stop the Ice between the City, you run the risk of obstructing vessels coming from sea, which I think of more serious consequence than stopping the navigation a few days above the City.

If you stop the Ice above the City, you are sure it will stop opposite the City, or you will have clear water nearly all the time, which will be nearly as good as if you had a bridge opposite the City.

A great deal more might be said on this all important subject, but as it is my intention to see the Committee personally, I will then state my views more fully.

I am, &c.,

MICHAEL SCOTT.

P. S.—Should there be any doubt about the practicability of breaking up the Ice in the Spring, some experiments might be made to find out how this could be effected before taking measures to stop it.

This project, both of stopping the Ice and breaking it up, being things entirely new, some money must be expended in making experiments, otherwise you will never be able to effect your purpose.

The mode which I would suggest of breaking up the Ice is to have a strong and powerful steamboat built, with saws and mallet wheels projecting from her in such a way as she might work her way through any ordinary field of Ice. This I have no doubt would succeed.

MICHAEL SCOTT.

No. 7.

Letter from Captain John Lambly, late Harbour Master, Quebec, to W. H. Davies, Esq., with three plans.

BEAUPORT, 22nd February, 1852.

MY DEAR SIR,—I beg leave to send you my ideas of the best means of stopping the Ice so as to form the Ice Bridge annually.

I have long and seriously thought about it, and I trust you will succeed, at all events you will to a certainty gain a line of fast Ice, or a batture from the sand bank marked D, off the River St. Charles, up to Point Pizeau, which batture will form a necessary protection to all the Wharves in front of the City, and a safe landing for the canoes between these points, which will be the means of saving many lives, and shortening the distance across to Point Levi, and I think I may say, an Ice Bridge yearly.

The sketch may not be exactly correct, but I know it is not far wrong.

The Piers must be strong ones, and run out into 40 feet at low water spring tides, in the month of August, when the St. Lawrence is at its lowest.

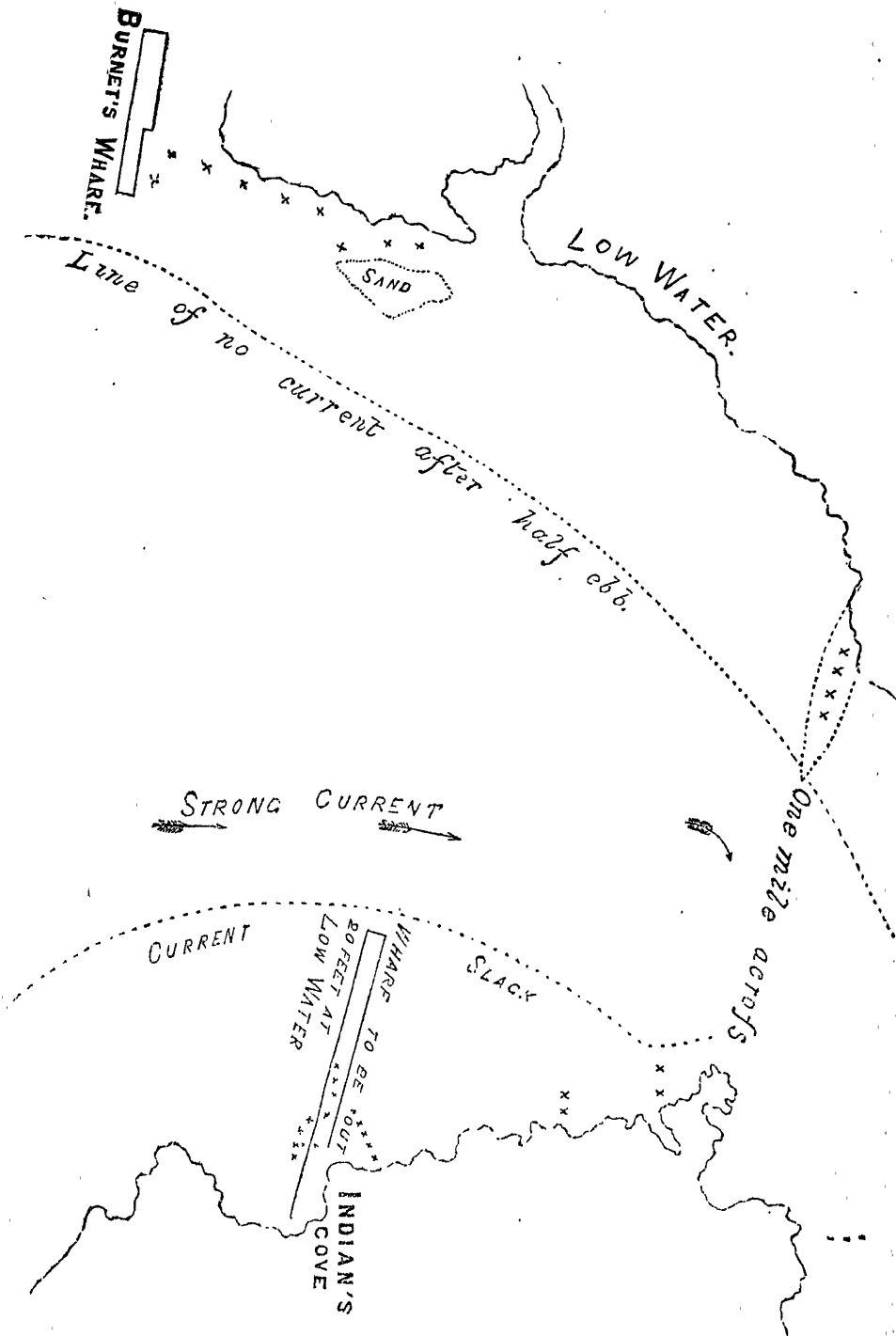
I am told Mr. Pozer's and Mr. Gellespie's Wharves have 42 feet in front, if so, the Piers can be sunk to that depth also.

I am, Sir, with a strong wish for your success.

Respectfully yours,

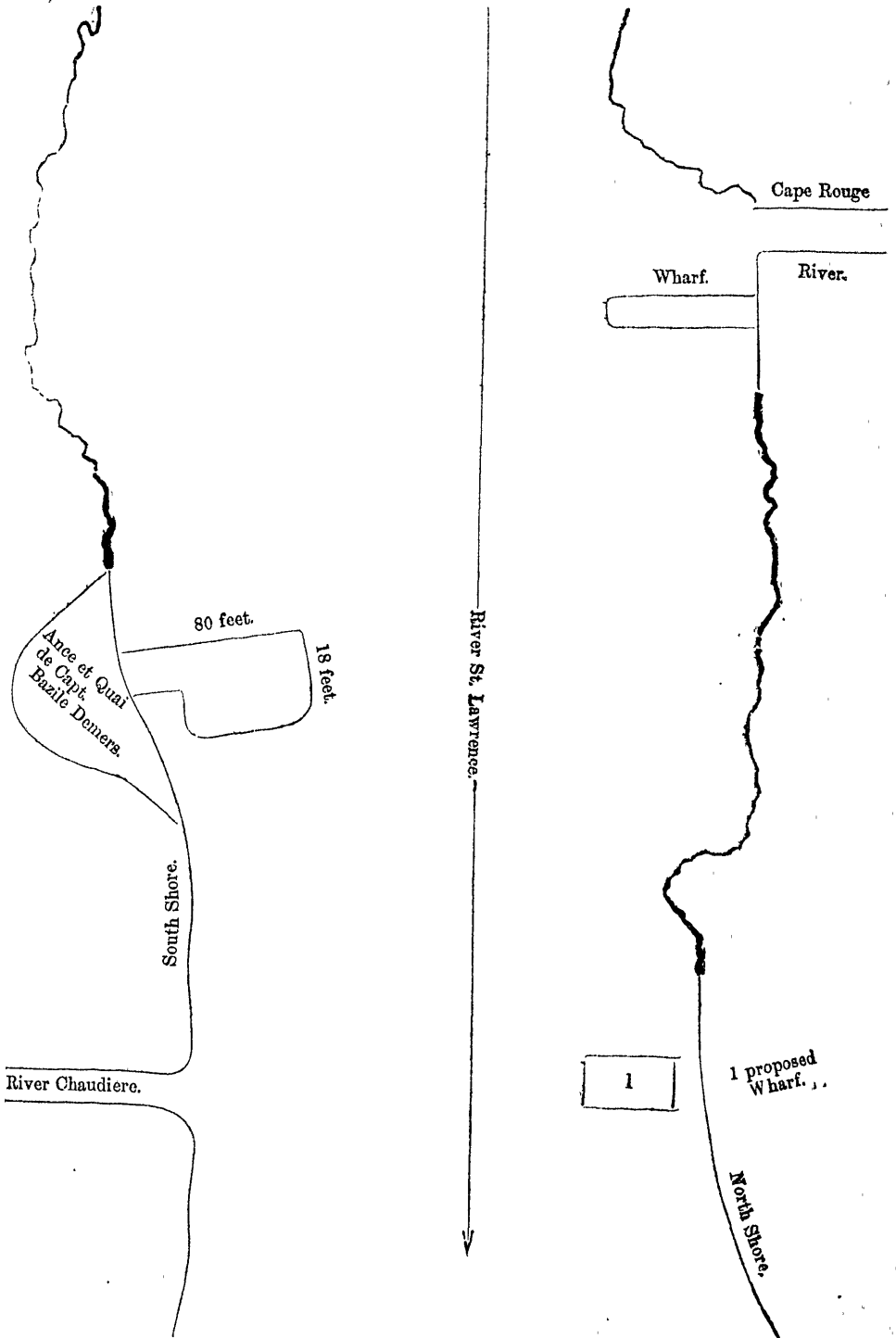
JOHN LAMBLY.

To W. H. Davies, Esq.,
Quebec.

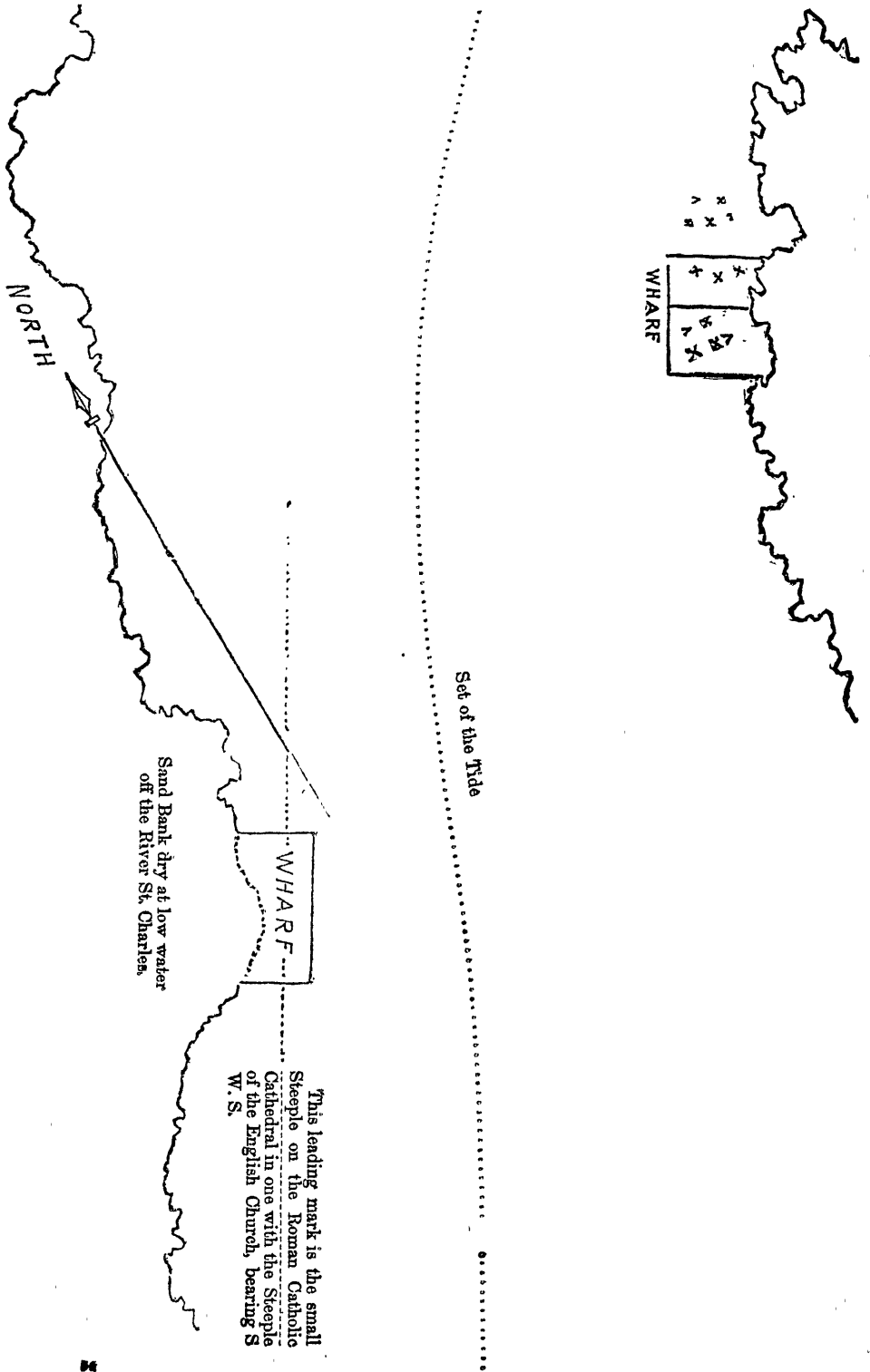


It is a few yards less than one mile from St. Andrews' Wharf to Begins house.

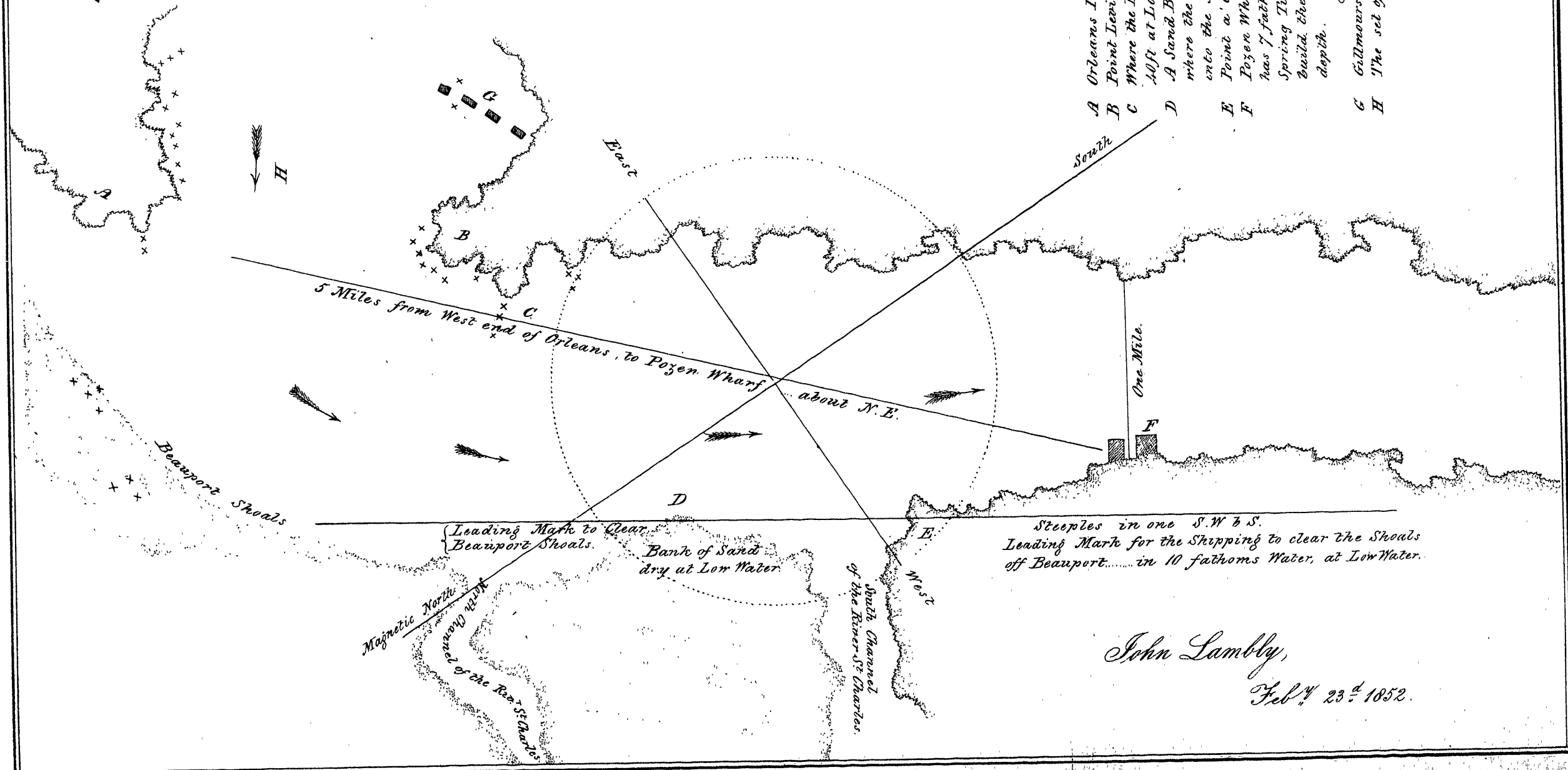
PLAN 1.



PLAN 2.



PLAN-3



- A Orleans Isle.
- B Point Levi.
- C Where the Pier is to be built out to 40ft at Low Water.
- D A Sand Bank, dry at low water where the other Pier is to be built into the same depth as C.
- E Point a' Carnes.
- F Pozen Wharf, which I am told has 7 fathoms at it, at Low Water Spring Tides, if so by all means build the Piers into the same depth.
- G Gullmours' Booms } also Gallspres Wharf.
- H The set of the Tides.

Steeples in one S.W & S.
 Leading Mark for the Shipping to clear the Shoals
 off Beauport... in 10 fathoms Water, at Low Water.

John Lambly,

Feb 23^d 1852.

No. 8.

Letter from Mr. J. Gourdeau to Ice Bridge Committee.

QUEBEC, 27th February, 1852.

GENTLEMEN,—Conformably to your request, I have brought my memory to bear on the only spot suitable to be made to achieve the object that you have in view. To the north of Point Levi Church, at the point, there is a shoal extending out to the distance of three hundred fathoms from the beach, where there is but five fathoms of water. Now, from the outward extremity of this shoal to Beauport shoal, where there is only three and a half fathoms of water, the distance is about four hundred fathoms. My opinion is, therefore, that if a block were built on the end of Point Levi shoal, that it would have the effect of causing the current to be changed; the Ice would certainly form from it to the shore at an early period; it would check the floating Ice outside, and, in my opinion, would give you an early annual Bridge across the St. Lawrence. As to the retarding of navigation, I think that it would not have an injurious effect as it would only be for a few days, and that circumstance would be much more than counterbalanced by the advantages derived from an Ice Bridge. Again the block alluded to would be rendered a boon to the shipping, by causing a light to be kept on it, which would prove a guide on a dark night to vessels coming into and going out of the port.

I have the honor to be, Gentlemen,
Your obedient humble servant,

F. GOURDEAU.

Committee of Ice Bridge Scheme.

No. 9.

Letter from E. B. Lindsay, Esq., to H. A. Davies, Esq.

TRINITY HOUSE, QUEBEC, 1st March, 1852.

SIR,—Having laid before the Trinity Board your letter of the 20th ultimo, with the accompanying circular respecting an Ice Bridge at Quebec, I am directed to acquaint you, for the information of the Committee of the citizens of Quebec, that the Board have already given an opinion upon this subject to the Executive Government of this Province, but that should the matter be again referred to them through the same channel, they will be prepared to reconsider the same.

I have the honor to be, Sir,
Your obedient servant,

E. B. LINDSAY,
Clerk T. B. Q.

W. H. A. Davies, Esquire,
Secretary of the Committee
of the Citizens of Quebec.

No. 10.

Letter from Captain John Lambly to the Chairman, with plan.

BEAUPORT, 28th February, 1852.

MY DEAR SIR,—I received your circular yesterday, and in answer to the questions therein, I respectfully say—

1. The forming of an Ice Bridge annually is doubtful.

2. I should recommend Wharves to be built or erected, as pointed out in the sketch which you have received.

I also am of opinion that to carry or lay a Boom, (however strong,) across the River at right angles, with the set of the tides, is impossible; and at any other angle it would be extremely difficult, and if laid it would snap like a pack-thread.

We may, perhaps, coax the Ice to stop itself (if I may be allowed the expression) and I respectfully give you my reasons for supposing that that can be done.

First, the south side of the River from Point Levi up to the Chaudière is very steep—that is, the deep water is close to the edge of the Rock, and therefore no batture of Ice will form along it. The Ice breaks off every falling tide and floats away.

But the north side of the River from the west end of Orleans up to Oliver's Wharf, and from L'Ance des Mers up to Point a Pizcau, is almost a dead flat of sand and mud, which dries at low water, a long way off, and is by no means so steep, and the water deepening more gradually.

I consider, therefore, that this is the side of the River on which we must coax the batture to extend itself farther off to the south eastward.

Secondly, the large angle which the flood tide makes in rounding Point Levi, causes the drift Ice to run up along the north shore, and soon fills the River Saint Charles, and the flat ground off Beauport, and down to Orleans, which we see every year regularly, and fills also flat ground, and the Coves from L'Ance des Mers to Point a Pizcau, and by erecting a Wharf as far off as to be safe, that is, as near the deep water as possible, and inclose the whole sand bank off the River St. Charles (as marked in the sketch,) I am of opinion, would aid in forming a more extensive batture, and most likely would then form a fixed line from Orleans to Point a Pizcau, and which would form a very necessary protection to the Wharves in front of the Town, and on which canoes would embark and disembark at all times of the tides with safety.

Again, a Wharf erected a short distance above the pitch of the Point Levi (as also marked in the sketch) as far out to the northward to be safe, (that is, as near the deep water as possible,) would, in my opinion, add to the effect, which the flood tide has in carrying the drift Ice towards Beauport flats and the River St. Charles, by giving the Ice a broad sheer (as we sailors say).

From Point Levi up to the River Chaudière the water is very deep, 25, 27, and 30 fathoms (on that side of the River) and forms a ditch (if I may use the word,) and through which the greatest part of the up-land waters find their way to the Ocean.

And also causes the ebb tides to continue to run down until the River has risen 2 or 3 feet, so that the first of the flood-tide runs up on the north side of the River, and the ebb tides on the south side of the River continue to run down until mastered by the flood.

I trust (after the erection of the two Wharves mentioned) we might hope to have a good wide batture, strong enough to protect itself against the north east gales, and I do think this we may be able to accomplish—all else I fear must be left to chance.

4. These Wharves herein mentioned will in no way obstruct or impede the navigation of the River. To erect Light-houses would be a useless waste of money. The leading marks for entering the Harbour are simple and distinct, and all that the shipping requires.

3. I cannot give you any estimate of the amount of the cost of the Wharves, but I send one model herewith, which I should prefer; should one be built on the Sand Bank off the River St. Charles in proportion to its size would be the protection to the River crafts within it.

I further take the liberty to say, let the Wharves be large, and the annual rent of them would be much more than the interest of their cost.

I am, Sir,
Respectfully yours,

JOHN LAMBLY.

North end.

I think that these Wharves would rent for more than the interest of their cost.

Inlet for Craft to load and discharge.

Plan of Wharf for the River St. Charles.
The same Plan would answer for Point
Levi.
They ought to be no smaller, but as much
larger if possible.

North-East front or East.
150 feet long, or longer if thought necessary.

72 Feet, or as large as thought proper.
South West end or South end.

No. 11.

Letter from Captain Lambly.

BEAUPORT, 28th February, 1852.

MY DEAR SIR,—It may not be going much out of the way perhaps to mention to the Committee that there is a sand bank growing up about a cable's length distant from Bréhaut's wharf. It was occasioned by the loss of a Government Store Ship in 1750, which sunk there.

I sounded on it during 30 years, and found it rise gradually to 15 feet in the course of that time, and the last time I sounded, (if I do not mistake) I found 8 fathoms on it at low water, how much it has risen since 10 years ago, I do not know; that it will continue to rise there can be no doubt; could a wharf be built thereon, I have no doubt but the batture on and in front of the Town, would form annually.

I am, Sir,
Respectfully yours,

JOHN LAMBLY.

No. 12.

Remarks by Henry Alkinson, Esq.

The following remarks are offered by the subscriber in reply to the circular from the Committee appointed by the citizens of Quebec to ascertain the practicability of forming an Ice Bridge, &c., &c.

1. As to the practicability, I believe it to be quite so.

2. As to the means of securing an annual Bridge, I would leave the site most certain of success to be decided by scientific persons, and such persons must watch the floating masses of ice, their peculiar set or current, and the angles thus formed, to decide on the situations of such Pier, so as to obtain the most advantageous positions for placing the Piers, by ascertaining where the great pressure will tend to the shores, and leave the Piers exposed to the least possible strain.

I can conceive no other form or mode for causing a Bridge, than by separate Piers, the size and form whereof must depend upon the choice mode of place. But generally speaking, I should propose either end should present a sharp angle, and that the outside of the wharf part should be constructed with unusual care and strength, and filled in in the most solid form possible; bevelling upwards on sides and ends, so as to offer a perfect basis, and give diagonal support to any extraordinary pressure on the upper surface when completed.

3. As to the cost, I can give no idea, and as the construction must be so substantial in comparison with ordinary Wharves, I would not feel disposed to give the work out to the lowest bidder.

The character of the workman is of most importance.

It is possible that 2 or 3 Piers may be enough. I would first try a single one for one winter, before completing the whole.

4. I am persuaded that such Piers would not interfere, or need not, with the navigation.

5. I think that suitable Piers could be rendered useful and productive, in summer, for the use of ships in loading, and also as storing wharves for lumber, coals, &c.

Upon the whole, viewing the inconvenience experienced from the want of free communication during the winter months between the two shores, I do approve of

the formation of suitable Piers, so as to ensure the early formation in each winter of an Ice Bridge, and thereby supply with the help of art, the union of the two shores every winter, which now only occurs occasionally, and almost always towards the end of the winter.

HENRY ATKINSON.

Quebec, 25th Feby., 1852.

No. 13.

Letter from Captain D. Vaughan.

QUEBEC, 5th March, 1852.

SIR,—In reply to your request of the 19th February, desiring my opinion as to the practicability, &c., of forming an Ice Bridge across the River at Quebec, the following is respectfully submitted :

It is my opinion, the project of having such a Bridge formed at Quebec is quite practicable. The means I should employ would be—To have four Buoys, made of four or five tiers of Pine timber placed equidistant from each other and the opposite shores, with two anchors, each 32 cwt., attached to each Buoy. The Chain to be sufficiently strong for the anchors, then run a chain, similar size, connecting each Buoy, and either shore respectively ; proper mooring Post being at the latter places to secure the chains in a suitable manner.

The chain could be floated by logs of Pine lashed to the main chain of the several Buoys, and there should be at each side of the river a heavy windlass, with patent purchase to heave the slack chain in.

The Buoys could be laid down early each Fall by means of the "Anchor hoy," and removed again in the Spring, I am almost certain that in two ordinary freezing nights this would stop the Ice and effectually accomplish the object of your communication.

The Bridge once taken, all the heavy Ice coming down, would pass underneath the Ice formed by the Bridge, which would cause but little strain on the anchors and chains.

Before the breaking up of the Ice in the Spring, these chains could be removed by means of an Ice plough, (such for instance as is used at Boston in cutting Ice for exportation) with four horses, the whole of which could be done in the course of two days.

This, I consider, is the cheapest mode of trying such a project as well as practicable.

With regard to the injury to the navigation of the River, apprehended in the event of such a work taking place, for my own part, I can see no interference it can have with the navigation, and therefore would not give credit to such an objection as to the cost.

Taking the above for granted (for the success of which, I for one would hold no doubt), the difficulty in ascertaining the probable expense, cannot be very great.

I shall next draw your attention to what I experienced in a similar, but less extensive, undertaking, and which may probably have some weight with it.

When in Sorel, in charge of the St. Lawrence Steamboat Company's Boat's, a great deal of labor was occasionally experienced in crossing the River at that place, to the opposite side, where most of the Boats lay, from large quantities of Ice running down, I therefore conceived the idea and which I adopted, namely, having a Boom with some spars or raft oars, made fast to a five inch lanyard line, with a small ridge Anchor to support the centre of the Boom against the current and Ice, and it served and answered well, for the following morning, myself with fully one

hundred of my men crossed to the opposite side to their work, and for some weeks before the frost set in with any great severity the River was open above and below this Bridge.

This of course was an experiment on a small scale. The river at that place being only four hundred and fifty feet in breadth, and rate of current at that time two knots.

In conclusion, I beg to say, that I feel much pleasure in conveying the above, as being a condensed view of the matter taken by me, and in the absence of better information should respectfully lay it before the consideration of the Committee and recommend it to their notice.

I am, Sir,
Your obedient servant,

(Signed,) D. VAUGHAN.

To W. H. A. Davies, Esquire.

No. 14.

Letter from E. H. Sewell, Esq., with a Section of a Steamboat.

ETCHEMIN, 5th March, 1852.

DEAR SIR,—In accordance with your request of the other day, I send you a description of the movements of the Ice and current in that part of the River immediately connected with that point, which you mentioned as being best adapted for the extending out of a Pier for the purpose of causing an annual Ice Bridge.

The current from Ballues down to W. Henry's 2nd Wharf (that is the Wharf farthest to the east,) takes a course, I may say, almost east and west, running parallel with the shore till its arrival at the above mentioned Wharf; from this it shoots off at an angle of about 30 degrees, and continues this course till it comes in contact with the said channel stream, it then leaves this current and continues its course towards the south shore, till meeting with a small reef of rock which extends out at right angles with the shore some 1500 feet below the ship yard, when it takes a direct westerly course up shore. You will easily imagine how decidedly rotary in its motion the current must be between these two points, when I assure you that when employed in the construction of ships at the yard above mentioned, it was customary for rafts coming to the yard during the ebb to make for this rotary current, when to a person not acquainted with its movements, the fact of the boat or rafts reaching the yard would appear perfectly hopeless, but such is the power of the current on the largest rafts, that in a few seconds they will be seen running up in shore with a velocity almost equal to that at which they were moving in a contrary direction, while under the influence of the outer current.

This rotary motion does not exist near the surface at high water, especially in spring tides; its motion is hardly perceptible after about $3\frac{1}{2}$ or 4 hours flood.

The ice comes down with the ebb on W. Henry's Wharf with a speed and force almost incredible. I have seen the Ice drive a cross timber of the Wharf some 14 inches square, completely through the outer sheathing.

The Ice returning with the flood and meeting the Ice in its downward course in the whirlpool, if I may so term it, piles to a great height, and was once the cause of the loss of several human lives. For it was there that those sad accidents happened some years ago, of which you, no doubt, have heard—the canoes and several of the crew were completely cut in two by the meeting Ice. Should a Pier be determined upon, I do not think that a better spot could be selected than the point in question.

The batture, both here and on the Beauport flats, extends to a great distance, and narrows the space of open water considerably, so much-so that the Canadians call this part of the River in winter season *la Clef du Pont*, (the key of the bridge). I will take advantage of the present opportunity of addressing to you, as one of the gentlemen forming the Committee for the purpose of inquiring into the best course to pursue for the securing of an Ice Bridge opposite the City, a few remarks relative to that important subject.

Of its practicability I have no doubt, yet when you come to consider the great and unavoidable disadvantages that would certainly follow an Ice Bridge artificially formed, it requires mature consideration before adopting it as the most advantageous mode of communication with the opposite side of the St. Lawrence.

That it would retard our navigation, there is every reason to believe. Ice stopped in the early part of the season would, during our long and severe winter, attain a thickness immeasurably greater than Ice naturally formed.

The natural Ice Bridge has great facility for moving in the spring of the year, its outer edge being immediately subject to the influence of the heavy seas raised by the easterly gales to which we are subject during the months of March and April, and the immense space of clear water below, giving it every facility for detaching in pieces of acres in extent. As these natural provisions would be almost totally destroyed by the carrying out of Piers to an extent necessary for the retaining of the downward Ice, there is no doubt, especially when you take into consideration that the jammed Ice has been known to remain opposite the City till the 1st of May—that Ice having this artificial barrier to contend with, would remain till it became so decomposed as to sink. I am still of opinion that the best means of communication with the other side, is that of a steamer so constructed as to be enabled to cross the River during the winter months; some think that it is impracticable, but I know and can prove that it is practicable.

Besides a boat constructed on the principle which I shewed you the other day, I would suggest a stationary engine of great power to be erected on each side of the St. Lawrence, for the purpose of aiding the boats established on the winter ferry in their passage to and from Quebec to Point Levi.

The immense freight that two winter boats would secure is evident when you take into consideration, that from 20 to 25 canoes cross two and three times a day, averaging from six to eight passengers, and about 8 or 10 cwt. of freight, it is only natural to suppose that were those facilities offered for crossing over cattle and produce which a winter line of boats most certainly would, that this weight of freight and number of passengers would increase 200 per cent. I enclose the drawing of the midship section of the winter boat. Below you will find a description of the drawing.

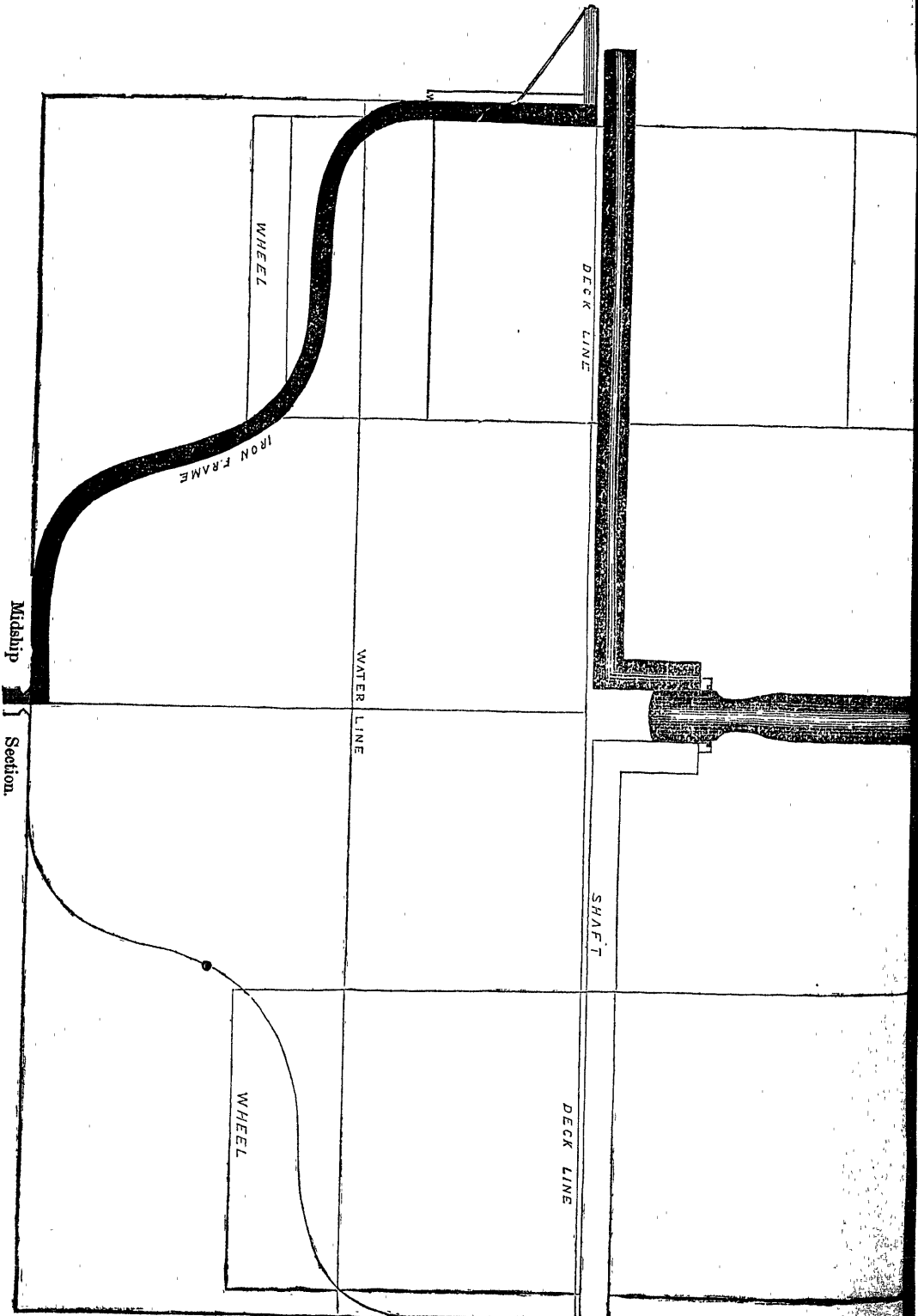
Hoping that this will meet with your consideration.

I have the honor to be, Sir,
Your obedient servant,

To W. H. Davies, Esq.

E. H. SEWELL.

You will perceive by the formation of the vertical section of the boat that the wheels are within her main breadth, even at the line of immersion. Wheels thus placed can be kept in motion for any length of period, and at any velocity, without any danger of coming in contact with the Ice. This boat should take a direct course through the Ice up to the end of December, and could do so all winter through, should the Ice be stopped artificially or otherwise at the Chaudière, in any case, no matter how large the masses of Ice, I know by observation, that opportunities present themselves at different stages of the tide, for a boat of her dimensions passing through with little or no difficulty.



No. 15.

*(Translation.)**Letter from Mons. F. E. Verrault to François Lemieux, Esq., M. P. P.*

POINT LEVI, 28th February, 1852.

SIR,—Mr. W. H. A. Davies has addressed me a copy of the circular from the Committee appointed at a General Meeting of the citizens of Quebec, with a request that I should favor him with my opinion on the following heads :

1st. Whether it would be possible to form an Ice Bridge every winter?—In my opinion the thing is perfectly practicable, by constructing or erecting two Piers, one opposite Mr. Louis Lemieux land, about six arpents above the Point Levi Church. Its size might be 80 by 100 feet, and it should be sunk to the depth of 30 feet at low water. I will here remark that the distance from low water to the place where the Pier would be erected would be about 600 feet ; and at this place no stationary shoals are formed. This is worthy of remark, for this place is what our ferrymen call the “ Key of the Bridge,” consequently the channel would, if this Pier were constructed, be narrower by nearly one third. The other Pier should be on the north side of the River, opposite to the above-mentioned one. It should also be sunk to the depth of 30 feet at low water, and its size be 130 by 100 feet. Both these Piers should be built of large timber and sheathed all round the outside, and the inside filled up with stone or with ballast from European ships.

2nd. I think the object in question can only be attained by building Piers.

3rd. The cost of the Piers, according to estimates made for the same description of work in the Port of Quebec, might be as follows, viz :—that on the south side 80 x 100, £3250, that on the north side £4875. (But if these works should be made under the control of Engineers from the Board of Works, it is to be feared that the work would not be so well done and would cost more ; as for instance the Wharves in the lower part of the River.) With two Piers thus placed, there is no doubt that from the very first cold day in winter we should have a splendid Bridge, not only before the City, but as far as St. Nicholas.

4th. The navigation is never considered open before the Lake St. Peter Ice comes down. No Ice Bridge so formed could stand more than two or three days against the pressure of the Lake Ice. At all events, if the Bridge did sometimes retard the navigation for a week, we should be no great losers, inasmuch as we should have had the benefit of the Bridge during more than three months of the winter.

5th. In making the efforts necessary to attain the object of the praiseworthy duty imposed upon the Committee by the Citizens of Quebec, I think it very proper to remark that in building the piers at the place pointed out by me, the Bridge would undoubtedly be available as far as the upper part of the Parish as well as New Liverpool, and even St. Nicholas ; whereas if the piers are built higher up, we shall not be certain of obtaining a Bridge opposite the City which is the most essential point, and I am persuaded that the gentlemen of the Committee have no other object in view.

I address you this letter, and if you should think that the remarks it contains would be of any use to the Committee, may I beg that you will be kind enough to communicate it to them.

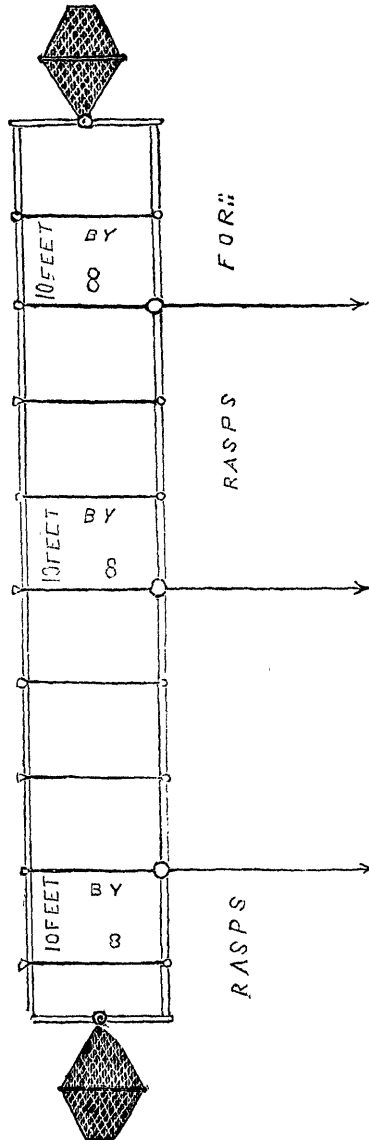
Accept, I pray, the assurance of the most distinguished consideration with which I have the honor to be, Sir,

Your most humble and most obedient servant.

FRS. E. VERRAULT.

No. 16.

Sketch for a proposed Bridge of Ropes to stop the Ice.



No. 17.

Remarks by Captain Julyan, Assistant Harbour Master, Quebec.

QUEBEC, 8th March, 1852.

MR. CHAIRMAN AND GENTLEMEN OF THIS COMMITTEE,—You have now being sitting once a week for several weeks past, for the purpose of ascertaining the opinion of competent persons as to the best and most probable means of establishing for three or four months in the winter, an Ice Bridge between Quebec and Point Levi. You

have now before you several ingenious plans for that purpose ; as a Member of this Committee, and the expericnce I have had with the set and strength of the Tides and Ice in this River, I should be apprehensive that the expense and uncertainty of accomplishing your object, by any counter strong measures, would be futile, and doubtful as to its succeeding ; my object in addressing you now, is to point out the natural course of the Tides and Ice, as bearing upon the object in view.

In the first place it is well known that the Tide of ebb makes down on the South shore longer, stronger, and before it does on the North shore, until it comes to the shoal of Point Levi Church, and then it strikes over to the Beauport shore. I should think it must be evident to all those who have made their observations upon the set of the Ice during the ebb, that this shoal is the natural key to an Ice Bridge, and it is my humble opinion that this natural key should be kept in view and assisted, but by no means to be coerced to any extent.

With all the care and impartial consideration I can give the subject, upon the different plans proposed, I can see nothing so likly to obtain the object we have in view, as the extending the natural shoal off Point Levi, by laying down a Block of three hundred feet from the end of that shoal into the River ; I should have every hope myself that it would be the means of uniting the Ice with that on the Beauport shore, without any other Block or assistance whatever, but as water and Ice are uncertain and slippery things, nor can the most able engineers place dependance on the effect of altering a water-course, in the smallest degree, I should say place your Block there, for should it fail in obtaining the object you have in view, it would be worth every cent laid out to the Trade, and general work of the Port as a break-water, to quiet the anchorage and protect the Wharfs, Booms, and Ships loading Timber ; for the want of a protection of this description, great losses are sustained yearly. This, with a coloured light on the outer end, to guide Vessels up or down in dark nights, with a safe anchorage under its lee for small Vessels bound into the St. Charles, with a depôt for coals for Steamers, would more than compensate for any moderate outlay thereon.

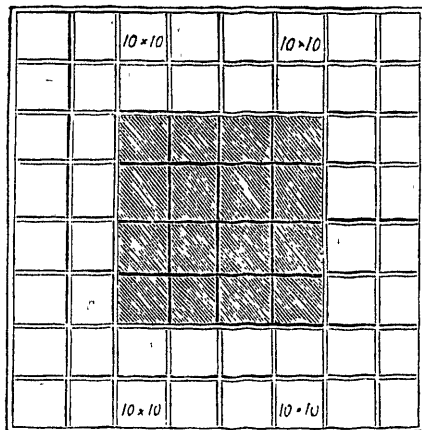
With respect I submit the above.

ROBERT JULYAN,
Assistant Harbour Master.
Quebec.

No. 18.

Calculations of the cost of erecting Blocks.

Block 100 feet Square.



3½ α 4 Fathoms.

say 50 feet of work.

The face timber and Corps morts are 18 inch White Pine, and the platforms of which the lower one would be an entire bottom, might be rejected Elm ; the others (two in number) should be of White Pine.

	cubic.		
Two lower Tiers, 9 ps. each ; 100 x 18 inches,.....	225		
	18		
	<hr style="width: 50px; margin-left: auto; margin-right: 0;"/>		
	4050 feet @ 8d.	£135	0 0
1st Platform, 64 ps. each ; 100 x 15 inches,.....	156.3.0		
	by		
	<hr style="width: 50px; margin-left: auto; margin-right: 0;"/>		
	10,000 feet @ 3d.	125	0 0
2nd and 3rd Ditto. 48 ps. each ; 96 ps. of 100 x 15 inches,.....			
	gives 14,976 feet @ 3d.	187	4 0
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	cubic.		
32 Tier high, each 12 ps., 100 x 18 inches.....	225		
	12		
	<hr style="width: 50px; margin-left: auto; margin-right: 0;"/>		
	2,700		
	32		
	<hr style="width: 50px; margin-left: auto; margin-right: 0;"/>		
	86,400 feet @ 8d.	2,880	0 0
1762 Toise Stone, @ 20s.....		1,762	0 0
Iron, Spikes, Fenders, Platform on top, mooring posts, and contin- gent items,.....		500	0 0
		<hr style="width: 50px; margin-left: auto; margin-right: 0;"/>	
		£5,589	4 0
		<hr style="width: 50px; margin-left: auto; margin-right: 0;"/>	

QUEBEC, 24th February, 1852.

This price is intended for sound White Pine Timber and close work, well performed—but am of opinion that such a Pier could be put in eight fathom water or 76 feet of work for this amount, if the part of Wharf from low water upwards were open work and not close tinted.

Superstructure Open Work.

I think about 7s. 6d. per superficial foot would place a Wharf in $3\frac{1}{2}$ a 4 fathoms water, being about 50 feet of work.

6s. per superficial foot in 3 fathoms water, being about 46 feet of work.

The stone, or $\frac{2}{3}$ of it, might be got from ships from sea without cost, provided there was an order obliging them to discharge into the Wharf—300 toise would be required at once, *en batteau*, to place the part under water, while the superstructure might be altogether filled by vessels from sea.
To Captain Julian, R. N., &c., &c.

No. 19.

Remarks on the probability of an Ice Bridge retarding the opening of the Navigation, by W. H. Davis, Esq.

As there is an impression on the minds of some persons, who are otherwise favorable to the obtainment of a periodical Ice Bridge, that such an event would tend to retard our communications with Montreal and the sea by the St. Lawrence, and who, consequently, from this single reason, are opposed to this measure, it may be worth while to devote a few moments to the consideration of this question, which it must be allowed is one of considerable importance, by investigating into the probability that a periodical Ice Bridge, if it could be procured, would retard the opening of the navigation, and if so, to what extent it would be productive of this consequence.

Taking the last 20 years, we have had Ice Bridges at Quebec or at Cap Rouge nine times, and consequently, in eleven years out of that period there has been no Ice Bridge. Assuming the arrival of Steamboats from Montreal as the opening of the navigation between the two Cities, it will be found that the average date of the arrival of the first Steamboat in those years in which there has been no Ice Bridge, is the 23rd April, and in those years in which the Ice has formed a Bridge, it is the 27th April. If we examine into the opening of the navigation as exemplified by the arrival of ships from sea at our Wharfs, we shall find the mean time of their arrival to be exactly the same, whether there is an Ice Bridge or not, viz. : the 1st May in both cases.

It will then be seen that the average time of the opening of the navigation is retarded by four days by the formation of an Ice Bridge, as respects the passage between this and our sister City. As respects our communication with the Ocean, it is not retarded at all on an average of years; this being the case, it will scarcely, I should think, admit of an argument that the advantage to this City, as well as to the whole of the surrounding country, by the formation of an Ice Bridge, would far outbalance any temporary inconvenience experienced by the retarding of our communication with Montreal for four days at a period of the year when it is well known to every man in business there is little or nothing doing.

A slight reflection on the causes to which the departure of the Ice on the St. Lawrence is due, will shew us how little apprehension we need entertain of a prolongation beyond a very few days, of our imprisonment, by the continuance of the icy chains that hold us in thralldom, should we succeed in the object we have

in view. The breaking up of the Ice in the spring, as is well known to all those who have paid any attention to the subject, does not arise from any direct action of the sun on the Ice, that contributes but very little, if anything to this object, in a direct manner, though indirectly, it is of course all powerful. The disruption of the Ice on the St. Lawrence in the northern part of its course, is due to three causes, viz :

1st. The River running for a great part of its course much to the southward of Quebec, receives an accession of warm water very early in the spring, this rapidly undermines and rots the Ice it encounters on its road to the ocean.

2nd. In addition to the warmth of the water, the quantity of it is very much augmented, this tends to raise the Ice from the shores, where, from the cause to be next mentioned, its hold is much weakened.

3rd. The increase of the temperature of the earth which has been gradually increasing in the north temperate zone, from the time the sun has crossed the line, begins to make itself felt on the borders of the St. Lawrence, and gradually loosens the hold the Ice had acquired on the shores of the River. To these three causes combined together, is due the disappearance of masses of Ice in a short time, which, if left to the direct influence of the sun, would take months to dissolve, and as these causes must always occur about the same time, they shew us how little any works we could erect, would affect the operation of the natural laws by which the Ice on the St. Lawrence breaks up. The regularity with which these laws work, is well shewn by the fact, that leaving out two exceptional years, in one of which the navigation opened on the 6th April, and the other in which it was retarded until the 8th May; we find that the greatest difference from the mean time of the opening of the navigation, during a period of 30 years, has only been 11 days.

The consideration of the causes which we have assigned for the opening of the navigation, will also shew us the futility of the fears entertained by some, that if we could succeed in stopping the Ice early in the season, we should thereby cause it to reach a very great thickness, and so tend to increase the difficulty of getting rid of it in the spring. Apart from other considerations which could be alleged to shew that it would not necessarily follow that if the Ice took early in the season, it would thereby be much increased in thickness—the fact that the disappearance of the Ice arises from causes quite foreign to the Ice itself, and over which its thickness or thinness exercises not the slightest effect, will at once tend to calm any fears on that head, the causes being such as have been stated, whether the Ice before Quebec was forty feet or four feet in thickness, could not cause a difference in its departure, other causes being equal, of an hour. The truth of the fact has been tested by experience, for the navigation has been opened earlier after an Ice Bridge of between 25 and 30 feet in thickness, than it was after a Bridge of not more than three or four feet thick. The fact also, that Lake St. Peter, the North Channel of the Island of Orleans, and the River St. Charles, invariably break up within 24 hours of each other, notwithstanding their varying thicknesses, shewing that the thickness of the Ice has nothing to do with its disappearance.

W. H. A. DAVIES.

Quebec, 15th March, 1852.

No. 20.

Letter from William Patton, Esquire.

To the Committee formed in Quebec to inquire the practicability of forming an Ice Bridge over the St. Lawrence.

GENTLEMEN,—My plan is to run out a Wharf upon the Reef at Point Levi, which Reef causes the key in the first place.

I believe about a quarter of a mile will bring you into 5 fathoms at low water; this I would suggest should be the extreme length of the Wharf with a light house, and stairs on both sides, as at Grosse Isle.

The Wharf should not be less than 100 feet in width with a batten in proportion to the depth, and must be run out straight from the shore, without any inclination to the north-west or south-west.

Piers detached from the shore will not do, for if on the ground the contraction and expansion of Ice will capsize them, and you naturally will lose the eddy, I wish to protect, among other things, the Wharf itself from the pressure of the Ice.

The wharf should be 6 feet above the highest tides.

No piers should be placed on the Beauport Flats, as at the mouth of the River St. Charles, the extensive eddy would answer the purpose without increasing the current.

The benefit to the country would be nearly equal, and as follows :

1st. No raft of timber would ever pass Point Levi for all the Raftsmen would naturally run for the eddy caused by this wharf, which would extend to the eddy between Hadlow and Etchemin.

2nd. The produce now arriving in Quebec direct from Chicago and intermediate Ports on the Lakes, which from the contemplated Railroads must increase.

3rd. The accommodations as to the wharfage in Quebec will be totally inadequate to the requirements of its shipping, the nuisance of landing coals upon such wharves as are now built, and the destruction of the ballast ground now going on to a fearful extent, causing the continual running foul of shipping, which your Trinity House Laws compel you to risk in that part of the Harbour, when discharging their ballast, thwarting the benefit we derive from our Steamers and Schooners from bringing in flour clean from the Mills above, and fine goods clean from the packers at home, by being soiled in half an hour with a wind and rain from coal dust, doing much more damage to the packages than they have received before; for I believe any West India Merchant will bear me out in stating that in their markets a clean barrel of flour will bring from 1s. 3d. to 2s. 6d. per barrel more than a soiled one.

4th. The danger of unloading Colliers or Coal-laden ships to people (settlers) landing from boats, to which accidents of grave nature are continually happening.

5th. The continual accidents happening at the wharves from heavy gales of wind at east north east, which would be protected by this wharf, and all Schooners from below running before the gale have now to anchor at Patrick's Hole awaiting the tide in St. Charles to be sufficiently high to run for the market, St. Paul Street, or wharves adjoining, whence in the case of any wharf they would run round the Lighthouse upon the Wharf and thence come to anchor, waiting the rising tide to reach the new market in safety.

Therefore, I am of opinion, the country generally would, by the building of the wharf, not only obtain the advantages before stated, but will cause a stoppage of the Ice early in December which will last until spring, but its thickness never can exceed from 3 to 3½ feet, whereas from a Bridge forming at Cap Rouge it jams up in the Traverse or Chaudière to the thickness of 30 feet, thereby retarding the Navigation in the spring, which never can be the case if the Bridge takes early in the season.

I would suggest an application being made to Parliament for a grant of £20,000, the estimate of its cost, and then a Bill introduced, investing all right to the wharf in question to the Municipality of Quebec, as well as the Ferry upon both sides of the River, now a disgrace to Quebec, obliging the Municipality to keep this wharf in repair for ever.

The Corporation could then raise the necessary funds by letting parts to the Steamers for landing their fuel. Obliging ships to discharge their ballast into the wharf, charging them 1d per ton, at the same time time, preserving the Ballast Ground, and for which all ships would gladly pay, and allowing ships to load alongside around the wharf for a small wharfage. As a batteau load of coals is ample for any of our Steamers to take in at one time, they would rather pay 4 dollars and take them in their way; and all Towing Steamers would prefer taking them in there.

I am of opinion, the Revenue of such a wharf would bring in not less than £3,000 per annum, to be obtained from portions being let for coal, goods, wharfage of ships unloading, and 1d. per ton, ballast thrown in; £5 per ship loading there.

Our Pilots would also be enabled in any weather to avoid the Beauport Flats.

Thus I consider the advantages to be, a breakwater for the wharves in Town, a deposit for ballast, and a place of refuge for ships discharging it.

Security for all rafts whether of timber or fire wood, safe anchorage for all crafts at low water destined for the River St. Charles, whether from above or below.

Improving the Ferry between Point Levi and Quebec, from the eddy it will cause, preventing the discharge of Coal in Quebec, and thereby protecting all Flour and Dry Goods landing in Quebec from damage and being soiled with Coal dust, if approved of.

Making a place of refuge for the large Steamers from Montreal and Upper Canada in heavy gales of easterly wind and spring tides, coal yards, and for fuel of any description; a place for ships to load lumber, a safe anchorage for your Pilots when in Port, whereas they are now without any except between the wharves where they are now continually meeting with accidents and disadvantages. I never could understand.

I have the honor to be,
Gentlemen,

Your most obedient servant,

WILLIAM PATTON.

—
No. 21.

Calculations of the cost of erecting Wharves, &c.

The question referred to me by the Committee, what is the probable and relative cost of erecting a Wharf and Blocks extending in all 2000 feet from high water mark at Point Levi Shoal into 6 fathoms water, or a single Wharf to the same distance, with one Block in 6 fathom, water in front of Beauport Beach, in either of the above cases, of the undermentioned descriptions and dimensions:

1st. A Wharf, from two feet above high water mark, extending outwards into 13½ feet water at lowest spring tides, first 150 to be 40 feet wide inside, wall to be 10 feet from the outside, remainder to the full length from the shore of 1150 feet to be 50 feet wide, inside walls, 12 feet distant from the outside. To be bolted on each row of timber with $\frac{7}{8}$ round iron bolts 22 inches long, every ten feet inside, and outside, with good elm fenders 10 x 6 inches placed every 8 feet, and bolted with $\frac{7}{8}$ round iron bolts every foot in height. With two detached Blocks, one at the distance of 750 feet from the outer end of said wharf, the other in front of Beauport Beach

and both in 6 fathom water, at lowest spring tide; each Block 200 feet long by 100 feet wide, inside walls 20 feet distant from the outside, corps morts every 10 feet, and fenders solid $3\frac{1}{2}$ feet from each corner, and in the centre every 8 feet, bolted every foot in height, with iron bars or bands on the corners every three feet in height, 7 feet long, $2\frac{1}{2} \times \frac{3}{4}$ inch iron—sides of Wharf bolted every 10 feet.

First length 150 feet, 40 feet wide extending into 2 fathoms water average height, allowing the Wharf to be two feet above the highest spring tides, 17 feet—sides and corps morts all of 12 inch pine (cul) timber, and allowing 10 per cent waste in all the timber required.

Pine timber,	13,695 cubic feet, 2d.	£114	2	6
Elm do.,	281 “	9d.	10	10
$\frac{7}{8}$ inch round iron α 2 lb. per foot,....	28 $\frac{1}{2}$ cwt.	8s.	11	5
Toise of stone for filling sides,.....	106 “	10s.	53	0
Do. for centre,.....	207 “	10s.	see below.	
Expense of cutting iron,.....	per cwt.	3s.	4	4
Labour on Timber works, $\frac{7}{8}$ picce of timber,			109	1
			<hr/> £302 4 0	

Second length 1000 feet in length by 50 feet wide, extending from 2 to $2\frac{1}{4}$ fathoms water, average height 34 feet 9 inches, sides 12 feet wide, other dimensions as above.

Pine timber,.....	208,472 cubic feet 2d	£1737	5	4
Elm do., ...	4,142 “	9d	155	6
Pine per front,.....	4,212 “	2d	35	2
Iron bands for corners, 168 per cwt.	4 $\frac{1}{2}$ }	8s	183	18
$\frac{7}{8}$ inch round iron,..... do.	455 }			
Iron spikes for do.,.... do.	1	25s	1	5
Cutting iron,..... do.	461	3s	69	3
Toise of stone for filling sides.....	2,648	10s	1324	0
Do. for centre.....	4,628	do.	see below.	
Labor $\frac{7}{8}$ price of timber,.....			1686	14
			<hr/> 5192 14 5	

Total cost of a Wharf 1150 feet long,.....£5494 18 5

If to this the cost of filling the centre with stone is added, it is for 1 length..... 207 toise.
2 do. 4628

4835 at 10s. £2417 10 0

Total..... £7912 8 5

Cost of a Block 200 x 100 feet in 6 fathom water, height 58 feet, sides 20 feet apart.

Pine, with 10 per cent. for waste,...	113,310 cubic feet 2d.	£944	5	0
Elm, do. do	2,340 “	9d.	87	15
$\frac{7}{8}$ inch round iron,.....	487 cwt. }	8s.	198	16
$2\frac{1}{2} \times \frac{3}{8}$ flat iron,	10 “ }			
Cutting iron α 3s. per cwt., £73 1s., and spikes for flat iron,	25s.		74	6
Toise stone for filling sides all round,	2,032	10s.	1016	0
Do. for centre, see below, 2363 $\frac{1}{2}$.				
Labor $\frac{7}{8}$ price of timber,			903	0
Extra for steamer, &c., sinking Wharf,			100	0
			<hr/> £3324 2 0	

One-half of 2,363½ toise for centre at 10s.,	£1181 15 0	£3324 2 0
Half,	590 17 6	
		590 17 6
		<u>£3914. 19 6</u>

RECAPITULATION.

Centre filling,.....		£5494 18 5
Cost of Wharf 1150 feet long,.....	£4217 10 0	
Block in 2 fathom water on south shore,.....	590 17 6	3914 19 6
Do. on Beauport Flats,.....	590 17 6	3914 19 6
	£5899 5 0	£13324 17 5
Centre filling if unavoidable,.....		5899 5 0
Total extreme cost of plan approved by the Committee,.....	£18724 2 5	

Second Plan.—A continued Wharf from two feet above high water mark to 6 fathom water, with Block on north shore only—timber and iron of same dimensions as above—1st portion 150 feet long, 40 feet wide, and 17 feet average height; corps morts 10 feet long. 2nd portion 1000 feet long, 50 feet wide, and 34½ feet average height; corps morts 12 feet long. 3rd portion 600 feet long, 60 feet wide, and 40½ feet high; corps morts, 15 feet long. 4th portion 250 feet long 80 feet wide by 52 feet average height; corps morts 18 feet long, front 58 feet high. Fenders and iron same as above, viz:

	Filling Centres.	Remainder of Cost.
	2417 10 0	
1150 feet...1 and 2 portions,....Extra filling in centre,...	13 10 0	5400 17 2
600 " ...3 portion,.....	1490 17 6	3658 14 3
250 " ...4 portion,.....	1079 0 0	2681 18 7
2000		
Total cost of Long Wharf,.....	5000 17 6	11741 10 0
Block in front of Beauport Beach, in 6 fathom water, same as above,.....	590 17 6	3914 19 6
	£5591 15 0	15656 9 6
Centre filling if unavoidable,.....		5594 15 0

Total extreme cost of a Wharf 2000 feet on Point Levi Shoal, and a Block 200 x 100 in front Beauport Beach,..... £21248 14 6

By this plan first 150 is 40 feet wide with 10 feet corps morts.

1000	50	do.	12	do.
600	60	do.	15	do.
250	80	do.	18	do.
Block 200 x 100		do.	20	do.

Third Plan,—A continuous wharf on Point Levi Shoal, of 2,000 feet in length, from two feet above the highest spring tides, to six fathom water at low tides, and of an uniform width of 100 feet—quantity and dimensions of timber and iron the same as before. But the length of corps morts are the same as in the former plans, viz:

150 feet,.....	10 feet.
1,000 "	12 "
600 "	15 "
250 "	18 "

	Centre filling.	
Estimate of Wharf by 2nd Plan,	£2,583 7 6	£11,741 10 0
Extra Timber and Iron for front, and Stone for side filling,		110 15 5
Extra centre filling, 13,249 toise,	6,604 10 0	<u>11,852 5 5</u>
	9,187 17 6	
Block in front Beauport Beach, 100 x 200, 20 feet corps morts half filled in centre,	590 19 6	3,914 19 6
	£9,778 15 0	15,767 4 11
If center filling in full is unavoidable—add,		<u>9,778 15 0</u>
		<u>£25,545 19 11</u>

These Estimates may be summed as follows, viz :—

<i>Firstly.</i> —If a wharf is built on Point Levi Shoal 1150 feet long, 150 feet, 40 feet wide with 10 feet corps morts and 1,000 “ 50 “ “ “ 12 “ “ “ and a Block in 6 fathom water in front of the same, with a corresponding Block in front of Beauport Shoal, each 200 x 100 feet, with 20 feet corps morts—each of the Blocks being centre filled with stone—the total cost will be,	£13,324 17 5
To which add the half center filling of the two Blocks, and the whole centre filling of Wharf—if unavoidable when ball- last cannot be had,	5,399 5 0
	<u>£18,724 2 5</u>
<i>Secondly.</i> —A continuous Wharf 2,000 feet long, out to 6 fathom water—width being :— 150 feet, 40 feet wide, 10 feet corps morts. 1,000 “ 50 “ “ 12 “ “ “ 600 “ 60 “ “ 15 “ “ “ 250 “ 80 “ “ 18 “ “ “ And one Block in 6 fathom water in front of Beauport Beach, centre of Wharf not filled,—Block half filled, ...	£15,656 9 6
To which add, if unavoidable, centre filling of Wharf, and one- half of Block,	5,591 15 0
	<u>£21,248 14 6</u>
<i>Thirdly.</i> —A continuous Wharf 2,000 feet long at Point Levi, out to 6 fathom water, corps morts same length as in 2nd Plan, but the Wharf to have an uniform width of 100 feet,—and a Block in front of Beauport Beach as above,	£15,767 4 11
To which add, if unavoidable, centre filling of Wharf, and half filling the Blocks,	9,778 15 0
	<u>£25,545 19 11</u>

DEAR SIR,—A glance at the summary at the end of the preceding Estimates will show, that excepting the article of filling the centre with stones, which, perhaps, may not be necessary, or be entirely saved by causing ships in ballast to discharge it in the wharf, with the exception, I say, of this very heavy item in the cost, the expense of the three different Plans proposed is comparatively small.

1st. Thus a Wharf of 1150 feet long, from 40 to 60 feet wide, and two Blocks, one on each side of the River in six fathom water, is estimated at £13,324 17s. 5d.

2nd. A continued wharf from the shore to 6 fathom water from 40 to 80 feet wide, with one Block in the north side of the Basin, at £15,656 9s. 6d.

3rd. A wharf of the same length (as drawn on the Plan,) 2,000 feet long by 100 feet wide—with a similar Block on the north side only £15,767 4s. 11d.

It is the filling up the center of the long wharf which adds so heavily to this last plan, which has, however, been reduced £5,000 from the first Estimate, by alterations in the length of the corps morts, and some errors discovered and corrected.

In all these Plans an Estimate for half filling the Blocks in their centers has been included in the permanent or lower Estimates, under an impression that these isolated structures will not resist the forces that could be opposed to them without being so strengthened.

I may add, that I have employed much time, and availed myself of every information that I could obtain, in making out these Estimates. I think the quantity of materials are correctly calculated, if error exists it will be in the prices—upon the whole I am impressed with the belief that the whole is rather over than under estimated.

W. H.

To Dunbar Ross, Esquire,
Chairman of the Committee
on Ice Bridge.

Quebec, 17th March, 1852.

MY DEAR SIR,—I was somewhat in error as to the probable space between the Wharves proposed to be erected at Point Levi Shoals.

If in a direct line across it would be 2950 feet, if as would be more effectual in arresting the ice, this Wharf on Beauport Shoal is somewhat lower down than that on the south side, the distance would be 3400, while opposite the City in the narrowest part from Wharf to Wharf it is 3760 feet. At the place I have advocated it is much greater, 4450 feet.

Yours, &c.,

WILLIAM HENDERSON.

To Dunbar Ross, Esquire.

No. 22.

Letter from Captain John Lambly, 1st March, 1852.

BEAUPORT, March 18th, 1852.

MY DEAR SIR,—Will you be so good as to lay this paper before the Gentlemen of the Committee; it will, I trust, make them understand better my reasons for building the two Wharves, one on Point Levi, and the other on the sand bank off the River St. Charles.

Let us all suppose the time to be about the full or change of the Moon, the River full of drift Ice, and after a couple of days, easterly wind, and the first of the flood tides setting strong up along the fixed batture of Ice on the north side of the River, at this time the stream of the ebb is always running strong down on the south side of the River, of course both running contrary to each other, and that for one hour and a half, or thereabouts; during this time a large quantity of Ice

collects from above and below the Town, and when the ebb tide slacks, the Ice on Point Levi side remains stationary for some time, the Ice on the north side still running strong up, the pressure begins, and this often forms the Bridge.

We all remember some years ago witnessing an instance of the great pressure, by a line of hummocks of Ice being piled up ten feet above the level, and one mile long, this, we ancient folks, call the Key of the Bridge.

I therefore again intrude my opinion on the Committee : that by building the Wharves and extending the fixed battures of Ice as far out as possible, would have a great effect in helping to form the Key much more frequent than at present.

I am, Sir,
Respectfully yours,

JOHN LAMBLY.

To W. H. A. Davies, Esquire,
Secretary to the Committee for
forming an Ice Bridge,
Quebec.

No. 23.

Plans and Explanations of method of stopping Ice, by W. Henderson, Esq.

EXPLANATION.—Each of the accompanying plans are intended to be formed by a buoyant cable or hawser, supported on the surface of the water, by straw drawn as for thatch, and capped round the cable with spun yarn, making it about the size of a flower barrel, or with empty flower barrels attached to the cable contiguous to each other, or with hollow boxes made with $\frac{1}{2}$ inch deal boards ten inches square, water-tight, in like manner attached to the cable. By any of these means the whole will be kept floating; all should be prepared to place this net work in its place immediately after the departure of the last vessel and steamer. When the projector thinks that the first frost will cover this cable and supports with ice which will continue to strengthen every moment and become the back bone as it were, from which the ice will continue to spread until the River is covered with a smooth field, which in all probability will be continuous from the Island of Orleans to Montreal, when the Bridge is complete the anchors can be taken up, and in the spring the cable can be saved with its supporters if the deal box should be selected as the floats—the whole of these materials will, if taken care of, serve for many years, the first cost cannot be great, and should it prove a failure, the loss cannot be much, as the cable, &c., &c., would all be saved, and could be re-sold for nearly cost price.

No. 24.

Letter from Captain Julyan.

MR. CHAIRMAN AND GENTLEMEN OF THE COMMITTEE,—The important measure confided to you at a public meeting in this City, for the purpose of ascertaining the most feasible plan to obtain an Ice Bridge for the winter months across the St. Lawrence, from this City to the south shore, is drawing to close.

You are now come to the important part of your labours—the drawing up of a report to be laid before the next general meeting; in this report, and in order to have the Government authorities in some measure with us, I most earnestly intreat you to curtail the works you have in view to the most limited outlay of

capital, unless this is confined to or within £10,000, I should be apprehensive that all your zeal and labour in the cause will be in vain and totally lost.

You have come to the conclusion that my plan of a block extending into the River from Point Levi Shoal, would be likely to attain the object (an Ice Bridge) but you have added the accompaniment of a Block on the opposite shore, and a Wharf from the south shore; now in my humble opinion, the accompaniments ought to be thrown out of the Report altogether and confine yourselves to a simple Block of 300 feet; when this is completed, and it should not be found effective for the purpose you have in view, the working upon this block would be observed, and I should have every hope that a remedy might be easily applied. A large outlay at first would be a strong and weighty objection in the minds of many people to commence the thing at all, but if you confine it to a moderate sum, there may be hope of its been carried into effect.

Submitted to the Committee,

R. JULYAN.

No. 25.

Proceedings of a Public Meeting of the Citizens of Quebec, and of a Committee appointed—also the Report of that Committee.

ICE BRIDGE MEETING.

QUEBEC, 13th February, 1852.

At a Meeting of the Citizens of Quebec held yesterday, in the Court of Appeals Room, pursuant to public notice to that effect—

Dunbar Ross, Esq., was called to the Chair.

The following Resolutions were then unanimously passed:—

Moved by William Lampson, Esq., seconded by J. G. Clapham, Esq., M. P. P.,

1. That the want of a safe and regular means of communication between the north and south banks of the St. Lawrence, near Quebec, during the winter months, has operated most injuriously upon the interests of the city, and has greatly retarded the prosperity of the Parishes and Townships situated on the south side of the St. Lawrence.

Moved by Henry S. Scott, Esq., seconded by François Buteau, Esq.,

2. That any means by which the formation of an Ice Bridge, at or near Quebec, would be rendered certain, or at least extremely probable during each winter, would tend to quicken the industry of the inhabitants of the southern parts of the district, and induce them to bring to market, larger supplies of provisions, firewood, and other articles of consumption, than are now brought, besides affording the inhabitants of this City increased facilities for recreation during the winter season.

Moved by William Henderson, Esq., seconded by Dr. Rousseau,

3. That the establishment of the Seat of Government at Quebec, for a period of four years, and the consequent annual Session of the Legislature here during that period, form a strong additional incentive to its inhabitants to use their utmost exertions to facilitate the intercourse of the Capital, with all parts of the Province.

Moved by James Tibbits, Esq., seconded by Captain Julyan,

4. That this Meeting pledge themselves to promote, by every legitimate means within their reach, the accomplishment of so desirable an object, and that a Committee of twenty-one, with power to add to their number, be now appointed to carry the same into execution, with the utmost possible despatch, and the said Committee do report their proceedings to a meeting, to be convened at the same place, on or before the 25th March next, and that the following gentlemen do compose the said Committee, viz:

Dunbar Ross, Esq., Hon. William Walker, Geo. O. Stuart, Esq., M. P. P., H. Dubord, Esq., M. P. P., Frs. Lemieux, Esq., M. P. P., J. G. Clapham, Esq., M. P. P., F. R. Angers, Esq., James Tibbits, Esq., J. R. Renaud, Esq., H. N. Patton, Esq., William Lampson, Esq., F. X. Paradis, Esq., Dr. Rousseau, J. G. Tourangeau, Esq., Frs. Parent, Esq., Et. Parent, Esq., Wm. Henderson, Esq., H. S. Scott, Esq., Frs. Buteau, Esq., Captain Julyan, W. H. A. Davies, Esq.

Mr. Ross having left the Chair, William Henderson, Esq., was called to it, and on motion of Dr. Rousseau, seconded by J. G. Clapham, Esq.,

The thanks of the meeting were unanimously voted to the Chairman and Secretary.

The Meeting then adjourned.

DUNBAR ROSS, Chairman.

P. S.—The Members of the above Committee are requested to meet at the Court of Appeals Rooms, on Monday next, at two o'clock, p. m.

The following is a sketch of the speeches on the occasion:—

Mr. Ross, in explaining the object of the meeting, said that the City of Quebec had long been the subject of reproach for apathy in regard to her interests, and an indisposition to make onward movements in the march of improvement. The restoration to this City of the Legislature, was thought to be a favorable time for reviving the subject of an Ice Bridge, which would doubtless be attended with great advantages to the City, and a great extent of country communicating with it. The object of the meeting, however, was principally to organize a Committee to inquire into the matter, and to report to a future general meeting.

Mr. Clapham, in seconding the 1st Resolution, observed that from his connection with a large district on the south shore, to which an Ice Bridge would afford important advantages, and having promised to do all in his power to promote it, he felt called upon to give more than a tacit approval of the measure. He had long been of opinion, not only that the object was practicable, but that few, if any improvements would contribute more to the prosperity of the City and adjacent country, than the one then under consideration. He had in his hand, a letter received ten years past, from his old respected friend on his right, (Mr. Wm. Henderson, of Frampton,) highly approving then, what he had come that day to confirm by his presence; and it was highly gratifying to find the same opinions expressed by Captain Julyan and other gentlemen of experience, with whom he had just been conversing round the table, that had been adduced before a Committee of the Town Council at that period. Some of the gentlemen then examined were Capt. Lambly, the Harbor Master of that day, Mr. John Munn, the late Mr. Pelletier and Mr. McKenzie, who all concurred in the feasibility and importance of the measure, as well on the score of humanity, as of commerce. It was then thought that a Wharf erected on the reef at Point Levi, and another at the batture of the River St. Charles, would not only arrest the Ice at an early period of the winter, but would answer the two fold object of a protection to the two sections of the Harbor, which are now very much exposed to the violence of easterly winds, and the surface of the wharves might be made available and perhaps profitable for national or commercial purposes. But these were not the only points of view in which an Ice Bridge would be valuable. He (Mr. C.) had inquired of Pilots resident on the Island of Orleans, and found that, with perhaps one exception, in half a century, the Ice never formed below Point Levi of a thickness to obstruct navigation, when there was an Ice Bridge;—the navigation was consequently free and unobstructed to the ocean. It would therefore be quite competent to men of enterprise to introduce an important and lucrative branch of commerce in the Ice trade. While

our neighbors in Boston and other northern sea ports were spending hundreds of thousands to form ponds and other receptacles of water for the formation of Ice we might export thousands of tons of the same article, but of a much better quality, for the mere trouble of cutting it from the surface of the river. It was a mistaken notion that all Ice was equally good, or that small turbulent streams, would produce good Ice. Ice required a large space to form and acquire density, and he believed that no Ice of the same quality as ours could be found on this continent. With an Ice Bridge to arrest the floating Ice from the extensive batteries above Quebec, and the navigation open below a wharf to be built on Point Levi, vessels might come here with perfect safety several weeks before the usual opening of the navigation, load their cargoes and be clear to sea before the breaking up of the batteries on the shores below Quebec, or in the Straits of Belleisle. He had therefore great pleasure in seconding the Resolution. (Cheers.)

Mr. H. S. Scott, who moved the 2nd Resolution, said that he did not come prepared to make a speech, nor was it perhaps necessary. The Committee to be appointed would no doubt give the subject the most mature consideration, and avail itself of the information which could be laid before it, as well by those who had already taken an interest in the subject as that of other men of science and experience who might be requested to give their opinions.

Mr. Wm. Henderson remarked, in moving the 3rd Resolution, that the removal of the Seat of Government had been a great discouragement to the Citizens of Quebec. There was a wide difference between the fact of being obliged to go five hundred miles to express their wants and of being able to walk into the House of Parliament at our own door. He hoped that now we had got it, we would endeavour to keep it (cheers), and there was no doubt we should get a fair share of public improvement, especially for an object of so great importance as the one before them.

Mr. Lampson here rose to offer apology for not having said a few words in proposing the first Resolution. It did not then occur to him to do so, but he regretted this the less as it had been so ably seconded. There was one point of view in which the object had not before occurred to him—that of becoming the means of founding a new branch of trade. Here we had annually the largest quantity of the best Ice in the world running to waste, while a very lucrative trade was carried on from the Eastern States under comparatively great disadvantages with an inferior article. There they had to husband their resources and manufacture a supply—here we had it in such profusion, that he was forcibly reminded of an anecdote that he had heard of a man in Paris, who had been reduced from affluent circumstances to that of carting water for sale about the streets of that City. When remonstrated with for having resorted to such a humble occupation, he replied, that so far from his trade being poor or contemptible, he was one of the most independent men, and had the largest capital of any man in Paris. He had the River Seine to fall back upon, and so long as that poured forth her resources and that people wanted water, he could not be a poor man. So was it here, they had the largest supply of the best Ice in the world, merely for the trouble of getting it. With a wharf at Point Levy, ships might take shelter under its lee, and load their cargoes from ice taken alongside with the greatest possible despatch.

Mr. Tibbits, in moving the 4th Resolution, remarked, that he had long been impressed with the importance of an Ice Bridge, from personal observation he was convinced that we might have a Bridge during at least four months of the winter, which, together with steam navigation across the other six, gave an uninterrupted intercourse during ten months of the year, the advantages of which it was difficult, if not impossible, to estimate.

(*To the Editor of the Quebec Gazette.*)

SIR,—About this time last year you published some letters of mine, in order to draw the attention of our Citizens to the great importance of a more safe and regular communication between this City and the south shore, than that by canoes. There was a public meeting of the inhabitants of this City called, and a Committee chosen, for the purpose of entertaining and discussing the merits of a variety of plans offered to them by different individuals, as to the most probable means of getting the Ice to form a Bridge early in the winter. The documents placed before the Committee were elaborately and impartially considered, and the report thereupon will, I trust, be laid before the public authorities of the Province at the opening of Parliament; at the same time it will be necessary for all those who have an interest in the object in view, to use every possible exertion to carry it into effect, and clearly defined, as to the advantage of a natural Bridge of this description for three or four months during the winter.

It is now evident that there will be soon two Railroads, the one from Trois Pistoles, the other from Richmond, both having their terminus on the south shore (and possibly at one point, Hadley Cove); this terminus being so high up above the City will considerably increase the distance and difficulties in crossing the river by canoes. I therefore maintain that it will be absolutely necessary to find some better and safer means of crossing to this City during the four severe winter months. A Suspension Bridge would be attended with enormous expense, and from the great extent of span between the pillars, rather doubtful as to its efficacy in sustaining the weight of cars in passing over it in winter; but if it be possible (and I believe it to be so,) by simply assisting nature to the effect of forming an Ice Bridge, early in the fall, by laying down a few blocks in that part of the River that I have already suggested in a former letter, on the shoal off Point Levi Church, which shoal has hitherto been the natural key to the formation of an Ice Bridge between the south shore and the city; it would be the means of connecting the south with the North Shore Railroad, having Quebec for its terminus instead of Hadley Cove.

It has been considered by some people that a continuation of wharf from the Point Levi shore to the outer part of the shoal, would be desirable on many accounts, but which I object to for this reason: The more the current is confined, the more rapid it will become in the channel, and which in some measure would decrease the probability of its taking across at an early period. I would therefore recommend to lay blocks, and however they may be connected above, admit both flood and ebb to pass freely between them; the ice will form upon the surface and the water pass underneath. These blocks would not only be a great protection to the anchorage of the harbor and wharves, but would pay a good per centage upon the outlay, by forming a depot for coals, steamers, deals, staves, &c., &c.; also for ships to load cargoes at, having a low colored light on the outer block, for the convenience of shipping running up or down in dark nights. There are so many advantages attending this simple plan, of general interest to the public, that it becomes the duty as well as the interest of the inhabitants, to press upon the Members for the City, and others who may have influence with a responsible government, the absolute necessity of an outlay of public money in order to procure a more speedy and safe transit between the north and south shore, in connection with the railroads and the back country, from whence the chief supplies to the Quebec market must be derived.

Should the finances of the Province not be in a position to grant a few thousand pounds for so laudable a purpose, it might be good policy to apply to Messrs. Jackson & Co., whose interest it would be to connect their Railroads with this City, by every practicable means within reach of their profitable diggings; but, however, as our City Fathers are getting into the good old habit of laying out the

the cash of the Citizens on public works, it would not, I think, be asking too much, were they to issue Debentures, or guarantee the interest on the outlay; nor do I see any just reason why the interest of the inhabitants of Quebec should not be (in a fair proportion) assisted out of the public revenue, as well as that of our neighbours.

I remain, Sir,
Your obedient servant,

R. JULYAN,
Assistant Harbour Master, Quebec.

Quebec, February 5th, 1853.

QUEBEC, 16th February, 1852.

At a meeting of the Committee appointed by the Meeting of the Citizens of Quebec, on the 13th instant, held for the purpose of ascertaining the practicability of forming an Ice Bridge at Quebec, held this day at the Court of Appeals Room.

PRESENT:—Messrs. Dunbar Ross, James Tibbits, J. G. Tourangeau, William Henderson, J. G. Clapham, William Lampson, W. H. A. Davies, Captain Julyan, Dr. Rousseau, and François Buteau, Esquires.

Dunbar Ross, Esquire, was called to the Chair.

On motion of J. Tibbits, Esquire, seconded by J. G. Clapham, Esquire, George Henderson, Esquire, was added to the Committee.

On motion of W. Henderson, Esquire, Seconded by Capt. Julyan, it was *Resolved*, That Dunbar Ross, Esquire, be the Chairman of the Committee, and W. H. A. Davies, Esquire, be the Secretary. That the Committee do meet every Monday at 2 o'clock, P. M., and that five Members do constitute the quorum of the Committee.

Resolved,—That His Worship the Mayor of the City, be respectfully requested to join the Committee, and that he be further requested to afford a Room in the City Hall for the use of the Committee when sitting.

Resolved,—That the Corporation of Quebec, be respectfully requested to afford the Committee communication of the evidence taken before a Committee of the Council, in relation to an Ice Bridge in 1842.

Ordered,—That the Secretary do write to the Mayor, communicating the foregoing Resolutions.

Mr. William Henderson laid before the Committee a Draft of a Circular requesting information on the subject of an Ice Bridge, which was adopted.

Ordered,—That the Secretary do print 200 copies of the said Circular, in each language, and that they be distributed among the Members of the Committee, to be by them addressed to such persons in the community, as they may judge able to afford the Committee any useful information.

Resolved,—That those Members of the Committee who have paid attention to this subject, be requested to furnish the Committee with all the information they may have collected on this subject, in writing.

A subscription paper was then handed round, and the sum of five pounds was subscribed among the Members present, towards paying the incidental expenses of the Committee.

Ordered,—That the Secretary do address a Circular to the Master and Warden of the Trinity House of Quebec, and also one to the Board of Trade in this City, requesting them to favor the Committee with their views on the subject.

Adjourned.

W. H. A. DAVIES,
Secretary to Committee.

OCTOBER, 23rd February, 1852.

At a Meeting of the Committee held this day,

PRESENT:—Dunbar Ross, Esquire, in the Chair; Messrs. W. Lampson, George Henderson, J. G. Clapham, M. P. P., William Henderson, François Lemieux, M. P. P., Captain Julyan, and the Secretary.

The Minutes of the last Meeting were read.

Resolved,—That Messrs. Joseph Hamel, Henry Atkinson, John Porter and Benjamin Tremain be Members of this Committee.

The Secretary laid before the meeting the Circulars he had had printed. He also stated that he had written to His Worship the Mayor, as directed at the last meeting, and that His Worship had granted them the Room, they then met in for the use of the Committee, and had also directed the City Clerk to give communication to this Committee of the evidence taken before a Committee of the Council in 1842, in relation to an Ice Bridge. The Report and evidence were accordingly laid on the table for the use of the Committee, and read by the Secretary.

Mr. William Henderson read a communication on the proposed Ice Bridge, accompanied by a copy of Captain Bayfield's Chart of the Harbour of Quebec on an enlarged scale, made by Mr. Henderson.

William Patton, Esq., attended the Committee and gave some valuable information, which at the request of the Committee, he promised to commit to writing for the use of the Committee.

A letter from H. N. Patton, Esq., on the Ice Bridge, was read.

A letter from J. G. Clapham, Esq., on the same subject, was read by the Secretary. Mr. Clapham's letter was accompanied by a copy of a letter to Mr. Clapham from Mr. W. Henderson, written in 1842, and also by a sketch of the River St. Lawrence between Cap Rouge and the landing place of Captain Bazile Demer, by a copy of the *Canadien* newspaper of the 4th of March, 1842, and by the extract of a Toronto paper.

Adjourned.

W. H. A. DAVIES,
Secretary.

QUEBEC, 1st March, 1852.

At a Meeting of the Committee held this day—

PRESENT:—Messrs. William Henderson, Wm. Lampson, J. G. Clapham, G. Henderson, and the Secretary.

William Henderson, Esquire, was called to the Chair.

The Minutes of the last Meeting were read.

Messrs. Dunbar Ross, Benjamin Tremain, J. G. Tourangeau, entered.

Mr. M. Scott attended the Committee, and read a communication on the subject of an Ice Bridge.

Letters from Captain Lambly, late Harbour Master, and Mr. François Gourdeau, Superintendent of Pilots, were read by the Secretary.

Mr. McKutchin attended the Committee and explained verbally his ideas on the best manner of stopping the Ice.

Mr. McKutchin was requested to favor the Committee with his ideas in writing.

Adjourned.

W. H. A. DAVIES,
Secretary Committee.

QUEBEC, 8th March, 1852.

At a Meeting of the Committee held this day—

PRESENT:—Dunbas Ross, Esquire, in the Chair; Messrs. William Henderson, Joseph Hamel, J. G. Tourangeau, Dr. Rousseau, Captain Julyan, Wm. Lampson, Geo. Henderson, M. Scott, J. G. Clapham, and the Secretary.

The Minutes of the last Meeting were read.

Communications were read from Capt. Julyan, Assistant Harbour Master; Capt. Lambly, Late Harbour Master; The Trinity Board, Quebec; Henry Atkinson, Esquire, Capt. D. Vaughan, Mr. E. H. Sewell, and Mr. Js. E. Verrault, Point Levi.

Also, a Plan for stopping the Ice by means of ropes stretched across the River, by Mr. White, Stevedore.

Mr. White attended the Committee, and exhibited a Model shewing the manner which the ropes should be placed.

The following Resolutions were then passed:

Resolved,—1st. That it is the opinion of this Committee, that the formation of a periodical Ice Bridge in the vicinity of Quebec would not retard the opening of the Navigation of the River St. Lawrence. Passed unanimously.

Resolved,—2nd. That it is the opinion of this Committee, that the Ice Bridge should be formed, if possible, at or near Quebec. Mr. Scott only dissenting.

Resolved,—3rd. That it is the opinion of this Committee, the erection of wharves is the best means to effect the object in view.—Messrs. Geo. Henderson, J. G. Clapham, Dr. Rousseau, Wm. Lampson, and the Secretary voting in the affirmation. Messrs. J. G. Tourangeau, Captain Julyan, Wm. Henderson, and the Chairman voting in the negative; the two former gentlemen voting for Blocks, and the two latter for the employment of Wharves and Blocks, jointly.

Messrs. M. Scott and Js. Hamel having retired,

Resolved,—4th. That it is the opinion of this Committee, that the necessary works should be constructed at and opposite to the Point Levi Shoal. Mr. W. Henderson dissentient.

Resolved,—5th. That it is the opinion of this Committee, that in order to secure the formation of an Ice Bridge every year, a wharf should also be erected on the North or Beauport side of the River. Unanimous.

Resolved,—6th. That is the opinion of this Committee, that these wharves should not be constructed exclusively with a view to a periodical formation of an Ice Bridge, but in connexion with the improvement of the Harbour, by making them serve as Break-waters,—and they should be adapted to purposes of Commerce in order to produce a revenue.—Mr. Wm. Henderson, dissentient.

Resolved,—7th. That it is the opinion of this Committee, that the contemplated work is one that should be constructed by the Provincial Government, and that consequently the Legislature should be applied to for the means.

Resolved,—8th. That the Chairman, Secretary, and Mr. Wm. Henderson be a Committee to draw up a Report to be presented to the Committee at its next sitting.

Adjourned.

W. H. A. DAVIS,
Secretary to Committee.

QUEBEC, 15th March, 1852.

At a Meeting of the Committee held this day—

PRESENT:—Dunbar Ross, Esq., in the Chair; Messrs. William Henderson, Wm. Lampson, J. G. Clapham, Captain Julyan, and the Secretary.

The Minutes of the last Meeting were read.

The Secretary read a communication on the question how far would an Ice Bridge tend to retard the opening of the navigation in the spring.

The Chairman from the Committee appointed to draw up a Report to be submitted to the General Meeting of the Citizens, brought up a draft of a proposed Report, which after discussion, clause by clause, were amended.

Resolved,—That the Report, as amended, be submitted to the Committee again at a Meeting to be called for that purpose on Thursday next, the 10th inst. Adjourned.

W. H. A. DAVIS,
Secretary.

QUEBEC, 18th March, 1852.

At a Meeting of the Committee held this day—

PRESENT :—Dunbar Ross, Esq., in the Chair. ; Messrs. Captain Julyan, J. G. Clapham, W. Lampson, George Henderson, Wm. Henderson, the Secretary. The Minutes of the last Meeting were read.

The Secretary laid before the Committee a letter from William Patton, Esq., on the subject of an Ice Bridge, which was read.

William Henderson, Esq., laid before the Committee several estimates of the costs of erecting Wharfs and Piers at Point Levy.

George Henderson, Esq., laid before the Committee a more detailed account of his plan of stopping the Ice, accompanied by a plan of the same.

Captain Julyan read some remarks to the Committee on the necessity of confining the cost of the works for stopping the Ice to as small an amount as possible.

The Report, as amended, was laid before the Committee by the Chairman, and unanimously adopted.

Resolved,—That the Chairman do get the Report fairly copied and translated into French, to be laid before the General Meeting.

Resolved,—That the Chairman do call a Public Meeting of the Citizens, to receive the Report for the 25th March, pursuant to the adjournment on the 16th February.

Adjourned.

W. H. A. DAVIS,
Secretary.

QUEBEC, 14th April, 1852.

At a Meeting of the Citizens of Quebec, held pursuant to adjournment from 25th March, this day at the City Hall, for the purpose of receiving the Report of the Committee appointed at the Meeting of the 14th February last, to ascertain the practicability of forming a periodical Ice Bridge.

Dunbar Ross, Esquire, in the Chair:

The Report of the Committee was laid before the Meeting, and read by the Chairman.

The following Resolutions were unanimously passed :

Moved by Mr. W. Paterson, seconded by P. Sheppard, Esq.,—That the Report now read be received and adopted, and that the newspapers of this City be requested to publish the same.

Moved by Mr. John Paterson, seconded by P. Gingras,—That the Report of the Committee, with the accompanying Documents, be printed in pamphlet form for the information of the Citizens.

Moved by Mr. R. Macdonell, seconded by Mr. R. Pooler,—That the same Committee be requested to continue their labours, and to adopt all such measures as they may deem necessary for carrying the project of a periodical Ice Bridge into execution.

Moved by Mr. W. J. Bickell, seconded by Mr. W. Paterson,—That a Subscription List be now opened for the purpose of defraying the expenses of printing, &c.

The Chairman having left the Chair, Dr. Rousseau was called to it; and it was unanimously Resolved:—

On motion of Mr. W. Henderson, seconded by Mr. Geo. Henderson,—That the thanks of the Meeting be given to Dunbar Ross, Esquire, for his conduct in the Chair, and for the trouble he has taken in drawing up the able Report laid before this Meeting.

The Meeting then adjourned.

W. H. A. DAVIES,
Secretary.

The Committee to whom were referred the Resolutions passed at a meeting of the Citizens of Quebec, held pursuant to notice at the Court House, on the 13th day of February last, for the purpose of adopting measures to secure an Ice Bridge, at or near Quebec, during each winter, beg leave to submit the following Report:

The formation of a periodical Ice Bridge to connect the north and south shores of the St. Lawrence at Quebec, has long been a desideratum with its inhabitants, and has frequently formed the subject of anxious and not uninteresting discussion. Your Committee, deeply impressed with the magnitude of such an undertaking—the feasibility of which they had assumed the responsibility of ascertaining, and fully appreciating its intimate connexion with the interests of the City, and the comforts of its inhabitants, proceeded without loss of time, and with all possible diligence to the performance of their task. They deemed it of the last importance, that in view of an enterprise of this nature—so novel, and apparently so arduous in its character, the most ample information within their reach should be procured; and in furtherance of this object, they addressed themselves as well by a notice in the public papers, as by private circulars, to all persons disposed to co-operate with the Committee in promoting this great measure, and in elaborating its principles and details.

The Committee have derived very great information and assistance in the prosecution of their labours from the able Report of the Committee of the City Council, dated the 13th February, 1842, on the same subject, politely communicated by his Worship the Mayor. They were also favored with valuable papers from the following gentlemen, viz:

William Henderson, Esquire, of Frampton, accompanied by a copy upon an enlarged scale prepared by himself, of Captain Bayfield's Chart of the river near Quebec, and a very full estimate in detail of the cost of construction of wharves and blocks of various dimensions for arresting the Ice;—Horatio Nelson Patton, Esquire, J. G. Clapham, Esquire, M. P. P. with a sketch of the river at Cap Rouge, and the copy of a letter addressed by Mr. Henderson to Mr. Clapham, as chairman of the Committee of the City Council, on the 8th March, 1842;—Michael Scott, Esquire, of Cap Rouge;—John Lambly, Esquire, late, and for many years, Harbour Master of the Port of Quebec, with a chart of the river;—Mr. François Goudreau, Superintendent of Pilots;—Henry Atkinson, Esquire;—Mr. David Vaughan, Master Mariner and Ship-builder;—Mr. E. W. Sewell, Ship-builder,

with a drawing of the midship section of a Steamer recommended as a winter Ferry Boat between Quebec and Point Levi;—Mr. François E. Verrault, with estimates of the probable cost of the works proposed by him;—R. Julyan, Esq., Captain Royal Navy and Assistant Harbour Master for the Port of Quebec, with estimates of the probable cost of the necessary works;—George Henderson, Esq., J. P., with a plan exhibiting various schemes for the formation of a buoyant cable or hawser supported on the surface of the water by straw drawn as for thatch and lapped round the cable with spun yarn, making it of the thickness of a flour-barrel, or with flour-barrels or water-tight boxes at short intervals;—and William Patton, Esquire.

The Committee are also much indebted to Messrs. William Patton, William McCutcheon and—White, for their valuable suggestions and opinion, furnished orally to the Committee, with a model, from Mr. White, exhibiting the mode on which a rope-boom ought to be placed across the river.

The Committee were also favored with an able paper from W. H. A. Davies, Esquire, the Secretary to the Committee, on the subject of the objection made to a periodical Ice Bridge, on the ground that it would retard the opening of the navigation.

The Committee, after having carefully examined and considered the opinions and evidence laid before them by men of science and experience, have had no occasion to doubt for a moment the correctness of the universally prevalent opinion in favor of the practicability of a periodical Ice Bridge. Neither did they deem it necessary to seek for any additional evidence of the manifest benefits to be derived from it, as affording an enlarged and more certain and equalized supply of very many of the necessaries of life, more especially such as enter into the daily wants of the industrial classes, or of its inappreciable advantages in promoting the health of the inhabitants, by furnishing a more extended field for exercise and recreation in the open air during the tedium of our winter months.

Entertaining these views, they proceeded first to the consideration of an objection raised by a few persons to the periodical formation of an Ice Bridge, predicted upon its supposed tendency to retard the opening of the navigation of the river St. Lawrence in the Harbour of Quebec, and its consequent damage to the commercial interests of the country. On this question your Committee are of opinion, that great reliance may be placed upon the arguments adduced by Mr. Davies, in his paper already referred to, in which, in their opinion he has successfully combatted this prejudice. He shews that during a period of twenty years, the average date of the arrival of the first steam boats from Montreal, in those years in which there has been no Ice Bridge is the 23rd April; and that in those years in which there has been a Bridge, it is the 27th April; and that as to the arrival of vessels from sea, the average time has been the 1st May, as well in years in which there has been a Bridge, as in those in which there has been none. That the variable periods of the opening of the navigation, depend upon natural laws uninfluenced by trivial artificial obstructions, namely:

1st. The rising of the temperature in the St. Lawrence, by an accession of waters from southern and warmer regions; 2nd. The consequent rise and enlargement of its stream, and the corresponding rise and the disengagement of the Ice from the shoals and beaches; 3rd. The gradual increase in the temperature of the earth as the sun advances towards the north,—the regular and uniform operation of these great causes, being evidenced annually in Canada by the almost simultaneous breaking up and departure of the Ice from lake St. Peter, the river St. Charles and the north channel of the Island of Orleans,—thus demonstrating how very little the operation of these great physical movements, which extend their influence over several latitudes, could be retarded or disturbed by the accident of a Bridge from Quebec to Point Levi, or the comparatively insignificant

body of Ice of which it would be composed. Your Committee, after a full and deliberate consideration of the main object which they had in view, were quite prepared, even upon the supposition of its causing a few days delay in the opening of the navigation, to give an unqualified opinion in favor of the utility of an Ice Bridge, under a settled conviction that such a temporary impediment to the navigation, even were it seriously to be dreaded, would still be greatly overbalanced by the manifold advantages accruing from the measure in other points of view. But the inquiry made by the Committee into this objection has led to a unanimous conclusion, that there is no reason whatever to apprehend such a prejudicial effect upon the navigation. They are moreover of opinion that a Bridge obtained by the aid of artificial means in the commencement of the severe frosts of winter, would in all probability be formed of new and thin Ice, and would naturally extend up to, and beyond Cap Rouge, and would thereby rather facilitate the opening of the navigation, by preventing the accumulation of drift ice in the narrows at the latter place, and the occasional jamming of the ice at Quebec, which, in boisterous seasons when such casualties are most likely to occur, constitute the most formidable, if not the only obstacles to the opening of the navigation, and depend upon causes the magnitude of which place them entirely beyond the control of human agency.

The Committee having thus in their judgment, surmounted all the preliminary objections, next turned their attention to the consideration of the means by which the object in view could best be attained, whether by the erection of blocks or wharves on either shore, with a view to the narrowing of the main stream at some given point, and thereby the more easily causing a stoppage of the large sheets of Ice; or by placing across the stream from shore to shore a continuous line of cables, floats, or net work, secured by anchors, in order to assist the action of the frost and the formation of new Ice, as well as to arrest the sheets of Ice at an early period of the season, as they would then offer a comparatively small resistance. The selection of these two modes having been put to the vote, it was decided that resort should be had to blocks or wharves, as offering the greater prospect of success for the undertaking.

The place best adapted for the formation of a Bridge, next occupied the attention of the Committee. Various propositions were submitted to the Committee, recommending different localities for the construction of the necessary works, some advocating a point at the narrows near Cap Rouge, and others, several points below Quebec. The reasons urged in favor of Cap Rouge were founded upon the rapid narrowing of the river at that place, and the consequent greater facility in arresting the Ice, as shewn by the fact that the river takes there almost every winter, for shorter or longer periods, without the aid of artificial means; added to the great probability of having an Ice Bridge at Quebec, by the mere action of the frost and the freezing of the river from side to side, which, in the event of a Bridge being already formed at Cap Rouge, would not be impeded or damaged by drift Ice. In favor of Quebec, it was contended that an Ice Bridge at Cap Rouge tended to jam the river, and might in some seasons delay the opening of the navigation between Quebec and Montreal, and that it was by no means certain that a bridge at Cap Rouge would necessarily secure the formation of one at Quebec, without the aid of artificial means. That in the event of a failure to form a Bridge at Cap Rouge, the blocks or wharves erected there would be comparatively valueless, while at or near Quebec they would add greatly to the safety of the Harbour, and might be adapted to purposes of commerce and made to yield a revenue; besides, that the formation of a Bridge in the vicinity of the City, if at all practicable, was the most desirable, independently of any adventitious advantages which it might possess, and ought to be attempted there in preference to more remote localities. The question being put to the vote, was decided in favor of Quebec.

Having thus disposed of the rival claims of Cap Rouge and Quebec, the Committee next proceeded to the selection of one of the two places suggested as sites for the construction of the necessary works below the City, namely: Point Levi Shoal, on the right bank of the River, immediately in front of the Roman Catholic Church of that Parish, and a point about half a mile further down, and nearly opposite to the head of the Island of Orleans. With respect to Point Levi Shoal, it was argued that the erection of Blocks or Wharves there, running into deep water, with a Block or Wharf on the opposite shore or beach of the River St. Charles, also extending into deep water, would narrow the main stream from 1250 yards—its breadth at the City—to a space of about 950 yards, between the Blocks or Wharves, and would thereby arrest the large sheets of new Ice formed in the early part of the winter in the bays above Quebec, and sent adrift by the tide, and thus secure a Bridge every winter. Further—that Blocks or Wharves erected at Point Levi Shoal would form a breakwater to the harbour, and add greatly to its safety in gales of easterly wind, to which it is now much exposed, and which have heretofore caused so much destruction of life and property; and by reason of their greater proximity to the City, would be better adapted to purposes of commerce and the production of a revenue. It was also advanced, as an additional argument in favor of this locality, that it presented great facilities for the erection of a Railroad station, and that if it should be determined to connect the projected Halifax and Quebec Railroad with one to Montreal, on the north side of the St. Lawrence, this spot must of necessity be selected, as being situate opposite to the only place from which a Railroad to Montreal ought to take its departure, namely, from a point at the embouchure of the River St. Charles, in order to avoid the ascent and descent of the high ground upon which the City of Quebec is built. On behalf of the point opposite to the head of the Island of Orleans, it was contended, that although the distance between the outermost piers to be placed in the same depth as those proposed at Point Levi Shoal would be greater than at the latter place, the direct distance across the stream, at right angles with the course of the current, from the south pier to the belt or breastwork of ice which would form upwards along the stream from the north pier, would not exceed 675 yards,—thus actually narrowing the open water channel to that breadth. That the river was much shallower at this point, and that in consequence of a large body of water being there diverted into the channel on the north side of the Island, the volume of water descending the main channel of the river, being so much smaller, its rapidity and force are consequently much diminished, thus removing or lessening one of the great obstacles to the formation of an Ice Bridge. That, moreover, from the diagonal direction of the line between the Blocks or Wharves on the two shores, the lower end of the Ice constituting the Bridge, would rest on the ground Ice at the head of the Island, which would enable it to sustain the more easily the pressure of the descending masses. That these favourable circumstances combined with the known fact, that the river along the Beauport shoal, and across the mouth of the north channel, for a considerable distance into the main stream, invariably takes every year, at an early period of the season, gave a decided advantage to this place for the formation of an Ice Bridge. These two important points having undergone a careful and protracted discussion, the question was decided in favor of Point Levi shoal;—the Committee being of opinion that even although an Ice Bridge might be more easily secured at the Lower Point, the works to be constructed for that purpose, would not afford the same protection to the harbour, nor yield an equal revenue, with those at the point nearest to the City.

Having thus resolved, under the circumstances, and in consideration of the contemplated coincident advantages likely to accrue from the works in question, that Point Levi Shoal was the more eligible site for their erection, the Committee

next proceeded to the determination of the no less important question of the nature of the works best adapted to the end proposed. Three distinct propositions were then submitted; one for a continuous solid wharf, extending from the shore to deep water; another, for one or more insulated Blocks, and a third, for a wharf near the shore, in conjunction with one or more Blocks running into deep water, in the same line with the wharf. It was contended that the solid and continuous wharf was entitled to a preference, inasmuch as it combined the two-fold advantage of forming a more effectual break water for the protection of the harbour, and was better adapted for the erection of buildings for the wants of trade, and the production of a revenue; and that any apprehension as to the increasing of the force of the current by a continuous solid wharf, would be obviated, or would not at all be felt, in consequence of the greater expansion of the river towards the Beauport shore opposite to that part; and moreover, that this long wharf would cause an eddy which would be favorable to the retention and stoppage of the ice. On the other hand, it was argued that a continuous wharf, extending in one solid mass from the shore to its utmost limit in deep water, was objectionable, by reason of its tendency, notwithstanding the greater expansion of the stream there, to concentrate, in a greater or less degree, the waters of the St. Lawrence within narrower limits, thereby increasing its velocity and consequent force at that point; and that instead of facilitating the stoppage of the Ice, it might have a directly contrary effect, because a direction would be given by this long wharf to the current outwards into the main stream, which would draw off into mid-channel the sheets of drift Ice, by means of which the foundation, so to speak, of an Ice Bridge was to be laid, whereas, by permitting the waters of the river still to flow between the blocks or the piers of a wharf, shoreward of the deep water block, the suction produced by this current would cause the sheets to be drawn upon the outer block, and there to turn as upon a pivot, and, by thus retarding their progress, would create a jam, from the other sheets coming up in succession to the narrowed pass.

The Committee, before determining upon the relative merits of these different schemes, took into consideration the probable cost of each, in ascertaining which they were greatly assisted by the very elaborate and minute estimates prepared and submitted to them, by Mr. Henderson, exhibiting the cost of three modes of construction.

After a full consideration of the respective merits and advantages of these different schemes, and the probable cost of each, it was resolved to recommend the construction of a continuous wharf, 2000 feet long, with a uniform breadth of 100 feet, running into 6 fathoms of water, and a block on the opposite shore to be sunk in the same depth, the aggregate cost of which would amount to £15,000.

It was further resolved that these works should not be erected exclusively with a view to the periodical formation of an Ice Bridge, but in connexion with the amelioration of the harbour, and the production of a revenue, by adapting them to purposes of trade.

Although many of the foregoing points, which have reference to the site, and to the description, quality, and cost of the works required for the periodical formation of an Ice Bridge, involve questions of minute detail, depending upon art, science and experience, and which must still, as a matter of course, remain subject to such alterations and modifications as upon a maturer consideration and judgment may be deemed necessary by those to whom this important undertaking may be hereafter confided. Your Committee, nevertheless, rely with the greatest confidence upon the accuracy of the information collected by them, and of the conclusion to which they have come, in respect of the practicability of an Ice Bridge, and the inestimable advantages to result from it, as well as from the works required for its formation; and they, therefore, unhesitatingly recommend

to their fellow citizens of Quebec, to use their utmost endeavour to carry the scheme into execution without loss of time, in order to ensure its successful and speedy accomplishment.

There yet remained one other question of no small importance connected with this subject, and which was obviously within the sphere of the duty assigned to the Committee, namely, the determination of the ways and means by which the necessary funds were to be obtained;—whether from contributions in money and materials from the inhabitants of Quebec, and the adjacent localities, or by means of a private company, which should carry the project into execution at their own risk, with the aid, in either case, of such grants as might be procured from the Legislature, or by an application to the government to have the works undertaken under public authority. The Committee were unanimously of opinion, that in order to accomplish an undertaking of such magnitude, so intimately connected with the improvement of the navigation of the River St. Lawrence, and the general commerce of the country, more especially with regard to the greater degree of protection required for the safety of the shipping, and of the large and valuable rafts of timber, and other descriptions of lumber, brought down annually, to the Port of Quebec, and which constitute its staple articles of export, as well as for the security of small craft frequenting the harbour from the Lower Ports and the Upper Lakes, the proper course was by an application to the Legislature to have these works constructed at the expense of the Province; and that petitions to that effect should be forthwith prepared for signature, and presented to the three branches at the next Session of Parliament.

Your Committee cannot conclude this Report without expressing the unfeigned pleasure and pride they feel in recording the alacrity and industry displayed by many gentlemen in the community—as well members of the Committee as others, in applying themselves to the task of collecting information, in every branch of the subject, and reducing to writing their individual opinions and suggestions, as well as the general satisfaction which the prospect of a periodical Ice Bridge has spread throughout the City and adjacent country parts. It is to be hoped that the same zeal will continue to manifest itself in the further prosecution of our labours, and that it will not be suffered to relax until it shall have given more substantial proofs of its existence, by the ultimate achievement of the grand object contemplated at the commencement, and which has been so long and so ardently desired by the inhabitants of the City and District of Quebec. The whole, nevertheless, humbly submitted.

DUNBAR ROSS, Chairman.

Quebec, 14th April, 1852.

QUEBEC:

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REPORT

Of the Select Committee to whom was referred the subject of the formation of an Ice Bridge on the River St. Lawrence, above the Richelieu Rapids.

ORDER OF REFERENCE.

LEGISLATIVE ASSEMBLY,
MONDAY, 21st March, 1853.

Resolved, That a Select Committee be appointed, composed of

Mr. POLETTE,
Hon. Mr. CHABOT,
Mr. TURCOTTE,
Mr. DUMOULIN,
Mr. McDougall,
Mr. FORTIER, and
Mr. JOBIN,

to take into consideration the advantages which would result to Navigation, Trade, and the cultivation of a great extent of land, on the shores of the River St. Lawrence, from the formation of an Ice Bridge every winter on the said River, above the Richelieu Rapids, and the means by which such a bridge might be secured, with power to send for persons, papers and records.

Attest,

W. B. LINDSAY,
Clerk of the Assembly.

(*Translation.*)

The Committee appointed to take into consideration the advantages which would result to Navigation, Trade, and the cultivation of a large extent of land, on the shores of the River St. Lawrence, from the formation of an Ice Bridge every winter on the said river, above the Richelieu Rapids, and the means to be taken to secure such a bridge, have the honor to make the following Report:—

The delay caused to the opening of the navigation and to trade by the masses of ice (*digues*) which accumulate every two or three years, at the head of the Richelieu Rapids, in the River St. Lawrence, remaining there from eight to ten days and the large amount of damage caused to cultivation by the inundations which these accumulations of ice occasion over a large extent of territory, in six counties in Lower Canada, have, for a long time, attracted the public attention. It has been and still is the universal opinion in those localities, that these inconveniences could be guarded against easily and with little expense; but as the necessary means to obtain the desired result cannot be brought into action without the intervention of the Legislature and of the Executive Government, petitions have been presented, at different times, to your Honorable House, suggesting these means and praying for aid.

Your Committee, in order to obtain the greatest possible amount of information on this important subject, have examined several witnesses, chosen from different localities, who, both by their calling and their experience, were capable of giving the information required by your Committee. Merchants, farmers, skilful navigators and other persons of experience have been examined, and their testimony agrees so well on all the important points which it was necessary to have explained, that your Committee, without the least hesitation, have come to a unanimous decision. To place your Honorable House in a position to comprehend, at the first glance, the bearing of this testimony, your Committee have thought proper to analyse it, and to represent the facts proved therein: they are as follows:—

“The accumulations are formed during the winter by the ice from the *battures* of Grondines or Ste. Anne Lapérade, and sometimes even of St. Pierre les Becquets and of Gentilly, which, being raised up by some high tide and broken up by a strong wind, detaches itself, when it is two or three feet in thickness, from the shore, then descends and stops in the narrow passage of the River at the head of the Richelieu Rapids. The rapids, by these means, are obstructed, and the ice which is formed during the winter over an extent of near forty miles, from Grondines to Lake St. Peter, descends the River and is broken up and arrested upon that which is settled at the head of the Richelieu Rapids; it congeals together and forms the compact mass which is called “*digue*.” The high spring waters are stopped by this accumulation of ice, rise considerably, retard the breaking up of the ice in Lake St. Peter by neutralising the effect of the slow current in the Lake, extend over the low lands near the River, in the Parishes of Gentilly, Bécancour, St. Grégoire and Nicolet in the County of Nicolet, La Baie du Febvre, St. François du Sud and Yamaska in the County of Yamaska, Sorel in the County of Richelieu, Berthier, St. Cuthbert and St. Barthélemi in the County of Berthier, Maskinongé, River du Loup, Yamachiche, part of Pointe du Lac, the Banlieue and part of the Town of Three Rivers in the County of St. Maurice, and Batiscan and Ste. Anne Lapérade in the County of Champlain,—inundate these lands, carry away and destroy a great part of the fences and bridges, and make the roads impassable, so much so that, in several of these places, the mail has to be carried in canoes. The ice coming from the Lake and other places, in the spring, being stopped as it is by that accumulated at the head of the Richelieu Rapids, extends over the low lands of the above mentioned parishes, leaving deposits of sand and stones which entirely ruin the meadows and very frequently destroy houses, barns and other buildings; the cultivation of the inundated lands is retarded for a very long time and frequently rendered quite impossible. These accumulations of ice occur every two or three years, and last generally eight days when they are not large; in 1823, 1836, 1838, 1843, 1846, 1848 and 1850, there were some very large ones, which lasted about fifteen days. The produce of Upper Canada and of the District of Montreal, intended for Quebec, is detained at Montreal as long as the accumulation of ice lasts.

“To prevent these accumulations of ice, it would be necessary to build four piers in the River, at the place called Levrard, between the Parishes of St. Pierre les Becquets and St. Jean Des Chaillons, about nine miles above the head of the Richelieu Rapids, two of them on each side of the channel which is only four or five arpents in breadth at that place, of fifty feet square each and eight or nine feet in height, and two more opposite towards the beach of Ste. Anne Lapérade, of about thirty feet square each and six or seven feet in height. During the low waters of summer and autumn, there are not more than four or five feet depth of water alongside the channel, and it would be easy to procure the timber and the stone to build them, in the neighbourhood. These piers should

“ be three feet above the waters of the autumn ; this height would be sufficient to stop the ice which is detached from the *battures* of Ste. Anne Lapérade, of St. Pierre les Becquets and of Gentilly, and that which comes from other places ; and in case the ice from the Grondines *battures* should get detached, and the piers were built above that place, the entrance to the Richelieu would only be stopped by a simple sheet of ice which would easily get detached in the spring, because the ice coming from above and from the Lake, being stopped by the piers, no accumulation would ever take place there. When the ice breaks up in the spring, the waters are always higher, and the ice which had been stopped in the fall and in the winter by the piers, would pass over them without being at all arrested in its course, and would cause no damage.

“ The navigation would not be inconvenienced by it, inasmuch as all the vessels, even the barges and bateaux and the rafts, both those in tow and those that are not, never pass and cannot pass elsewhere than through the Levrard channel, because, by trying to avoid it, they would run the risk of going upon the rocks, the water being too low in any other place.

“ Piers would even be a great advantage for rafts in tow coming down through that place, as they might be made fast to them during high winds, there being no means of casting anchor there with safety.

“ The two large piers near the channel would cost altogether from £1000 to £1200, and the other two in proportion.”

In order to assist in explaining the evidence adduced, your Committee take the liberty of annexing to the present Report a map of the localities therein mentioned.

With evidence so precise, so clear and so conclusive as that which they have brought forward, your Committee have thought proper to come to the conclusion that four piers built at Levrard would prevent the accumulation of ice, and the inconvenience and the damages which have been so satisfactorily proved by all the witnesses, and which have been complained of for a length of time.

Your Committee have thought proper to examine the Report made on the 19th of May last by a committee appointed by your Honorable House, on the 21st of the month of February preceding, to take into consideration the advantages which would result from the periodical formation of an Ice Bridge over the River, at Quebec ; as the subject treated in that Report has some connexion with the one with which your Committee have been occupied. That Committee have come to the conclusion that the establishing of a line of communication between the City of Quebec and the south shore of the River St. Lawrence, by means of steamers, is practicable.

Your Committee profit by the opportunity afforded by this Report to express their opinion that the construction of the piers at Levrard, above the head of the Richelieu Rapids, would greatly assist such a line of communication by means of Ferry Steamers between Quebec and the south side of the River, by preventing the ice, which forms above the place where the piers would be built, from descending, as it now does, as far as Quebec, and by those very means greatly diminishing the quantity of floating ice before the City of Quebec.

Lastly, your Committee strongly recommend to your Honorable House the present suggestions, and call the attention of the Executive Government of this Province to a subject so intimately connected with Navigation, Trade and Agriculture.

The whole nevertheless humbly submitted.

A. POLETTE,
Chairman.

Committee Room,
13th June, 1853.

 PROCEEDINGS OF THE COMMITTEE.

In Committee on the formation of an Ice Bridge above the Richelieu Rapids.

23rd March, 1853.

PRESENT :

Mr. POLETTE, Chairman,
 " TURCOTTE,
 " DUMOULIN,
 " McDUGALL,
 " FORTIER,
 " JOBIN.

Read the order of reference.
 Adjourned to call of the Chair.

22nd April, 1853.

The Committee met.

PRESENT :

Mr. POLETTE, Chairman,
 " TURCOTTE,
 " DUMOULIN,
 " McDUGALL,
 " FORTIER,
 " JOBIN.

Certificates having being filed with the Chairman for the attendance, as witnesses, of Z. Boudreau, Pilot; Edouard Normand, Builder; Jas. Dickson, Esquire; Louis Guillet (the elder), Esquire; and Grégoire Courtois, Navigator, summonses were directed to be issued accordingly for the 28th instant.

Ordered, That the Chairman do move in the House that a Message be sent to the Legislative Council, desiring leave for the Honorable Joseph Dionne to attend the Committee.

Adjourned till Thursday next at 10 o'clock.

COMMITTEE ROOM, No: 3,
 THURSDAY, 28th April, 1853.

MEMBERS PRESENT :

Mr. POLETTE, Chairman,
 " FORTIER,
 " DUMOULIN,
 " TURCOTTE,
 " JOBIN.

The Chairman submitted to the Committee a series of Questions to be proposed to the witnesses, which were approved of, and are as follows:—

1. What is your name, age, trade or occupation and place of residence?
2. Is it within your knowledge that masses of ice have accumulated at the head of the Richelieu Rapids in the St. Lawrence, on the breaking up of the ice

in the spring, so as to obstruct the river by rendering the passage considerably narrower. If this has happened to your knowledge, state how many times it has happened, and how long generally it has lasted on each occasion?

3. Can you explain to the Committee how these masses of ice accumulate, how they are caused, and what effects they produce, both as regards the water and the navigation and trade on the river, and the low lands bordering on the river above the rapids in question? State also how far back these masses of ice cause the water to overflow?

4. Do you think it possible to prevent the formation of these masses of ice? Be pleased to point out to the Committee the proper means, in your opinion, to attain that object; and state what would become of the ice if such means were adopted, and the result you would expect from their adoption?

5. Where do you think it would be proper to construct the works mentioned in your last answer? Be pleased to explain the present state and situation of the localities?

6. At how much do you estimate the cost to be incurred for these works? Will you furnish a statement thereof in detail, as near as it is in your power to do at present?

7. Do you think that these works would in any way obstruct the navigation of the River and the passage of rafts? Will you explain the reasons on which you found your opinion?

MINUTES OF THE EVIDENCE.

Mr. Turcotte, one of the Members of the Committee, examined:

Answer to the Question No. 1.—J. E. Turcotte, of Three Rivers, Advocate, 44 years of age.

Answer to Question No. 2.—I have a particular knowledge of the accumulations of ice (*digues*) which are formed, in spring, at the head of the Richelieu Rapids, as I was born and brought up in the Parish of Gentilly, which is frequently inundated by such *digues*. These *digues* are formed every two or three years. One was formed in the spring of 1843, which lasted fifteen days. There had been another in the spring of 1836; the River was obstructed by it until the 11th or 12th of May. There was another in 1838 which lasted thirteen or fifteen days. There were others in 1846 and 1847 which lasted seven or eight days; and, finally, another in 1850, which lasted eight days. All these accumulations of ice (*digues*) are generally formed at the head of the Richelieu Rapids, and sometimes, but more rarely, at the Sault of the Chaudière.

They cause very considerable damage to agriculture in the Parishes of Gentilly, Bécancour, St. Grégoire, Nicolet, La Baie du Febvre, St. François du Lac, Yamaska and Sorel, on the south side of the River,—as well as to those of Berthier, St. Cuthbert, St. Barthélemi, Maskinongé, River du Loup, Yamachiche, part of Pointe du Lac, the Banlieue and part of the Town of Three Rivers, Batis-can and Ste. Anne de la Pérade. These damages are occasioned by the waters of the river inundating, during these accumulations of ice (*digues*), the above mentioned parishes, and by their carrying away and destroying a great part of the fences and bridges. The ice coming from Lake St. Peter, and that from the batures of Gentilly and of Bécancour, stopped, as it is, by that which is heaped up at the head of the Richelieu, enters on the low lands of the above mentioned parishes, and leaves deposits of sand and stones upon them which entirely ruin the meadows, and very often destroy even the barns, houses and other buildings.

The cultivation of the lands inundated, as above stated, is retarded for a very long time, and often rendered altogether impossible. The roads also become impassable, because they are inundated as well as the lands. It is not very unusual to see the mails conveyed in canoes in various parts of the above mentioned parishes. These parishes lie in six different counties.

Answer to Question No. 3.—The *digues* or accumulations of ice, which are complained of, are generally caused, during the winter, by the ice from the *battures* of Grondines, or by that from St. Anne de la Pêrade, or sometimes even by that from St. Pierre les Becquets, which ice, being raised up by some high tide, and shaken by a strong east wind, detaches itself from the shore when it is strong and about three feet in thickness, and is stopped in the narrow passage formed by the rapid called Richelieu. This rapid is entirely blocked up by it; then the ice which is formed for a distance of nearly 40 miles, that is to say, from Ste. Anne as far as Lake St. Peter, comes down, is broken up and stops on that which is stationary at the entrance of the Richelieu, and obstructs the passage of the waters; these latter then rise, penetrate through and congeal with the ice stopped as above described, and form the compact mass of ice called a *digue*. It may be conceived that apart from the damage caused to agriculture, as I have already said, commerce is considerably retarded by the delay which the ice, thus accumulated, occasions to the opening of the navigation. These delays vary from eight to fifteen days; and the produce coming from Upper Canada is detained at Montreal during the same space of time.

The accumulations of ice and *digues* which I have just mentioned, have also the effect of delaying the breaking up of the ice in Lake St. Peter, by neutralising the effect of the little current which there may be in the Lake.

Answer to Question No. 4.—I believe it is quite possible to prevent the formation of these accumulations of ice or *digues*, and the way is to anticipate their causes; and if the causes indicated in the preceding answer are the true ones, as there is no doubt they are, it is merely necessary to construct two or three piers in the River, placed so as to stop the ice at the distance of some miles above the Richelieu. The ice thus stopped would prevent that from the *battures* of which I have spoken in the preceding answer, from detaching itself and obstructing the entrance of the Richelieu. By means of such piers arresting the ice from Lake St. Peter, it might happen that even the ice from the *battures* of Grondines, if it were lower down than the piers, would detach itself from the shore without causing the *digues* which are complained of; for the entrance to the Richelieu would then be barred by only a single sheet of ice which could not cause a *digue*, as the ice coming from above and from the Lake would be stopped by the piers.

Answer to Question No. 5.—I was for some time of opinion that the piers should be constructed at the place called the Cap à la Roche; but experience and a visit to the locality this spring, have convinced me that the most fitting situation, is the spot called Levrard, at about two miles above Cap à la Roche and six miles from the entrance of the Richelieu. I leave it to navigators to explain in detail the circumstances and nature of the localities.

Answer to Question No. 6.—The probable cost of two piers of 50 feet square and of 12 or 15 feet in height might be from twelve to fifteen hundred pounds, the stone being near at hand.

Answer to Question No. 7.—These works would not in any way be prejudicial to navigation or to the descent of rafts, because the channel would, in no wise, be obstructed by them. The piers in any case having to be constructed on the edge of the channel, at one side, and at the other on *battures* or *powilliers*, where ships never pass, and which do not lie in the ordinary channel.

The piers should be sufficiently high, about 3 feet above the water, in order to stop the ice in the fall, when the waters are low, and to allow the ice to pass over them at the time of its breaking up and during the high waters in the spring.

Mr. *Edouard Normand* called in and examined:

Answer to Question No. 1.—*Edouard Normand*, of the Parish of Cap de la Magdeleine, builder of bridges and yeoman; 53 years of age.

Answer to Question No. 2.—I have a perfect knowledge of the accumulations of ice which are formed in spring at the head of the Richelieu rapids, having frequently travelled in the spring of the year between Quebec and Cap de la Magdeleine, and having seen the inundations, from which I have myself suffered, which are caused by these accumulations of ice, forming what is called the *digue*. This *digue* takes place every two or three years, it lasts 7 or 8 days, when it is small; and from fifteen days to three weeks, when it is large. There were very large ones in 1836, 1843 and 1846. These *digues* are formed at the head of the Richelieu Rapids, and sometimes at the Sault de la Chaudière. They cause very considerable damage to agriculture in the Parishes of Gentilly, Bécancour, St. Grégoire, Nicolet, La Baie du Fèbvre, St. François du Lac, Yamaska and Sorel on the south side of the River, and of Berthier, St. Cuthbert, St. Barthélemi, Maskinongé, Rivière du Loup, Yamachiche, part of the Pointe du Lac, the Banlieu and part of the Town of Three-Rivers, Batiscan and St. Anne de la Pérade; these Parishes being in six different Counties. This damage consists in the waters of the River inundating, during the *digues*, part of the above named parishes, and carrying away or destroying a great part of the fences and bridges. The ice coming from Lake St. Peter and that from the *battures* of Bécancour and of Gentilly stopped as it is by that which is accumulated at the head of the Richelieu, enters upon the low lands of the above named parishes, leaves deposits of sand and stones upon them, which entirely ruin the meadows and very often destroy houses, barns and other buildings. The cultivation of the inundated lands is, for a long time, retarded and often rendered impossible. The roads become impassable because they are inundated as well as the lands, and it is not unusual to see the mails carried in canoes in different parts of these parishes.

Answer to Question No. 3.—The accumulations of ice are formed during the winter, by the ice from the *battures* of Grondines, or from those of St. Anne de la Pérade or of St. Pierre les Becquets and Gentilly. The high tides, assisted by a strong east wind, cause this ice to become detached from the shore when it is strong and two or three feet in thickness; it is then arrested in the narrow passage of the Richelieu rapids, whereby the latter becomes obstructed. The ice, formed from Lake St. Peter to St. Anne de la Pérade, a distance of 40 miles, descends and is broken up and stopped on that which is stationary at the entrance of the Richelieu, and which obstructs the passage of its waters; this becomes congealed with the ice which is stationary, as I have already said, and thus is formed the compact mass of ice which is called the *digue*. Apart from the damage caused to agriculture, as I have already said, commerce is considerably impeded by the delay which the ice thus accumulated occasions to the opening of the navigation. This delay varies from eight days to three weeks; and the produce coming from Upper Canada and the District of Montreal is detained at Montreal during the same space of time. These *digues* have also the effect of retarding the breaking up of the ice of Lake St. Peter by stopping the little current which there may be in the Lake. The accumulations of ice in question cause the water to flow back to the upper part of the Parish of Berthier.

Answer to Question No. 4.—I believe it is quite possible to prevent the formation of the accumulations of ice, by doing away with the cause which I have indicated in my preceding answer. It is merely necessary to construct three or four

piers in the River, at some distance below the Richelieu; the ice would stop on these piers and would prevent that from the *battures*, of which I have spoken in my last answer, from detaching itself and blocking up the mouth of the Richelieu. By means of such piers which would stop the ice coming from Lake St. Peter and even that coming from higher up, it might happen that the ice from the *batture* of Grondines, if it were below the piers, might be able to detach itself from the shore, but it would not cause any *digue*, for then the entrance of the Richelieu would be barred only by a single sheet of ice, the ice coming from above and from the Lake being stopped by the piers.

Answer to Question No. 5.—I think the Piers should be placed at the spot called Levrard, between the parishes of St. Pierre les Becquets and St. Jean des Chaillons, opposite the River St. Anne, on the north, at about nine miles from the head of the Richelieu Rapids. The channel at this spot, is not more than five or six arpents in width, and vessels, and even loaded *bateaux* and *barges* cannot pass elsewhere without incurring the risk of running aground and even of going to pieces; rafts in tow do not pass anywhere else, and even those which are not towed, cannot pass elsewhere without being in danger of running aground. During the low waters there is not more than four or five feet of water on each side of the channel, and it is perfectly easy to place a pier on each side of the channel, and two others opposite, nearer the shore of St. Anne de la Pérade. The two near the channel, should be larger than the others, and should be fifty feet square, or forty feet by sixty. The ground on which they would rest is firm and solid, and the timber and stone necessary for these works can easily be procured in the neighbourhood.

Answer to Question No. 6.—I have not made any calculation, but I believe that the cost of the two piers near the channel would not exceed one thousand or twelve hundred pounds, and in proportion for the two others, which would be much smaller. The piers near the channel, should be eight or nine feet in height, and the others six or seven feet.

Answer to Question No. 7.—These piers could not in any way be prejudicial to navigation or to the descent of rafts of timber, because the channel would not in any way be obstructed by them. I beg to refer to my answer to the fifth question, and I add that the piers should be about three feet above the level of the water, in order that they may be capable of arresting the ice in the fall, when the waters are low and the ice is forming, and so that they may allow the ice to pass over them at the time of its breaking up during the high waters of the spring.

Mr. *Grégoire Courtois*, called in and examined:

Answer to question No. 1.—Grégoire Courtois, of the parish of Gentilly, navigator and yeoman, thirty-one years of age.

Answer to Question No. 2.—I have navigated the River between Quebec and Montreal for the last twenty-two years, having commenced at the age of nine years, and I command my own vessel. I have a perfect knowledge of the accumulations of ice which are formed during the spring; and even during the winter, at the head of the Richelieu Rapids, and I have acquired this knowledge from being a navigator, and from having passed all the winters and a part of the autumns and springs at Gentilly, where I was born. These accumulations of ice form what is called the *digue*, and this *digue* forms every two or three years; it lasts seven or eight days when it is small, and fifteen days or three weeks when it is large. There were very large ones in 1836, 1843, and 1846. The *digue* is formed at the head of the Richelieu Rapids, and even at the Sault de la Chaudière. These *digues* occasion very considerable damage to agriculture, in the parishes of Gentilly, Bécancour, St. Grégoire, Nicolet, La Baie du Febvre, St. François du Lac, Yamaska and Sorel, on the south side of the river, as well as in those of Berthier, Cuthbert, St. Barthélemi, Maskinongé, River du Loup,

Yamachiche, a part of Pointe du Lac, in the banlieu and part of the Town of Three Rivers, Batiscan and St. Anne de la Pérade; these parishes being in six different counties. The waters of the River inundate part of the above named parishes, during the *digues*, and carry away or destroy the fences and the bridges. The ice which comes from Lake St. Peter and from the *batture* of Bécancour and of Gentilly, being stopped by that which is accumulated at the head of the Richelieu, extends over the low lands near the River, in the above-named parishes, and leaves deposits of stones and sand upon them which ruin the meadows, and it often throws down houses, barns, and other buildings: the lands are overflowed and cultivation is thereby long retarded, and sometimes even rendered impracticable; the roads as well as the lands, are overflowed and become impassable, and frequently the mails are carried in canoes through many of these parishes; thence arise the damages of which I have spoken. My own land is overflowed by these *digues*.

Answer to Question No. 3.—The *digue* is generally formed during winter, by the ice from the *battures* of Grondines, and from those of Ste. Anne de la Pérade, or even from those of St. Pierre les Becquets and of Gentilly. When the spring tides take place, and when it blows strong from the north east, this ice detaches itself from the banks, when it is two or three feet in thickness and is stopped at the head of the Richelieu Rapids, thereby obstructing its passage. The ice of Lake St. Peter, as far as St. Anne de la Pérade, a distance of about forty miles, becomes broken up and is stopped by that which is already fixed at the entrance of the Richelieu, it becomes congealed together and forms the accumulation, which is called the *digue*: in this state it blocks up the passage of the waters. Commerce is considerably impeded by the delay which these accumulations of ice cause to the opening of the navigation: this delay varies from eight days to three weeks, and the produce coming from the district of Montreal, as well as from Upper Canada and destined for Quebec, is retained at Montreal during the same space of time. These accumulations of ice cause the water to flow back as far as above the parish of Berthier, and delay the breaking up of the ice of Lake St. Peter, by stopping the little current there is in this Lake.

Answer to Question No. 4.—I believe that it is easy to prevent these *digues*, by constructing three or four piers in the river, about nine miles above the head of the Richelieu Rapids. The ice would stop on these piers and prevent that from the *battures*, of which I have spoken in my preceding answer, from becoming detached and from blocking up the entrance of the Richelieu. By means of such piers stopping the ice coming from above, it might happen that the ice from the *battures* of Grondines, if below the piers, would detach itself from the shore, but it could not cause any *digues*, inasmuch as the entrance of the Richelieu would be barred only by a single sheet of ice, that coming from above there being stopped by the piers.

Answer to Question No. 5.—I am of opinion that the piers of which I have spoken should be placed at the spot called Levrard, between the parishes of St. Jean les Chaillons and St. Pierre les Becquets, and opposite the River St. Anne to the north. In this place, the channel is not more than 5 or 6 arpents in width; and ships, or even loaded bateaux and barges cannot pass elsewhere, without being exposed to go to pieces on the rocks: timber rafts in tow do not pass any where else, and even those which are not in tow cannot pass elsewhere without incurring the risk of running aground. There is not more than four or five feet of water on each side of the channel at low water, and it is easy to place a pier on each side of this channel, and two others nearly on the same line, towards the shore of St. Anne de la Pérade. The two next to the channel, should be of larger dimensions than the others, and I think that they

should be about 50 feet square: I think that 30 feet square would be sufficient for the others. I know the ground on which they would rest; this ground is firm and solid, and I believe that the timber and stone necessary to construct these works might easily be procured in the neighborhood.

Answer to Question No. 5.—I am not sufficiently experienced in works of this nature to know what they would cost.

Answer to Question No. 6.—Professional men can make this estimate.

Answer to Question No. 7.—These piers could not, in any way, impede the navigation or the descent of timber rafts, inasmuch as the channel would not be in any way obstructed. I refer moreover to my answer to the 5th question. The piers should be about three feet above the water in order to stop the ice in the fall of the year when it is formed, or when it becomes detached and the waters are low, and in order to allow the ice to pass over them during the high waters of the spring at the time of the breaking up of the ice.

Adjourned till to-morrow at 9½ A. M.

COMMITTEE ROOM, No. 3.

FRIDAY, 29th April, 1854.

MEMBERS PRESENT:

Mr. POLETTE, Chairman,
Mr. FORTIER,
Mr. DUMOULIN,
Mr. TURCOTTE,

A certificate having been handed to the Chairman for the appearance of Théodule Foisy, as a witness, ordered that a summons do issue, and that he be notified accordingly for the 2nd May next.

The examination of witnesses was continued as follows:

Louis Guillet, Esquire, called in and examined.

Answer to Question No. 1.—*Louis Guillet*, of the parish of St. François-Xavier of Batiscan, Notary Public and yeoman; sixty-five years of age.

Answer to Question No 2.—I was born in the the said parish, about 5 leagues above the head of the Richelieu Rapids, and I have always resided there since. Accumulations of ice are formed almost every year at the head of the Richelieu Rapids, but not always sufficiently large to delay navigation and to cause damage. These accumulations of ice form what is called the "*digue*," and every four or five years this *digue* is large. We have often had it two years in succession. It also happens that it becomes very large and lasts from fifteen days to three weeks, as in 1846, 1848, and in 1850: at other times it lasts from 7 to 8 days. It is well known that it causes damage in the low parishes from St. Anne to Berthier on the north side, and from Gentilly to Sorrel, inclusively, on the south side.

These damages are caused by the inundations upon the low lands of these parishes, near the river, the waters carrying away and destroying a great part of fences and bridges. The ice coming from Lake St. Peter and from lower down, finding itself stopped by what is accumulated at the head of the Richelieu, enters upon the low lands and leaves upon them deposits of sand and stones which ruin the meadows, and often destroys houses, barns and other buildings. The water also carries upon the lands timber and drift substances; all this causes considerable delay to the cultivation of the lands and sometimes renders it impossible. The roads are inundated as well as the lands and become impass-

able; so that the mail carriers are obliged to carry the mails in canoes in different parts of the parishes. These *digues* have also the effect of retarding the opening of the navigation during 8 or 15 days. This greatly impedes commerce, and prevents, during that time, the produce from the District of Montreal and that from Upper Canada from being despatched to Quebec, such produce being detained in Montreal.

Answer to Question No. 3.—The *digues* or accumulations of ice are caused, during the winter, by the ice from the *battures* of Grondines or by that from St. Anne de la Pérade or that from St. Pierre les Becquets, and Gentilly, which, being raised by the high tides with the assistance of a strong wind becomes detached from the shore when it is thick, and is stopped at the head of the Richelieu Rapid, and blocks it up; then the ice extending down from Lake St. Peter, for a distance of about 40 miles, becomes broken up, and is stopped at the entrance of the Richelieu. The ice at the latter place then rises, becomes congealed with that which is already stopped, and forms a compact mass, which is called the *digue*: it also happens that these heaps of ice are formed in the same place in spring and produce the same effects. This *digue* causes the water to flow back as far as the upper part of the parish of Berthier, and has also the effect of delaying the breaking up of the ice in Lake St. Peter, by preventing the effect of the little current which there is in the Lake. As to the effect produced by these *digues* I refer to my preceding answer.

Answer to Question No. 4.—I think it is easy to prevent these *digues* by constructing four piers in the river, placing them so as to stop the ice at about 9 miles above the head of the Richelieu, that is to say opposite Levrard, between the parishes of St. Pierre les Becquets and St. Jean les Chaillons, and opposite the River St. Anne de la Pérade on the north. The ice being thus stopped would prevent that from the *battures*, of which I have spoken in my preceding answer, from obstructing the entrance of the Richelieu. In case the ice from the *batture* of Grondines, if it should happen to be below the piers, became detached from the shore, it would not cause any *digue*, for the entrance of the Richelieu would then be barred only by a single sheet of ice, because the ice coming from above would be stopped by the piers.

Answer to Question No. 5.—I refer to my preceding answer. As to the condition and circumstances of the localities, I leave that to be explained by navigators.

Answer to Question No. 6.—Professional men are better qualified than myself to make this estimate.

Answer to Question No. 7.—I do not think that the piers of which I have spoken could in any way impede the navigation, or the descent of timber rafts. A pier should be constructed on each side of the channel, in order to leave it perfectly free, and the two others should be built nearly opposite, towards the shore of the Stc. Anne La Pérade. By having these piers three feet out of water, when the waters are low in autumn, the ice would be then formed higher up, would remain there, and would pass over them during the high waters of spring, at the time of the breaking up of the ice. The piers thus constructed would produce the effect which I have just mentioned, and would infallibly prevent the *digues*.

Mr. Zéphirin Boudreau called in and examined:

Answer to Question No. 1.—Zéphirin Boudreau, of the Town of Three Rivers, Branch Pilot; 51 years of age.

Answer to Question No. 2.—I have followed the profession of branch pilot for and above the harbor of Quebec for the last 28 years, and I am well acquainted with the River St. Lawrence from Quebec to Montreal. I have a perfect knowledge of the accumulations of ice called *digues*, which are formed in winter at the head of the Richelieu Rapids. These *digues* are formed every two or three

years, and last generally from seven to eight days during the spring; very large ones were formed in 1836, 1843, and 1850, which lasted a fortnight. These *digues* impede commerce, by delaying the opening of the navigation, and preventing the produce of the District of Montreal, as well as that of Upper Canada, from going down to Quebec during the time they last. They cause also great damage to agriculture upon the low lands bordering on the River, in the Parishes of Gentilly, Bécancour, St. Grégoire, Nicolet, La Baie du Febvre, St. François du Lac, Yamaska and Sorel, on the south side of the River, as well as upon those of Berthier, St. Cuthbert, St. Barthélemi, Maskinongé, River du Loup, Yamachiche, part of the Pointe du Lac, the Banlieu and part of the Town of Three Rivers, Batiscan, and Ste. Anne de la Pérade. This damage is caused by the waters of the River overflowing during these *digues* the above-mentioned parishes, and carrying away and destroying a great portion of the fences and bridges. The ice coming from Lake St. Peter and from the *battures* lower down, being stopped by that which is accumulated at the head of the Richelieu, enters upon the low lands of the above-named parishes, and leaves deposits of sand and stones upon them, which ruin the meadows, and often destroy houses, barns, and other buildings; the cultivation of the overflowed lands is for a very long time delayed, and frequently rendered impossible; the roads become impassable, because they are inundated as well as the lands, and we frequently see the mails conveyed in canoes in different parts of these parishes.

Answer to question No. 3.—The *digues* of which I have spoken are caused during the winter by the ice from the *battures* of Grondines, or by that from Ste. Anne de la Pérade, or sometimes by that of St Pierre les Becquets, and from Gentilly. This ice, being raised by the spring tides, aided by a strong wind, detaches itself from the shore when it is two or three feet in thickness, becomes stopped at the head of the Richelieu Rapids, and obstruct it; then the ice which is formed from Lake St. Peter downwards for a distance of about 40 miles, becomes broken and descends, and is stopped on that which is fixed at the entrance of the Richelieu; it is congealed together, and forms the compact mass which is called the *digue*. The *digue* causes the water to flow back as far as the upper part of the Parish of Berthier, and has also the effect of retarding the breaking up of the ice in Lake St. Peter by doing away with the little current which the Lake would have. As to the effects produced by the *digue*, I refer to my preceding answer.

Answer to Question No. 4.—I feel persuaded that it would be easy to prevent the formation of these *digues* by constructing four piers in the River, about nine miles above the head of the Richelieu, at the place called Levrard, between the parishes of St. Pierre les Becquets and St. Jean les Chaillons, and opposite Ste. Anne de la Pérade to the north. The ice would stop on these piers and prevent that from the *battures* of which I have spoken in my preceding answer, from detaching itself and blocking up the entrance of the Richelieu. By means of these piers stopping the ice which comes from above, it might happen that the ice from the *battures* des Grondines, if it should be below the piers, would detach itself from the shore, but then it could not cause any *digue*, as the entrance of the Richelieu would be barred only by this ice, that coming from above being stopped by the piers.

Answer to Question No. 5.—In my preceding answer, I mentioned the place where these piers should be placed. At Levrard, the channel is not five arpents in width, and loaded ships, bateaux and barges cannot pass elsewhere without incurring the risk of going to pieces on the rocks; timber rafts in tow do not pass any where else, and even those which are not in tow cannot pass elsewhere without being exposed to run aground. The north side of this channel is full of shoals and mounds of earth, and at certain places there are not even eight feet of

water in depth near the channel, during the low waters. At the place I have indicated, the channel is so near the south-bank that I think all the piers should be on the north side of this channel, and opposite each other as much as possible, extending towards the shore of Ste. Anne de la Pêrade. The two placed furthest out should be, I think, fifty feet square, and the other two about thirty feet square. The ground on which these piers would be placed is rocky and firm, and I believe that the timber and stone necessary for these works might easily be found in the vicinity.

Answer to Question No. 6.—Professional men might make this estimate more easily than myself,—for I am incapable of doing so.

Answer to Question No. 7.—No; these piers could not in any way impede navigation or the descent of timber rafts, for the channel would not be obstructed. I refer moreover to my answer to the 5th question. If the piers were about three feet above the water, that would be sufficient to stop the ice, in the fall of the year, when it is forming or detaches itself and is floating down, the water being low at that season; and during the high waters of spring, at the time of the breaking up, the ice would easily pass over them and float away through the Richelieu without meeting with the least obstacle.

Adjourned to Monday next at 10 o'clock A. M.

COMMITTEE ROOM, No. 3.

MONDAY, 2nd May, 1853.

MEMBERS PRESENT :

Mr. POLETTE, Chairman,
Mr. FORTIER,
Mr. TURCOTTE,
Mr. JOBIN,
Mr. DUMOULIN.

Mr. Théodule Foisy, called in and examined :

Answer to Question No. 1.—Théodule Foisy, of Point Levi, Navigator, forty years of age.

Answer to Question No. 1.—I have navigated the River St. Lawrence from Montreal to below Quebec, for the last twenty-five years, and for twenty years I have conducted a steamboat employed in towing vessels and timber rafts. I am perfectly well acquainted with the River between Quebec and Montreal, having had occasion besides to take timber-rafts in almost all parts of the River between these two Cities. I have a perfect knowledge of the accumulations of ice which are formed in winter at the head of the Richelieu Rapids, having navigated early in the spring and late in the fall, and passed that place several times in winter. These accumulations of ice form the *digue*. This *digue* forms every two or three years and lasts about a week; now and then, there is a large *digue* formed which lasts from ten days to three weeks. There were large ones in 1836, 1843, and 1850; I know that these *digues* cause much damage to agriculture, in the neighbourhood of the River, on the low lands of the parishes of Gentilly, Bécancour, St. Grégoire, Nicolet, the Baie du Febvre, St. François du Lac, Yamaska, and Sorel, to the south of the river,—and to those of Berthier, St. Cuthbert, St. Barthélemi, Maskinongé, River du Loup, Yamachiche, part of Pointe du Lac, the Banlieu and part of the Town of Three Rivers, Batis-can, and St. Anne de la Pêrade. These damages are caused by the waters of the River overflowing a part of the lands of these parishes, carrying away a great

part of the fences and bridges, and also depositing upon them timber and drift substances. The ice coming from Lake St. Peter and that from the *battures* of St. Anne de la Pérade, of Becancour, and of Gentilly, being stopped by that which is accumulated at the head of the Richelieu, enters upon the low lands of the above-named parishes, and leaves deposits of sand and stones upon them which ruin the meadows and often destroy the houses, barns, and other buildings. The cultivation of the overflowed lands is for a long time retarded and often rendered impossible, the roads are flooded as well as the lands and it often happens that the mails are conveyed in canoes, in different parts of the parish. These *digues* have also the effect of delaying the navigation eight or fifteen days; this impedes trade and prevents, during the same space of time, the produce of the District of Montreal, and that of Upper Canada, from being conveyed to Quebec as it is detained in Montreal. It also happens that ships from sea arriving at Quebec before the departure of these accumulations at the Richelieu, are obliged to wait before being able to proceed up to Montreal.

Answer to Question No. 3.—These *digues* are formed during the winter by the ice from the *battures* of Grondines or by that from St. Anne de la Pérade, or by that from St. Pierre les Becquets and Gentilly. The spring tides accompanied by a high wind cause this ice to become detached from the shore, when it is two or three feet in thickness; it is then arrested in the passage of the Richelieu Rapids; the ice which is formed from Lake St. Peter downwards for a distance of about forty miles, becomes broken up and is stopped on that which is stationary at the entrance of the Richelieu and obstructs the passage of the waters; it becomes congealed with that which is stationary, as I have already said, and forms the compact mass called the *digue*. I have mentioned in my preceding answer many of the effects produced by this *digue*, but there is yet another which I must mention, it is the delay it causes to the breaking up of the ice in Lake St. Peter, by stopping the little current there is in that Lake and causing the water to flow back as far as above the parish of Berthier.

Answer to Question No. 4.—I believe it is easy to prevent the formation of the accumulations of ice, by constructing three or four piers in the River at some distance above the Richelieu: the ice would be stopped on these piers and prevent that from the *battures*, of which I have spoken in my preceding answer, from detaching itself and obstructing the entrance of the Richelieu; or if the ice of these *battures* should become detached, it would descend and would be arrested by the piers in question. By means of such piers stopping the ice it might happen that the ice of the *battures* of the Grondines, if it should happen to be below the piers, would detach itself from the shore, but it would not cause any *digue*, for the entrance of the Richelieu would then be barred only by a single sheet of ice, that coming from above and from Lake St. Peter being stopped by the piers.

Answer to Question No. 5.—I am of opinion that the piers should be placed at the spot called Lévrard, between the parishes of St. Pierre les Chaillons and St. Pierre les Becquets, opposite the River St. Anne on the north, about nine miles higher up than the head of the Richelieu rapids. At this spot the channel is not more than four or five arpents in width, and ships, or even loaded batteaux and barges, cannot pass elsewhere without being exposed to run aground and even go to pieces. Rafts in tow do not pass anywhere else; and during low waters those which are not towed, cannot pass elsewhere without running the risk of getting aground; during the low waters there are not more than four or five feet water on each side of this channel; and it is perfectly easy to place a pier on each side of this channel, and two others opposite towards the shore of St. Anne la Pérade. The two placed next to the channel should be of larger size than the others, as they would have to bear more, and

they should be about fifty feet square. I think the others should be about thirty feet square. The ground on which the piers would be placed is rocky and solid, and I believe that the timber and stone necessary for these works may easily be procured in the vicinity.

Answer to Question No. 6.—Not being a professional man, I do not know what these works would cost.

Answer to Question No. 7.—These piers would not impede navigation or the descent of rafts, for the channel would not be in any way obstructed by them. I refer moreover to my answer to the 5th question. These piers might even be useful for fastening rafts to, during north east and south winds, and I have often wished while towing rafts, that such piers had been there in order to make the rafts fast to them when the wind was high, for there are no means of anchoring there with safety. These piers would be of great advantage for the descent of rafts, as I have just explained. The piers in question should be about 3 feet out of water, in order to stop the ice in the fall when it is forming, at the time the waters are low, and to allow the ice to pass over them at the time of the breaking up, when the water is high in the spring. If the piers were built in this manner, the ice would easily pass over them and descend the Richelieu without meeting with the least obstacle.

Adjourned till to-morrow at 10 o'clock A. M.

COMMITTEE ROOM, No. 3,

TUESDAY, 3rd May, 1853.

MEMBERS PRESENT :

Mr. POLETTE, Chairman,
 " FORTIER,
 " TURCOTTE,
 " JOBIN.

James Dickson, Esquire, called in and examined :

Answer to Question No. 1.—James Dickson, of the Town of Three-Rivers, Justice of the Peace and Merchant.

Answer to Question No. 2.—I have lived in Three Rivers for the last 35 years, and have occupied my mind in taking information from different persons on the subject of this enquiry.

I have a knowledge that masses of ice accumulate at the head of the Richelieu Rapids, about the month of February generally, and form what we call a *digue* in the spring. These masses have the effect of obstructing the natural passage of the Richelieu, so that the water rises progressively and overflows the following Parishes, namely, Gentilly, Bécaneour, St. Grégoire, Nicolet, La Baie du Febvre, St. François du Lac, Yamaska and Sorel on the south side ; and on the north side, the Parishes of Berthier, St. Cuthbert, St. Barthélemi, Maskinongé, Rivière du Loup, Yamachiche, Pointe du Lac, la Banlieue and part of the Town of Three Rivers, the lower part of Champlain, Batiscan and Ste. Anne la Pérade, also a part of Grondines.

The inhabitants of the islands about Sorel suffer during the existence of these *digues*, being obliged to live with their cattle in the upper part of their stables. It also happens in many of the above parishes. The *digue* causes damages by carrying away bridges and fences ; many inhabitants are obliged annually, in autumn, to remove the whole of their fencing and lay it in piles to prevent it being carried away by the high waters caused by the *digue*. The high waters cause a great deal of

injury to meadows by depositing sand and stones. I have seen places where the farmers could not sow their lands on account of the water covering them. I recollect that there were *digues* in 1823, 1836, 1843 and 1850 which lasted between ten and 15 days. They are injurious also to trade and commerce in retarding the opening of the navigation; and the produce from the District of Montreal as well as from Upper Canada is stopped in Montreal until the channel is clear in the Richelieu.

Answer to Question No. 3.—The ice formed in the Bays of Grondines, Ste. Anne, St. Pierre and Gentilly, remains frequently between two and three feet thick; about the end of January, or early in the month of February, during the high tides, accompanied with a north east wind, one or the other of these *battures* is carried off and blocks up the channel above the Richelieu, and there it remains. The floating ice on Lake St. Peter, together with the tide flowing over this ice, forms a mass of ice in some instances as much as thirty feet thick. These masses of ice cause the water to overflow as far back as the Parishes of Berthier. The other part of the question is already answered.

Answer to Question No. 4.—I think it quite practicable to prevent the formation of these masses of ice, because there is a *batture* opposite the Town of Three Rivers on which the ice took early every winter, and continued till spring; but in the years 1824 and 1825 there was a quantity of stones removed from that *batture* to fill up the wharves at Three Rivers, and, in 1835, a wharf was built at Port St. Francis, projecting into the River about 200 feet, on which the ice has invariably taken every year since it was constructed. The proper means of preventing these *digues* would be to erect three or more piers at a certain distance above the head of the Richelieu Rapids.

Answer to Question No. 5.—I think the proper place to construct the piers would be somewhere opposite the Parish of Grondines, but not higher up the River than opposite the River St. Ann's, which would cause the ice to take early in the month of December, when the ice is thin, which would leave the natural current open and effectually prevent *digues*. etc.

Answer to Question No. 6.—I am not sufficiently acquainted with the locality to enable me to state the probable cost of the piers.

Answer to Question No. 7.—I do not think that these works would obstruct the navigation or the passage of rafts, because it is not necessary to erect any of the piers in the channel of the River, but on the *battures*, on each side of the channel, at a sufficient distance apart from each of them to admit of two or three large rafts passing almost between them.

The piers should not be higher than two or three feet above the ordinary high water in the fall of the year, which would have the effect of stopping the ice, and the River from rising usually from four to six feet previous to the ice going away in the spring, and in the spring the ice would pass over the piers without the least difficulty.

Adjourned to the call of the Chair.

COMMITTEE ROOM No. 3.

MONDAY, 30th May, 1853.

MEMBERS PRESENT :

Mr. POLETTE, Chairman.

Mr. DUMOULIN.

Mr. McDOUGALD.

Mr. FORTIER.

Mr. JOBIN.

The Hon. Mr. Joseph Dionne, called in and examined :

Answer to question No. 1.—Joseph Dionne, of St. Pierre les Becquets, Member of the Legislative Council ; 65 years of age.

Answer to question No. 2.—I have a perfect knowledge of the accumulations of ice which are formed at the head of the Richelieu Rapids. These accumulations are caused by the ice from the *battures* above the said rapids, which, forming early in the fall, becomes very thick and detaches itself during the spring tides or high winds and accumulates at the head of the Richelieu and forms masses of ice which are called *digues*, and it is these *digues* which cause such considerable damage to all the parishes along the River, in the District of Three-Rivers, with the exception of the parishes of St. Pierre les Becquets and Cap de la Magdeleine, and also as far as the parishes of Sorel and Berthier. These damages are injurious to agriculture, frequently occasion the loss of wood, of fences, cattle, and even of real estate, besides being very prejudicial to health. These damages continue from 10 to 12 days and during all this time the farmers are unable to attend to their business. I am of opinion that if there were piers above the Richelieu Rapids to stop the ice, they would have the effect of preventing these *digues* from forming. The piers should be placed at or near the spot called Levrard, situate between the parishes of St. Pierre les Becquets and St. Jean les Chaillons. I do not think that these piers would cost very much, inasmuch as the materials (timber and stone) would be near at hand. I am also of opinion that these piers would cause an ice bridge to form at an earlier period, which would be of benefit to all these parishes, and facilitate all communication and consequently be favorable to trade and industry. I think it would also cause the ice to break up earlier in the spring.

In answer to the questions Nos. 3, 4, 5, 6, 7, I refer to my preceding answer. I will only add that I have resided, for the last 40 years, at about three leagues above the head of the Richelieu, and have had occasion to witness the damage caused by these *digues*.

Adjourned to the call of the Chair.

COMMITTEE ROOM No. 3,

MONDAY, 13th June, 1853.

MEMBERS PRESENT :

Mr. POLETTE, Chairman.

Mr. DUMOULIN.

Mr. JOBIN.

Mr. FORTIER.

The Chairman laid before the Committee a draft of a Report, which was read and approved of.

Ordered that the Chairman do report.

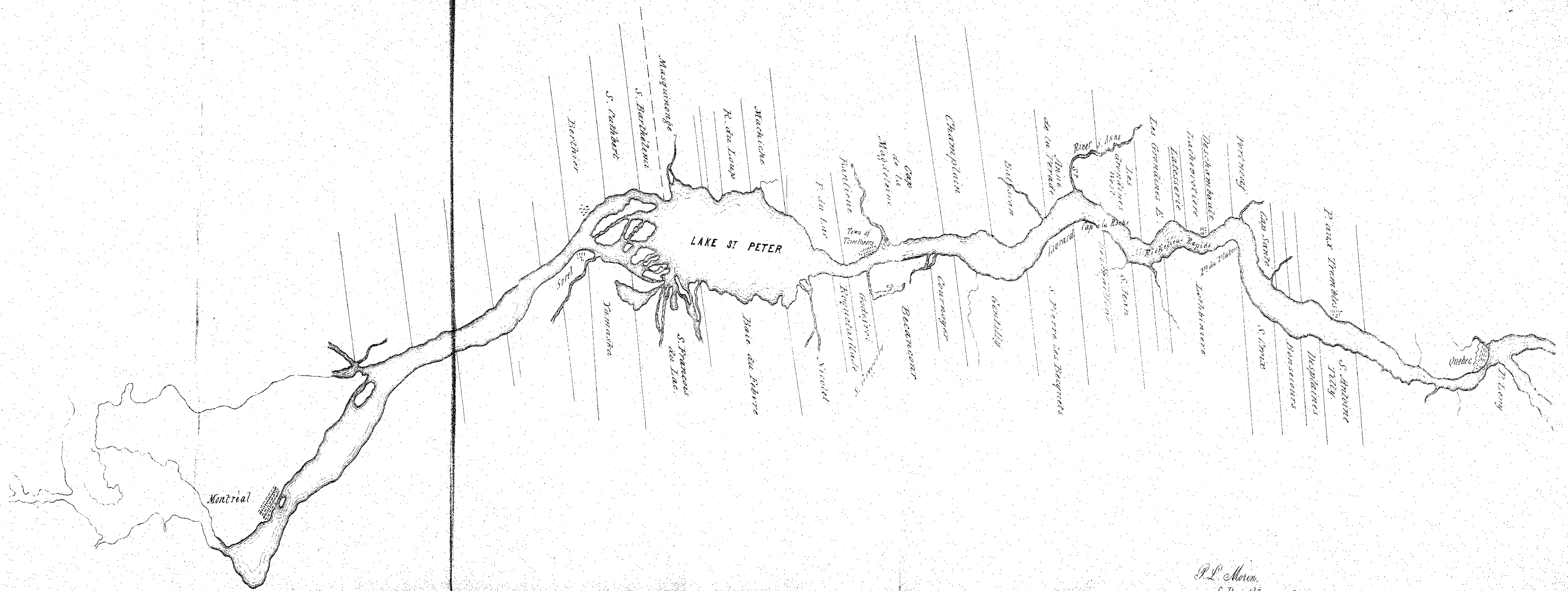
ALFRED TODD,
Clerk of the Committee.

Ice Bridge see "L L L L" in this Book

QUEBEC:

PRINTED BY JOHN LOVELL,

MOUNTAIN STREET.



LAKE ST PETER

Montreal

Quebec

P. L. Morin,
S. Draughtsman, C. I. D.

Masquinonge
S. Barthelemy
S. Cathbert
Berthier

Machiche
R. du Loup

P. du Lac
Maguelaine
Pointe
Town of
Taschereau

Champlain
Bulwer
Cap
de la
Pêche

Richelieu
Rapids
St. Jean
St. Pierre des Rapports

Deschambault
Taschereau
Lafesserie
Les
Gondoles
L. J. J.

Cap
Sante
P. du
Lac
Lobbeville
S. Croix
P. aux
Trembles
Desplaines
Bancroft
S. Antoine
Tilly

P. Long

Yamaska
S. Francois
du Lac

Banc du
Feberre

Beccanoot
Cormogor
Gendilly
Vincel
Roguetville
Godeiro

RETURN

TO AN ADDRESS of the Honorable the Legislative Assembly of the 9th day of November, 1852, respecting the improvements made on the Ottawa River and its Tributaries, by private enterprize in connection with the Timber Trade.

A. N. MORIN,
Secretary.

Secretary's Office,
Quebec, 28th May, 1853.

QUEBEC, 24th May, 1853.

SIR,—I have the honor of submitting herewith a Return of Expenditure by private Individuals on Improvements to facilitate the descent of Timber, and in Saw Mills, on the Ottawa and its Tributaries, as required by Resolution of the Legislative Assembly.

This Return can only be considered as an approximation. There are several parties from whom no information has been obtained as to their improvements, and others whose statements are deficient and imperfect.—Some have, no doubt, over-estimated their expenditure, and others have not been able to give theirs fully, from not having kept separate account of it in their business. For these reasons this Return may not afford a very correct comparison of the expenditure by the parties, or of the present value of their Saw Mills, but the total may be considered as being rather under than over the real amount of expenditure in Improvements and Saw Mills taken together.

The amount of expenditure exhibited for Improvements for the descent of Timber is £151,847 7s., and for Saw Mills £179,876 5s. 3d., in all £331,723 12s. 3d.

The expenditure of parties in making farms in connection with lumbering establishments is not included in this Return, as it would be difficult to draw a line of distinction between them and ordinary farms. The expenditure for lumbering farms, if ascertained, would probably make an addition, to the above amount, of £25,000.

In explanation of the nature and importance of Improvements for the descent of Timber, I beg to refer to the Appendices accompanying this Return, especially to the letter of Messrs. J. Egan & Co., (Appendix H.), in which the very beneficial effect of lumbering establishments in the encouragement of Agriculture in the Ottawa Country is briefly and conclusively exhibited.

I have the honor to be,
With great respect, Sir,
Your very obedient servant,

A. J. RUSSELL,

The Honorable
The Commissioner of Crown Lands.

RECAPITULATION of Expenditure, by private Individuals, in Improvements to facilitate the descent of Timber, and in Saw Mills, on the Ottawa and its Tributaries.

Parties by whom the Improvements were made, or are now owned.	Slides, Dams, Booms, &c.			Saw Mills.			Total by each Party.			
	Cost.			No.	Cost.					
	£	s.	d.		£	s.	d.	£	s.	d.
Adams, Saml.				1	450	0	0	450	0	0
Atkinson,				1	2000	0	0	2000	0	0
Browne, D. T.	1367	0	0	3	400	0	0	1767	0	0
Burritt, Stephen				2	900	0	0	900	0	0
Bowman, Baxter	19810	0	0	3	9250	0	0	29060	0	0
Bryson, Dickson, and others.....								819	0	0
Byers, Wm.	1000	0	0					1000	0	0
Bellows, C. S.				1	750	0	0	750	0	0
Brizard, L.				2	950	0	0	950	0	0
Cooke, A.				1	5000	0	0	5000	0	0
Coutlée, L. M.,				1	2000	0	0	2000	0	0
Cameron, J. A.	200	0	0	1	2500	0	0	2700	0	0
Conroy, R.	2121	6	9					2121	6	9
Corcoran, Thos.	1275	0	0					1275	0	0
Carmichael, H.	1037	17	10					1037	17	10
Carmichael and others.	984	8	5					984	8	5
Dunning, G. G.	200	0	0	2	1025	0	0	1225	0	0
Daniel and Babcock.				1	500	0	0	500	0	0
Egan, J. & Co.	25775	2	6	3	5051	5	3	30826	7	9
Gilmour & Co.	26343	0	0	2	32500	0	0	58843	0	0
Haggart, J.	260	0	0	1	400	0	0	660	0	0
Hamilton Brothers ...	33428	10	0	3	86200	0	0	119628	10	0
McDonell, A. R.				1	300	0	0	300	0	0
McCaul, A. and J.				1	1000	0	0	1000	0	0
McArthur, A.	925	0	0					925	0	0
McDonell, A.	2868	11	6					2868	11	6
McKay, Hon. Thos.	1000	0	0	1	4000	0	0	5000	0	0
McNab, B. and C.	120	0	0	1	2500	0	0	2620	0	0
Morris, Wm.	1800	0	0					1800	0	0
Mair, H. and J.	25	0	0					25	0	0
McArthur, Don'd.				1	700	0	0	700	0	0
McMartin, P.	2000	0	0	1	4000	0	0	6000	0	0
McCrea, Gerrard	2000	0	0					2000	0	0
McGoey, Thos. (now owned by G. B. Hall)	4000	0	0					4000	0	0
Poupore, J. B.	1200	0	0	2	1150	0	0	2350	0	0
Perkins, J.				1	5000	0	0	5000	0	0
Ritchey, A. M.	35	0	0					35	0	0
Radford, Wm.				1	600	0	0	600	0	0
Robertson, P.	50	0	0					50	0	0
Russell, Austin	100	0	0					100	0	0
Skead, J.	4337	10	0					4337	10	0
Sundry Persons. River Coulonge	1300	0	0					1300	0	0
Stewart, Wm.	1150	0	0					1150	0	0
Symmes, C. C.	1500	0	0					1500	0	0
Sparks, N.				1	4000	0	0	4000	0	0
Tyrone, J.				1	450	0	0	450	0	0
Thomson, J.				1	3000	0	0	3000	0	0
Wright, C. C. and R.	1160	0	0					1160	0	0
Wadsworth, J.	485	0	0					485	0	0
Wadsworth, J. and others	1995	0	0					1995	0	0
Wright, A. &c.										
Wm. Farmer	9775	0	0	2	3300	0	0	13075	0	0
Totals.....	£ 151847	7	0	43	179876	5	3	331723	12	3

Improvements for the descent of Timber £161,847 7 0
 Saw Mills. 179,876 5 3

Total £331,723 12 3

NOTE.—This Return can only be considered as an approximation. There are several parties from whom no information as to their improvements has been obtained. Some may have overestimated their expenditure, and others have not been able to give theirs fully from not having kept separate account of it in their business.

The expenditure in making farms in connection with lumbering establishments is not included, as many of them could not be distinguished from ordinary farms. The amount expended in lumbering farms, if ascertained, would probably make an addition to this Return, of £25,000.

RETURN of Improvements made, by private Individuals, on the Ottawa, and its Tributaries, to facilitate the descent of Timber; and of Saw Mill Establishments thereon, exhibiting the probable cost; as required by Resolution of the Legislative Assembly.

By whom owned.	By whom made.	When constructed.	Description of Improvement or Saw Mill.	Locality.	Cost.		Totals.		Remarks.
					£	s. d.	£	s. d.	
D. T. Brown	John Paris	1842	Saw Mill, with one Saw	Waba Creek, McNab...	150	0 0			Mr. Brown complains that owing to the land having been purchased by others, he has now to pay sidage to them for the passing of his Timber through his own improvements.
"	T. G. Baker	1850	Saw Mill, with one Saw	do Paekham...	100	0 0			
"	A. McNab	1850	Saw Mill, with one Saw	do McNab	150	0 0	400	0 0	
"	W. and J. Yuill	1841	Dam and Slide, Lot No. 7, 4th Concession	McNab	110	0 0			
"	do	1841	Dam and Slide, Lot No. 23, 1st Concession	Paekham	490	0 0			
"	A. Wilson	1845	Dam across outlet of Waba Lake, Lot 6, 3rd Con.	McNab	160	0 0			
"	do	1845	Dam and Slide	do	75	0 0			
"	do	1845	Dam and Slide, Lot No. 8, 4th Concession	do	60	0 0			
"	David T. Brown	1846	Dam and Slide	do	25	0 0			
"	do	1846	Dam and Slide	do	75	0 0			
"	do	1846	Dam and Slide	do	125	0 0			
"	do	1850	Dam and Slide	do	75	0 0			
"	do	1850	Dam and Slide, 1st Concession	Paekham	140	0 0			
"	do	1851	2 Dams, on Melvil's Creek	On Waba Creek, Madawaska	20	0 0			
"	do	1852	3 Side Dams	Bagot, Madawaska Clyde, Darling, Missisipi	75	0 0	1367	0 0	
C. C. Wright, & } R. Wright, Jr. ... }	C. C. Wright	1834	Slide, on Round Lake	Gatineau River	300	0 0			
"	R. Wright, Jr.	1846	Slide, (Rebuilt) do	do	180	0 0	1767	0 0	
"	C. C. Wright	1835	Slide, Pemechongo Lake	River Gatineau,	200	0 0			
"	C. C. Wright, Jr.	1847	Slide, (Rebuilt) do	do	110	0 0			
"	R. Wright, Jr.	1847	Dam on do across Subterranean Passage.	do	60	0 0			
"	do	1847	Slide, on Bear Creek and Clearing Creek, Grand L.	do	220	0 0			
"	do	1845	Clearing Creek, outlet of Grand Lake	do	90	0 0	1160	0 0	
R. Conroy, and others.	R. Conroy	1840	Madawaska River, in connection with others, Dams, Slides, Booms, Piers, &c. &c.	River Madawaska	869	10 5			
"	do	1840	Slide, Dam, Piers and Booms, Papineau's Creek.	do	345	3 6			
"	do	1840	Booms, Dam, Piers, &c. York Branch...	do	406	2 10			
"	do	1840	Sliding, cutting flood Wood Jam, and clearing the River, as well as joining Dams ...	do York Branch	380	0 0			
"	do	1852	Chalk River, in connection with others...	Chalk River	120	10 0	2121	6 9	
John Haggart	John Haggart	1852	Saw Mill, with 2 Saws, capable of cutting 3000 logs Standard	Perth	400	0 0			

RETURN of the Improvements made by private Individuals on the Ottawa, and its Tributaries, &c.—(Continued.)

By whom owned.	By whom made.	When constructed or effected.	Description of Improvements or Saw Mill.	Locality.	Cost.		Totals.		Remarks.
					£	s. d.	£	s. d.	
John Haggart	John Haggart	1832	Dam and Slide, renewed three times to date	} River Tay, Rideau ...	200	0 0	2660	0 0	*Deducted in recapitulation.
	"	1832	Dam and Slide, at the outlet of Bob's Lake		30	0 0			
	"	1832	Booms		30	0 0			
Caleb S. Bellows...	M. T. Reed	1832	Capital invested in Mill Site	} Westmeath ...	2000	0 0	750	0 0	
		1852, 53	Saw Mill, with three Saws, capable of cutting 6000 logs, Standard		750	0 0			
A. M. Riehey	A. M. Riehey	1852	Dam on Fall River or South Branch of the Mississippi, 10th Concession	} Bathurst ...	10	0 0	10	0 0	
	"	1852	Slide do in 10th Concession		10	0 0			
	"	1852	Slide on do in the 4th or 5th Concession		15	0 0			
John Egan & Co.	Thomas Curcorans ...	1841	Blasting and improving the Channel Castor North Branch of the ...	} River Nation ...	15	0 0	35	0 0	
		1841 & 1842, 43	{ 9 Slides, on a Tributary of the Ottawa, (then called Grant's Limits.)		1000	0 0			
		1844	Slide at the mouth of the Perche, also blasting, Dams, Booms, &c.		195	0 0			
		1844	Dam at the mouth of ...		65	0 0			
		1840	Slides, Dams and Piers on Constance Creek, running through the ...		600	0 0			
Arthur McArthur ...	Arthur McArthur ...	1842	Keeping the above in repairs for 10 years, at £15 per year	} Townships of Bagot, Blithfield & Admaston	150	0 0	1275	0 0	
		1845	Paid for Madawaska Improvements, above the High Falls		50	0 0			
		1852	Paid for Madawaska Improvements, above the High Falls		25	0 0			
Hamilton Bros.	Hamilton & Low	1852	Saw Mill, with 100 Saws, capable of cutting 80,000 logs, Standard	} Hawkesbury ...	75000	0 0	825	0 0	
			Loss of Main Boom, at mouth of river		400	0 0			
			Chains at various times, and now in use Additional outlay at above Boom and Shore Posts, &c.		300	0 0			
				} R. Gatineau	200	0 0			

RETURN of Improvements made, by private Individuals, on the Ottawa, and its Tributaries, &c.—(Continued.)

By whom owned.	By whom made.	When constructed or effected.	Description of Improvement. or Saw Mill.	Locality.	Cost.			Totals.			Remarks.
					£	s.	d.	£	s.	d.	
		1852.	Opening a road from Meaches to H. and L's Lower Farm, a distance of 25 miles, with Sun-dry Bridges made	R. Gatineau	100	0	0				
			Making a road from line of Hull Township to H. and L's Upper Farm, a distance of 40 miles	"	250	0	0				
			Stagg Creek Bridge, erected on above route	"	60	0	0				
			La Peche Bridge, twice erected	"	60	0	0				
			A road from H. and Low's Upper Farm to C. C. Wright's Farm, a distance of 16 miles	"	100	0	0				
			A Slide on the Kazubazua, 600 feet long, with a dam at head of same	Kazubazua, Gatineau...	500	0	0				
			Slides on Eagle and Hibon, and blasting rocks... on the East side of the	Eagle R., do	250	0	0				
			3 Slides with Dams adjacent to Round's Lake, Excavating at the Mountain	River Gatineau	250	0	0				
			Cascades the blasting at that place	"	50	0	0				
			Slide below Brigham's Inn, with substantial pieces thereto, also conducting Booms leading to same, with Sundry rock excavation, including a large glancing Pier Point below the Slide	"	25	0	0				
Hamilton, Bros.....	Hamilton, Bros.....	.....	Excavating and blasting, and clearing the Road leading up the Peche	River Gatineau	1750	0	0				
			Road leading up the Peche	R. Pickanock do	175	0	0				
			Blasting at the Poochan Chute	R. Peche do	75	0	0				
			Blasting and rock excavating and clearing 25 miles of River Peche	R. Pickanock do	65	0	0				
			Erecting 6 Dams to make rapids navigable on River Peche	River Gatineau	50	0	0				
			Blasting and rock excavating on Stagg Creek	R. Peche do	250	0	0				
			Erecting 2 Dams on Stagg Creek	R. Peche do	350	0	0				
			Lengthening and repairing old Slide at C. C. Wright's Mills	"	50	0	0				
			Blasting and building a Dam on a Tributary Creek	Stagg Creek do	125	0	0				
			7 Lumbering Farms, containing about 1250 acres of clearer lands, at \$10... ..	Gatineau	30	0	0				
				"	50	0	0				
				"	*3125	0	0				

[Inclusion. *Deducted in recap.]

RETURN of Improvements made, by private Individuals, on the Ottawa, and its Tributaries, &c.—(Continued.)

By whom owned.	By whom made.	When constructed or effected.	Description of Improvement or Saw Mill.	Locality.	Cost.	Totals.	Remarks.
					£ s. d.	£ s. d.	
Hamilton, Bros;...	Hamilton, Bros;...	.....	Value of Building on said Farms Paid as subscription towards the erection of Bridges, the last two years, besides Statute Labour on Gatineau roads	Gatineau	1230 0 0		
	Hamilton & Low;...	.....	Slides, Dams, Piers, Booms, excavations, blasting and other improvements on the River Rouge	River Rouge	22 10 0		
		.....	Blasting on the Long Sault Rapids	.....	500 0 0		
		.....	Blasting on the Long Sault Rapids	.....	500 0 0	90412 10 0	
J. Wadsworth.....	Jas. Wadsworth	1828	2 Dams on the 2nd Chute of the... Blasting on the 3rd do	River Bonnechero	20 0 0		
		1830	Dam at the Cedars and Cascades	"	15 0 0		
		1835	Slide on the 1st Chute do	.....	10 0 0		
			Slide on the 2nd Chute do	.....	30 0 0		
			Dam on the 2nd Chute do	.....	50 0 0		
			Boom and Dam on the 4th Chute	.....	25 0 0		
			Blasting at Brewster's Rapids	.....	30 0 0		
		1836	Dams and Booms at the Cedars and Cascades	.....	30 0 0		
			Clearing, Jams, Slides and Dams	.....	50 0 0		
			Clearing floor wood Jams	Little Bonnechere	50 0 0		
			Clearing 130 acres of a Farm, and depot at the Cascades	Little Madawaska	50 0 0		
			Clearing Byer's Creek	.....	*600 0 0		*£500 of this deducted in recapitulation.
			Slides and Booms, Black River Chute	.....	25 0 0	985 0 0	
		1840,41	Blasting Bear rapid	Black River	125 0 0		
			Blasting at the Manitow rapids	.....	25 0 0		
			Clearing the floor wood Jam, blasting, building, Dams and Slides	Highland Creek, R. Madawaska	25 0 0		
		1842,43	Clearing 2nd Chute Bonnechere River Farm	.....	185 0 0		
			Dams and Booms, High Falls, Ragger Chute and Chains rapids	.....	*100 0 0		*Deducted in recapitulation.
			Boom, Ducheen	R. Madawaska	125 0 0		
			Dam and Slide, on Colton's Chute	.....	20 0 0		
			Blasting and Booms, Wolf's Canal, Hilans and Pabury Chute	R. Madawaska	50 0 0		
J. Wadsworth and others ...	Jas. Wadsworth and others ...	.....	Blasting and Booms, Snake rapids	Do	150 0 0		
				.....	50 0 0		

RETURN of Improvements made, by private Individuals, on the Ottawa, and its Tributaries, &c.—(Continued.)

By whom owned.	By whom made.	When constructed or effected.	Description of Improvements or Saw Mill.	Locality.	Cost.		Totals.		Remarks.
					£	s. d.	£	s. d.	
J. Wadsworth and others	{ Jas. Wadsworth and others ... }	1842,43	Booms upon the River in different places	R. Madawaska	25	0 0			
		"	Slide at Colton's Chute	"	15	0 0			
		"	Company's Works.	"	465	0 0			
		"	Dams and Booms	"	25	0 0			
Stephen Burritt	{ Stephen Burritt ... }	"	Slides, Dams and Booms	Carp River..	150	0 0			*£100 of this sum deducted in re-capitulation.
		"	Mississippi Branch Fawn Depot, clearing River..	Chalk River	*660	0 0	2195	0 0	
		1849	Saw Mill, with 4 Saws, capable of cutting 1500 logs, Standard	{ Lot No. 26, 1st Concession } Town of Marlborough ...	600	0 0			
		1851	Saw Mill, with three Saws, capable of cutting 200,000 l-m.	{ Lot No. 25, 1st Concession } Town of Marlborough ...	300	0 0	900	0 0	
A. McDonell.	{ Alex. McDonell... }	1839	Paid C. and S. McDonell my share of making Dam and Slide on the Little Bonnechere above	Rounds Lake	50	0 0			
		1845	Making road from Bonnechere to Peterane	R. Bonnechere					
		"	Less paid by C. and S. McD. and Martin Morris	"					
		"	"	"					
A. McDonell.	{ Alex. McDonell & John Egan & Co. Alex. McDonell... }	1846	Making Dam and Slide on 4th Chute of the	River Bonnechere	63	12 9½			
		1846	Making a Boom at Lake Trarere	River Peterane	110	0 0			
		1847	Making a Dam and Slide on 3rd Chute of the	River Bonnechere	227	12 3			
		1847	Paid C. and S. McD. my share of Improvements on the	River Peterane	15	2 4			
		1848	Improving Dam and Slide at 3rd Chute of the (R. Bonnechere)	Bonnechere	16	14 5			
		1847,8,9	Making Slides and Dams on the...	Little Bonnechere	1540	0 0			
		1849	Repairing Dam and Slide on 3rd Chute...	River Bonnechere	25	13 7			
		1849	Repairing and making Dam and Slide on 4th Chute of the	River Bonnechere	59	15 2			
Louis Caters	{ Alex. McDonell... }	"	Making Side Dam at Cedars	"	20	10 5½			
		"	Making glancing Dam at Cascades	"	11	0 7			
		1851	Repairing dam and Slide on 3rd Chute	"	57	3 10			
		1851	Paid Louis Caters' share of Improvements on the	River Peterane	25	0 0			
1852	Making Farm and Improvements	River Peterane	540	0 8			2868 11 6		

Return of Improvements made, by private Individuals, on the Ottawa, and its Tributaries, &c.—(Continued.)

By whom owned.	By whom made.	When constructed or effected.	Description of Improvements or Saw Mill.	Locality.	Cost.	Totals.	Remarks.
					£ s. d.	£ s. d.	
Samuel Adams ...	Samuel Adams ...	1834	Saw Mill, with one Saw, capable of cutting 2,500 logs, Standard ...	Allumettes Island ...	450 0 0	450 0 0	
J. B. Poupore ...	J. B. Poupore ...	1840	Saw Mill, with 2 Saws, capable of cutting 3000 logs, Standard ...	Chichester ...	600 0 0		
"	J. B. Poupore ...	1852	Saw Mill, with one Saw, capable of cutting 2500 logs, Standard ...	Waltham ...	550 0 0	1150 0 0	
Wm. Radford ...	Wm. Radford ...	1837	Saw Mill, with one Saw, capable of cutting 3000 logs, Standard ...	Clarendon ...	600 0 0	600 0 0	
Louis Brisard ...	Louis Brisard ...	1847	Saw Mill, with one Saw, capable of cutting 3000 logs, Standard ...	Litchfield ...	450 0 0		
"	"	1847	Saw Mill, with one Saw, capable of cutting 2500 logs, Standard ...	Calumet ...	500 0 0	950 0 0	
John Tyrone ...	John Tyrone ...	1848	Saw Mill, with one Saw, capable of cutting 3000 logs, Standard ...	Litchfield ...	450 0 0	450 0 0	
H. Atkinson ...	George Bessett ...	1834	Saw Mill, with two Saws, capable of cutting 6000 logs, Standard ...	Portage du Fort ...	2000 0 0	2000 0 0	
	J. B. Poupore ...	1852	Slide at the...	Black River ...	1300 0 0		
	Sundry Persons ...	1848	Slide at the...	Coulouge River ...	1300 0 0	2500 0 0	
Hon. Thos McKay	Thos. McKay and John McKinnon	1848	Saw Mill, with 30 Saws, capable of cutting 25,000 logs, Standard ...	Rideau Falls ...	4000 0 0		
"	Thos. McKay and John McKinnon	1848, 49	Booms, Piers, and Wharves on the bank of the Ottawa River, and adjoining the Saw Mills ...	... ..	1000 0 0	5000 0 0	
James Skead ...	James Skead ...	1847	Purchase of land at	Sherbrooke Falls	*300 0 0		*Deducted in re-capitulation.
"	"	1853	Slide, Canal, Booms, and Side Dams	"	560 0 0		
"	"	1853	Booms and Side Dams at Oak Rapids, Eagle Portage and Dalhousie Lake ...	Mississippi River	270 0 0		

RETURN of Improvements made by private Individuals on the Ottawa, and its Tributaries, &c.—(Continued.)

By whom owned.	By whom made.	When constructed or effected.	Description of Improvements or Saw Mill.	Locality.	Cost.	Totals.	Remarks.
					£ s. d.	£ s. d.	
		1853	Opening roads and preparation for further Improvements upwards	River Mississippi	65 0 0		
		"	Boom, Chains, 12 cwt., 45s.	"	27 0 0		
		"	Excavation of Rock at Curry's Rapids and Little Chute	"	28 10 0		
					1250 10 0		
		1842	Boom at Culaboga Lake,	} River Madawaska.	65 0 0		
		"	Dam at Table Rock,		115 0 0		
		"	Boom head at High Falls,		100 0 0		
		"	Boom at Chain Rapids with Chains,		30 0 0		
		"	Depot and clearing 200 Acres Land with buildings Cutting and opening up of works from High Falls to the Forks above Bark Lake, including Skead's Creek,		*1175 0 0		*£1000 deducted in recapitulation.
	James Skead	1844	Boom at the head of Mountain Chute,		937 0 0		
	"	"	Building Boom at De Chene Rapids		95 0 0		
		"	Building Dam Slides, removing of rocks and clearing out of 12 miles at Skead's Creek,		27 10 0		
		1845,6	Subscription to general improvement upon the River,		850 0 0		
		1846	Improvements at Bell's Rapids, clearing out flood wood and removing of rocks,		275 0 0		
		1847	Booms at head of Bark Lake,	35 0 0			
		1842 to 1853	Purchase of extra Chains for Boom,	72 10 0			
		"	Improvements at the Opango Branch,	175 0 0			
		"	Subscription to building Slide at Colton's Chute,	180 0 0			
		1848	Depot at High Falls, raising Booms, purchase of Land and building Store House,	25 0 0			
		1844 to 1852	Paid Surveyors for defining Timber limits,	80 0 0			
		1852	Subscription to general improvements on the River	*346 10 0			
				150 0 0			
					5984 0 0		*Deducted in recapitulation.
	H. & J. Mair		Our share of improvements made during Season 1851, to construct Dams, Piers and Booms on the Madawaska River in Company with others on said River,		95 0 0	25 0 0	

RETURN of Improvements made by private Individuals on the Ottawa, and its Tributaries, &c.—(Continued.)

By whom owned.	By whom made.	When constructed or effected.	Description of Improvements or Saw Mill.	Locality.	Cost.			Totals.			Remarks.
					£	s.	d.	£	s.	d.	
G. Bryson, W. Dickson & others...	Wm. Dickson, G. Bryson & Hugh Carmichael ...	1845	1 Slide 6 miles up the ...	Coulonge River							
		"	1 Dam upon ...	do							
		"	2 Booms, 3 Piers, and 1 Pier 2 miles from the mouth of the ...	Coulonge River	1500	0	0				
		1846	1 Boom upon the ... 3 Piers and 2 Booms at the mouth of ...	River Coulonge	375	0	0				
Wm. Morris ...	Wm. Morris ...	1844	Canal Lake St. Andrews, ...	Deduct, included with H. Carmichael & others.	1875	0	0	819	0	0	
		"	3 Slides, Lake St. Andrews, ...								
		1848 & 1852	6 Abutments, 1 Slide and Dam, Blasting Rock, &c., on the S. branch, ... Repairs on the above, ... My proportion of the improvements at the mouth of the River for Dams, &c., ...	River Petewawe	800	0	0				
B. & C. McNab...	D. H. Cass ...	1852	Steam Saw Mill, with Saws } 1 Boom } capable of cutting 12,000 logs standard } 1 Boom and 2 Piers at the Mill, ...	Ottawa	2500	0	0	2620	0	0	
Baxter Bowman...	Baxter Bowman	1852	1 Boom with 200 feet with appurtenances, ...	River du Lièvre, (County of Ottawa)	100	0	0				
		1825	1 Boom 400 feet, Pins, Chains, &c., ...		250	0	0				
		1830	1 Dwelling and Out Houses, Farm Improvements, ...		550	0	0				
		1825	1 Plank Slide, 1 1/2 miles long, ...		2000	0	0				
		1847	Improvements at head of Slide with a Boom 300 feet, Piers, Chains, &c., ...		2000	0	0				
1827	1 Boom of 400 feet, &c., &c., ...	150	0	0							
1845	1 Pier 360 feet long, with a Boom of 200 feet Chains and Appurtenances, ...	300	0	0							
1824	Buckingham Mills, capable of sawing 400 Standard Deal logs per day, ...	1000	0	0							
1825	1 Saw Mill with 15 Saws, ...										

RETURN of Improvements made by private Individuals on the Ottawa, and its Tributaries, &c.—(Continued.)

By whom owned.	By whom made.	When constructed or effected.	Description of Improvements or Saw Mill.	Locality.	Cost.	Totals.	Remarks.
					£ s. d.	£ s. d.	
		1825	1 Main Boom above the Mills, 1000 feet with Appurtenances, ... the Mill, $\frac{1}{4}$ mile in length,	River du Lièvre, (County of Ottawa.)	250 0 0		*Deducted in recapitulation.
		1826	1 Plank Slide below the Mill, ...		250 0 0		
		1830	1 Grist Mill 2 run of stone, ...		*750 0 0		
		1835	1 Saw Mill with 25 Saws, ...		3000 0 0		
			Repairs of do. to date ...		1000 0 0		
		1841	1 Saw Mill with 20 Saws, ...		3000 0 0		
		1842	1 New Main Boom 1000 feet long with 4 large Piers, Chains, &c., ...		1000 0 0		
		1843	1 New Plank Slide from Mouldmet Basin, ...		1000 0 0		
		1852	Gas Works for lighting Mills, ...		500 0 0		
		1825 to 1853	Buckingham Mills continued, Farm Buildings, &c. constructed for the use of the Establishment, ...		250 0 0		
		1852	1 Log Slide 500 feet long with Bulkhead, Piers, &c., ...		3000 0 0		
			1 Boom 300 feet, Chains and Appurtenances, ...		300 0 0		
		1840	1 Retaining Boom 2560 feet long, 2 Piers, Chains, &c., ...		100 0 0		
Baxter Bowman...	Baxter Bowman	1842	Farm of 400 acres and improvements, ...		1000 0 0		
			1 Boom 300 feet long with Chains, ...	*500 0 0			
		1833	1 Log Slide 2180 feet long, the original outlay being the sum of ...	150 0 0			
			Additional Improvements to date, ...	3460 0 0			
			Farm of 150 Acres with Out Buildings and other improvements, ...	1500 0 9			
			1 Main Boom of 400 feet with heavy Chains, Piers, &c., ...	*1000 0 0			
		1850	1 Side conducting Boom of 300 feet with Chains, ...	500 0 0			
			1 Boom 300 feet with Chains, ...	100 0 0			
			... R. de Sueur, 45 miles above the Mills ...	100 0 0			
		1851	Blasting and improving this Tributary ...	25 0 0			
		1845 to 1852	Farm of 100 Acres improved with Out Buildings, ...	*500 0 0			
			... Iroquois Farm, 50 miles above the Mills ...				

RETURN of Improvements made by private Individuals on the Ottawa, and its Tributaries, &c.—(Continued.)

By whom owned.	By whom made.	When constructed or effected.	Description of Improvements or Saw Mill.	Locality.	Cost.	Totals.	Remarks.
					£ s. d.	£ s. d.	
		1852 to 1853	1 Boom of 200 feet, ...	River Serpent, 50 miles above Mills. ...	35 0 0		
		1840	Blasting in Rapids and improving Streams, ...	... ..	50 0 0		
		1841	1 Main Boom 400 feet with supporting Chains, ...	Lac des Sables, 60 miles from Mills ...	250 0 0		
Baxter Bowman...	Baxter Bowman	1841	150 Acres Land under improvement, with Out Buildings, &c., for the use of the Establishment, ...	Long Islands Farm, 75 miles from Mills. }	*1000 0 0		*Deducted in re-captulation.
		1840	1 Main Boom 300 feet long. ...	... ..	90 0 0		
		1840	200 Acres Land improved with Out Buildings for the use of the Establishment, ...	Femine Rouge Farm, 90 miles from Mills. }	*1000 0 0		*Deducted in re-captulation.
		1824	Sundry improvements upon the River and Tributaries to date ...	... ..	1000 0 0	33810 0 0	
John Egan & Co...	William Stuart.		In the years antecedent to 1849, several Slides on limits known as Grant's Creek and annual repairs thereto, about... Booms, Blasting Rocks and partial improvements on other limits for several years prior to 1849. Making a Farm and erecting Buildings near Grant's Creek, which may now be considered nearly worth the money, say about ...	Grant's Creek ...	850 0 0		
					300 0 0		
					*350 0 0	1500 0 0	*Deducted in re-captulation.
		1846	Saw Mill with 14 Saws, capable of cutting 30,000 feet, also Dams, Booms, Piers, &c., ...	River & Township of Onslow ...	3740 10 9		
		1849	Saw Mill with three Saws, capable of cutting 6000 feet, ...	Bonnechere, Gratton...	752 6 4		
		1847	Saw Mill with 9 Saws, capable of cutting 4000 feet, ...	Little Bonnechere ...	558 8 2		
		1843 to 53	See Appendix (A) Slides, Dams, &c., ...	Quis River ...	3246 13 2		
		1847 "	Do. (B) Do, ...	Little Bonnechere River ...	8162 13 7		
		1837 "	In connection with others, Dams, Slides, &c., ...	Mouth of L. Bonnechere ...	350 0 0		
		1844 "	Do. do.	Madawaska River ...	1640 18 7		
		1844 "	See Appendix (E), Slides, Dams, &c., ...	York Branch River ...	1358 16 3		
		1846 "	Do. (E) do.	Opiongo River ...	1450 5 9		
		1837 "	Do (D) do.	Hird's Creek ...	756 16 5		
		1849 "	Dam, Apron and Slide, ...	Byer's Creek ...	205 13 7		

RETURN of Improvements made by private Individuals on the Ottawa, and its Tributaries, &c.—(Continued.)

By whom owned.	By whom made.	When constructed or when completed.	Description of Improvements or Saw Mill.	Locality.	Cost.			Totals.			Remarks.
					£	s.	d.	£	s.	d.	
John Egan & Co	John Egan & Co	1849 to 52	In connection with others; Dams, Piers, Booms, and Slides, ...	River Dumour	1862	0	0				
		1845	Glancing Dam, ...	Fils de gras Creek	650	10	4				
		1847	See Appendix (F), Dams, Slides, &c., ...	Bear Creek	1108	3	6				
		1841	Do. Do. ...	Grant & Bissett's Creek	1446	11	10				
		1843	Dams, Piers, Booms and Slides, ...	Black River ...	657	0	0				
		1845	See Appendix (D), ...	Schyen River ...	924	1	2				
		1848	Do. (F), ...	Chalk River ...	1153	7	4				
		1847	Canaling and Blasting, ...	McGillivray's Creek ...	186	2	2				
		1846	Do. do. ...	Colton's Creek	145	0	11				
		1837	Do. do. ...	Bonnechere, 3rd Chute.	210	4	3				
John A. Cameron.	John A. Cameron.	1838	Do. do. ...	Bonnechere, 4th do	260	3	8				
		1852	Saw Mill with 26 Saws, capable of cutting 30,000 logs Standard, ...	River Blanch, Locha- ber, City of Ottawa	2500	0	0	30826	7	9	
		"	Carding and Felling Mill ...	"	*300	0	0				*Deducted in re- capitulation.
		"	Road from Ottawa to Mills, 1 1/2 mile Turnpiked ...	"	200	0	0				
		1835 to 1850	Saw Mill with 26 Saws, capable of cutting 15000 logs Standard, ...	"	750	0	0				
		1852 to 1853	Saw Mill with 5 Saws, capable of Cutting 2000 logs Standard, ...	Bear Brook R., To- of Cumberland (Leonard's Creek), Town of Cumberland	275	0	0				
		1835 to 1850	Slide, Dam and Boom Dam, ...	"	80	0	0				
		"	Boom, ...	"	105	0	0				
		1853	Saw Mill with 4 Saws, capable of cutting 10,000 logs Standard, ...	"	15	0	0				
		Peter McMartin	Peter McMartin	1813	Saw Mill with 25 Saws capable of cutting 40,000 logs Standard, ...	Big Blanche ...	700	0	0	1225	0	0
1840	Slide, Dam, Boom, Pier, ...			Plantagenet ...	4000	0	0	700	0	0	
1840	Other improvements for lumbering operations, ... Also further expenditure for improvements.			"	1500	0	0				
1840	Saw Mill with 26 Saws capable of cutting 40,000 logs Standard, ...			"	300	0	0				
1844	Saw Mill with 26 Saws, capable of cutting 40000 logs Standard, ...			"	200	0	0				
1840	Slide, ...			River Gatineau ...	1600	0	0	6000	0	0	
1840	Slide, at ...			River Gatineau ...	1700	0	0				
1842	Slide, at ...			Bank of Gatineau ...	1200	0	0				
1842	Slide, at ...			Cherry Creek ...	150	0	0				

RETURN of Improvements made, by Private Individuals, on the Ottawa, and its Tributaries, &c.—(Continued.)

By whom owned.	By whom made.	When constructed or effected.	Description of Improvements or Saw Mill.	Locality.	Cost.	Totals.	Remarks.
					£ s. d.	£ s. d.	
J. B. Hall	Wm. Fanner, J. & A. Wright.	1846	2 Slides on ...	Stag Creek	550 0 0		
		1840	5 Dams, at Mills, on ...	River Gatineau	3000 0 0		
		"	1 Large Boom at foot of ...	High Falls	200 0 0		
		"	1 Large Boom above ...	High Falls	150 0 0		
		1845	1 Boom on Landing, ...	High Falls	25 0 0		
		1841 & 1842	2 Piers at foot of ...	High Falls	600 0 0		
		1848	Small Pier and Boom on ...	River Gatineau	400 0 0		
			Expenditure on River Gatineau in connection with the Gatineau Association, ...	River Gatineau	2000 0 0		
		1849	Improvements on Creek ...	Blue Sea Creek	400 0 0		
		"	Roads and Slides on ...	Blue Sea Creek	1100 0 0	13075 0 0	
H. Carmichael and others ...	H. Carmichael and others ...	1844	4 Piers above ...	High Falls	300 0 0		
		"	Making Boom ...	"	103 0 0		
		"	Building a Wharf ...	"	279 0 0		
		"	Also blasting Stones, Powder, repairing and sharpening Tools, &c. ...	"	60 5 0		
		"	Building a Pier ...	"	79 0 0		
		1844 & 45	Rafting Boom at ...	Jackannon	53 11 3		
		"	Making Piers and Booms at the mouth of ...	Coulonge River	350 0 0		
		1847	Dam to cross the ...	High Falls	200 0 0		
		"	Cutting 25 miles of Road from the High Falls to a point, 15 miles up the East Branch of the ...	Coulonge River	312 10 0		
		"	Constructing Boom on the East Branch... ..	"	125 0 0		
		1847	2 Side Dams ...	"	160 0 0		
Gilmour & Co ...	Gilmour & Co. and others ...	"	Slides, Booms and Piers ...	River Petite Nation	2150 0 0	2022 6 3	
Wm. Byers ...	Wm. Byers ...	"	Slides, Booms and Piers ...	River Madawaska	"	1000 0 0	
Gerr. McCrea ...	Gerrard McCrea ...	"	Slides, Booms and Piers ...	River Madawaska	"	2000 0 0	
Peter Robertson ...	Peter Robertson ...	"	Improvements upon the ...	Hilton's Creek...	1150 0 0	50 0 0	
		"	Slides and Booms ...	River Petawawe	5000 0 0		
Gilmour & Co. ...	Gilmour & Co. ...	"	Improvements upon the ...	River Coulonge	2000 0 0		
		"	Do	River Amable du Fond	3400 0 0		
C. C. Symmes ...	C. C. Symmes ...	"	Slides, Booms and Piers ...	River Soyeyor	"	1500 0 0	
		"	Improvements upon the ...	"	"		

{ H. Carmichael, £1087 17 10
Sundries, 984 8 6

By whom owned.	By whom made.	When constructed or effected.	Description of Improvements or Saw Mill.	Locality.	Cost.	Totals.	Remarks.
					£ s. d.	£ s. d.	
Messrs. Gilmour & Co. ...	Commenced by Blaisdell & completed by Messrs Gilmour & Co. ...	1847	Saw Mill, capable of cutting 80,000 Standard Logs annually ...	River Gatineau	25000 0 0		
		"	Other improvements, viz: a Slide for Planks, upwards of 3 miles in length, Piers and Booms and Slides on Tributaries of the Gatineau ...	Do & Tributaries	12643 0 0		
		"	Saw Mill, capable of cutting 30,000 saw logs annually ...	Lower R. Blanche	7500 0 0	58843 0 0	
Messrs. Hamilton Bros: ...	S. Bigelow ...	"	Saw Mill, capable of cutting 40,000 logs annually ...	R. du Lièvre	9450 0 0		
		"	Do on Clay Creek ...	Do	1750 0 0		
		"	Plank and Log Slides above and below the Mills with Booms, Piers, &c. ...	Do	10741 0 0		
		"	Other buildings clearances and improvements above the Mills ...	Do	5750 0 0		
		"	Slides, Booms, Piers up the River, including improvements at High Falls ...	Do	4650 0 0		
G. B. Hall	Thos. McGoey ...	"	Slides and other improvements ...	R. Gatineau & Tributaries...	32341 0 0		
Austin Russell & S. M. Andrews	Austin Russell & S. M. Andrews	"	5 Dams below Mud Lake... ..	Township of Oso	50 0 0	4000 0 0	
		"	5 Slides ...	Do	50 0 0		
Nicholas Sparks...	Nicholas Sparks...	"	Saw Mill, capable of cutting 16,000 logs annually ...	Little Chaudiere Falls, River Ottawa...	100 0 0		
J. Thomson	J. Thomson	"	Saw Mill, capable of cutting 10,000 logs annually ...	Do at Bytown	4000 0 0		
L. M. Coutlee	A. & J. McCaul ...	"	Saw Mill, capable of cutting 8000 logs annually. ...	Do Dechene Rapids	3000 0 0		
A. R. McDonnell	A. R. McDonnell	"	do do do	Township of Ottawa	2000 0 0		
Messrs. Daniel & Babcock	Messrs. Daniel & Babcock	"	Saw Mill, at the Chats Falls ...	River Ottawa...	1000 0 0		
J. Perkins	J. Perkins	"	Saw Mill, capable of cutting 9,000 logs annually ...	"	300 0 0		
A. Cook	A. Cook	"	Saw Mill, capable of cutting 20,000 saw logs ...	R. Blanche	500 0 0		
		"	do do do	Upper R. Blanche	5000 0 0		
		"	do do do	N. Nation River	5000 0 0		
		"	do do do	Total...	£344595 2 3		

Total of the foregoing Sheets... .. £344,595 2 3
Deduct for Farms, Grist Mills, &c., connected with lumbering establishments occasionally introduced by the parties in their detailed statements ... 12,871 10 0
Total Expenditure in Saw Mills and Improvements for the descent of Timber ... £331,723 12 3

Quebec, 21st May, 1853. A. J. RUSSELL.

AYLMER, OTTAWA,

14th February, 1851.

A. J. Russell, Esquire,
Surveyor of Crown Timber Licenses,
Bytown.

SIR,—In compliance with your circular of the 2nd instant, asking for statements shewing the improvements made by us, and in connection with others, on the Ottawa and its tributaries for lumbering purposes, we herewith enclose you the accompanying Documents made out as accurately as possible, which will afford you all the information in our power.

We have expended on the Quio and Bonnechère Rivers, in Saw Mills, to the amount of five thousand and fifty-one pounds five shillings and three pence currency.—(£5051 5s. 3d.)

On the following Tributaries we have constructed sixteen thousand seven hundred and nine feet (16709 feet) of dams, piers, slides, &c. The average height of Dams, about nine feet, made of solid square timber and log work, on the most approved system. The slides are all of square timber and planked 4½ inch sawn stuff. The cost of which, including blasting and various expenses in clearing the streams, amounts to twenty-five thousand seven hundred and seventy-five pounds two shillings and six pence currency, (£25775 2s. 6d.) as per following statements:

		£	s.	D
Quio—As per Appendix A, Mill Dams, Slides, Aprons, &c.....	3408 feet.	3246	13	2
Little Bonnechère—Appendix B. The plan of this and shewing the levels herewith, in order to give some idea of the magnitude of the work,	6019 “	8162	12	7
Mouth of the Little Bonnechère—In connection with others		350	0	0
York Branch—Appendix E. In dams, slides, piers, &c.,	995 “	1358	16	3
Opiongo River—Appendix E,	355 “	1450	5	9
Madawaska River—In connection with others, reference to Public Documents will explain, copies of which are to be found at the Board of Works Department.		1640	18	7
Huds' Creek—Appendix D,.....	806 “	756	16	5
Byers' Creek	430 “	205	13	7
River DuMoine—In connection with others, a Joint Stock Company for improvements up that River,.....		1682	0	0
Fils de Gras Creek,.....	240 “	650	10	4
Bear Creek,.....	734 “	1108	3	6
Grant's and Bissett's Creek—Appendix C,	2887 “	1446	11	10
Black River—In connection with others		657	0	0
Schyen River—Appendix D, slides, dams and blasting, ...	390 “	924	1	2
Chalk River—Appendix I. Blasting, cutting out River,	445 “	1153	7	4
McGillivray's Creek—Black River,		186	2	2
Colton's Creek, do do		145	0	11
Bonnechère, 3rd Chute—In connection with others.....		210	4	3
Bonnechère, 4th Chute—In connection with others		260	3	8

16709 feet. £25775 2 6

We cannot give the exact extent of the works constructed in connection with others as the amounts were contributed.

We particularly call your attention to the great outlay of capital invested by those in the Timber Trade generally on the tributary streams, to make them navigable for the descent of Timber. If such improvements were not constructed, there

could only be a limited quantity of Timber brought to market unless the Government would have made the Tributaries navigable,—which private enterprise has accomplished, and for which, the parties interested in such expenditure, have no reduction of duty, but have to pay the same amount as those who have not expended a six-pence, and too, in many instances, parties avail themselves of the improvements free of charge; these are facts which you are aware of. It must be borne in mind, that the slides and improvements on small streams are getting out of repair annually, and consequently require constant outlay, and in ten or twelve years have to be constructed anew. By referring to the Collection List you will find that nearly all the Revenue is collected from Timber cut on the Tributaries of the "Ottawa." We have contributed annually to the Public Revenue of the Province, about six thousand pounds for many years past, to which may be added slide dues, as in the present year; say, two thousand five hundred and sixty-three pounds six shillings and three pence currency, making in all a total of about £8563 6s. 3d. currency.

We give constant employment in our establishment to about two thousand men, at an average rate of wages from \$14 to \$16 per month and board, who consume about six thousand barrels of Pork and ten thousand barrels of Flour. We employ about sixteen hundred horses and oxen during the winter, which consume about 60,000 bushels oats and provender, and twelve hundred tons of hay. The oats at average cost of two shillings and three pence delivered; hay, four pounds per ton; we thus give employment to hundreds of farmers in the Valley of the Ottawa.

The progress and prosperity of the country keeps pace only with the Trade; when it is depressed, all feel it alike. Timber may now be considered the chief Export of the country, and requires every encouragement to foster it.

We would not have troubled you with these statistics connected with our business, but feeling confident of the utter ignorance which prevails even in our country of the Timber Trade and its magnitude, we avail ourselves of this opportunity of placing at your disposal such information as we are possessed of.

There are other establishments as largely interested as we are who can give you similar information. We cannot close our remarks without mentioning, that the men employed in all departments are of sober habits and no liquor allowed them. The majority belong to the Temperance Society, and are most careful of their money.

We are your most obedient servants,

(Signed,) JOHN EGAN & Co.

Certified to be a true copy,
A. J. RUSSELL.

STATEMENT of Improvements for Lumbering Purposes by John Egan & Company.

SAW MILLS.

When constructed	Where situated.	By whom constructed.	No. of Saws.	No. of Logs it can cut, Standard.	Cost.
1846	Quio, Twnship of Onslow	Selves, Amount carried out includes Dams, Booms, Piers, &c., Dall $\frac{1}{2}$ mile ...	14	30,000 feet	£ 8740 10 9
1849	Bonnechère, Gratton ...	Selves	3	6,000	752 6 4
1849	Little Bonnechère ...	Do	2	4,000	558 8 2
				40,000 feet.	5051 5 3

STATEMENT of Improvements for Lumbering Purposes by John Egan & Company.—(Continued.)

OTHER IMPROVEMENTS.

When constructed.	Slide, Dam, Boom, or Pier, where situated.	By whom constructed.	Length in feet.	Cost.
1843 to 51	Quio River	Selves—See Appendix (A.) ...	3408	£ s. d. 3246 13 2
1847 "	Little Bonnehère River ...	" do do (B.) ...	6019	8162 13 7
1837 "	Mouth of L. Bonnehère Slide...	" In connection with others, Dams, Slides, &c. ...	...	350 0 0
1844 "	Madawaska River	" do ... ..	...	1640 18 7
1844 "	York Branch River	" See Appendix (E.) ...	995	1858 16 3
1846 "	Opiongo River	" do	355	1450 5 9
1837 "	Herd's Creek	" do (D.)	806	756 16 5
1849 "	Byers Creek	" Dams, Apron & Slide ...	430	205 13 7
1849 "	River du Moine	" In connection with others, Dams, Piers, Booms and Slides ... ..	...	1862 0 0
1845 "	Fils de Gras Creek	" Glancing Dam	240	650 10 4
1847 "	Bear Creek River	" See Appendix (E.) ...	784	1108 3 6
1841 "	Grants & Bessets Creek ...	" do (C.)	2887	1446 11 10
1843 "	Black River	" In connection with others, Dams, Piers, Booms and Slides ... ..	...	657 0 0
1845 "	Schyen River	" See Appendix (D.) ...	390	924 1 2
1838 "	Chalk River	" do (F.)	445	1153 7 4
1847 "	McGillivray's Creek	" Canalling & Blasting ...	...	186 2 2
1846 "	Colton's Creek	" In connection with others.	...	145 0 11
1837 "	Bonnehère, 3rd Chute	" do ... ..	...	210 4 3
1838 "	Do 4th Chute	" do ... ..	...	260 8 8
			16709	25775 2 6

Aylmer, Ottawa, 15th February, 1853.

(Signed)

JOHN EGAN & Co.

A.
QUION RIVER.

When constructed.	Description of Improvements by J. Egan & Co.
1843.	1st Chute.....Dam 370 feet.....Slide 39 feet.
to	2nd Chute....." 237 "Slide 293 "
1852.	3rd Chute" 280 "Slide 340 "
	High Falls....." 215 "Slide 470 "
	Ragged Chute....." 90 "Slide 140 "
	Crooked Chute....." 127 "Slide "
	Big Chute....." 90 "Slide 275 "
	Daly's Rapids....." 92 "Slide ..Apron 60 feet.
	do Reserve Dam. " 290 "Slide ..Apron 60 feet.
	Dams 1791 feet. Slides 1557 ft. Apron 60 feet.
	Blasting and cutting 9 miles of flood-wood and brush.
	Clearing River (11 miles) and banks, each side 10 feet for that distance.
	9 feet may be considered the average height of Dams.
	Cost of the above works..... £3246 13 2
	Dams 1791 feet.
	Slides 1557 "
	Aprons 60 "

B.
LITTLE BONNECHERE RIVER.

When constructed.	Description of Improvements by J. Egan & Co.	
1847 to 1852.	Section No. 1—	Dam 90 feet.....Slide 800 feet, 5½ feet wide.
	“ “ 2—	“ 80 “ “ 1546 “
	“ “ 3—	“ 60 “ glancing.
	“ “ 4—	“ 80 “
	“ “ 5—	“ 60 “ Apron 45 feet.
	“ “ 6—	“ 66 “ “ 110 “
	“ “ 7—	“ 80 “ “ 45 “
	“ “ 8—	“ blasting.
	“ “ 9—	Dam 88 “ glancing.
	“ “ 10—	“ 65 “ Apron 48 “
	“ “ 11—	“ 70 “ “ 34 “
	“ “ 12—	“ 90 “ floating.
	“ “ 13—	“ 80 “ glancing.
	“ “ 14—	“ 45 “ Apron 40 “
	“ “ 15—	“ 80 “ “ 65 “
	“ “ 16—	“ 35 “ “ 40 “
	“ “ 17—	“ 70 “ glancing.
	“ “ 18—	“ 90 “
	“ “ 19—	“ 25 “ Slide 120 feet.
	“ “ 20—	“ “ “ 20 “
	“ “ 21—	“ 90 “ “ 260 “
	“ “ 22—	“ 140 “ “ 180 “
		Crooked Shute Slide..... “ 750 “
	Section No. 23—	Dam 200 “
	“ “ 24—	“ 180 “ 9 feet high. “ 60 “
		Dams 1856 feet Slides 3736 ft. Aprons 427 feet.
		Total amount of Cost..... <u>£8162 13 7</u>

Blasting piers, booms and slides, and cutting out twelve miles of the River of flood-wood, and clearing ten feet wide on each side of the banks to enable the men to drive the Timber.

The accompanying plan of the works will give you some idea of its magnitude. It has taken four years to complete the works.

AYLMER, December 30th, 1850.

SIR,—I have received your letter of the 18th instant, wherein you ask my opinion as to what the works, on the Little Bonnechere, commenced by you and Alexander M'Donell, will cost when complete, according to the plan submitted.

In reply I beg to state that the improvements marked in the plan are in accordance with the levels taken, when I was on the spot, and when complete will, to the best of my judgment, cost the sum of six thousand pounds. I must, however, remark that these improvements on the plan are not sufficient to ensure the descent of any large quantity of timber for the following reasons: That the improvements being so near the source of the River and the Lakes that supply the Stream, and the descent and fall so rapid, that without reserving the water in the Lakes and River, so as to command the supply for passing the Timber after the snow-water

has run off, particularly as the Madawaska and Petewawe carry off the greater part of the water in the vicinity of the Bonnechere at this point.

I would remind you that when laying out the works on the plan, the following I considered absolutely necessary, namely—

From the upper point, marked on the plan, following the course of the stream to its source, at least three reserve Dams with Flood Gates and one Slide; and at the outlet of the six Lakes, one Reserve Dam, each with Flood Gates—those last will be on both sides of the River, from the Basin upwards; and when all those latter works are completed, you can command the water as you please, by shutting the Flood-gates every night, so that the water will not run off, and open them every morning when passing the Timber. This can be done without using the main supply in the Lakes, which in my opinion cannot be overlooked, as the main dependence to ensure the descent of the Timber.

This latter work will cost at least fifteen hundred pounds, amounting in all to the sum of seven thousand five hundred pounds.

I am, Sir,

Respectfully yours,
(Signed,)

PETER AYLEN.

JNO. EGAN, Esq.,
Aylmer.

A true copy from original.
(Signed,) A. THOMSON.

C.
GRANT'S & BISSET'S CREEKS.

When constructed.	Description of Improvements by J. Egan & Co.
From 1841 to the present time.	<p>Crooke Chute Slide— Dam 80 feet.....Slide 120 feet, 5 feet wide</p> <p>Patison Chute— Dam 26 " " 70 " 4 " "</p> <p>3rd Shute— River Dam 8 " high.....Apron 40 feet Side Dam 4 " " 40 feet wide.</p> <p>Island Slide— Dam 32 " 6 ft. high. Slide 45 feet, 4 feet wide.</p> <p>4th Chute— Reserve Dam 40 " " 150 " 4 "</p> <p>Rocky Chute— Dam 50 " 7 ft. high " 265 " 4 " "</p> <p>Mountain Slide— Dam 30 " " 300 " 5 " "</p> <p>Little Chute Slide— Dam 26 " " 90 " 4 " "</p> <p>Brook Slide— Dam 18 " 6 feet high .....Apron 45 feet, 4 feet wide. Reserve Dam 45 " 12 feet high..... " 45 " 4 " "</p> <p><i>All the above improvements are in the space of 3½ miles.</i></p> <p>Wing Dam— Dam 20 " 6 feet high</p> <p>Ragged Chute Slide— Dam 35 "Slide 230 feet, 4 feet wide. Reserve Dam 30 " 12 ft. high " 150 " Side Dam 50 " 6 " "</p> <p>8th Rapid— Dam 90 " 8 feet high.....Apron 25 feet, 4 feet high.</p> <p>9th Chute— Dam 45 " 8 " "Apron 25 "</p> <p>10th High Chute Slide— Dam 15 " 8 " " Slide 50 feet, 4 feet wide.</p> <p>11th Rapid— Dam 16 " 8 " "Apron 60 "</p> <p>12th Rapid— Dam 30 " 8 " " " 26 "</p> <p>13th Rocky Chute— Dam 38 " 9 " " Slide 300 feet, 4 feet wide.</p> <p>Ling Lake Slide— Dam 45 "Apron 50 " 5 feet wide.</p>
	<p>Dams 801 feet. Slides 1770 ft. Aprons 316 feet.</p>
	<p>The above work, blasting, &c., have cost us..... <u>£1446 11 10</u></p>

Many of the Slides, Dams, &c. were originally constructed by William Stewart, Esquire, and one Alexander Grant. The above sum is the amount expended by us in outlay of Capital up to this period.
 Aylmer, Ottawa, 12th February, 1853.
 Certified to be a true copy,
 A. J. RUSSELL.

D.
HERD'S CREEK.

When constructed.	Description of Improvements by J. Egan & Co.
1837 to 1852.	No. 1—Dam 90 feet.....Slide 215 feet. " 2— " 83 " " 240 " " 3— " 215 " " 63 " <hr style="width: 10%; margin-left: 0; margin-right: 20%;"/> Dams 288 feet. Slides 518 feet. Blasting and cutting flood-wood. Cost of the above works..... <u>£756 16 7</u>

E.
SCHYEN RIVER.

When constructed.	Description of Improvements by J. Egan & Co.
1845 to 1852.	6 Dams..... 90 feet with flood-wood gates.....Apron 45 feet. Reserve Dam..... 120 " 18 feet high..... " 40 " By Lake Dam..... 95 " with flood gates. <hr style="width: 10%; margin-left: 0; margin-right: 20%;"/> Dams 305 feet. Aprons 85 feet, Cost of the above works..... <u>£924 1 2</u>

Certified to be a true copy,
A. J. RUSSELL.

F.
YORK BRANCH.

When constructed.	Description of Improvements by J. Egan & Co.
1846 to 1852.	Dam 80 feet.....Slide 390 feet. Dam 75 " " 200 " Dam 70 " " 180 " <hr style="width: 10%; margin-left: 0; margin-right: 20%;"/> Dams 225 feet. Slides 770 Great extent of blasting and cutting away flood-wood and canals. Total cost of above work..... <u>£1358 16 3</u>

G.
OPONGO RIVER.

When constructed.	Description of Improvements by J. Egan & Co.
1846 to 1852.	Big Dam Reserve 240 feet with flood gates 8 Dams 70 "Aprons 45 feet. Dams 310 feet. With blasting and clearing River 8½ miles. <div style="text-align: right;">Total cost of above works..... £1450 5 9</div>

Certified to be a true copy,
A. J. RUSSELL.

H.
BEAR RIVER.

When constructed.	Description of Improvements by J. Egan & Co.
1847 to 1852.	1st Rapid.....Dam 60 feet.....Slide 240 feet. 2nd " " 35 "Apron 45 feet. 3rd " " 30 " " 50 " 4th " " 20 " " 35 " 5th "Side Dam 40 " 6th "Glancing Dam 60 " 7th " " 36 " 8th " " 45 " 9th " " 38 " <div style="text-align: center;">Dams 364 feet. Slides 240 ft. Aprons 130 ft.</div> A large amount of blasting. <div style="text-align: right;">Total Cost of above works..... £1108 3 6</div>

I
CHALK RIVER.

When constructed.	Description of Improvements by J. Egan & Co.
1838 to 1852.	Dam..... 60 feet.....Slide 180 feet. " 70 "Apron 65 feet. Glancing Dam 70 " <div style="text-align: center;">Dams 200 feet. Slides 180 feet. Aprons 65 feet.</div> Cutting three miles each side fifteen feet, blasting &c. <div style="text-align: right;">Total cost of above works..... £1353 7 4</div>

Certified to be a true copy.
A. J. RUSSELL.

QUEBEC :

PRINTED BY JOHN LOVELL, AT HIS STEAM PRINTING ESTABLISHMENT,

MOUNTAIN STREET.

THREE RIVERS CATHEDRAL.

THIRTY-SEVENTH REPORT

OF

COMMITTEE ON PRIVATE BILLS.

28th MAY, 1853.

The Standing Committee on Miscellaneous Private Bills beg leave to present the following, as their Thirty-seventh Report :—

“ Your Committee have examined the Bill to confirm certain proceedings of the Catholic inhabitants of the Parish of the Immaculate Conception of the Blessed Virgin at Three Rivers, relative to the property of their *Fabrique*, to impose and levy an assessment upon the said inhabitants, and for other purposes therein mentioned ; which has been referred back to them by Your Honorable House ; and having agreed to the same, with certain amendments, they beg leave to Report the said amendments, together with the Evidence taken by them upon the subject, for the consideration of Your Honorable House.

“ All which is respectfully submitted.

“ W. BADGLEY,
“ Chairman.”

[1852-3.]

(No. 263.)

BILL,

(AS AMENDED BY THE COMMITTEE.)

An Act to confirm certain proceedings of the Catholic inhabitants of the Parish of the Immaculate Conception of the Blessed Virgin at Three Rivers, relative to the property of their *Fabrique*, to impose and levy an assessment upon the said inhabitants, and for other purposes therein mentioned.

WHEREAS, at a General Meeting of the Churchwardens and past Churchwardens, notables, freeholders, and proprietors of real estate in the Parish of

the Immaculate Conception of the Blessed Virgin at Three Rivers, summoned according to Law, and held at the *Banc d'œuvre* of the Parish Church of the said Parish, on Sunday, the fifteenth day of the month of August, in the year one thousand eight hundred and fifty-two, after Parochial Mass, the senior Churchwarden in office presiding; and at which meeting were present His Grace Monseigneur the Archbishop of Quebec, Metropolitan of the Ecclesiastical Province of Quebec, in which the said Parish is situate, the *Curé* of the said Parish, the first and third Churchwardens in office, and a large number of past Churchwardens, inhabitants, frecholders, and proprietors of real estate in the said Parish; it was declared that the District of Three Rivers and a part of the District of St. Francis, as created for civil purposes, had been separated from the Catholic Diocese of Quebec, and erected into a separate Catholic Diocese, under the name of the Diocese of Three Rivers, in which an Episcopal Seat had been established and erected; and seven resolutions were adopted and agreed to, and more particularly the following, to wit:—

Secondly.—That for the endowment of the new Bishopric, (that of Three Rivers,) the Parishioners do cede and transfer to the Bishop of Three Rivers and his successors, the Parish Church, Sacristy, Church-yard, Parsonage-house and their dependencies, and all the other real and personal property, to have and to hold to the said Bishop and his successors for ever, (without the power of at any time alienating the same,) and to administer the same by himself, or by such persons or agents as he should appoint, subject to the charges, terms and conditions following, that is to say:—1st. To provide for the spiritual care of such Parish in a befitting manner by the necessary Priests, Officers, and Servants of the Church, whose salaries and emoluments shall be paid out of his own funds. 2nd. To discharge at his own cost the endowments, obits, *cens et rentes*, if any there be, and other dues which the *Fabrique* are bound to discharge. 3rd. To provide for the maintenance and repairing of the Church, Sacristy, Church-yard, and Parsonage-house or Episcopal Palace, and their dependencies; and to insure to a reasonable amount the Church, Sacristy and Parsonage-house or Episcopal Palace, the whole at his own costs and expense. 4th. To keep a register in due and proper form of the baptisms, marriages and burials, and of the proceedings of the Parish. 5th. That the Parishioners shall enjoy all other the rights and privileges previously enjoyed by them under the administration of the *Fabrique*, and shall be bound to pay the tithes, the dues fixed or to be fixed by the tariff or tariffs, the offerings, and to present the *Holy Bread* as heretofore. 6th. That from and after the passing of the Deed of Cession of the estate and rights of the *Fabrique*, the present tariff shall only remain in force as regards the Town; and as regards the parishioners residing beyond the limits of the Town, there shall be a tariff for the rural Parishes drawn up and confirmed by His Grace the Archbishop, or by the Bishop of the Diocese; which Tariffs shall not be altered or modified without the consent of the majority of the Parishioners had at a General Meeting called and held in regular form, nor without the consent of the Bishop. 7th. That there shall always be three Churchwardens, whose term of office shall be three years, one of whom shall be elected annually, at the ordinary period, by the Parishioners entitled to be present at General Meetings of the Parish, whose duties shall be to superintend on behalf of the Parish the carrying into effect of the provisions of the Deed of Cession, and to attend at religious processions without being entitled to exercise any of the powers of accountable Churchwardens; the present Churchwardens becoming honorary Churchwardens upon the passing of the said Deed of Cession, and remaining in office until the expiration of their respective terms of three years. 8th. To re-convey and deliver up to the Parish all the property real and personal as it stands, with all the changes and augmentations which shall have been made thereto, excepting, however, the ornaments, vases and other things which he shall require

for his use in his capacity of Bishop, in the event of the Episcopal Seat being abolished or transferred from this Town; in either of which cases the Parishioners shall enter *pleno jure* into possession of the said real and personal property, and their rights as members of the *Fabrique*, shall be re-established.

Third Resolution.—That the Parishioners do also cede and convey to the Bishop of Three Rivers and his successors, all debts due to the *Fabrique*, at the date of the passing of the Deed of Cession, out of which he shall first discharge all debts due by the *Fabrique*, and the balance shall be applied as follows: one half to the furnishing of the Church ornaments and articles necessary for the celebration of Divine worship, and the other half to aid in the building of a new Church.

Fourth Resolution.—That the Churchwardens who shall not have rendered their accounts at the time of the passing of the said Deed of Cession shall render them to the Bishop, and shall pay any balance they may have into his hands, the Parish transferring to the Bishop all their rights in this respect.

Fifth Resolution.—That the Parish shall assess themselves for the construction of a new Church, to the amount of five thousand pounds currency, payable in six years, one-sixth part every year; they shall address forthwith to the proper authorities the necessary petitions for the attainment of that object, and shall elect Trustees who shall convey the moneys collected to the Bishop; the Bishop shall cause the said Church to be erected as speedily as possible, and in such manner as he shall deem expedient, without his being authorized nevertheless to require from the said Parish a larger sum than that above mentioned; and that such new Church shall be a Cathedral Church, to be restored nevertheless to the Parish in either of the cases provided by the second resolution, (that is to say, the resolution hereinabove first cited).

Sixth Resolution.—That the Churchwardens in office in the *Cœvre* and *Fabrique* of the said Parish, or any two of them, are authorized and required, so soon as they shall be called upon so to do by the Bishop of Three Rivers, to execute and grant a Deed of Cession of all the property real and personal and of the rights of the *Fabrique*, mentioned in the second, third, and fourth Resolutions, (that is to say, the Resolutions hereinabove first, secondly, and thirdly recited,) subject to and in conformity with the charges, conditions, obligations, and reservations in the foregoing Resolutions contained, and the said Bishop shall accept the said Cession in his corporate name.

Seventh Resolution.—That we, (that is to say, the said Churchwardens and past Churchwardens, notables, freeholders, and proprietors of real estate in the said Parish,) do promise to apply to the Legislature for the passing of all laws which may be deemed necessary for carrying into effect the foregoing Resolutions, and for accomplishing the different objects which this meeting has in view, and which they have expressed in the said Resolution.

And whereas, the Episcopal Seat of the Diocese of Three Rivers has been fixed and established in the Town of Three Rivers, which forms part of the Parish, and it is expedient to endow the said Bishopric; and whereas, the inhabitants of the said Parish have, by their Petition to the Legislature, prayed that the said proceedings be confirmed and rendered executory; and it is expedient to legalize the said proceedings and make Legislative provision in that behalf: Be it therefore enacted, &c.,

That the said proceedings of the Churchwardens and past Churchwardens, notables, and inhabitant freeholders, and proprietors of real estate in the said Parish, and the Resolutions above mentioned and recited, shall be and they are hereby approved and confirmed, and shall have their full and entire effect according to their form and tenor; and it shall accordingly be the duty of the three Churchwardens in office of the *Cœvre* and *Fabrique* of the said Parish, for the time being, or of any two of

the said Churchwardens, or of one of them, to execute and pass a Deed of Cession of all the property real and personal, all debts owing to, and all rights whatsoever of the said *Fabrique*, as mentioned in the said Resolutions, to the Bishop of Three Rivers, when he shall require the same; subject to the charges, conditions, obligations, and reservations contained in the said Resolutions; that the said Deed shall be accepted by the said Bishop, in his corporate capacity, under the name of the "Roman Catholic Episcopal Corporation of Three Rivers," in conformity with the Act of the Legislature of this Province, passed in the twelfth year of Her Majesty's Reign, and intituled, "*An Act to incorporate the Roman Catholic Archbishops and Bishops in each Diocese in Lower Canada;*" and the said Deed of Cession, when so executed, shall be legal and binding upon the said Bishop and his successors and the inhabitants of the said Parish. *Provided always, that all Parishioners who shall be holders or proprietors of real estate in the said Parish, shall, so soon as the said Bishop shall be in possession of the property of the said Fabrique, be exempt from the payment of the said tithes: and provided also, that if the annual revenue of the said Fabrique shall not amount to the sum of £500, a sum equivalent to the said sum shall be paid in money to the said Bishop by all the Parishioners of the said Parish, and apportioned among them according to the apportionment which shall have been made for the levying of the said sum of £5,000, or according to such other apportionment as shall be in use for School or Municipal purposes; which said apportionment and payment shall cease so soon as the revenue of the said property, ceded by this Act, shall amount annually to the said sum of £500.*

II. And be it enacted, That the Registers of baptisms, marriages, and burials of the said Parish, shall be kept and signed by the said Bishop or by his Vicars-General, or by the *Curé* who may be charged with the spiritual care of the Parish, or by the Assistants, Chaplains, or Vicars of the said Bishop or of the said *Curé*, or other Priests; and all copies or extracts from the said Registers certified by one of them shall be authentic evidence in all Courts of Justice and elsewhere.

III. And in consequence of the union of the Cure of the said Parish to the Bishopric of Three Rivers, be it enacted, That the said Bishop and his successors shall receive* the oblations, the dues regulated or to be regulated by tariffs, and all rights, rents, and dues which may be now or may hereafter become payable to the said *Fabrique*, and may sue for the recovery of the same before the Courts of Justice; they may also cause an account to be rendered by the Churchwardens who may not have done so at the time of the passing of the Deed of Cession of the property of the *Fabrique* above mentioned, of the administration of the said property by the said Churchwardens; and may accept or discuss the said accounts, and require the payment of any balances which may be due thereon, for which purpose the said Bishop and his successors shall be entitled to institute legal proceedings.

IV. And whereas the present Parish Church has long been insufficient for the continually increasing population of the said Parish, and it is indispensably necessary to construct a new one; and whereas, by one of the Resolutions recited in the Preamble to this Act, the inhabitants of the said Parish have left to the said Bishop the care of building the said Church, binding themselves to contribute to the expense thereof to the amount of five thousand pounds only: Be it enacted, That when the said Bishop shall have issued a decree for the building of a Church and Sacristy, and for establishing the site thereof, it shall be lawful for him to make an application to the Commissioners appointed under and by virtue of the Ordinance of the Governor and Special Council of the late Province of Lower Canada, passed

NOTE.—The above proviso in italics was added by the Committee.

* The words "the tithes of Parishioners as now established," which followed here, were struck out by the Committee.

in the third Session of the said Council, held in the second year of Her Majesty's Reign, and intituled, "*An Ordinance concerning the erection of Parishes and the building of Churches, Parsonage-houses and Church-yards,*" requiring a general meeting to be called of the inhabitant freeholders and proprietors of real estate interested in the assessment mentioned in one of the Resolutions cited in the Preamble to this Act, for the purpose of proceeding to the election of three or more Trustees not exceeding seven, to levy the said assessment; and the Commissioners shall thereupon proceed upon the said application as if the same had been made by the majority of the inhabitant freeholders of the said Church and Sacristy, founded upon a canonical decree rendered in conformity with the provisions of the said Ordinance, or by any law for the election of the Trustees; and the meeting for the said election shall be called, presided over and held, and a minute thereof drawn up by the said Bishop or by the *Curé* having the spiritual charge of the Parish, if there be one, according to the formalities prescribed by the said Ordinance.

V. And be it enacted, That when the election of Trustees shall have taken place, the said Bishop shall make an application to the said Commissioners, requiring the said election to be confirmed, and that the said Trustees be ordered to assess the proprietors of lands and other real estate situate in the said Parish, as canonically erected by the canonical decree made and rendered to that effect, by Monseigneur Bernard Claude Panet, then Bishop of Quebec, at Quebec, on the nineteenth day of September, one thousand eight hundred and thirty-two, and to levy the amount of the said sum for which each individual shall be assessed: Provided always, that the lands and other real estate belonging to persons of any Protestant denomination whatsoever, shall not be assessed.

VI. And be it enacted, That so soon as the said Commissioners shall have passed a decree confirming the election of the Trustees, and authorizing them to make an assessment, and to collect the same as hereinbefore provided; then the said Trustees, or a majority of them, shall forthwith proceed to prepare and draw up an act of assessment comprising only an exact description of all lands, emplacements and other real estate, situate in the said Parish as canonically erected, and belonging to persons professing the *Roman** Catholic Religion, with the exception of that belonging to the *Fabrique*, and ceded or about to be ceded to the said Bishop, which shall not be liable to assessment, and containing also as accurately as possible the extent and value of each real estate, the names of the proprietors real or putative, and the proportionate sum of money which they shall have assessed, imposed, and rated upon each real estate, in order to raise the said sum of five thousand pounds currency, and without its being necessary for the said Trustees to make any plan of the buildings to be erected or any estimate of the cost thereof, excepting such as shall be requisite for proceeding before the said Commissioners, and for the completion of the said Act of assessment, and the collection of the said sum; which said act of assessment shall be deposited, and the notice of such deposit, and the day on which this Act of assessment shall be presented to be homologated by the said Commissioners, shall be made, given, read, and posted in the manner prescribed by the said Fourteenth Section of the said Ordinance, cited in the Fourth Section of this Act.

VII. And be it enacted, That on the day fixed for taking into consideration the Act of Assessment above mentioned, the said Trustees or a majority of them shall present the said Act to the said Commissioners, and apply for the homologation thereof, accompanied with sufficient certificates of the deposit which shall have been made thereof, and of the notice above mentioned; and the said Commissioners shall have full jurisdiction, authority, and power for the hearing, determining, trying, and deciding between the Trustees and parties interested, and for rejecting,

* Inserted by the Committee.

modifying, or confirming the said Act of Assessment, in whole or in part, as to them shall seem just and reasonable; and they shall order the said Assessment to be payable in six years, one sixth part every year, any law, custom, or usage to the contrary notwithstanding.

VIII. And be it enacted, That when the said Act of Assessment shall have been homologated by the said Commissioners, the Trustees shall require of the rate-payers payment of the assessments or rates due by them respectively, and may institute proceedings at law to compel payment thereof; the whole in conformity with the Nineteenth Section of the same Ordinance cited in the Fourth Section of this Act. And whereas, the powers and duties of the said Trustees do not extend beyond the recovery of the said sum of five thousand pounds currency, and do not relate to the building of the said Church and Sacristy; be it further enacted, That it shall be the duty of the said Trustees to render an account to the Bishop within one month after the expiration of each term of payment of the said assessment or rate, and also every six months after such expiration, of the sums of money which they shall have collected from the rate-payers, and to pay over such sums into the hands of the Bishop who shall be empowered to compel them by Law to do so, until the said amount of five thousand pounds currency shall be paid.

IX. And be it enacted, That besides the obligations above mentioned, the said Bishop and his successors shall be bound,—1st. To build in the said Town of Three Rivers, a Church which shall be a Cathedral Church, and a Sacristy, of greater dimensions than those of the present Church and Sacristy; which Church shall also be considered as the Parish Church, for the use of the inhabitants of the Parish. 2nd. To make no alteration in the present system of the adjudication and sale of Pews, either in the present Church or the Cathedral Church, excepting the power of requiring security to ensure the payment of the rents and dues for the said Pews, which rents and dues shall belong to the Bishop and his successors.

X. And be it enacted, That all the provisions as well of the said Ordinance cited in the Fourth Section of this Act, as of the Act passed by the Legislature of this Province in the thirteenth and fourteenth years of Her Majesty's Reign, and intituled, "*An Act to continue and amend an Ordinance concerning the erection of Parishes, and the building of Churches, Parsonage-houses, and Church-yards,*" not contrary or repugnant to this Act, shall be followed and carried out by the said Bishops, Commissioners, Trustees, and other persons interested or having powers to exercise or duties to discharge in pursuance of this Act, as if they had been inserted and recited in this Act, and had formed part thereof; and as well for the levying and collecting a supplementary assessment if the first assessment shall not be sufficient for the collection of the said sum of five thousand pounds currency, as for all other purposes tending to the execution and carrying into effect of this Act.

XI. And be it enacted, That by the words "Bishop" and "Bishop of Three Rivers," made use of in this Act, shall be understood the present *Roman** Catholic Bishop of Three Rivers and his successors, and that the Interpretation Act shall apply to this Act.

XII. And be it enacted, That this Act shall be held to be a Public Act, and shall be judicially taken notice of by all Courts of Law and Equity in this Province, and by all Judges, Justices of the Peace, and other persons whomsoever, without being specially pleaded.

* Inserted by the Committee.

MINUTES OF EVIDENCE

IN RELATION TO

THE FOREGOING BILL.

COMMITTEE ROOM, 10th May, 1853.

Examined the Bill to confirm certain proceedings of the Catholic inhabitants of the Parish of the Immaculate Conception of the Blessed Virgin at Three Rivers, relative to the property of their Fabrique, to impose and levy an assessment upon the said inhabitants, and for other purposes therein mentioned.

Antoine Polette, Esq., M.P.P., being examined, stated as follows:—

“ There is a necessity, admitted on all hands, for the erection of a new Parish Church in the Parish of Three Rivers, the cost of which would amount to nine or ten thousand pounds. The available arrears due to the Parish by the Parishioners, do not, to the best of my belief, exceed £500; and the property of the Parish, (independently of these arrears,) proposed to be transferred to the Bishop, would not, as I believe, realize £5,000. The original Resolutions, adopted at a public meeting of the Parishioners, (on which the present application was founded,) were agreed to without any objection being made, except to one of them, regarding the transfer of the Parish property to the Bishop,—to which objection was made by Olivier Duval, his father, and one or two others, but the meeting did not divide upon it, although they were asked if they desired a division. I know a number of the parties who signed the Petitions against the Bill, and of their number, (amounting to about 90,) upwards of 20 will not be affected by it at all; about 30 will be very slightly affected; and of the remainder I do not see the names of more than a dozen respectable farmers who support themselves out of the produce of their farms. There are a good many residents of the town who hold lands in the *Banlieu* and other parts of the Parish, and who pay tithes, and they are all in favor of the Bill, at least I do not see one of them signing against it.”

P. B. Dumoulin, Esq., M.P.P., being examined, stated as follows:—

“ Having read the testimony of Mr. Polette, I fully concur in all he has stated, and would add, in reference to the opposition offered by Olivier Duval to the Resolutions, that when the 5th Resolution was proposed, some explanation was given by me in answer to his questions, and he declared himself satisfied. I know most of the petitioners against the Bill; there are a few signers whom I do not know to be Parishioners.”

12TH MAY, 1853.

Mr. *Polette* obtained leave to add the following to his evidence of yesterday:—

“ The District of Three Rivers, and part of that of St. Francis, as civilly constituted, were dismembered in June last, from the Roman Catholic Diocese of Quebec, of which they formed part, and erected into a distinct Roman Catholic Diocese, under the name of the Diocese of Three Rivers; the Reverend Thomas Cook was named and constituted Bishop of Three Rivers, and has taken possession of his See in the month of October last, which See is fixed and established in the Town of Three Rivers, which forms part of the Parish of the Immaculate Conception of the Blessed Virgin at Three Rivers. That Parish is canonically erected by the decree made and rendered to that effect by Mgr. Bernard Claude Panet, then Bishop of Quebec, at Quebec, on 19th September, 1832,—a Copy of which Decree I now lay before the Committee (No. 1.)

“ The tithes paid by the rural part of the Parish are insufficient for the support of the *Curé* and still less so for that of himself and his Vicars, of whom he is required to have, at least, two. The tithes for the whole Parish average about £100 per annum, and the *Fabrique* pay, out of their revenue arising from the rent of Pews, &c., upwards of £200, to aid in supporting the *Curé* and his Vicars.”

Mr. *Polette* also laid before the Committee the following documents in support of his evidence:—

No. 2.—Proceedings at a Meeting of the Parishioners of Three Rivers, on 15th August, 1852.

No. 3.—Copy of Bull erecting the Diocese of Three Rivers, dated 8th June, 1852.

No. 4.—Copy of Bull appointing Mgr. Thomas Cooke, Bishop of the Diocese of Three Rivers, dated 8th June, 1852.

No. 5.—Copy of *l'Acte d'Intronisation* of Monseigneur Thomas Cooke, as Bishop of Three Rivers, 18th October, 1852.

Mr. *Dumoulin*, having read the evidence offered by Mr. *Polette* this day, corroborated the same.

FRIDAY, 27th May, 1853.

Valère Guillet, of the Town of Three Rivers, Esquire, Notary Public for Lower Canada, Coroner for the District of Three Rivers, and one of the Commissioners for the erection of Parishes, and for the construction of Churches, &c., in the same District, being examined, stated as follows:—

“ I have been one of the Members of the House of Assembly of Lower Canada; I have also been one of the Churchwardens of the *Œuvre* and *Fabrique* of the Parish of the Immaculate Conception of the Blessed Virgin at Three Rivers. The said Parish is composed of the Town of Three Rivers, of the *Banlieu*, of the Seigniorship of Ste. Marguerite, and of the *Fief* St. Maurice, which now forms part of the Township of St. Maurice. I am frequently employed by the inhabitants of the *Banlieu*, in my capacity of Notary. The arrears accruing from all kinds of

“revenues actually due to the *Fabrique*, amount to about twelve or fifteen hundred pounds, among which there are five or six hundred pounds of good debts; the remainder will probably be lost; and the *Fabrique* owes about three hundred pounds to the *Curé* of the said Parish. For several years, the Parish has been allowing him above two hundred pounds, both as additional pay, and for the salary and board of two Vicars; for the share of the perquisites which belongs to him, and tithes which he receives, are insufficient to meet his expenses and to pay his Vicars. I was present at the general Assembly of the Catholic inhabitants of the said Parish, held on the 15th August last, at which the resolutions included in the Bill No. 263, now under consideration of the Committee, were passed. Almost the whole of the Parish were present, and the sacristy could not have held such a crowd. At the second resolution, which has the effect of resigning the property of the *Fabrique* to the Bishop, opposition was shewn by three or four persons, who expressed themselves publicly. Among the number were Messrs. Etienne and Olivier Duval. A division upon this resolution was proposed, but they did not insist upon having it. At the fifth resolution, a more general explanation was given. Mr. Olivier Duval then asked if the inhabitants would be allowed to furnish materials, and upon an affirmative answer being given, I did not hear him say any thing more, and the resolution passed without a division. I frequently had occasion to hear different persons of the *Banlieue*, and other parties belonging to the Parish, but living out of the Town, speak of the transfer mentioned in the second resolution; and, I believe, that very few were opposed to the transfer of the property of the *Fabrique*; at least, I think that the large majority are in favor of it. I frequently heard the contribution of the five thousand pounds for the building of the Cathedral in question, spoken of, not as being too much to build the Cathedral, but because the inhabitants of the *Banlieue* were desirous of obtaining a diminution on account of the tithes which they pay. From what I heard, several persons from the *Banlieue* say, they were desirous of being exonerated from a part of this contribution. I heard it said that they would be disposed to pay a certain fixed sum for their share, and that the remainder should be payable by the Town. It is admitted by all the Parishioners, that the construction of a new Parish Church, of larger dimensions than the one now in existence, is absolutely necessary, the population and business of the Parish having greatly increased since some time. The Parish Church, to accommodate the present and future population, would cost over five thousand pounds. I think that a suitable Church would cost about six or seven thousand pounds, but I do not think that that sum would complete the interior.”

Examined by Mr. Olivier Duval.

“I think that the proportion of debts belonging to the *Fabrique*, which are lost, is less in the *Banlieue* than in the Town.”

Basile Doucet, Esquire, of the *Banlieue* of Three Rivers, one of the Justices of the Peace for the District of Three Rivers, Captain of Militia.

“I have been one of the Churchwardens of the Parish of the Immaculate Conception of the Blessed Virgin at Three Rivers. The said Parish is composed of the Town of Three Rivers, of the *Banlieue*, of the Seigniorie, of Ste. Marguerite, and of the *Fief* St. Maurice, which now forms part of the Township of St. Maurice. It is admitted by all the Parishioners, that it is absolutely necessary to erect a new Parish Church, the present one being much too small. For several years, the *Fabrique* has been paying out of its own revenues a sum of £220 a year to the *Curé*, both as additional pay for himself, and for the salary and board of his Vicars; the share of the perquisites which belongs to him, and the tithes, being insufficient to support him with his Vicars. The arrears due to the *Fabrique*

" amount to about fifteen hundred pounds. I am told that there may be from six to
 " seven or eight hundred pounds of good debts; it appears that this is not yet ascer-
 " tained. I am told that the *Fabrique* owes two or three hundred pounds to the *Curé*.
 " I was present at the general meeting of the Catholic inhabitants of the said Parish,
 " held on the fifteenth of August last, at which meeting the resolutions contained
 " in the Bill No. 263, now under consideration of the Committee, were passed.
 " Almost the whole of the Parish were present, and the sacristy could not have
 " held such a crowd. At the second resolution, which tends to make over the pro-
 " perty of the *Fabrique* to the Bishop, opposition to it was shewn by three or four
 " persons who expressed themselves publicly. Among the number were, Mr.
 " Etienne and Mr. Olivier Duval. A division upon this resolution was proposed,
 " but they did not insist upon having it. At the fifth resolution, a more general
 " explanation was given. Mr. Duval then asked if the inhabitants would be al-
 " lowed to furnish materials, and, upon an affirmative answer being given him, I
 " did not hear him say any thing more, and the resolution passed without division.
 " There are a certain number of persons, living in the *Banlieue*, who would not be
 " opposed to making over the property of the *Fabrique* to the Bishop; at the pass-
 " ing of the resolutions at the General Meeting, the large majority of the inhabit-
 " ants of the *Banlieue* were present. The motives of opposition on the part of
 " those who oppose the transfer, are, that funds were taken out of the chest of the
 " *Fabrique* to pay for religious attendance to the Parish, as the tithes of the *Banlieue*
 " were not sufficient, and the Parishioners of the Town did not pay. I have no
 " doubt but that the large majority of the inhabitants of the *Banlieue* would be
 " satisfied to pay seven or eight hundred pounds as their share towards the building
 " of the Cathedral, together with their tithes as heretofore, and would have no
 " objections to the transfer of the property of the *Fabrique*."

Examined by Mr. Louis Duval.

" When the roof of the present Church was renewed, together with the steeple,
 " the expences then incurred were paid by assessment of the Parish; but when the
 " interior of the Church was improved, it was done out of the funds of the *Fabri-
 " que*. I have said, that one of the reasons which had made me consent to the
 " above resolutions, was, because we had no advantage at the meetings of the
 " *Fabrique*, not being in the habit, in the country, of speaking in public, as the
 " people of the Town are. Another reason was, because I found the arrangement
 " advantageous for the whole Parish."

No. 1.

DECREE

FOR THE CANONICAL ERECTION OF THE PARISH OF THE
IMMACULATE CONCEPTION AT THREE RIVERS.

BERNARD CLAUDE PANET, by the Mercy of God, and the Grace of
 the Holy Apostolic See; Catholic Bishop of Quebec, &c., &c., &c.

To all who shall see these Presents :

WE do hereby make known that, seeing the petition presented us, dated the fourth of September, one thousand eight hundred and thirty-one, in the name and on the part of the burgesses and citizens of the Town of Three Rivers, and the inhabitants of the *Fiefs* or Seigniories of St. Maurice and Ste. Marguerite, and others, forming what is commonly called the *Banlieue* of Three Rivers, County of St. Maurice, District of Three Rivers; praying for the erection of the said Town, *Fiefs*, and Seigniories into a Parish, for the reasons therein stated; our commission bearing date the twenty-sixth of the same month, charging Mr. Jean Rimbault, Curate of St. Jean-Baptiste de Nicolet, and one of our Arch-priests, to proceed to the spot, after previous notice being given, to verify a *procès verbal de commodo et incommodo*; seeing also the certificates signed by Jean-Baptiste Vincent, Pierre Rocheleau, Olivier Girardin, and Frederic Crevier dit Bellrive, of a publication made, on the ninth of October, of the same year, to the inhabitants assembled for Divine service in the Churches of Ste. Magdeleine du Cap de la Magdeleine; of the Visitation de la Pointe du Lac; of St. Grégoire le Grand; and of the said place of the Immaculate Conception at Three Rivers, calling upon those persons interested in favor of, or against, the erection of the Parish prayed for, to attend a meeting, to be held on the following Wednesday, near the Church of the Immaculate Conception at Three Rivers; seeing, also, the *procès verbal de commodo et incommodo* of the said Monsieur Jean Rimbault, bearing date the twelfth of October, of the same year, establishing and verifying in all their parts the facts stated in the above petition; seeing, also, the opposition, bearing date on the twenty-sixth of September, of the same year, served on the day of the said meeting, upon our said deputy, on the part of the Seignioress, Co-Seignioress, and tenants of the *Fief* or Seigniorship of Tonnancour, who protest against the *Fiefs* contained in the said *Banlieue* of Three Rivers, being comprised within the Parish to be erected, because, as it is stated in the said opposition, the said *Fiefs* should form part of the Parish of the Visitation de la Pointe du Lac, in virtue of the rule of 1722. to which opposition we did not think fit to pay any attention,—1st. Because the *Fiefs* claimed by it should have had religious attendance at the Pointe du Lac, by means of a mission only, in virtue of the above rule of 1722; 2nd. Because, up to this time, the said *Fiefs* have not formed part of any regular and canonical Parish. 3rd. Because, from time immemorial, they have had religious attendance at the Parish of Three Rivers, properly called. In consequence thereof, we have erected, and do, by these presents, erect into a *Cure* and Parish, under the title of the Immaculate Conception of the Blessed Virgin, which day is celebrated on the eighth of December, the said Town of Three Rivers, the *Fiefs* or Seigniories of St. Maurice and of Ste. Marguerite, and the *Fiefs* composing the said *Banlieue* of Three Rivers, comprising an extent of ground of about five miles in front, by about twelve miles in depth, the whole to form one entire Parish, until such time as the increase of the population, and the clearing of the lands, will allow of the erection of a second one. This territory is bounded towards the North-east by the Seigniorship of the Cap de la Magdeleine; towards the South-east, by the River St. Lawrence; towards the South-west, partly by the *Fief* or Seigniorship of Tonnancour, or of Pointe du Lac, and partly by the Augmentation of the Township of Caxton; towards the North-west, by the lands of the Crown. The said *Cure* and Parish of the Immaculate Conception at Three Rivers to be entirely under our spiritual jurisdiction, on the condition that the *Curés*, or persons administering them, who may be appointed there by us, or by our successors, shall conform in every thing to the rules of ecclesiastical discipline established in this Diocese, particularly those relating to the administration of the sacraments, the Word of God, and the other religious assistance required by the faithful of the said Parish; enjoining upon these latter to pay to the said *Curés*, or persons administering, the tithes and oblations customary and authorized in

this Diocese, to respect and obey them in all matters relating to religion, and touching their eternal salvation.

But as the present Decree is purely an ecclesiastical one, and cannot have any effect civilly until such time as it shall have been acknowledged by Letters Patent from His Majesty, we most positively advise the new Parishioners of the said Parish of the Immaculate Conception of Three Rivers to apply to His Excellency the Governor of this Province therefor.

Given at Quebec, under our signature, the seal of our arms, and the counter-signature of our Secretary, on the nineteenth of September, one thousand eight hundred and thirty-two.

(Signed,) † BERN. CLÉ. Catholic Bishop of Quebec,
By His Lordship,

L. † S.

(Signed,) C. F. CAZEAU, Priest, Secretary.

I, the undersigned, sub-secretary to the Archbishop of Quebec, do certify, that the above copy is in all things in conformity with the original deposited in the archives of the Archiepiscopal Palace.

Quebec, 31st August, one thousand eight hundred and fifty-two. One marginal note good ; and one word struck out null.

J. R. L. HAMELIN, Acol. S. S.

No. 2.

EXTRACT from the Register of the Proceedings and Meetings of the Parish of the Immaculate Conception of the Blessed Virgin Mary at Three Rivers, during the year one thousand eight hundred and thirty, and those following.

At a General Meeting of the Churchwardens, and past Churchwardens, of the *notables*, freeholders and proprietors of real estate of the Parish of the Immaculate Conception of the Blessed Virgin Mary at Three Rivers, held in the Parish Church of the said Parish, on Sunday the eleventh day of the month of August, of the year one thousand eight hundred and fifty-two, after High Mass, in accordance with the notice thereof given by the first Churchwarden in office, and published by the Curate during High Mass, on Sunday, the 8th day of the same month; and also, this day; and called by the ringing of the Church bell in the usual and customary manner, for the purpose of deliberating upon certain proposals made by His Grace the Archbishop, Metropolitan of the Ecclesiastical Province of Quebec; and of deciding whether the Parish will make over all the moveables and immovables of the *Fabrique*, together with the Parish Church, the Sacristy, the Burial-ground, and the Presbytery, to the Bishop of the new Diocese of Three Rivers, and to his successors; at which meeting were and are present, His Grace the Archbishop, Messire Thomas Cooke, *Curé* of the said Parish, and Grand Vicar to the said Lord Archbishop, Andrew Panneton, chief Churchwarden in office, of the *Fabrique* of the said Parish, Joseph Panneton, third Churchwarden in office, Antoine

Polette, Esquire, Mayor and M.P.P., Pierre Vézina, Esquire, Queen's Counsel, Pierre Benjamin Dumoulin, Esquire, Advocate, M.P.P., Joseph Ed. Turcotte, Esquire, Advocate, M.P.P., Valère Guillet, Esquire, Notary Public, Jean-Bte. Pothier, Esquire, J.P., Augustin Cloutier, Esquire, Captain, Basile Doucet, Esquire, Major, and a large number of the principal inhabitants, freeholders, and proprietors of real estate of the said Parish.

His Grace the Archbishop of Quebec took the first seat, and the said Messire Thomas Cook the second; and the said André Panneton, first Churchwarden in office, presided over the meeting.

His Grace then stated to the meeting, that he was aware that His Holiness the Pope, Pius IX. had been pleased to declare that he had dismembered the Diocese of Quebec, by dividing from it the District of Three Rivers, and a part of the District of St. Francis, as they are civilly constituted; of which he had formed a Diocese, under the name of the "Diocese of Three Rivers," in which he had established an Episcopal See.

His Grace, in consequence of the knowledge possessed by him, asked the inhabitants of this Parish to consent to endow the Episcopal See, by making over the Parish Church and Sacristy, and Presbytery for the purpose of establishing it in those buildings; and lastly, all the property of the *Fabrique*, and explained in detail the conditions of this establishment, which had already been communicated to the Parish at the time that this meeting was called.

The meeting having deliberated upon this offer, and upon the conditions attached to it, adopted and passed the following resolutions.

On motion of Pierre Vézina, Esquire, Queen's Counsel, seconded by Mr. Etienne Tapin, it was unanimously resolved:

First.—That this Meeting accedes with readiness to the proposal of His Grace the Archbishop, and prays His Grace will be pleased to receive their most humble thanks for the favor which he has shewn the Parish, by contributing greatly to the establishment of an Episcopal Seat in the Town of Three Rivers.

On motion of Antoine Polette, Esquire, Mayor of the Town and M.P.P., seconded by the Sieur Pierre Deveau, and resolved by a large majority, and almost unanimously, without any division being asked for, although it was proposed:

Secondly.—That for the endowment of the new Bishopric, (that of Three Rivers,) the Parishioners do cede and transfer to the Bishop of Three Rivers and his successors, the Parish Church, Sacristy, Church-yard, Parsonage-house and their dependencies, and all the other real and personal property, to have and to hold to the said Bishop and his successors for ever, (without the power of at any time alienating the same,) and to administer the same by himself, or by such persons or agents as he should appoint, subject to the charges, terms and conditions following, that is to say:—1st. To provide for the spiritual care of such Parish in a befitting manner by the necessary Priests, Officers, and Servants of the Church, whose salaries and emoluments shall be paid out of his own funds. 2nd. To discharge at his own cost the endowments, obits, *cens et rentes*, if any there be, and other dues which the *Fabrique* are bound to discharge. 3rd. To provide for the maintenance and repairing of the Church, Sacristy, Church-yard, and Parsonage-house or Episcopal Palace, and their dependencies; and to insure to a reasonable amount the Church, Sacristy and Parsonage-house or Episcopal Palace, the whole at his own costs and expense. 4th. To keep a register in due and proper form of the baptisms, marriages and burials, and of the proceedings of the Parish. 5th. That the Parishioners shall enjoy all other the rights and privileges previously enjoyed

by them under the administration of the *Fabrique*, and shall be bound to pay the tithes, the dues fixed or to be fixed by the tariff or tariffs, the offerings, and to present the *Holy Bread* as heretofore. 6th. That from and after the passing of the Deed of Cession of the estate and rights of the *Fabrique*, the present tariff shall only remain in force as regards the Town; and as regards the parishioners residing beyond the limits of the Town, there shall be a tariff for the rural Parishes drawn up and confirmed by His Grace the Archbishop, or by the Bishop of the Diocese; which Tariffs shall not be altered or modified without the consent of the majority of the Parishioners had at a General Meeting called and held in regular form, nor without the consent of the Bishop. 7th. That there shall always be three Churchwardens, whose term of office shall be three years, one of whom shall be elected annually, at the ordinary period, by the Parishioners entitled to be present at General Meetings of the Parish, whose duties shall be to superintend on behalf of the Parish the carrying into effect of the provisions of the Deed of Cession, and to attend at religious processions without being entitled to exercise any of the powers of accountable Churchwardens; the present Churchwardens becoming honorary Churchwardens upon the passing of the said Deed of Cession, and remaining in office until the expiration of their respective terms of three years. 8th. To re-convey and deliver up to the Parish all the property real and personal as it stands, with all the changes and augmentations which shall have been made thereto, excepting, however, the ornaments, vases and other things which he shall require for his use in his capacity of Bishop, in the event of the Episcopal Seat being abolished or transferred from this Town; in either of which cases the Parishioners shall re-enter *pleno jure* into possession of the said real and personal property, and their rights as members of the *Fabrique*, shall be re-established.

On motion of Valère Guillet, Esquire, Notary Public, seconded by Jean-Baptiste Pothier, Esquire, Justice of the Peace, and passed unanimously:

Thirdly.—That the Parishioners do also cede and convey to the Bishop of Three Rivers and his successors, all debts due to the *Fabrique*, at the date of the passing of the Deed of Cession, out of which he shall first discharge all debts due by the *Fabrique*, and the balance shall be applied as follows: one half to the furnishing of the Church ornaments and articles necessary for the celebration of Divine worship, and the other half to aid in the building of a new Church.

On motion of Augustin Cloutier, Esquire, seconded by Mr. Octave Lotinville, and passed unanimously:

Fourthly.—That the Churchwardens who shall not have rendered their accounts at the time of the passing of the said Deed of Cession shall render them to the Bishop, and shall pay any balance they may have into his hands, the Parish transferring to the Bishop all their rights in this respect.

On motion of Pierre Benjamin Dumoulin, Esquire, Advocate, M.P.P., seconded by Mr. Joseph Panneton, and passed unanimously:

Fifthly.—That the Parish shall assess themselves for the construction of a new Church, to the amount of five thousand pounds currency, payable in six years, one-sixth part every year; they shall address forthwith to the proper authorities the necessary petitions for the attainment of that object, and shall elect Trustees who shall convey the moneys collected to the Bishop; the Bishop shall cause the said Church to be erected as speedily as possible, and in such manner as he shall deem expedient, without his being authorized nevertheless to require from the said Parish a larger sum than that above mentioned; and that such new Church shall be a Cathedral Church, to be restored nevertheless to the Parish in either of the cases provided by the second resolution.

On motion of Joseph Edouard Turcotte, Esquire, Advocate, M.P.P., seconded by Mr. Honorat Lacerte, and passed unanimously :

Sixthly.—That the Churchwardens in office in the *Œuvre* and *Fabrique* of the said Parish, or any two of them, are authorized and required, so soon as they shall be called upon so to do by the Bishop of Three Rivers, to execute and grant a Deed of Cession of all the property real and personal and of the rights of the *Fabrique*, mentioned in the second, third, and fourth Resolutions, subject to and in conformity with the charges, conditions, obligations, and reservations in the foregoing Resolutions contained, and the said Bishop shall accept the said Cession in his corporate name.

On motion of Bazile Doucet, Esquire, Major, seconded by Mr. Ignace Carron, and passed unanimously :

Seventhly.—That we do promise to apply to the Legislature for the passing of all laws which may be deemed necessary for carrying into effect the foregoing Resolutions, and for accomplishing the different objects which this meeting has in view, and which they have expressed in the said Resolution.

His Grace the Archbishop being satisfied with the foregoing Resolutions, accepted and signed the same, with the first and third Churchwardens in office, Messrs. Antoine Polette, Mayor and M.P.P., Pierre Vézina, Queen's Counsel, Pierre Benjamin Dumoulin, Advocate and M.P.P., Joseph Edouard Turcotte, Advocate and M.P.P., Edouard Bernard, Advocate, Prothonotary of the District, Ignace Carron, Municipal Councillor, Charles Bernard, Pierre Defossés, Merchant, Jean-Baptiste Pothier, Justice of the Peace, Denis Genest Labarre, Notary and Justice of the Peace, Olivier Gouin, Municipal Councillor, Jean-Baptiste Gauthier, Joseph Giroux, Merchant, Flavien Lottinville, Notary, Elzéar Aubry, Louis Doucet, Justice of the Peace, Henri Lor, George Badeaux, Physician, Ezéchiël Moses Hart, Advocate, Edouard Pleau, Isidore Duplessis, Thélesphore Lemay, Joseph Saucier, Edouard Frigon, Merchant, Pierre Duval, Peter McCabe, Pierre Robichon, Uldaric Martel, Joseph Morisset, Valère Guillet, Notary and Coroner, François Dasyva, Advocate and Municipal Councillor, John Ryan, Octave Lottinville, Farmer, Hilarion Legendre, Land Surveyor, Louis Rousseau, Zéphirin Duval, Louis Lamphron, P. C. Lassiseraye, Physician, John Keenan, Philippe Jourdain, Merchant, Auguste Larue, Merchant, Joseph Hamel, junr., André Cook, Moyse Gauthier, Merchant, Joseph Normand, Sévère Dumoulin, Esquire, Advocate, Honorat Lacerte, Théodore Panneton, Félix Longval, and François Bellefeuille.

(Signed,)

P. Vézina,
A. Polette, Mayor,
J. B. Pothier,
D. G. Labarre,
J. Carron,
Chs. Bernard,
John Keenan,
Olivier Gouin,
F. Lottinville,
Thélesphore Lemay,
John Ryan,
B. Doucet,

(Signed,)

C. R. P. Défossés,
P. B. Dumoulin,
H. Lor,
J. E. Turcotte,
Octave Lottinville,
Louis Lamphron,
J. B. Gauthier,
Joseph Hamel, junr.,
André Cook,
Edouard Frigon,
Auguste Larue,
Edouard Pleau,

(Signed,)
 Isidore Duplessis,
 M. Gauthier,
 E. Lafontaine,
 Pierre Robichon,
 L. Doucet,
 Théodore Panneton,
 Joseph Morisset,
 André Panneton,

(Signed,)
 G. Badeaux,
 Sévère Dumoulin,
 Honorat Lacerte,
 Pierre Duval,
 Joseph Saucier,
 Félix Longval,
 Valère Guillet.

† P. F. ARCHBISHOP OF QUEBEC.

I, the undersigned Bishop elect of the Diocese of Three Rivers, and *Curé* of the Parish of the Immaculate Conception of the Blessed Virgin Mary at Three Rivers, do certify, that the present extract is in conformity with the original, which is deposited in the Archives of the said Parish.

Eight words in the margin, approved. Four words, erased, null.

COOKE,
 Bishop elect, and *Curé* of Three Rivers.

No. 3.

COPY OF THE BULL APPOINTING MESSIRE THOS. COOKE, PRIEST,
 VICAR GENERAL AND BISHOP OF THREE RIVERS.

PIUS PP. IX.

Dilecte Fili, salutem et Apostolicam Benedictionem.

Cum per alias Litteras Nostras in simili forma Brevis hoc ipso die datas Ecclesiam Episcopalem Trifluvianam in America Septentrionali ereximus, Nos ad ejusdem provisionem celerem atque felicem intendentes post deliberationem, quam de præficiendo eidem Ecclesiæ personam utilem ac fructuosam cum VV. FF. NN. Cardinalibus Propagandæ Fidei præpositis habuimus diligentem, demum ad te qui ex legitimo matrimonio procreatus et in ætate etiam legitima constitutus existis, quique Vicarii Generalis Archiepiscopi Quebecensis munere cum laude fungeris, cujus apud nos de morum integritate, doctrina prudentia pietate, et Christianæ Religionis atque Catholica Fidei zelo ac spiritualium providentia et temporalium circumspectione fide digna perhibentur testimonia oculos mentis notræ direximus. His omnibus mature perpensis te, dilecte fili, a quibusvis excommunicationis, suspensionis et interdicti aliisque ecclesiasticis censuris, sententiis et pœnis quovis modo et quacumque de causa latis, si quas forte

incurristi hujus tantum rei gratia absolventes et absolutum fore censentes, eamdem Episcopalem Ecclesiam Trifluvianam de persona tua Nobis et memoratis Cardinalibus ob tuorum exigentiam meritorum accepta, de eorundem Fratrum consilio, auctoritate Apostolica tenore præsentium providemus teque illi in Episcopum præferimus atque pastorem curam regimen et administrationem ipsius Ecclesiæ tibi in spiritualibus et temporalibus plenarie committendo: in Illo qui dat gratiam et largitur dona confisi quod, dirigente Domino actus tuos prædicta Ecclesia per tuæ circospectionis industriam et studium utiliter ac prospere dirigatur et in spiritualibus et temporalibus orthodoxa Religio incrementa suscipiat. Jugum igitur Domini tuis impositum humeris prompta animi devotione amplectens curam et administrationem prædictas ita studeas fideliter prudenterque exercere ut Ecclesia prædicta gaudeat se provido gubernatori et fructuoso administratori esse commissam, ac tu præter æternæ retributionis præmium, nostram quoque et Stæ. Sedis Apostolicæ uberius exinde consequi merearis benedictionem et gratiam. Mandamus propterea in virtute Sanctæ obedientiæ omnibus et singulis ad quos spectat et pro tempore spectabit, ut te in Episcopum Trifluvianæ Ecclesiæ, et ad ejus muneris liberum exercitium juxta præsentium tenorem recipient atque admittant, tibi que in omnibus quæ ad officium hujusmodi pertinent, presto sint atque obediant, tua que salubria monita et mandata reverenter suscipiant et efficaciter adimpleant, alioquin sententiam seu pœnam quam rite tuleris in rebelles seu statueris, ratam habebimus et faciemus auctorante Domino usque ad satisfactionem condignam inviolabiliter observari. Ceterum ad ea quæ in sua cedere possunt commoditatis augmentum favorabiliter respicientes tibi ut a quocumque quem malueris Catholico Antistite sanctæ Nostræ Sedis gratiam et communionem habente accitis et in hoc ei assistentibus duobus aliis Episcopis, vel quatenus hi commode reperiri non poterunt, duobus eorum loco presbyteris secularibus vel cujusvis ordinis, congregationis et instituti Regularibus similem prædictæ hujus sedis gratiam et communionem habentibus munus consecrationis recipere libere ac licite possis et valeas; ac eidem Antistiti ut receptis a te prius Catholicæ Fidei professione juxta articulos pridem a Sancta sede nostra propositos, ac Nostro, et Romanæ Ecclesiæ nomine fidelitatis debitæ solito juramento præfatum munus tibi auctoritate nostra impendere licite valeat, eadem auctoritate plenam et liberam harum serie tribuimus facultatem.

Volumus tamen eademque auctoritate præcipimus atque decernimus ut nisi receptis a te per dictum Antistitem juramento et professione fidei hujusmodi ipse Antistes consecrationis munus tibi impendere, tuque illud recipere præsumperis, idem Antistes a Pontificalis officii exercitio et tam ipse quam tu a regimine et administratione Ecclesiarum vestrarum suspensi sitis eo ipso. Non obstan. Apostolicis ac in universalibus, provincialibusque et synodalibus conciliis editis generalibus vel specialibus constitutionibus, et ordinationibus caterisque contrariis quibuscumque.

Datum Romæ apud S. Petrum sub annulo Piscatoris die viii junii mdccclii.

Pontificatus nostri anno sexto.

(L. † S.) PRO DOMINO CARDINALI LAMBRUSCHINI.

(Sign.) JO. BA. BRANCALEONI CASTELLANI, Substus.

Pro Apographo.

J. R. L. HAMELIN, S.D.,

Episcopi Trifluvianensis Secretus.

No. 4.

COPY OF THE BULL ERECTING THREE RIVERS INTO A DIOCESE.

PIUS PP. IX.

Ad futuram rei memoriam.

Universi Dominici Gregis cura quæ Nobis utpote Beati Petri Apostolorum Principis successoribus commissa divinitus est, illud exigit, ut quum opportunum fuerit, novas per terrarum orbem constituamus ecclesias, novosque præficiamus pastores, ut saluti ovium facilius ac securius ea ratione consultum sit. Jam vero quum Archiepiscopus Quebecensis, et ejusdem suffraganei Episcopi ex synodo anno proxime superiori habita Nobis supplicaverint, ut ad melius providendum spirituali fidelium bono ex satis ampla Quebecensi Diœcesi partem quamdam sejungeremus ad novam ecclesiam constituendam quæ suffraganea esset Metropolitanæ Quebecensis, et cujus sedes in Civitate Trifluviana statueretur, Nos de hac re deliberationem habuimus cum VV. FF. NN. S. E. R. Cardinalibus propagandæ Fidei præpositis, omnibus que mature perpensio expedire in Domino judicavimus ut ad prædictæ Ecclesiæ erectionem deveniamus. Itaque motu proprio, certa scientia, ac matura deliberatione Nostra, Deque Applicæ Auctis plenitudine a Diœcesi Quebecensi sejungimus, ac dismembramus totum districtum Trifluvianensem, comitatus vulgo dictos Champlain, Sancti Mauritiï, Yamaska, Nicolet et Drummond comprehendentem, item partem comitatus vulgo dicti Sherbrooke in districtu Sancti Francisci, in qua inveniuntur loca (*townships*) nuncupata Garthby, Stratford, Whitton, Marston, Clinton, Woburn, Stanhope, Croydon, Chesham, Adstock, Linwick, Weedon, Dudswell, Bury, Hampden, Ditton, Embarton, Drayton, Auckland, Newport, Westbury, Stoke, Windsor et Shipton. Has regiones igitur et prædicta loca a Quebecensi Diœcesi dismembrata territoriorum officere volumus novæ Ecclesiæ Trifluvianæ nuncupandæ cujus sedem Episcopalem in Civitate Trifluviana erigimus et constituimus, atque hanc Trifluvianam Ecclesiam sic erectam suffraganeam esse volumus Archiepiscopalis Ecclesiæ Quebecensis. Hæc volumus, statuimus et mandamus, decernentes has litteras firmas, validas et efficaces existere et fore, suosque plenarios et integros effectus sortiri et oblinere, iisque ad quos spectant quovis tempore suffragari, sicque in præmissis per quoscunque Judices ordinarios, et delegatos etiam causarum Palatii Aplici auditores ac S. R. E. Cardinales, sublata eis, et eorum enilibet quavis aliter judicandi, et interpretandi facultate et aucte judicari, ac definiri debere, irritumque et inane quidquid secus super his a quoquam quavis aucte scienter vel ignoranter contigerit attentari. Non obstan. Nostra, et Cancellariæ Applicæ regula de jure quæesito non tollendo et quatenus opus sit fel. rec. Benedicti XIV Prædecessoris Nostri super Divisione Materiarum, aliisque Applicis constitutionibus cæterisque contrariis quibuscunque.

Datum Romæ, apud S. Petrum sub annulo Piscatoris Die viii junii MDCCLII.

Pontificatus nostri anno sexto.

(L. † S.) PRO DOMINO CARDINALE LAMBRUSCHINI,
 (Sign.) Jo. B. BRANCALEONI CASTELLANI, Substus.
 Pro Apographo,
 J. R. L. HAMELIN, S.D.,
 Episcopi Trifluvianensis. Secretus.

No. 5.

A C T E

OF INSTALLATION OF HIS LORDSHIP THOMAS COOKE,
CATHOLIC BISHOP OF THREE RIVERS.

On the eighteenth day of the month of October, in the year one thousand eight hundred and fifty-two, about eight of the clock in the forenoon, the undersigned Notaries-Public, acting as Notaries Apostolic in that part of the Province of Canada, heretofore constituting the Province of Lower Canada, residing in Three Rivers; having been requested on behalf of His Lordship Thomas Cooke, appointed Bishop of Three Rivers by the Bull of His Holiness the Sovereign Pontiff, Pius IX., bearing date on the eighth of June of this present year, one thousand eight hundred and fifty-two; repaired to the Church of the Parish of the Immaculate Conception of the Blessed Virgin at Three Rivers, which is to be his Cathedral, the clergy and the people having been assembled beforehand, and being present to witness the ceremony of the consecration of the said Bishop of Three Rivers, and his immediate installation; His Lordship the said Thomas Cooke, thus appointed Bishop of Three Rivers, repaired to the said Church with the Clergy so assembled, where the said Bull was read in a loud and audible manner; after which the consecration of His Lordship Thomas Cooke, as titular Bishop of Three Rivers, was proceeded with, and the ceremony being concluded, His Lordship Thomas Cooke was conducted to his throne by His Grace the Archbishop of Quebec, and by His Lordship J. C. Prince, Bishop of St. Hyacinthe, and was there installed by them; and at the same moment, the Te Deum being then chaunted, His Lordship Thomas Cooke was then and there joyfully acknowledged as the Father in God and titular Bishop of the Diocese of Three Rivers, by the kissing of hands received from all his Clergy in token of obedience, and finally by the taking of possession, to which no person made any opposition. Of all which His Lordship Thomas Cooke, being actually in possession of the said Church and Diocese of Three Rivers, required the notaries to make a record, upon which they granted him these presents, under the number four thousand four hundred and thirty-six, on the day and year above written; and the said Lord Bishop of Three Rivers, with His Grace the Archbishop of Quebec, and His Lordship the Bishop of St. Hyacinthe, have signed together with the Bishop of Tloa; and part of the Priests and *Curés* of the Diocese of Three Rivers who were present at the ceremony, and a large number of the principal inhabitants of the Town and of the Diocese of Three Rivers, also present at the ceremony and taking of possession, have signed with us said notaries; and Messrs. André Panneton, Churchwarden in office, Louis Clair and Joseph Panneton, also Churchwardens, and the said Messrs. Panneton, being requested, declared they could not sign, but the said L. Clair did sign after having heard the same duly read.

Thus signed upon the original :—

† THOMAS, Bishop of Three Rivers.

† P. F., Archbishop of Quebec.

† J. C., Bishop of St. Hyacinthe.

† C. F., Bishop of Tloa.

(Signed,)

D. Mondelet,
 André Panneton, Churchwarden in
 office,
 Louis Clair, Churchwarden,
 A. Polette, Mayor,
 Ed. Barnard, Prothonotary,
 Frs. Dasyva, Advocate,
 Boucher de Niverville, Advocate,
 F. X. Guillet, Advocate,
 G. Badeau, M.S.,
 Sévère Dumoulin, Advocate,
 M. D. Marcoux, Priest,
 L. Aubry, Priest,
 W. J. Fréchette, Priest,
 Edmond Langevin, Priest, Secretary
 to the Archbishop of Quebec.
 J. O. Prince, Priest, Vic.,
 Chs. Ol. Caron, Priest,

(Signed,)

"

F. LOTINVILLE, N.P.,
 V. GUILLET, N.P.

(Signed,)

O. Marquis, Priest,
 Augustin Larue,
 P. Vézina, Queen's Council,
 his
 Joseph ✕ Panneton, Churchwarden,
 mark.
 J. E. Turcotte, Q.C.,
 L. G. Duval, Advocate,
 E. M. Hart, Advocate,
 Aimé Désilets, Advocate,
 A. V. Desaulniers, Advocate,
 J. Desfossès,
 J. O. Rousseau,
 Ph. H. Suzor, Priest,
 A. Mailloux, Priest,
 Ol. Larue, Priest,
 P. Défossès,
 Etienne Tapin,

True copy of the originals remaining of record in my office. *

V. GUILLET, N.P.

REPORT.

The Special Committee to whom was referred the Bill to regulate the Pilotage in and below the Port of Quebec, have the honor to report as follows :

(*Translation.*)

In the examination of the important question submitted to them, and contained in the Bill to regulate the Pilotage in and below the Port of Quebec, Your Committee thought it advisable to adopt a methodical course of proceeding, and take up in a regular manner the study of the several matters connected with the subject, and in order to do so the plan they followed was: 1st. To examine the existing laws relative to Pilotage. 2ndly. To compare the provisions of these laws with laws of Foreign Ports. 3rdly. To inquire into the state of the River St. Lawrence in connection with the Pilotage. 4thly. To inquire into the manner in which the present system of Pilotage works. 5thly. To examine what effects the Bill would have, and what changes it would cause. 6thly. To examine these results and compare them with each other. 7thly. To ascertain the objections of the opponents of the Bill. 8thly. To learn whether the principles of the Bill are new, and whether they have not already been admitted both elsewhere and in this Country.

Your Committee held an inquiry, in the course of which they examined men of business, mariners and pilots, and made the researches which were necessary in order to arrive at the solution of the different questions which they proposed to themselves, and they now present, in the order above specified, the results of those researches, and the proof elicited by the inquiry.

The only law at present in force in relation to the Pilotage, is the 12th Vic., cap. 114. This law vests in the Quebec Trinity House the supervision of all matters relative to the Navigation within the limits of the Port of Quebec, and includes in that Port all the extent of water between Portneuf near Quebec and the Eastern limits of the Province, and assigns as the limits of the River or of the Pilotage, all the channel comprised between the Harbour of Quebec, properly called, and a line drawn from Cape Colombier on the North to Isle St. Bernabé on the South, covering an extent of nearly 60 leagues. The Trinity House is intrusted with the duty of seeing to the education of the Pilot's Apprentices; this education lasts seven years, during which the Apprentice must make four sea voyages, and cruise every year in the North and South Channels of the St. Lawrence. The Trinity House examines the candidates, and either grants or refuses their certificates of capacity. The Trinity House has the power of suspending Pilots from their functions, for a time or for life, on account of bad conduct, carelessness or ignorance. It is unnecessary to enter into more lengthy details respecting the powers of the Trinity House in relation to the Pilots, inasmuch as they have no immediate reference to the Bill, which withdraws from that House no portion of the control which it possesses over the Pilots, and provides for an organization which has not the slightest connection with the duties and powers conferred by the above cited Act. It was merely necessary to give an idea of those privileges, in order to show the nature of the Bill submitted to the Committee; for no law exists, the provisions of which are inconsistent with the details of the present Bill, inasmuch as the only object of that Bill is to provide for the management of the private affairs of the Pilots so as to meet the interests of the Navigation as well as those of the Pilots themselves; Your Committee will point out hereafter how far the Bill meets or does not meet the proposed object.

In examining the laws and regulations by which Foreign Ports are governed, Your Committee found that, apart from the provisions of the 12th Vic., cap. 114, and the powers vested in bodies more or less similar to the Quebec Trinity

House, there are in almost all Ports laws or regulations by which stations are assigned to the Pilots, within the limits whereof they are forced to remain, and by which they are required to keep equipped a certain number of Pilot Boats; these boats are registered and of a certain description. Now these two obligations which are every where else considered necessary for the efficiency and the security of the sea-port service, do not exist as regards the Port of Quebec.

The important Commission on Pilotage, appointed in England in the year 1836, recommends *inter alia* the establishment of Stations for all the Ports of England, the registration of the Pilot vessels and the adoption of regulations requiring the Pilots to remain within the limits of their Pilot-ground, declaring that the long voyages made by the Pilots beyond their natural limits exposed them to useless expense, and endangered their morals, by causing them to contract bad habits.

In all the Ports in England, the Pilotage is subject, at present, to these provisions, and the same rules exist in all the principal Ports of the United States, except the Port of New York where the difficulties which have arisen between the two neighbouring States, have induced the Legislatures to refrain from taking any further steps in the matter. The Commissioners of that Port are partly appointed by the commercial class and partly by the naval authorities. These Commissioners, nevertheless, require the Pilot vessels to be registered although the Pilots are only chosen for one year, and are bound to present themselves every year before the Commissioners.

The Thames Pilots can, on the requisition of a majority of their number, associate amongst themselves and make a common fund of their earnings. Those of Liverpool are associated in the same manner, and divide the profits according to the class of each Pilot, (the Pilots in England being divided into classes, and each class being only allowed to take charge of vessels of a certain draught). In Maryland and several other States of the Union, each Pilot is obliged to go out to sea with a decked Pilot-vessel of a certain description; but in these States, these Head Pilots are, properly speaking, functionaries having under their Deputy Pilots who pilot the vessels subject to the responsibility of the Head Pilots.

In examining the condition of the River St. Lawrence with respect to Pilotage, Your Committee will have an opportunity of shewing that the division of the Pilots into classes is impossible, in so far as regards the St. Lawrence. It appears by the inquiry had by Your Committee, that the channel of the St. Lawrence is one of the longest if not the longest in the world; the Pilot-ground extending over a distance of sixty leagues; that Bic is the point at which the river commences to narrow and to form the channel properly so called; that at Bic and Mille Vaches, at the entrance of this channel to the North and South, commence the dangers resulting from the narrowness caused by the contracting of the banks; that the greatest number of shipwrecks within the limits of the Pilot-ground, occur between the Brandy Pots and Bic in consequence of the dangerous position of White Island, Red Island, Green Island and those already mentioned. Add to these facts that the Navigation season, instead of lasting the whole year as is the case in the English and American Ports, only lasts seven months, and that more than one-half of the vessels come up the St. Lawrence in ballast, and it will be easily conceived that it is impossible to create two classes of Pilots for the St. Lawrence, and still more so to grant to a certain number of Pilots the right of having deputies over whom they could not possibly exercise any surveillance whatever. The facts above cited are more particularly established by the evidence of Rear Admiral Boxer, Captains Lambly and McDougall, and Messrs Tremblay, Plante, Brown, Simard and Lapointe, Pilots. In the opinion of Your Committee there is not the remotest doubt, that the natural limits of the Pilotage grounds are Cape Colombier to the North, and Isle St. Bernabé to the South, and that Bic is the place at which the dangers arising from the narrowing of the channel of the St. Lawrence begin.

It has been proved before Your Committee by nearly all the witnesses examined, that the Pilots now cruise as far down as the Gulf, and travel a distance of 600 miles; that they embark in any description of vessels, and even occasionally on loaded vessels; that a great number of them perish annually in these voyages; that a good number of vessels arrive at Quebec every year without Pilots, although the number of Pilots is quite sufficient; that a great many shipwrecks occur within the limits of the Pilotage ground on the outward voyage, because the Pilots leave their posts before reaching their limits, so as to make up for the time lost in voyages of too great length. Nearly all the witnesses examined, Mariners, Merchants or Pilots, agree in declaring that the system is bad, and that it is necessary that some steps should be taken for the interests of the Navigation and for that of the Pilots. The proceedings taken at different times by the Trinity House are a proof of this.

The Bill submitted to the Committee would provide a remedy for the abuses complained of, by retaining the Pilots within their natural limits, and compelling them to provide vessels fit for the service, and by incorporating them in such a manner as to leave to the Secretary-Treasurer of their Corporation the entire management of their money matters, thus enabling the Pilots to devote their time exclusively to the performance of the duties of their profession. No great difference of opinion as to these points seems to exist in the public mind. Your Committee will shew hereafter in what particulars the Bill is opposed, and in what respect it could be amended, so as to meet the views of every one.

Your Committee have no hesitation in saying that, under the operation of the clauses of the Bill above mentioned, the Pilot service would be better attended to, the class of Pilots improved, and shipwrecks of less frequent occurrence. The Committee appointed last year to inquire into this subject were of the same opinion. The system proposed by the Bill, of confiding to a Treasurer-General the duty of collecting the Pilots' fees, would have another advantage, namely, that of putting a stop to the disgraceful speculations of certain Owners and Captains of vessels out of the fees of Pilots, as has been proved before this Committee; an abuse which has long been complained of, as appears by the remarks of Admiral Boxer on a Bill introduced in 1845. In all Ports where Pilotage laws exist, particular care has been taken to prevent, by all possible means, speculations of this nature, the tendency of which is to bring the profession into disrepute, and thereby to render the service less efficient.

The only serious objection urged in the Petitions against the Bill, has reference to the formation of a common fund out of the Pilotage fees, and the Pilots and Shipowners opposed to it pretend that such an enactment, were it to become law, would have the effect of diminishing the energy of the Pilots, by taking away from them the stimulus of individual interest; this objection certainly carries great weight. This principle of community with respect to the industry of the Pilots, which is quite an exceptional one, has nevertheless been admitted in England, where the majority of the Pilots in any Port can compel the minority to form a common fund, and this practice obtains at Liverpool. In 1845, the Quebec Trinity House recommended the passing of a Bill which had been introduced by Attorney General Smith, and contained a provision of this nature.

Your Committee therefore recommend to Your Honorable House, that so much of the Bill as relates to this community of the fees received by the Pilots, be expunged therefrom, and that its other provisions be adopted by Your Honorable House; and, for proof of the necessity of such provisions, they beg leave to refer to the evidence given, and more particularly to the testimony of Messrs. Boxer, Gilmour, Lambly, McDougall, Tremblay, Plante and Brown.

Your Committee conclude, therefore, by recommending the Bill with the amendments made by them.

The whole humbly submitted.

Committee Room, No, 4,

Quebec, 30th May, 1853.

(Signed)

J. C. TACHÉ,

Chairman.

MINUTES OF EVIDENCE.

(Translation.)

28th April, 1853.

Laurent Tremblay, of Quebec, Pilot, called in and examined :

1. Are you not a practising Pilot, and how long have you been so?—I have been a practising Pilot since 1802, and I am the second in seniority.

2. Are you not about to leave the active pursuit of your occupation?—I am about to leave the active pursuit of my occupation, being sixty-eight years of age.

3. What are the natural limits of the Pilot-ground as regards the Port of Quebec?—The limits of the Pilot-ground are Isle St. Bernabé and Bic.

4. Which are the most dangerous parts of the River St. Lawrence?—The most dangerous places in ascending the River are: Mille-Vaches, Green Island, Red Island, White Island, the Shoals of Hare Island which are, nevertheless, not so dangerous as the first mentioned places; the St. Roch's Traverse which is very dangerous, the Pillars, the Shoals of St. Thomas, those of Ste. Madame, l'Isle aux Rcaux and of Beaumont.

5. Is not the Channel of the St. Lawrence the largest in the world?—Yes, the Channel of the Pilotage in the St. Lawrence is the largest in the world.

6. Do the Pilots at the present time keep within the limits of the Pilot ground?—No; the Pilots do not at this time keep within the limits of their Pilot ground; but go down the Gulf to its extremity, to St. Paul's, Brilliant and Bird Island, a distance of at least 500 miles below Bic.

7. At what place within the limits of the Pilot-ground do the greatest number of wrecks occur?—The greatest number of wrecks, within the limits of the Pilot ground occur between the Brandy Pots and Bic; and a few years since fourteen vessels were lost between those points on their outward voyage. None of these vessels had Pilots on board; the only one of the fleet which had a Pilot escaped shipwreck.

8. Has not the Trinity House made many fruitless attempts to keep the Pilots within their limits?—Yes the Trinity House has made two different attempts to keep the Pilots within their limits, by imposing fines and even by suspending them, by giving orders to the Captains of vessels to report Pilots who boarded vessels without the limits, under a penalty for omission to do so; but all this failed for want of supervision, and the Trinity House repealed these regulations, having no means of causing them to be respected.

9. Are stations assigned by law to Pilots at the dangerous places near the limits of the Pilot ground?—No stations are appointed by Law for Pilots at the dangerous places near the limits of the Pilot ground.

10. How are the Pilots equipped for their voyages?—The Pilots make use of all kinds of craft for their cruises, from an open boat to a full-decked schooner.

11. Does commerce suffer from the want of organization of the Pilots?—Commerce does certainly suffer from the want of organization of the Pilots; for instance, vessels pass Pilots in the Gulf without being able to procure their services, in consequence of the fogs and storms; these vessels arrive within the limits of the Pilot-ground without being able to procure a Pilot, and on this account shipwrecks often happen of vessels inward bound. Outward bound ships find the want of Pilot stations, leaving their Pilots, most of them, at the Brandy Pots, and it is in consequence of this discharging of their Pilots that shipwrecks happen to outward bound vessels. If there were Pilot stations and a regular organization of the Pilots, all these inconveniences would dis-

appear. A practice prevails which is very unfavourable to the coasting trade and to that with the Lower Provinces. Almost all the schooners freighted for these Ports take Pilots on board, stipulating to put them on board ships before they reach their destination, thus risking their freights in dangerous cruises, and often adding greatly to the length of their passage.

12. Do Pilots suffer from the same want of organization?—Pilots suffer much from this want of organization, and every year many Pilots are drowned in the Gulf; many are carried away to England through the inability of the Captains to put them ashore.

13. Why do Pilots descend below their limits?—For want of organization, the Pilots have gradually allowed themselves to be drawn into a foolish competition, and the hope of boarding some large vessel frequently induces them to cruise below for several days, even after having met vessels of inferior tonnage, wanting Pilots.

14. Is it not true that the Captains of vessels have often expressed to you a desire to see the Pilots incorporated and organized?—The Captains of vessels have often expressed to me their surprise at witnessing the Pilotage so conducted, and have expressed a desire that for the interest of Navigation the Pilots should be organized and incorporated.

15. How many Pilots are there now practising in the Port of Quebec, and out of this number how many are in favour of, and how many are opposed to the Bill now before the Committee?—There are about 265 Pilots practising in the Port of Quebec; about forty of these are opposed to the Bill now before the Committee, the remaining 226 are in favor of the Bill.

16. Would the expenses of each Pilot be increased or diminished by the organization proposed by the Bill?—The expenses of each Pilot will be very much diminished by the organization proposed by the Bill, and six good cruising schooners of sufficient tonnage and thoroughly equipped for Sea, will cost the Pilots much less than the great number of crafts of all sorts in which Pilots now sail.

17. Are you aware of the real reasons by which the minority are induced to oppose the present Bill?—The Pilots forming the minority who are opposed to the Bill, have formed, under the auspices of the firm of Gilmour & Co., and some other Merchants, an Association, having certain engagements with these Merchants, which engagements are not all known to the public; but it may easily be seen that the firm of Gilmour & Co., especially, only employ in the Pilotage of their outward bound ships, the Pilots belonging to this Association, and the firm of Gilmour & Co. have sold two schooners to this Association, one of which was sold at a price much beyond its real value. I know by personal experience, having been myself subjected to this exaction, that the firm of Gilmour & Co. only give the downward Pilotage of their vessels on condition that the Pilot shall give up to the firm a certain amount out of his fees; this is illegal, and is the constant practice of several merchants who are opposed to this Bill.

18. Do you think that the occupation of Pilot would be improved by the proposed organization?—I am decidedly of opinion that the occupation of Pilot would be improved in every respect, and more especially as regards order and decency. The long voyages and long absence, frequently on inferior vessels, subjecting many Pilots to numerous disorders, and the exactions to which they are compelled to submit by certain merchants, owners of vessels, and which exactions the Pilots cannot resist for want of organization, and in consequence of a foolish competition, tending to debase the characters of the Pilots. I hand in to the Committee a memorandum, (page 6) with respect to the Bill, containing

facts known to myself and to most of my confrères, and the truth of which I can certify.

19. Do you think the energy of the Pilots would be diminished by the proposed organization?—The organization proposed by the Bill could not but encourage all the Pilots, and the competition provided by the Bill by means of the two proposed Associations will be sufficient to rouse the energy of the least active of the Pilots, for the gains of each Pilot and of each Association will depend upon the activity shewn in the performance of the service.

(*Translation.*)

Joseph Plante, of the City of Quebec, Pilot, called in and examined :

Are you not a practising Pilot and for what period have you been so?—I have been a practising Pilot for 26 years.

Are you not about to retire from practice?—No, I am not about to retire from the practice of Pilotage.

Did you hear the answers given by Mr. Tremblay, the witness examined in your presence, and do you agree with him in what he has just stated or not?—I heard all the remarks made by Mr. Tremblay, to the questions which were put to him, and I agree with him in all his statements, and I can bear witness to all the facts contained in his evidence, and in the memorandum handed in by him to the Committee, and I declare the said facts to be true and of public notoriety.

Some remarks in relation to Mr. Taché's Bill on Pilotage, now before the House of Assembly, (Referred to in the evidence of Messrs. Tremblay and Plante.)

This measure involves interests of two kinds; the interests of Commerce and Navigation, and those of the Pilots as a class and as individuals. There is no necessity to insist upon the importance of establishing wise laws to regulate the navigation, but it is perhaps necessary to insist upon the importance of looking into the present state of Pilotage for the River St. Lawrence below Quebec, and to urge that any law tending to enlighten, moralize and raise the profession of Pilots, will be a law calculated to benefit the trade and navigation of our noble River.

The interest of the trade in relation to Pilotage is to ensure a prompt, effective and regular service, because the more such a service will be regular and better secured, the less accidents there will be in our waters. And it must be remarked that for one thing or another the navigation of the St. Lawrence is now heavily taxed with an extraordinary rate of marine Insurance. If the authors of this present memorial prove that in consequence of there being no regulations for the Pilotage, vessels are every year run ashore for the want of Pilots on board when the services of such men are required, they will have proved that this want of regulation is at least one of the causes of the high rate of insurance: and if this memorial proves at the same time that the number of Pilots is sufficient, and that in fact, Pilots are at hand when such vessels suffer from the want of their services, they will have proved that all this evil is only the result of the want of good management.

At the present moment Pilots are allowed to go as far as the open Gulf at 150 and even 300 miles from their limits, in places where the St. Lawrence is from 60 to 80 miles across, in boats, the greater number of which are totally unfit for the service. The result is that Pilots constantly miss sight of the ships,

and are sometimes unable to board those ships when in sight, and after boarding are fatigued and worn out by a long, unnecessary, and dangerous navigation through waters far distant from their natural ground. Time after time, the Trinity House of Quebec have tried to prevent such a practice, but from the want of organization of the Pilots, they failed in those attempts.

Let us cite some of the evils resulting from the above state of things; and if the measure is allowed to pass its second reading and to go before a Committee, all the contents of this memorial could be easily proved to the satisfaction of the Committee and of the House.

It is a well known fact that every year a great number of vessels reach the Port of Quebec without Pilots, while at the same time a great number of Pilots are uselessly cruising to their own detriment in the waters of the Gulf; there is another fact which corroborates the one just now stated, that a greater number of wrecks generally occur in going up than in going down the River and that those wrecks happen in consequence of the want of attendance on the part of the Pilots. A few years ago a Brig, with passengers, after having made signals for Pilots from Bernabé to Bic, was obliged to continue without having been boarded, and ran ashore at Red Island, 45 miles inside of the Pilotage limits, and met with a total loss of lives and property, only 11 persons having been saved. A steamship engaged in the intricate navigation, without having been able to procure a Pilot, proposed to tow a Barque in order to take advantage of her Pilot, and at last was provided with one by the master of another ship outward bound, who allowed his Pilot to leave the vessel before he had completed his duty. In 1851, four ships, after having gone through several miles within the Pilot-water, without finding any Pilot boat, were forced for their safety to go back to Bic at Pilots' limits, and to anchor in order to wait for Pilots. Not less than twelve names of vessels can be given, which have been wrecked within the boundary of the Pilots' limits, descending the River, the masters having permitted their Pilots to leave the ship 60 miles above the limits of the Pilotage, fearing least they should have some difficulty in disembarking such Pilots at the Pilot's limits in the Gulf. It is a customary thing to see a number of vessels anchor at Brandy Pots, and leave their Pilots; and last year, though they had a fair wind to enable them to continue their voyage, not less than 30 ships anchored at this place, and in the confusion which took place, a collision happened, and one ship was dismasted, and the other greatly damaged.

In other circumstances, masters unwilling to part with their Pilots, and to undertake the responsibility of permitting them to leave above the limits, are obliged to cruise, and afterwards lose time on account of there being no Pilot boat at the limits, to disembark Pilots.

These facts are well known by masters and Pilots, but generally not reported to owners, consignees, and underwriters; yet they exist and are the cause of a tax on the shipping, amounting yearly to more than the whole Pilotage fee for the River, besides the increase of the Insurance rate in consequence of accidents.

There is another grievance which bears principally upon our coasting and intercolonial trade with the lower Ports, which is the detrimental habit of some masters who undertake to carry Pilots in the Gulf, with the intention of placing those Pilots on board ships, on payment of a certain price, before reaching the Port to which they are sent; every year accidents occur in consequence of the custom. Last year a large schooner freighted for one of the lower Ports, started from Quebec with 20 Pilots on board; the condition was, that the master of the schooner was obliged to embark every one of those Pilots before reaching his destination—after a cruise of a fortnight, there were still several Pilots on board the schooner, when a gale came on: all the crew and the Pilots were worn out by constant day and night cruising, and the schooner

met with a total loss of all the lives and property on board, including twelve Pilots. In consequence of this accident several families were left without support, the true facts were concealed, the insurance paid the value of the goods, and the consignee who was expecting those goods and breadstuff to supply his fishermen, was prevented from carrying on his fishing during the best part of the fishing season; this is not a solitary case, but one that occurs every year.

Every year a great number of Pilots perish in the Gulf, and not a single one in their natural waters. Last year, besides Pilots who were drowned in single boats and freighted schooners, one Pilot boat was wrecked with her crew, together with two Pilots she had on board. Accidents are so frequent, that the Trinity House, which is the trustee of the Pilots' Saving Fund, has been obliged to reduce to a trifling and insufficient sum, the annuity provided for widows and orphans of deceased Pilots, thus rendering to an extent the humane and wise provisions of the law inefficacious.

The above mentioned facts induced a Committee of the last Parliament to report favorably upon the Petition of the Pilots, praying for relief; and a Bill to incorporate the Pilots passed its second reading in the last Session, but on account of the immense number of measures before the House, this Bill was overtaken by the prorogation, before it had gone through the other stages. The Bill of last year was nevertheless far inferior in its details to the one now before this present Parliament.

The present Bill has two main features, that is to say: 1. To keep Pilots within the limits of their own waters; 2. To allow them to form a Joint Stock Company for their own earnings, on an equitable footing.

The first provision is for the benefit of the shipping and of the Pilots themselves, and a regulation so necessary exists in every country and every well managed harbor in England, France, United States, and elsewhere. The second provision is not an extraordinary one. The Port of Liverpool, we suppose, is second in importance to none in the world, and we may with perfect safety adopt so much of the regulations of that well managed Port as are adaptable to our own situation.

Let us look at the "Act for the better regulation and encouragement of Pilots for the Port of Liverpool." In this Act we see: "And be it further enacted, That if at any time or times hereafter, a majority of licensed Pilots of and belonging to the said Port of Liverpool, shall consent and agree to have a Joint Stock of all their earnings, for the benefit of the whole,.....&c." According to the provisions of this Act, the Commissioners of the Port of Liverpool have established regulations, some articles of which are headed thus: III. Pilots' boats; VIII. Stations and duties of the first and second boat; IX. Of the third boat; X. Of the fourth boat; XII. Of the sixth boat, &c.; and at rule, XV. the turn of each Pilot boat is regulated, and at rule. XXII. it is stated; "All Pilots shall repair to their respective boats, and proceed in them to their stations.....it shall be the duty of every Pilot when not actually employed, to attend daily and every day, at such time and place as may be fixed upon and appointed for that purpose by the master of the boat to which he belongs, to receive such orders and directions as may then and there be given by the said master, &c."

It is clear that the provisions of the Bill in question are as near as possible similar to those adopted for the Port of Liverpool.

Let us look at the objections offered by the opponents of the measure, and let us weigh the value of their reasons. The opposition comes from 40 Pilots out of 270, and from parties at Quebec; several of them are, we must admit, at the head of very large commercial houses, but nobody has a right to say: "*Sic volo, sic jubeo; stat pro ratione voluntas.*" Thus we must look at the reasons alleged; the 40 Pilots who are opposed to the whole of their brethren, contend,

1st. That it is the interest of the shipping to have skilful and respectable Pilots; 2nd. That the Bill will increase the rate of Insurance in taking from the Pilots, the powerful stimulus of private interest; 3rd. That the promiscuousness of the Association is a benefit to the lazy Pilots, to the disadvantage of the industrious; 4th. That it will be a hardship for the owners and masters not to be allowed to choose their own Pilots; 5th. That indolence and want of energy on the part of Pilots tend to prolong the voyages of ships. The allegations of the second petition bearing 37 signatures, are absolutely the same as those of the 40 Pilots.

The present memorialists are 200 Pilots, who have petitioned in favor of the Bill, though the Bill imposes upon them the obligation of keeping boats of a more costly description than the craft just now employed; but they are of opinion that this measure is calculated to increase the respectability of their profession, and a more general happiness amongst themselves. They are supported by the remainder of their brethren, and could have obtained a Petition largely signed by other parties, had they thought that the number of signatures of commercial men would have been more powerful than plain reasoning; but convinced of the contrary, all the trouble they need go to is to give good reasons in support of the Bill.

To answer briefly, but categorically, to the allegations of the above mentioned Petitions, let us say:

1st. We know that the respectability of the Pilots is a great guarantee for the shipping, and it is for this very reason that we are in favor of an organization which will supervise the Pilots, keep order, decency and steadiness in good managed boats, instead of being ganged without law or protection, in private boats, where brutal force is the only police to resort to, instead of wandering about the Gulf in a foolish and ruinous competition, at a far distance from the Pilot-water.

2nd. We have shewn how the rate of insurance is increased, and how the Bill is calculated to diminish the proportion of wrecks. As far as the stimulus of private interest goes, the Bill will provide for a just apportionment of the earnings, and for the taking off the portion of each Pilot, an adequate sum for absence, insubordination or misconduct.

3rd. The same answer will suffice for this third objection of the opponents, and the Bill is so clear and so explicit, that it need not require more explanation. Competition will not be taken away by the Bill which divides the Pilots into two Associations, each one competing with the other, and depending upon its own diligence and energy to increase its earnings; just the same system as adopted in the Port of Liverpool, with the only difference that by the Bill there are only two Associations, while there are seven Associations in Liverpool, the reason being that the number of Pilots is less, the season only six months, and the roadstead longer.

4th. By the Bill, the masters and owners of ships will be allowed as heretofore to choose their Pilots for the downward voyage, and will be obliged as they now are to take the first Pilot boarding at sea. There will then be no hardships on that account.

5th. We agree with the opponents when they state that indolence is bad, but we assert that there is no indolence about Pilots, and if there be any, it will be put a stop to if the Bill passes, because Pilots will be forced to do their duty, or to abandon their profession; and it will be for the benefit of the trade, for the shipping and for the Pilots, because under the present system a good, energetic Pilot, may by mere chance or through favour become a poor, disheartened man. We can point out the names of several of the best Pilots who have been forced to cruise, day and night, through good and bad weather, in the Gulf, for seven weeks before they were able to board a ship, while ships were wanting Pilots in the very limits of the Pilotage.

We hope that an inquiry before the Committee after the second reading of the Bill, will prove everything alleged in this memorial, and will show the true reason of the opposition to this good public measure.

29th April, 1853.

Captain *John McDougall* called in and examined as follows :—

Ques. 1. Are you not an old shipmaster, and late Examiner at Southampton? —I am an old shipmaster, and late Examiner of the West India Company at the Port of Southampton.

2. Are you not aware that the roadstead of the St. Lawrence, as Pilot-water, is the largest in the world?—It is one of the largest in the world.

3. Is it not to your knowledge that Pilots for the Port and roadstead of Quebec, have no registered boats, no stations, and wander at a distance of several hundred miles from their waters?—The Pilots for the Port of Quebec have boats, I do not know if registered, but they are generally unfit for such a service; the Pilots are to be found wandering all over the River as far as the Gulf, and ships frequently pass through them, and are unable to find any when a Pilot is most wanted.

4. Do you think that such a system is to be tolerated in a well managed harbour?—I think a very good improvement might take place in the system of Pilotage for the Port of Quebec.

5. Do you think that it is necessary for the benefit of the trade and of Pilots to provide good registered schooners to be used for Pilotage, and to appoint stations for Pilots?—I consider that it will be a benefit for the Pilots to be incorporated, in order to establish a proper class of vessels, so that they may be able to improve themselves on board of them, and this will be a benefit for the trade and the whole country. It is necessary to have a Pilots' station established, so that mariners may know where to look for a Pilot with certainty, or where to find one.

6. Are you aware of the danger of the system of Pilotage?—I am aware that many Pilots have been lost, owing to the class of boats they use, the unfitness of such boats for the service, and the great distances that they go below their limits.

7. Do you think that it is possible to carry on any good system without incorporating the Pilots?—I think that the incorporation of the Pilots to obtain a safe and efficient class of vessels for the service will be a great general boon.

8. Did you not, last year, express your opinion before a Committee of the House in favor of incorporating the Pilots?—I did already give a similar opinion before a Committee of the House, last year.

9. Will you be so kind as to give your general opinion upon the Bill now before the Committee, and matters relating to it?—The Bill, as far as the incorporation of Pilots goes, in order to enable them to be proprietors of good and efficient boats for the preservation of their lives, and the more efficient performance of the service, is good. But I recommend not to interfere with the powers granted to the Trinity House of Quebec.

The principal benefit which would be derived from the incorporation of Pilots would be the enabling them to own vessels of a superior class to those now employed. This would be not only advantageous, as affording greater security to the Pilots themselves, but also, and principally, because many Pilots associating together in one vessel, would each learn from the rest, and mutually improve each other; whereas, now they are not only debarred from this advantage, but each Pilot endeavours to conceal from the rest any information which he thinks he exclusively possesses.

The proposed Act should enable the Corporation of Pilots to pass By-laws, to regulate the distribution of emoluments of Pilots, which might be either by placing the whole in a common fund, and distributing the nett proceeds amongst the several Pilots, or by making a common fund for the crews of each separate schooner only. The great advantage of a common fund is that it thus becomes the interest of each to ensure the efficiency of all his fellows.

The improvement of the present system of Pilotage would have a very beneficial effect in reducing the rates of insurances.

(*Translation.*)

30th April, 1853.

Mr. *Thomas Simard*, Pilot, called in and examined.

1. Are you not a practising Pilot, and how long have you been so?—I have been a practising Pilot for the Port of Quebec, for the last 18 years.

2. Are you not one of the Pilots opposed to the Bill now before the House?—I am.

3. Do the Pilots at present remain within the Pilotage limits?—The Pilots for the Port of Quebec do not keep within the Pilotage limits. I consider that since 1847, we are at liberty to cruise wherever we please.

4. Has not the Trinity House often tried to keep the Pilots within their limits?—The Quebec Trinity House has attempted, on three occasions, to keep the Pilots within certain limits; this regulation has caused trouble among the Pilots, in consequence of its imposing fines upon, and suspending Pilots contravening its provisions. To keep the Pilots within limits is disadvantageous for the shipping, because the Pilots being kept together in one or two places, ships may pass by in a dark night without being boarded, whilst with six or seven different stations, a ship which misses one station cannot avoid being boarded at another. Being at liberty to cruise below the limits, the Pilot boards the ship on its arrival at Bic, while if there were no Pilot on board, the ships would often be wrecked through not having been able to get a Pilot.

5. How far do the Pilots cruise, and to what distance from St. Bernabé? and what is the width of the St. Lawrence at that place?—The Pilots cruise as far as the Island of Anticosti, and even further, on board of their own schooners, and even in fishing craft: the distance from St. Bernabé to the east point of Anticosti, is more than 100 leagues. In general, the greater part of the Pilots cruise between Cap Rosier and the south-west point of Anticosti. I cannot state the distance from one shore to another at the mouth of the river, but from the south-west point of Anticosti to Cape Rosier, the distance is from 16 to 18 leagues.

6. How are the Pilots equipped for their cruises?—The Pilots generally employ schooners, some go in boats, and I have been in a boat myself, and others with *batteaux*: some even go as passengers on board of schooners freighted for the lower Ports or bound for the fisheries.

7. Is it not true that many Pilots have perished in the Gulf of St. Lawrence?—Many Pilots have perished in the Gulf of St. Lawrence, several also in the River: I believe that a greater number have perished in the River.

8. Do you think that Pilots are exposed to greater danger in small craft in the River, than in the Gulf?—For small craft, the danger in the Gulf is much greater in general, than in the River.

9. Why do Pilots go below their limits?—The Pilots go below their limits to meet the vessels, but the Pilots can only take charge of ships within their limits; but they may give their assistance below those limits, and several

vessels have been saved by such assistance. I maintain that the Pilots should be acquainted with the River beyond their limits, in the places frequented by them. The ship-masters have sometimes a difficulty in making out their position in foggy weather, from not knowing the land and the currents.

10. Do you not often leave your ships at the Brandy Pots on the outward voyage?—On their way down, the Pilots often give up the charge of their ships at the Brandy Pots, with the Captain's permission, when the weather is fine.

11. How many Pilots are there at present for the Port of Quebec?—There are about 260 Pilots for the Port of Quebec.

12. How many Pilots are in favor of the Bill, and how many are against?—About 41 or 42 Pilots have signed the Petition against the Bill, and I know others who are opposed to it. I do not know how many are in favour of it.

13. Is it not the practice of the Quebec commercial houses, to retain a certain sum out of the Pilotage fees on the downward voyage?—There are some houses at Quebec, which sometimes retain the moving of the ships when the Pilot does not move the ship himself, that is to say, that certain houses do not pay the Pilotage fees for the moving (*mouyage*) to their Pilots, in consideration of their employing them for the outward voyage.

14. From this practice of retaining the moving-fees, do not certain houses derive an annual benefit?—They do.

15. Have you any remarks to make in favor of or against the Bill?—I will make these remarks in writing, and lay them before the Committee at half-past ten.

16. Do you not find some good provisions in the Bill?—I find nothing good in the Bill.

(Translation.)

Additional observations of *Thomas Simard*, Pilot, on the Bill now before a Committee of the Legislative Assembly, to incorporate the Pilots.

Many of the Pilots who formerly petitioned for an incorporation, are opposed to this Bill, and they are nevertheless considered as giving it their support; some of them have even written to the Honorable Mr. Chabot, on this subject; others strongly express their disapprobation of the Bill, and if the Pilots were called together to take the Bill into consideration, a large majority would give their opinion against it.

The principal defect of the Bill, is that of placing into a common fund, for each of the two classes, all the gains of each Pilot, leaving, at the same time, to the ship-owners or masters, the right of choosing their Pilot; thus, Pilots who are skilful, sober, and enjoying a good reputation, will do all the work, and those who are incapable, immoral, or whose reputation is bad, will do nothing, and yet have the same share in the profits as the first, which is not only unjust, but impolitic, as it would destroy all useful emulation; the question would be who should do the least; there would no longer exist any motive for activity or good conduct. The books of the Trinity House prove that active and intelligent Pilots perform more than double the Pilotage performed by the others.

So many grave inconveniences have resulted from an incorporation of this nature at New York and at Liverpool, that it has been judged necessary to abolish it, and at present the Pilots there are perfectly independent of each other, and no inconvenience is felt.

2nd May, 1853.

Captain *Alexander Davis* called in and examined.

1. Are you not the master of a ship in the Harbour of Quebec?—I am the master of a ship now in the Harbour of Quebec.

2. How long have you been a mariner, and by whom are you now employed?—I have been at sea for twenty years, and I am now employed by Mr. Parke.

3. Are you acquainted with the navigation of the St. Lawrence?—I am acquainted with the navigation of the St. Lawrence.

4. What are the most dangerous places of the St. Lawrence within the Pilot-water?—The most dangerous places I suppose are the "Traverse," being the narrowest place; Mille Vache and other shoals. I am not prepared to give evidence on the roadstead of the St. Lawrence.

5. Where are Pilots generally stationed now in the St. Lawrence?—I believe that Pilots during the last five years have gone down as far as Anticosti.

6. Is it not the universal regulation in all harbours through the world to have stations for Pilots and registered boats for the service of shipping?—Not in all the Ports; a great many harbours in different countries in England and America, have stations and registered boats for the service of shipping.

7. Do you think that a place where the Gulf is from 60 to 80 miles across, with a cruising of above 300 miles long, is a safe and convenient station for Pilots?—I think that the cruising ground of Pilots is safe enough as far down as southwest point of Anticosti, provided that they will be furnished with good boats.

8. Do you think that Pilots can afford to make a voyage of 500 miles for each inward bound vessel in order to Pilot her?—I think that each Pilot can afford to make a voyage of 500 miles for a single ship.

9. Are you aware that a number of ships reach the Port of Quebec every year without Pilots?—I never knew of any ship coming without a Pilot but one.

10. You have said that you have known of a ship having reached the Port of Quebec without a Pilot, will you state the reason of that fact?—The reason was thick weather and blowing hard.

11. Do you know if that ship met with thick weather and "blowing hard" between Anticosti and Quebec?—I cannot say what kind of weather she met with all along the passage.

12. Are you aware that it is customary for the masters of ships to part with their Pilots before they have gone through the intricate navigation?—Masters generally part with their Pilots at Green Island; he, the master, may do it if he likes at Brandy Pots; some Pilots are left there.

13. What would you recommend in order to obtain an efficient and safe service from the Pilots?—I should like to choose my own Pilot and pay his Pilotage, and to have good Pilots furnished with good boats.

14. Will you give your opinion about the Bill now before the Committee?—I think it will be very much against the interest of the ship owners not to have the choice of their Pilots.

15. Are you not aware that some ship-owners have a large number of ships?—I am aware that some ship-owners have a very large number of vessels.

16. Do you think that such large ship-owners are always able to choose their Pilots amongst a small number of Pilots?—I should think they are able to choose their Pilots out of a small number. No such difficulty will ever happen, because there is a very large number of good Pilots.

17. How many Pilots are there for the Port?—There are about 260 Pilots for the Port of Quebec.

18. Have you anything further to state?—I think it advantageous to the shipping interest to keep up emulation amongst the Pilots, and this would be

best attained by allowing every Pilot, or at least every boat to have their own earnings.

I do not think there is any disadvantage, but on the contrary, an advantage in the Pilots going beyond their limits to meet ships, even as far as Anticosti. If the weather is thick so that there might be the danger of missing the Pilots so far down the Gulf, they can always run up the River, so as to keep ahead of the vessels, and if the wind is down the River, it is always clear and they could not be misled.

I think that the limits of the Pilotage should be extended as far as the southwest point of Anticosti, and that the Pilots' emoluments need not be increased in consequence, as the Pilots might as well be on board as cruising about waiting for vessels.

From my knowledge of the practice in other Ports, especially Liverpool, I think that the establishing limits for Pilots is not advantageous to the shipping interests, although very convenient for the Pilots.

I have heard that there are complaints that vessels have been lost from neglect at New-York since there were Joint Stock Companies of Pilots, and that they are on the same plan as at Liverpool.

I think there is a sufficient number of Pilots at Quebec.

I think that the opinion of the several Captains of vessels is against the Bill.

John Gilmour, Esquire, called in and examined:—

1. Are you not a partner in the house known under the name of Allan Gilmour & Company?—I am a partner in the house known under the name of Allan Gilmour & Company.

2. Do you think that some regulation for the appointing of proper stations for Pilotage, and for retaining Pilots in their limits will be beneficial to the safety of the shipping?—I think it would.

3. Are you not aware that the Trinity House of Quebec have tried several times to retain Pilots within their limits?—I believe that the Trinity House of Quebec have tried to retain Pilots within their limits.

4. What are the reasons of the unsuccessfulness of the attempts above mentioned on the part of the Trinity House of Quebec?—I think the Trinity House repealed those regulations, but I don't know for what reasons, I should fancy that it is on account of want of stringency in enforcing their By-laws.

5. Are you not aware of the fact that several vessels reach Quebec every year without Pilots?—Occasionally, especially in spring, some vessels reach the Port of Quebec without Pilots, and that only happens once in two or three years, as far as my own knowledge goes; I speak only for our vessels.

6. Are you not aware that Pilots very often leave their ships on the downward voyage, before having gone through the intricate navigation?—Sometimes Pilots leave their ships on the downward voyage before they have gone through the intricate navigation. That is the fault of the Captain, having power to take the Pilot down to the limits.

7. Do you think that the number of Pilots for Quebec is sufficient?—I think the number of Pilots for Quebec is sufficient.

8. What kind of boats are generally employed by Pilots?—The common Pilot open boat; but latterly a number of Pilots have joined in company and have schooners.

9. Are you aware that a certain number of Pilots are opposed to the Bill now before this Committee?—I am aware of it.

10. Are you not aware that it is a custom for some mercantile Houses in Quebec to retain a drawback on the earnings of Pilots employed by them for moving or taking down ships?—I am not aware of that.

11. Will you be so kind as to give your opinion for or against the details of the Bill?—I think that it would not be necessary to appoint a Secretary-Treasurer, because it could be done through the Trinity House. I think that it will be desirable to class Pilots according to the draught of water, for instance, class No. 1 of 15 and upwards, and class No. 2, from 15 and downwards. I think that a joint stock of the earnings will be found not to work well; and that it will be detrimental to the energy and perseverance of industrious Pilots.

12. Have you not petitioned the House against the Bill?—I have petitioned the House against the Bill. The object of that was to draw from the trade the best evidence that could be given.

13. Have you any thing further to state?—I have nothing further to state, except that I have heard our masters very often stating that they should rather not meet the Pilots below Cap Chat, because if they are below that point they are likely to miss them on account of the breadth of the Gulf, and when they get to the Pilot-water they might find no Pilots, having passed them all.

3rd May, 1853.

John Lambly, Esq., of Beauport, called in and examined:

1. Are you not an old ship-master?—I am an old ship-master.

2. Are you not aware that the roadstead of the St. Lawrence as Pilot-water is the largest in the world?—The roadstead of the St. Lawrence as Pilot-water is to my knowledge the largest in the world.

3. Is it not to your knowledge that Pilots for the Port and roadstead of Quebec have no registered boats, no stations, and wander at several hundred miles from their waters?—To my knowledge, for many years past, the Pilots of Quebec have no proper stations, no registered boats, and wander in the Gulf far below their limits. The law points out a rendezvous at Father Point, but they don't confine themselves to that rule.

4. Do you think that such a system as above described is to be tolerated in a well managed harbour?—The risks of Pilots running so far below are dreadful, their lives and property are constantly in danger. I am certain that masters will be more glad to meet Pilots at the entrance of their limits; and there Pilots cannot be missed.

5. Do you think that it is necessary for the benefit of the trade and of Pilots, to provide good registered schooners to be used for Pilotage, and to appoint stations for Pilots?—In general I am decidedly of opinion that Pilots must have stations appointed, and good registered schooners for the service. I have read the Bill just now before the Committee, and surely the stations indicated are the most convenient for Pilots and ship-masters, and for every purpose of the navigation.

6. Are you aware of the dangers of the present system for Pilots?—For the interests of Pilots and their families, they must be incorporated. As far as I can judge, I think it will be also the interest of the shipping, because it will afford the means of keeping the Pilots in their proper places where their services are wanted, by enforcing them to stay at their stations.

7. Do you think that it is possible to carry on any good system without incorporating the Pilots?—It appears to me that no law can be passed better than the Bill now before the Committee. The interest of the Pilots themselves, their safety and their incomes will be benefited by such an enactment. I think that the service will be rendered more effective, and thus the Bill, if law, would be a benefit for shipping.

8. Are you not aware that in consequence of the present system ships have been wrecked, others placed in danger, and that a large number of Pilots have perished in the Gulf?—I am aware of all these facts which are facts of public notoriety; and I have learned them by a long experience in matters relating to the River St. Lawrence.

4th May, 1853.

Captain *William McGarry* called in and examined:

1. Are you not the master of a ship now in the Harbour of Quebec?—I am a ship-master and am waiting for a ship in course of building.

2. How long have you been a mariner, and by whom are you now employed?—I came in the St. Lawrence in the year 1826, and I have been in the employment of Mr. Molson, from Montreal, for the last eleven years.

3. Are you acquainted with the navigation of the River St. Lawrence?—I have acquired some experience in the navigation of the St. Lawrence.

4. What are the most dangerous places of the St. Lawrence, within the Pilots' limits?—I suppose the most dangerous place is the Traverse. The first great danger in entering the River, is Red Island Reef.

5. Where are the Pilots generally stationed in the St. Lawrence?—I have not known that there was any station latterly for Pilots, but I know where they ought to be stationed, or let them seek as far as they wish to go down. If there was a station, it ought to be between Cap Chat and Point des Monts, because running up with a gale of wind, and expecting to get a Pilot there, I have room to heave the ship to, and wait till daylight for a Pilot. The distance between Cape Chat and Point des Monts, must be between fifteen to twenty miles. We expect Pilots to stay at sea under any weather.

6. Is it not the universal regulation in all harbours through the world, to have stations for Pilots, and registered boats for the service of the shipping?—It is not the custom through the world to have stations appointed for Pilots and registered boats, and where such regulations are carried on, it is to the disadvantage of the shipping; the shipping is very badly attended to in the Ports of Liverpool and London, in consequence of the incorporation of Pilots.—I have specially traded with London and Liverpool.

7. Do you think that a place where the Gulf is from 60 to 80 miles across, with a cruising of above 300 miles long, is a safe and convenient station for Pilots?—There is no necessity for getting Pilots below Point des Monts.

8. Do you think that Pilots can afford to make a voyage of 500 miles, for each vessel going upwards, in order to Pilot her?—I have met Pilots as far down as Bird Rocks and below Gaspé: if they were incorporated they would not do that. You had better ask the Pilots on the question respecting their pay; the Pilot who will go down the furthest, will make the most money, they are in their schooners, and instead of laying in harbour, they put themselves in a position to board the ships.

9. Are you aware that a number of ships every year reach the Port of Quebec without Pilots?—I am not aware of it.

10. Are you aware that it is customary for the masters of ships to part with their Pilots before they have gone through the intricate navigation?—I am not aware of Pilots leaving ships on the way down, before having gone through dangerous places.

11. What would you recommend in order to obtain an efficient and safe service from the Pilots?—I am well satisfied with the present system of Pilotage.

12. Will you give your opinion on the Bill now before the Committee?—I have not read the Bill.

13. How many Pilots are there for this Port?—I think there are about two hundred.

14. Have you anything further to state?—I will send my answer on the Bill in writing.

(*Translation.*)

Mr. *François Lapointe*, Pilot, appeared before the Committee, and was examined as follows:—

1. Are you not a practising Pilot, and how long have you been so?—I have been a Pilot for the last seventeen or eighteen years.

2. Are you not one of the Pilots opposed to the Bill now before the House?—I am.

3. Do the Pilots at present remain within the Pilotage limits?—The Pilots go wherever they please.

4. Has not the Trinity House often attempted to keep the Pilots within their limits?—The Trinity House has attempted it three times.

5. How far do the Pilots cruise, and at what distance from St. Bernabé, and what is the breadth of the St. Lawrence at that place?—The Pilots generally go to Gaspé, where the breadth is 38 miles.

6. How are the Pilots equipped for their cruises?—The poor Pilots have no vessels at all, and the rich have fine ones.

7. Do you think that Pilots are exposed to greater danger in small craft in the River than in the Gulf?—For small craft of less than twenty tons the danger is greater in the Gulf than in the River.

8. Why do the Pilots go lower down than their limits?—The Pilots go lower down than their limits because their number is too great.

9. Do you not frequently leave your vessel at the Brandy Pots on your way down?—It does not happen more than once a year that the Pilots leave their vessels at the Brandy Pots on their way down.

10. How many Pilots are there at present for the Port of Quebec?—About 266.

11. Is it not the practice of certain Commercial Houses at Quebec to retain a certain sum out of the Pilotage fees on ships going home?—No commercial House at Quebec ever retains any part of the Pilots' fees, at least, to my knowledge.

12. Have you any remarks to make in favor of or against the Bill?—I object altogether to the Pilots being subject to a Board of Directors, and obliged to have a Secretary-Treasurer. I object also to the distribution of the money among the Pilots, as provided by the Bill. I object also to the Clause which allows Captains or owners of vessels to choose their Pilots. *Clause 26.*—It is very unjust to place the Pilots on the same footing: some of them, by their experience and skill have earned as much as £200, and others £30 or £40; if paid into the same fund, this gain would leave to each Pilot for his services only about £90. He who earns money should have the privilege of doing whatever he likes with it. *Clause 34.*—Choice of Pilots—It will be very unfair to expect the good Pilots to be always occupied, while others who do not and will not enjoy confidence, will have nothing to do, and yet receive the same amount as the former; it would be perfectly ridiculous.

This Bill in no way tends to the advantage of trade or navigation, and has been asked for by a certain number of Pilots of inferior standing.

Mr. Charles Brown, Pilot for the Port of Quebec, called in and examined:—

1. Are you not a Pilot for the Port of Quebec?—I am a Pilot for the Port of Quebec.

2. What are the natural limits of the Pilot-water of the St. Lawrence?—Between Father Point and the Harbour of Quebec.

3. Do the Pilots remain within those boundaries or limits?—The Pilots go as far down as St. Paul's Islands, and are constantly cruising in the whole Gulf.

4. Do not the Trade and Pilots suffer by the present system?—I am of opinion that the Trade and Pilots themselves both suffer by the system which at present obtains; wrecks of vessels happen every year within the boundaries of the Pilot-water, there being no Pilots on board. The reason for this extraordinary fact, is, that Pilots stationed in the Gulf are missed by the ships coming up, and that ships very often reach the Pilot-water where Pilots are not to be found, without having Pilots on board. On the way down Pilots are parted with at Brandy Pots, on Green Island, 50 or 30 miles above the limits, and in dangerous places. As for the Pilots, their long, dangerous and useless cruising in the Gulf expose them to every sort of danger, both as regards their lives and their morality. Nearly every year a greater or fewer number of Pilots perish in the Gulf; in the schooner "St. Lawrence," a few years ago, as many as 23 Pilots were drowned at one time. Another schooner, called "the Swallow" was lost with 8 Pilots on board. Again, last year we lost two schooners and 14 Pilots; another Pilot schooner, last year, went ashore on Anticosti, but lives were saved. I cannot remember all the accidents, but they are frequent and dreadful. Masters of ships have frequently made complaints to me of the bad system of Pilotage.

5. Are you in favor of the incorporation of Pilots?—I am in favor in general of incorporating the Pilots.

6. Have you not just arrived from England, and can you give evidence touching what you have seen there about Pilotage?—I have just arrived from England, where I have spent the winter. I have visited Greenwich, London and Liverpool. In Liverpool and London, Pilots are incorporated; I have made inquiries respecting the system, and heard no complaints; both the Masters and Pilots are satisfied. I have taken the trouble to go to Liverpool on purpose to see how the system works, and I can bear witness to its good effects. I will send to the Committee the book containing the laws and regulations, which I have brought with me from Liverpool.

7. Do you think that the limits and stations assigned by the Bill now before the Committee are the proper ones?—I think that the stations indicated by the Bill now before the Committee are very proper stations.

8. Do you think that it will be advantageous to have two classes of Pilots for the St. Lawrence?—In England there are two classes of Pilots, but it is not possible to carry out such a system for the St. Lawrence, for very simple reasons which are: 1st. That the roadstead is too long to induce a second class Pilot to make the voyage with the mere chance of boarding a small vessel; 2nd. That the navigation season lasts only seven months, and 3rd. That the greater part of the ships come up in ballast and return loaded.

Questions sent to Admiral Boxer:

Ques. 1. Will you be so kind as to forward, for the information of the Committee, your opinion about the Bill to regulate the Pilotage for the Port of Quebec?—which Bill is just now before the House.

Ques. 2. Was not a Bill to regulate the establishment of the Trinity House of Quebec brought before the Legislature by Mr. Attorney General Smith, in 1845, and were you not, as well as the Trinity House of the time, in favor of such Bill.

HARBOUR OFFICE, QUEBEC,
4th May, 1853.

SIR,—In answer to the Questions put to me by the Committee on the Bill to regulate the Pilotage for and below the Harbour of Quebec, I beg to state, that having fully examined its several Clauses, I do strongly object to the Joint Stock Company therein established, as regards the earnings of the Pilots, as being unjust towards the better class of Pilots and as giving encouragement to indolence and inactivity among them; and I am satisfied that if it remains part of the Bill, it will meet with great opposition in the House of Assembly; and as the establishment of registered vessels cruising with Pilots for the supply of the Trade is of so much importance for their safety, it ought to be withdrawn.

And I consider that all proposed incorporations of the Pilots should be more subject to the control of the Trinity House, whereas the present Bill leaves them totally independent.

The only Joint Stock Company which I would recommend for the Pilots would be one that would enable them to have schooners of their own for cruising in search of vessels below, being of opinion that if such a system had been originally adopted, many wrecks and loss of life in Pilot-water would have been avoided. The following I would propose as some of the conditions of such a Company, viz:

1st. Pilots to form themselves into a Joint Stock Company for the purchase of six vessels of not less than 50 tons burthen, and to be approved of by the Trinity Board, for cruising in search of vessels from sea, one of which vessels to be stationed at the Brandy Pots as a depôt for the supply of cruising vessels, and the others to cruise as may be directed by the Trinity Board; the first station to be between Point Des Monts and Cap Chat, at the entrance of the River, and the commencement of its dangers.

2nd. The expenses to be paid out of a per centage levied on the earnings of the Pilots.

3rd. Three Pilots to be elected by the body of Pilots, to be called and to serve as Pilot Wardens; their duty will be to manage the vessels and every thing in relation to them; also, to attend the examination of Pilots, and one of them (by turns) to remain on the cruising ground to regulate the cruising, and the shipping and supply of Pilots.

4th. The Pilot Wardens to be paid out of the per centage.

5th. All monies to be paid by the Pilot Wardens to the Treasurer of the Trinity House, who already acts as Treasurer to the Pilot Fund, and who should also act as Secretary.

6th. While cruising, each Pilot on board to take his turn, leaving the master or owner to choose his own Pilot on his passage down the River.

7th. It would be desirable that the Pilots were divided into two classes; first class to Pilot all vessels drawing 14 feet and above, second class all under that draught of water, and to be eligible to the first class after two years servitude as a Pilot, similar to the practice in England.

8th. Election of Pilot Wardens to be made annually or otherwise.

There was a Bill introduced by Mr. Attorney General Smith, in 1845, to regulate the Establishment of the Trinity House of Quebec, but the Clause therein, providing for a Joint Stock Company for the earning of Pilots was urged at that time by a large majority of that Body; and the Trinity Board were induced to consent to it in consequence of its having been stated to them that a number of the Pilots were in the habit of taking down vessels for half price, and that the owners were, in many cases, charged by the masters with the whole amount of Pilotage; there being no enactment, at the time, to prevent Pilots taking less than the fixed rates; but the same reasons do not now exist, the law having been

altered, and now imposing a penalty on Pilots for taking less than the regular rates of Pilotage.

The Bill was afterwards withdrawn by Mr. Attorney General Smith, in consequence of the strong opposition to it by the Trade, supported by such of the Pilots who opposed its principle; and the objectionable Clause has not since been introduced.

A similar Bill was introduced by Mr. Solicitor General Aylwin, in the Session of 1843, and referred to a Select Committee for consideration, but the Parliament having been prorogued, no further action was taken on it. The following is an extract from my letter to the Chairman of Lloyd's, enclosing a copy of the Bill for their information.

"Another important object of this Bill is to make an alteration in the servitude of the apprentices to Pilots, so as to make them sailors previous to their being apprenticed; at present their whole time is occupied in taking care of their Master's Boats, and therefore it cannot be supposed, at the time they receive their branch, they are competent to take charge of a ship; also, not to take charge of a vessel drawing more than 14 feet water, until they have served three years as a Branch Pilot and undergone a second examination; and also to compel Pilots to cruise in small schooners off Point des Monts, Bic and Green Island; instead of in open boats, which in bad weather cannot keep at sea, and in the Fall to take the Pilots out of the last ships off Bic instead of leaving them in their boats at the Brandy Pots or Green Island, which they are often compelled to do, from the severity of the weather; and it frequently occurs that before the ships get clear of Bic, easterly snow storms occur, and instead of going into that safe anchorage they keep the sea (from a want of knowledge of it) and are lost; had such an arrangement been in force this Fall, it is more than probable the melancholy loss of life and property might have been prevented."

I beg leave to enclose for the information of the Committee a Return of the number of vessels, tons and men inwards and outwards at Quebec in 1850, '51 and, '52.

I have the honor to be,

Sir,

Your obedient servant,

EDWARD BOXER,

Captain of the Port and Harbour Master.

J. P. Leprohon, Esquire,

Clerk of Committee, Legislative Assembly.

Number of vessels, tons, and men inwards and outwards at Quebec in 1850, '51 and '52.		Inwards.		Outwards.		
	Vessels.	Tons.	Men.	Vessels.	Tons.	Men.
1850....	1196.....	465804.....	16992	1275.....	494021.....	16991
1851....	1300.....	533427.....	17783	1342.....	566605.....	18527
1852....	1221.....	502422.....	16453	1226.....	517781.....	16881

Questions submitted to *Henry LeMesurier*, Esquire.

1. Have you not been for several years a Master of the Quebec Trinity House?

2. Is it not true that the number of Pilots for the Port of Quebec is sufficient?

3. Is it not true that the vessels wrecked within the limits of the Port of Quebec, generally have no Pilots on board?

4. Is it not true that the Trinity House have frequently attempted to retain the Pilots within certain limits.

5. Is it not true that accidents happen every year among the Pilots in the Gulf?

6. Have you examined the Bill now before this House, for the organization of the Pilots, and do you approve of it?

7. Did not the Trinity House, in 1845, give their recommendation to a Bill introduced by Attorney General Smith?

Answers to the above.

1. I have been a Warden of the Trinity House since 1827, and I was appointed Master in 1846.

2. Yes.

3. During late years very few shipwrecks have occurred in Pilot water.

4. The Board have, on the earnest representation of Pilots and others, changed the limits of the cruising ground three times since 1836. The present limits have existed since 1846.

5. Certainly.

6. The Bill was put into my hand by the Chairman of your Committee, with a request that I would suggest any amendments that might occur to me, but I did not express my opinion on its merits, nor was I asked to do so.

The only portion of the Bill of which I approve is that giving power to the Pilots to borrow money to build schooners, as they would be much better adapted for cruising than their present boats.

I do not see the advantage of putting their earnings into one purse, and dividing them equally. It is well known that all the most active Pilots are opposed to it, and it would deprive them of all incentive to exertion.

7. The Trinity Board did recommend the Bill introduced in 1845 by Attorney General Smith, but the Bill now in question has not the slightest affinity to it.

H. LEMESURIER.

QUEBEC, 17th May, 1853.

Questions submitted to *Archibald Campbell*, Esquire, N. P.

1. What is your occupation?

2. Do you think that some regulations to appoint proper stations for Pilotage and to retain Pilots within their limits will be beneficial to the safety of the shipping?

3. Are you not aware that the Trinity House of Quebec have tried several times to retain Pilots within their limits?

4. What are the reasons of the unsuccessfulness of the attempts above mentioned on the part of the Trinity House at Quebec?

5. Are you not aware of the fact that several vessels reach Quebec every year without Pilots?

6. Are you not aware that Pilots very often leave their ships on the way down, before they have gone through the intricate navigation?

7. Do you think that the number of Pilots for Quebec is sufficient?

8. What kind of boats are generally employed by Pilots?

9. Are you aware that a certain number of Pilots are opposed to the Bill now before the Committee?

10. Are you not aware that it is the practice with some mercantile Houses in Quebec to retain a drawback on the earnings of Pilots employed by them for moving or taking down ships?

11. Will you be so kind as to give your opinion for or against the details of the Bill?

12. Have you not petitioned the House against the Bill?

13. Have you any thing further to state?

Answers to the above.

1. I am a Notary Public.

2. I consider that the present regulations are quite sufficient for the purpose; and, under them, the shipping have never suffered from not being able to obtain Pilots.

3. I am aware that the Trinity House have made certain rules and regulations for the purpose; but I am of opinion that no rules or laws will make them as attentive to their duties as the hope of a reward for their activity, as under the present system, when Pilots are paid, according to the work which they do.

4. I believe that the attempts referred to have been unsuccessful to a certain degree, that is, as far as restricting Pilots from proceeding below their stations in search of ships; but I can see no harm in this, as it only makes a vessel the more sure of obtaining a Pilot. Were Pilots not allowed to board a vessel, except at particular stations, a vessel might pass during a violent gale, when they could not reach her in a small craft, in which case she would either be obliged to come to and wait until the weather moderated, or proceed to Quebec without a Pilot.

5. I believe that there are very few cases of vessels reaching Quebec without Pilots.

6. Pilots cannot leave their ships on the voyage down without the consent of the master. I do not think it ever happens that a Pilot is allowed to land before the most intricate part of the navigation is passed.

7. I do.

8. Sloops of about 15 to 30 tons, and sometimes larger vessels. Open Pilot boats are still used by a few, but they are rapidly falling into disuse.

9. I am aware that a very great number of the most active and intelligent Pilots are very strongly opposed to the Bill, and have frequently heard them speak against it in the strongest terms.

10. I do not think that there is such a custom in any of our mercantile Houses. Such a practice would be an act of injustice to the Pilots.

11. I consider that the principle of incorporating the branch Pilots, as contained in the Bill, is opposed to the interests both of the shipping trading to this port, and of the Pilots themselves. I think it opposed to the shipping interest, because it will tend to prevent any anxiety or emulation on the part of Pilots to reach the ships, from the fact that the most active and intelligent are not allowed to reap the natural reward of their industry, and will, therefore, have no personal interest in exerting themselves, while their earnings are to be apportioned with every Member of the Association; to the Pilots themselves, because, in addition to the injury which those who are the more active and useful class of Pilots, will suffer from the fact of their being obliged to join in a corporation, and to share their earnings with the idle and lazy, the management of the Corporation will also involve them in a great additional expense, which is altogether uncalled for.

12. I have signed a petition to the House against the Bill, being Agent for the "North and South Shields Insurance Clubs," and fearing that their interests would suffer, should the Bill come into force.

13. I have nothing further to state.

ARCHIBALD CAMPBELL.

QUEBEC, 16th May, 1853.

Questions submitted to *Alexander Lemoine*, Esquire.

1. Are you not Treasurer to the Trinity House, at Quebec?

2. Is it your belief that it would be possible for an Officer of the Trinity House to combine with his present duties, those of Secretary-Treasurer of the Pilots, if the Pilots were incorporated; the duties of such an Officer being to receive the fees due to Pilots, render an account thereof, keep the books of the Association, provide for the expenses, and attend meetings of the Directors?

(Translation.)

TRINITY HOUSE,

QUEBEC, 17th May, 1853.

Answers to the above.

SIR,—In answer to the queries which you address to me on the part of the Special Committee to whom was referred the Bill to regulate the Pilotage of the Port of Quebec, I have the honor to state :

1. That I am Treasurer to the Trinity House at Quebec, and have been so for five years.

2. That I do not consider it would be in the power of an Officer of this Corporation, to combine with his present duties, those of Secretary-Treasurer of the Pilots, if the Pilots would be incorporated.

I have the honor to be,

Sir,

Your obedient servant,

(Signed,)

A. LEMOINE.

J. P. Leprohon, Esquire.

QUEBEC :

PRINTED BY JOHN LOVELL, AT HIS STEAM PRINTING ESTABLISHMENT,

MOUNTAIN STREET.

REPORT

Of the Committee appointed to inquire into the Admiralty Tariff of Fees.

Your Committee have given the subject all the time they could conveniently devote to it, and as the result of their inquiry, respectfully submit to your Honorable House the evidence taken before them, that your Honorable House may be in possession of the information given to your Committee in the prosecution of the duties assigned to them.

H. DUBORD, *Chairman.*
G. O. STWART,
W. BADGLEY.

Hon. Henry Black called in, and examined:—

Are you Judge of the Vice Admiralty Court?—I am.

From whom do you hold your Commission, and produce the same, or a copy thereof?—I hold the Office in virtue of Letters Patent issued by Her Majesty, under the Great Seal of the High Court of Admiralty of England, bearing date the seventh of October, 1838, of which I produce a copy.

What is your yearly salary, and do you receive any fees?—The salary of the Office is two hundred pounds sterling per annum, at which it was fixed so far back as the year 1769. I have never received any fees, nor are any attached to the Office.

What is the tariff of fees received in the Vice Admiralty Court, and please produce the same, or a copy thereof?—There is no tariff of fees received in the Vice Admiralty Court. I produce a copy of the tariff of fees to be taken by the Officers and Practitioners of the Court for all acts to be done therein.

By what authority and at what time was that tariff established, and produce that authority, or a copy thereof?—It was established by Her Majesty with the advice of Her Privy Council, at the Court at Buckingham Palace, on the 2nd of March, 1848, pursuant to an Act of the Imperial Parliament (2 Will. 4, c. 51) specially passed for the regulation of the practice, and for the establishment of fees to be taken in the Courts of Vice Admiralty throughout the Colonial Possessions of the Crown. A copy of Her Majesty's Order in Council will be found annexed to the rules and regulations touching the practice to be observed in suits and proceedings in the several Courts of Vice Admiralty, and the table of fees produced by me.

Look at the account of the Registrar's fees in the suit of Lapointe against the Virginie, marked A, and say whether the charge of £10 15s. 6d. sterling, equal to £13. 2s. 2d., currency, is correct?—The charges appear to be correct. They are certified to be so by the Registrar, whose accuracy I have no reason to doubt.

What would be the amount of costs in the Circuit Court for a similar case?—I have never had occasion to examine the tariff of the Circuit Court, and I am unable to say. If the object of this question be to draw a comparison between the Vice Admiralty Court and the Circuit Court, I may be permitted to add, that from the extensive nature of the jurisdiction of the Vice Admiralty Courts, as connected with the administration of one uniform system of Marine law throughout the Empire, no fair comparison could be instituted.

Look at the account of the Attorney for Plaintiff, amounting to £10 15s.,

sterling, equal to £13 1s. 7d., currency, and say whether it is correct?—The account appears to be correct. The Registrar certifies that it is.

What would be the amount of costs in the Circuit Court for a similar suit?—I cannot say.

Look at the account of the Attorney for Defendant, amounting to £8 18s 3d., currency, and say whether it is correct?—This account is also certified by the Registrar to be correct, and appears to be so.

Could such a suit have been brought before the Circuit Court?—The Courts of Common Law have concurrent jurisdiction with the Admiralty in such matter.

If the *Virginic* had been owned by a party in this Province, had the Circuit Court jurisdiction?—The ownership of the *Virginic* would not affect the question of jurisdiction in a case of this nature.

Do you think that it is the interest of Attorneys to prosecute in the Vice Admiralty Court, in preference to the other Courts; if so, what reason do you assign?—The duty of Attorneys is to consult the interests of their clients. There are cases in which the Common Law Courts can afford no adequate remedy, and in such cases Attorneys have no alternative.

Look at the Registrar's fees in the case of *Jacques Tremblay vs. David Tarar*, marked B, amounting to £11 2s. 4d., currency, and say whether it is correct?—The charges appear to be correct; they are certified to be so by the Registrar.

What would be the amount of costs in the Circuit Court, for a similar suit?—I cannot say.

Look at the account of the Proctor in this case, amounting to £20 9s 2d, currency, and say whether it is correct?—It appears to be correct: the Registrar certifies that it is so.

What would be the amount of costs in the Circuit Court for a similar suit?—I cannot say.

Look at the account of the Marshal in this case, and say whether it is correct?—The Registrar's certificate shews that this account also is correct.

Look at the item "principal," amounting to £8 11s., and say whether it is correct?—It is; the costs would seem to be large in proportion to the amount referred to in this question. But for some reason which I do not know, the parties thought proper to adopt plenary proceedings, instead of obtaining an order that the proceedings should be summary, and the evidence taken *viva voce*, as may be done in matters involving small pecuniary value and interest.

Look at the account marked C, and say whether the charges are correct?—The charges in the account referred to in this question are, I presume, correct; though without seeing the bills prepared and certified by the proper Officer, I am unable to give a positive answer. The account itself gives no information respecting the matter in controversy, and is calculated to produce an erroneous impression on the subject. It was a contested cause of damage, by collision, brought by the steamer, "*Crescent*" against the ship, "*Blanche*," a vessel of the burthen of, I think, about 800 tons, wherein the Court, having the assistance of Captain, now Admiral Boxer, as an Assessor, pronounced that the damage occurred through the inattention or want of skill of the persons on board of the *Blanche*, and referred the amount of such damage, with all accounts and vouchers, to the Registrar, directing him to take to his assistance one or two Merchants, and to investigate and report as is usual in proceedings of this nature; whereupon the parties, to avoid further costs, agreed to adjust the amount of the damage sustained by the *Crescent*, at £5 currency. In this case no less than seventeen witnesses appear to have been examined.

Do you think the Vice Admiralty Court necessary, and what are the grounds of your opinion; and do you think that suits brought before that Court, might not be tried in the Court of Queen's Bench, or any other Common Court of Law?—I do think the Court of Vice Admiralty necessary in this as well as in the other Colonial Possessions of the Crown. In whatever view the question is looked

at, the nature of the jurisdiction of the Court is essentially involved, and it is therefore proper I should state what I conceive to be the character of the Court. The Vice Admiralty Courts in the possessions abroad, of the United Kingdom, are not Local but National Courts, as a reference to the objects to which their jurisdiction applies must render apparent. With the exception of that branch of Admiralty jurisdiction which embraces captures and questions *Jure belli*, the Vice Admiralty Court here exercises of right the Admiralty and Maritime jurisdiction conferred upon it, in common with the Vice Admiralty Courts in the various possessions of the United Kingdom. This jurisdiction comprehends the two great classes of cases, whereof the one depends upon locality, and the other upon the nature of the contract. The first respecting, as it does, acts or injuries done upon the high seas, where all nations claim a common right and common jurisdiction, are not of mere municipal jurisdiction, but are appropriated to the Admiralty Courts as to national tribunals. The second class of cases may sometimes affect the commerce and navigation of Foreign nations, and when they do so, they are to be assimilated to the first; but even when the interests of Foreigners or the rights of Foreign nations are not involved therein, they have relation to the trade, navigation and commerce of the United Kingdom, and are therefore also fitly appropriated to these national tribunals. The jurisdiction of the Vice Admiralty Courts under the laws relating to trade or navigation, conferred upon these Courts by Statutes of the Imperial Parliament, is derived from a national source, and is also of a national character. If the view which I have thus far taken of the subject be correct, the jurisdiction of the Vice Admiralty Court would seem to be indispensable.

Has the Legislature of this Province power to reduce the fees received in the Vice Admiralty Court?—The Legislature of the Province has not the power of reducing the fees to be received by the Officers or Practitioners of the Vice Admiralty Court. The power of creating Admiralty Courts is a power incident to Sovereignty, and this power as well as the incidental power of regulating them can only be exercised by a Sovereign and independent State. The question then under consideration, does not touch the powers which may or ought to be exercised by the Colonial Legislature, but has relation to a known and universally acknowledged power belonging to Sovereignty, which it is the interest of every portion of the Empire—and of none more than of the Colonies themselves—to have maintained in its full and absolute integrity. Any regulations too, touching Vice Admiralty Courts, seem to be directly within the scope of the authority of the Supreme Legislature to regulate the trade and commerce of the Empire, a power which is expressly declared by the Constitutional Act of Canada (3 and 4 Vic., c. 35, s. 43). As these Admiralty Courts are National Courts as to all Foreign States, so they may also be considered as National Courts in a more restricted sense, with reference to the dependencies of the Crown, and in relation to the trade and commerce of the Empire, the regulation whereof is in the Metropolitan State. In either point of view, their creation and regulation belongs to the Metropolitan authority, and this draws along with it, of necessary consequence, and as incident to the main power, the power of establishing the fees of the Officers of these Courts either mediately or immediately.

Independently of these more general considerations, it is to be observed that the Statute 2 Will. IV, c. 51, prohibits the taking of any other than the fees established under the authority of that Statute, and that by a provision contained in the Statute 8 and 9 Vic., cap. 93, sec. 63, re-enacting almost in the same words a provision of 7 and 8 Will. III, cap. 22, sec. 9, repealed by 6 Geo. IV, c. 105—"All laws, By-laws, usages and customs, at the time of the passing of this Act, or which hereafter shall be in practice, or endeavoured or pretended to be in force or practice, in any of the British Possessions in America, which are in any wise repugnant to this Act, or to any Act of Parliament, made or hereafter to be made in the United Kingdom, so far as such Act shall relate to and mention the said possessions, are and shall be null and void to all intents and purposes whatsoever." Therefore, any establish-

ment of a table of fees by the authority of the Provincial Legislature, during the continuance of the before-mentioned Statute, 2 Will. IV., cap. 51, would, in my humble opinion, be repugnant to that Statute, and consequently null and void.

From the copies of Correspondence and Documents which I now produce, it will be seen that the Table of Fees mentioned in Her Majesty's Order in Council of the 2nd of March, 1848, was not adopted until a Commission of Canadian Lawyers and Merchants had been appointed, under instructions from the Lords Commissioners of the Treasury, to prepare the same, nor until the Report of such Commissioners had been laid before the Legislature of Canada; and I think it but right to add, that as yet I have seen no sufficient reason to alter or reduce the fees thus established. They cannot be said to press with undue weight upon the trade of the port; for if the Returns made by the Officers of the Court be looked at, the fees they have received in the last three years will appear to be as follows:—By the Registrar in 1850, £29 0s. 10d.; in 1851, £122 8s. 10d.; and in 1852, £72 5s. 4d.; amounting to £223 5s., and averaging not quite £75 per annum. By the Marshal in 1850, £167 9s. 10d.; in 1851, £68 12s.; and in 1852, £48 15s.; amounting to £284 16s. 10d., and averaging not quite £95 per annum; whilst the number of vessels at this Port during the same period, is as follows:—

Number of Vessels, Tons, and Men—Inwards and Outwards at Quebec—
1850-51-52.

	INWARDS.			OUTWARDS.		
	Vessels.	Tons.	Men.	Vessels.	Tons.	Men.
1850	1196	465804	16992	1275	494021	16991
1851	1800	533427	17753	1342	566605	18527
1852	1221	502422	16453	1226	517781	16881

New Vessels, cleared outwards, included in the above.

	Vessels.	Tons.	Men.
1850	31	23317	850
1851	43	30364	1185
1852	29	26422	800

} About.

VICTORIA, by the Grace of God, of the United Kingdom of Great Britain and Ireland, Queen, Defender of the Faith.

To Our well beloved HENRY BLACK, Esquire—*Greeting* :

We do, by these presents, make, ordain, nominate, and appoint you, the said Henry Black, to be Our Commissary in Our Vice Admiralty Court, in our Province of Lower Canada, in America and Territories thereunto belonging. And we do hereby grant unto you full power to take cognizance of, and proceed in, all Causes Civil and Maritime, and in Complaints, Contracts, Offences, or Suspected Offences, Crimes, Pleas, Debts, Exchanges, Policies of Assurances, Accounts, Charter Parties, Agreements, Bills of Lading of Ships, and all Matters and Contracts, which in any manner whatsoever relate to Freight due for Ships hired and let out, and transport Money or Maritime Usury, otherwise Bottomry, or which do any ways concern Suits, Trespasses, Injuries, Extortions, Demands, and Affairs Civil and Maritime whatsoever between Merchants, or between Owners and Proprietors of Ships or other vessels, and Merchandizes, or other persons whomsoever, with such Owners

and Proprietors of Ships and all other Vessels whatsoever, employed or used, or between any other persons howsoever, had, began, made or contracted, for any Matter, Cause or Thing, Business or Injury whatsoever, done or to be done as well in, upon or by the Sea or Public Streams, Fresh Waters, Ports, Rivers, Creeks and places overflowed whatsoever within the ebbing and flowing of the Sea or High Water mark, as upon any of the Shores or Banks adjoining to them or either of them, together with all and singular their Incidents, Emergents, Dependencies, annexed and connexed causes whatsoever, and such Causes, Complaints, Contracts, and other the Premises aforesaid, or any of them, howsoever the same may happen to arise, be contracted, had or done, to hear and determine, according to the Civil and Maritime Laws and Customs of our High Court of Admiralty of England, in our said Province of Lower Canada and Maritime parts of the same, and thereto adjacent whatsoever; and also with power to sit and hold Courts in any Cities, Towns and places in our Province of Lower Canada aforesaid, for the hearing and determining of all such Causes and Businesses, together with all and singular their Incidents, Emergencies, and Dependencies, annexed and connexed causes whatsoever, and to proceed judicially and according to law in administering justice therein; and moreover, to compel Witnesses, in case they withdraw themselves for interest, fear, favor, or ill will, or any other cause whatsoever, to give evidence to the truth in all and every causes above mentioned, according to the Exigencies of the Law. And further, to take all manner of Recognizances, Cautions, Obligations, and Stipulations, as well to our use as at the instance of any parties for Agreements or Debts, or other Causes and Businesses whatsoever, and to put the same in execution, and to cause and command them to be executed, and duly to search and inquire of and concerning all Goods of Traitors, Pirates, Manslayers, Felons, Fugitives, and Felons of themselves, and concerning the bodies of persons drowned, killed, or by any other means coming to their death in the sea, or in any ports, rivers, public streams, or creeks, and places overflowed, and also concerning Mayhan happening in the aforesaid places, and Engines, Toils, and Nets prohibited and unlawful, and the occupiers thereof: And moreover, concerning Fishes Royal, namely: Whales, Riggs, Gram-pusses, Dolphins, Sturgeons, and all other fishes whatsoever, which are of a great and very large bulk or fatness, by right or custom any ways used, belonging to us and to the Office of our High Admiral of England; and also of and concerning all casualties at Sea, Goods wrecked, Flotzon, Jetson, Lagon, Shares, things cast overboard, and wreck of the sea, and all Goods taken and to be taken as derelict, or by chance found or to be found, and all other Trespasses, Misdemeanors, Offences, Enormities and Maritime Crimes whatsoever done and committed, or to be done and committed, as well in and upon the High Sea, as in all Ports, Rivers, Fresh Waters and Creeks and Shores of the Sea to High water mark, from all first bridges towards the sea in and throughout our said Province of Lower Canada, and Maritime Coasts thereof, and thereunto belonging, howsoever, whensoever or by what means soever arising or happening, and all such things as are discovered and found out, as also all fees, mulets, amercements, and compositions due and to be due in that behalf, to tax moderate, demand, collect and levy, and to cause the same to be demanded, levied and collected, and according to law to compel and command them to be paid, and also to proceed in all and every the causes and businesses above recited and in all other Contracts, causes, contempts, and offences whatsoever, howsoever contracted or arising, so that the Goods or Persons of the Debtors may be found within the jurisdiction of the Vice Admiralty Court in our Province of Lower Canada aforesaid, according to the Civil and Maritime Laws and customs of our said High Court of Admiralty of England anciently used, and by all other lawful ways, means, and methods, according to the best of your skill and knowledge; and all such Causes and Contracts to hear, examine, discuss, and finally determine, (saving nevertheless the right of appealing to us in Council, and saving always the right of our said High Court of Admiralty of England, and of the Judge and Registrar of our

said Court, from whom or either of them it is not our intention in any thing to derogate by these presents,) and also to arrest, and cause and command to be arrested all Ships, Persons, Things, Goods, Wares, and Merchandizes for the Premises, and every of them, and for other causes whatsoever concerning the same, wheresoever they shall be met with or found within our Province of Lower Canada aforesaid, and Maritime parts thereof, either within liberties or without, and to compel all manner of persons in that behalf, as the case shall require, to appear and to answer, with power of using any temporal coercion and of inflicting any other penalty or mulct, according to the Laws and customs aforesaid, and to do and minister Justice according to the right order and course of the Law, summarily and plainly looking only into the truth of the fact; and we empower you in this behalf to Fine, Correct, Punish, Chastise and Reform and Imprison, and cause and command to be Imprisoned in any Gaol, being within our Province of Lower Canada aforesaid, and Maritime parts of the same, the Parties guilty and Violators of the Law and Jurisdiction of our Admiralty aforesaid, and Usurpers, Delinquents, and contumacious Absenters, Masters of Ships, Mariners, Rowers, Fishermen, Shipwrights, and other workmen and Artificers whomsoever, exercising any kind of Maritime affairs as well, according to the aforementioned Civil and Maritime Laws and Ordinances and Customs aforesaid, and their demerits, as according to the Statutes and Ordinances aforesaid, and those of our United Kingdom of Great Britain and Ireland, for the Admiralty of England in that behalf made and provided, and to deliver and absolutely discharge, and cause and command to be discharged whatsoever other persons imprisoned in such cases, who are to be delivered, and to promulge and interpose all manner of Sentences and Decrees, and to put the same in execution with cognizance and jurisdiction of whatsoever other causes, Civil and Maritime, which relate to the Sea, or which in any manner of ways respect or concern the Sea or Passage over the same, or Naval or Maritime Voyages performed or to be performed, or the Maritime jurisdiction aforesaid, with power also to proceed in the same, according to the Civil and Maritime Laws and customs of our aforesaid Court anciently used, as well those of mere Office mixed or promoted, as at the instance of any Party, as the case shall require and seem convenient. And we do by these presents, which are to continue during our Royal will and pleasure only, further give and grant unto you, Henry Black, our said Commissary, the power of taking and receiving all and every the Wages, Fees, Profits, Advantages, and Commodities whatsoever, in any manner due and anciently belonging to the said Office, according to the customs of Our High Court of Admiralty of England, committing unto you Our power, authority, concerning all and singular the premises in the several places above expressed, saving in all things the prerogative of Our High Court of Admiralty of England aforesaid; together with power of deputing and surrogating in your place, for and concerning the Premises, one or more Deputy or Deputies: Provided always, that the power of deputing and surrogating one or more Deputy or Deputies in your place and stead, shall only be exercised on good and sufficient cause shewn, and that cause to be approved by Our Captain General and Governor in Chief in and over Our said Province of Lower Canada, or Lieutenant Governor or the Officer administering the Government of Our said Province for the time being. And further, We do in Our name command, and firmly and strictly charge all and singular Our Governors, Commanders, Justices of the Peace, Mayors, Sheriffs, Marshals, Keepers of all our Gaols and Prisons, Bailiffs, Constables, and all other Our Officers and Ministers and faithful and liege Subjects in and throughout Our aforesaid Province of Lower Canada, and the Maritime parts of the same and thereto adjacent, that in the execution of this Our Commission they be from time to time aiding, assisting, and yield obedience in all things, as is fitting unto you and your Deputy whomsoever, under pain of the Law and the peril which will fall thereon. Given at London, in the High Court of Our Admiralty of England aforesaid, under the Great Seal thereof, the twenty-seventh day of October, in the year of our

Lord one thousand eight hundred and thirty-eight, and of Our Reign the Second.

ARDEN,
Registrar.

Rules and Regulations made in pursuance of an Act of Parliament passed in the Second year of the Reign of His Majesty, King William the Fourth, touching the practice to be observed in Suits and Proceedings in the several Courts of Vice Admiralty abroad, and established by the King's Order in Council.

WHEREAS by an Act passed in the Second Year of His present Majesty, King William IV., entitled, "An Act to regulate the Practice and the Fees in the Vice-Admiralty Courts abroad, &c.," His Majesty is empowered to make such Rules, Regulations and Fees, and to alter them from time to time, as may be found expedient, in the Vice Admiralty Courts abroad; and whereas, by an Order in Council of the 23rd of June, 1832, His Majesty has been pleased to authorize us to carry into effect the following Rules, Regulations, and Tables of Fees, to be taken and received by the respective Officers of the said Courts. We send you herewith a book containing copy of the aforesaid Act, Order in Council, Table of Fees, and the Regulations of Practice to be observed in the Vice-Admiralty Court under your jurisdiction; and hereby desire and direct, that the Judge, Officers and Practitioners in the said Court be governed by the same accordingly.

J. R. G. GRAHAM,
T. M. HARDY,
G. H. L. DUNDAS,
S. JOHN BROOKE PETCHELL,
G. BARRINGTON,
H. LABOUCHERE.

To the Vice-Admiral, and the respective Officers and Practitioners of the Vice-Admiralty Court of Quebec.

By Command of their Lordships,
JOHN BARROW.

ANNO SECUNDO GULLIELMI IV. REGIS.

CAP. LI.

An Act to regulate the Practice and the Fees in the Vice Admiralty Courts abroad, and to obviate Doubts as to their Jurisdiction.—
23rd June, 1832:

WHEREAS it is expedient that provision should be made for the Regulation of the practice to be observed in the Suits and Proceedings in the Courts of Vice Admiralty in His Majesty's Possessions abroad, and for the establishment of Fees to be allowed and taken in the said Courts by the respective Judges, Officers, and Practitioners therein: Be it therefore enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, that it shall be lawful for His Majesty, with the Advice of His Privy Council, from time to time to make and ordain such Rules and Regulations as shall be deemed expedient touching the practice to be observed in Suits and Proceedings in the several Courts of Vice Admiralty at present or hereafter to be established in any of His Majesty's Possessions abroad, and likewise from time to time to make, ordain, and establish Tables of Fees to be taken or received by the Judges, Officers, and Practitioners in the said Courts, for all Acts to be done therein, and also from time to time, as shall be found expedient, to alter any such Rules, Regulations, and Fees, and to make

any new Regulations and Table or Tables of Fees; and that all such Rules, Regulations; and Fees, after the same shall have been so made and established or altered, from time to time be entered or enrolled in the Public Books or Records of the said Courts, so far as such Practice and Fees shall relate or apply to each of such Courts respectively.

II. And be it further enacted, That a Copy of every Table of Fees so to be from time to time made and established or altered, shall be laid before the House of Commons within three calendar months next after the making and establishment or alteration thereof respectively, if Parliament shall be then sitting, and if not, then within one calendar month next after the subsequent meeting of Parliament.

III. And be it further enacted, that the several Fees so to be established, and no other, shall, from and after the making and establishment thereof, and the entry and enrollment thereof as aforesaid, be deemed and taken to be the lawful Fees of the several Judges, Officers, Ministers and Practitioners of the said respective Courts; and such Fees only shall and may be demanded, received and taken accordingly.

IV. And to the intent that all such Regulations and Fees may be promulgated and publicly made known, be it further enacted, That the Judge and Registrar of every such Court shall cause to be kept constantly hung up and preserved in some conspicuous part of every such Court, and in the Office of the Registrar, a copy of the Table of Fees so to be from time to time ordained and established in such Courts respectively, so that the said Table may be seen and read by all persons having any business in any such Court and Office respectively; and that the books or records containing the entries of the said Regulations and Tables of Fees, as the same shall be in force, shall be at all seasonable times open to the inspection of the Practitioners and Suitors in every such Court.

V. And be it further enacted, that in all cases in which proceedings may be had in any of the said Vice Admiralty Courts, if any person shall feel himself aggrieved by the charges made by any of the Officers or Practitioners therein, and the allowance thereof by such Vice Admiralty Court, by reason that such charges are not warranted by the Tables hereinbefore mentioned, it shall be lawful for such person or his agent, under the Regulations to be established in pursuance of the powers given by this Act, by summary application to the High Court of Admiralty, to have the said charges taxed by the authority thereof.

VI. And whereas in certain cases doubts may arise as to the Jurisdiction of Vice Admiralty Courts in His Majesty's Possessions abroad, with respect to suits for seamen's wages, pilotage, bottomry, damage to a ship by collision, contempt in breach of the Regulations and Instructions relating to His Majesty's Service at sea, salvage, and Droits of Admiralty: Be it therefore enacted, That in all cases where a ship or vessel, or the Master thereof, shall come within the local limits of any Vice Admiralty Court, it shall be lawful for any person to commence proceedings in any of the suits hereinbefore mentioned in such Vice Admiralty Court, notwithstanding the cause of action may have arisen out of the local limits of such Court, and to carry on the same in the same manner as if the cause of action had arisen within the said limits.

At the Court of St. James's, the 27th day of June, 1832.

PRESENT :

THE KING'S MOST EXCELLENT MAJESTY IN COUNCIL.

WHEREAS there was this day read at the Board a Memorial from the Right Honorable the Lords Commissioners of the Admiralty, dated the 19th instant, in the words following, viz:—

“Whereas by an Act passed in the second year of Your Majesty's Reign for the regulation of the practice to be observed in the Suits and Proceedings in the Courts

of Vice Admiralty in Your Majesty's Possessions abroad, and for the establishment of Fees to be allowed and taken in the said Courts by the respective Judges, Officers, and Practitioners therein, it is enacted that it shall be lawful for Your Majesty, with the advice of Your Privy Council, from time to time to make and ordain such Rules and Regulations as shall be deemed expedient, touching the practice to be observed in Suits and Proceedings in the several Courts of Vice Admiralty, at present or hereafter to be established in any of Your Majesty's Possessions abroad; and likewise, from time to time, to make, ordain, and establish Tables of Fees to be taken or received by the Judges, Officers, and Practitioners in the said Courts, for all acts to be done therein; and also, from time to time as shall be found expedient, to alter any such Rules, Regulations, and Fees, and to make any new Regulations, and Table or Tables of Fees; and that all such Rules, Regulations, and Fees, after the same shall have been so made and established or altered, shall, from time to time, be entered or enrolled in the public books or records of the said Courts, so far as such Practice and Fees shall relate or apply to each of such Courts respectively.

“And whereas among other provisions of the said Act it is ordained, with respect to doubts that may arise as to the jurisdiction of Vice Admiralty Courts in His Majesty's Possessions abroad, or to suits for seamen's wages, pilotage, bottomry, Damage to a Ship by collision, contempt in breach of the Regulations and Instructions relating to His Majesty's Service at sea, Salvage and Droits of Admiralty, that in all cases where a ship or vessel, or the Master thereof, shall come within the local limits of any Vice Admiralty Court, it shall be lawful for any person to commence proceedings in any of the suits before-mentioned in such Vice Admiralty Court, and to carry on the same in the same manner as if the cause of action had arisen within the said limits.

“And whereas we deem it of great importance that one uniform system of practice should prevail in all the Vice Admiralty Courts in Your Majesty's Colonies, we would most humbly submit to Your Majesty that Your Majesty will be pleased by Your Order in Council, to authorize us to carry into effect the said Rules and Regulations touching the practice in suits and proceeding in the said Courts, as laid down in a Report of certain Referees appointed by the Lords Commissioners of Your Majesty's Treasury, and approved by the Judge and other competent Law Authorities of the High Court of Admiralty of England; and also that the Tables of Fees proposed and approved by the said Authorities may be established by Your Majesty's Order in Council, as the only Fees to be taken and received by the Judges, Registrars, Marshals, Advocates and Proctors of the Vice Admiralty Courts of the respective Colonies, as laid down by the Referees, and approved by the Law Authorities above mentioned.

“And further that we be authorized to carry into execution all other provisions contained and set forth in the Act of Parliament aforesaid”

His Majesty, having taken the said Memorial into consideration, was pleased, by and with the advice of His Privy Council, to approve of what is therein proposed; and the Right Honorable the Lord Commissioners of the Admiralty are to give the necessary directions therein accordingly.

W. L. BATHURST.

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Rules and Regulations to be observed in the several Courts of Vice Admiralty.

§ 1. *As to the holding of Courts.*

Courts are to be regularly held at short intervals by adjournment from day to day; but the Judge is authorized to sit on any intermediate day as herein after provided, in case the despatch of business, or other necessity shall require. The practice which has prevailed in many of the Vice Admiralty Courts of presenting a petition to the Judge to appoint a day for holding a Court is from henceforth to cease.

The Judge is to be at convenient times accessible to his chambers, that he may be, if necessary, consulted by the Registrar on any incidental matter, or for the purpose of hearing a motion by Counsel, or directing the sale of perishable goods, or doing any other act which the emergency of a case may render requisite to be done.

§ 2. *Surrogates.*

The admitted Advocates of each Court are to be appointed Surrogates, to do, in the absence of the Judge, ordinary, or common form acts (but none other), such as the administering an oath to a witness, decreeing a monition, taking bail, and the like; but in those Courts in which the Advocate is allowed to act as a Proctor also,

no judicial act of any kind is to be sped by a practitioner in any cause in which he may be professionally retained or interested.

When an Advocate is to be admitted a Surrogate, he is to attend with the Registrar before the Judge, and, on being sworn faithfully to execute his office, is to be admitted. The Registrar is then to make an entry of such admission in the Minute or Assignation Book, and attest the same.

§ 3. *Registrar and Marshal to be sworn.*

The persons to be appointed to execute the several offices of Registrar and Marshal are to be sworn faithfully to perform their respective duties.

§ 4. *Registry Office.*

The Registry of the Court is to be accessible to suitors at convenient hours in the day throughout the year; and a person of competent skill and knowledge is to be in regular attendance there, for all requisite purposes.

§ 5. *Registrar's Duties.*

The duty of the Registrar is to attend all sittings of the Court, and also before the Judge, or Surrogate in Chambers, and to make minutes of every act of Court or decree, and to enter the same in an Assignation Book, to be kept for the purpose, which is to form a record of the proceedings of the Court; he is to fyle, or take the custody of all pleas, depositions, documents, exhibits, and papers brought into Court, recording the receipt thereof in the Assignation Book, briefly stating the papers so received, and the date of their receipt. He is to take the depositions of all witnesses examined upon pleas and interrogatories. If from illness, or any other sufficient cause, he should be unable to perform this duty, he may, with the consent of the Judge, appoint some other competent person to act for him on those occasions. He is to make, or procure to be made, translations of such documents in foreign languages brought into Court as may be required by the Judge, or by the Proctor of either party. He is to make and to attest copies of all records, documents, and papers that may be requisite. He is to draw all bail bonds, or recognizances, and to be present at and attest the execution thereof before the Judge or Surrogate. He is to prepare, sign, and seal all warrants, commissions, and instruments issuing under the seal of the Court. He is also to collect from the practitioners, and receive for the Judge's use, the fees payable to him. He is to have the custody of all monies paid into Court, and to remit them when required, by bills of exchange or other valid securities, to England. He is prohibited from acting either as Advocate or Proctor in any suit, matter, or proceeding in the Court of which he is a Registrar.

§ 6. *Marshal's Duties.*

The Marshal is to attend the Judge in Court on all Court days. He is to enquire and report as to the sufficiency of persons proposed for bail. He is to execute all such warrants, decrees, monitions, and other instruments as shall be issued from the Court, and be directed to him; and he is to make due returns thereof.

In cases where, in order to avoid expense, it may be deemed requisite to employ others than the Marshal to execute process at any great distance from the Court, the instrument is to be addressed as follows:—

“To all and singular Mayors, Justices of the Peace, Bailiffs, Constables, Officers and ministers of Justice, or literate persons whomsoever, and more especially to the Collector and Comptroller of our Customs at the port of——;” or in some similar form, if more appropriate to the existing authorities in the colony.

And on those occasions either the Collector or Comptroller of the Customs is to be preferred, unless they are parties to, or interested in the suit.

And with the same view of avoiding expense, it is expedient that other duties which properly belong to the office of Marshal, and which require to be performed at a distance from the Court, be executed by others; in which cases, commissions are to be addressed specially to any competent persons, by name, resident near the place where such duties are to be performed.

§ 7. *Proceedings by Action.*

These are to commence with an entry by a Proctor, in a book to be kept in the Registry for that purpose, called the "Action Book*" of the action in a given sum sufficient to cover the demand and the probable amount of costs; but this sum is on no account to be excessive. Before any warrant is issued, the party applying for the same is to exhibit to the Registrar an affidavit,† setting forth the nature of the demand, that application for payment has been made without effect to the parties concerned, and that the aid and process of the Court are required for the enforcement thereof. Upon the leaving of this affidavit in the Registry, a warrant,‡ specifying the amount of the action, may issue to arrest the property proceeded against or the persons in cases where personal arrest is lawful; but personal arrest is never to be resorted to when the ends of justice can be otherwise obtained. The Proctor, having obtained the warrant from the Registrar, is to make a copy of it, and then deliver the warrant and copy to the Marshal, with instructions for the execution of the process. If the instrument is to be served on a ship, cargo, and freight at different places, as many different copies thereof as are requisite, must be made by the Proctor for that purpose. Every copy is to be examined with the original by the Marshal, or the person serving the instrument.

§ 8. *Execution of Warrants.*

When a ship is, or a ship and cargo are, to be arrested, the warrant is to be affixed on the mainmast or some conspicuous part of the vessel for a short time, and a collated copy of it left on board; and when goods only are to be arrested, (either for the purpose of proceeding against such goods or the freight due thereon,) the warrant is to be affixed for a short time on part of the goods, and a collated copy thereof left thereon, or with any person in whose actual custody the goods may be.

In cases of personal arrest the warrant under the seal of the Court must be shewn to the party before he is taken into custody.

A certificate § of the service of every warrant executed by the Marshal is to be indorsed thereon, and signed by him, in which he is to set forth the time when, and the mode by which the service was effected.

When a warrant is served by any other person than the Marshal, there must be, in addition to a similar certificate of the person serving it, his affidavit in the verification thereof.¶

The warrant having been served is to be delivered back to the Proctor, to be by him returned into the Registry at the time when it purports to be returnable; and the Registrar is then to attend with the Proctor before a Judge or Surrogate, and enter a minute in the Assignment Book, that the warrant has been returned duly served and executed.¶¶

§ 9. *Appearance and Bail.*

After the entry of an action, and before the issue of a warrant, the defendant may voluntarily appear, and give bail, and thus avoid the expense consequent on the issue of process.

An appearance alone, without any bail, may be sufficient for the purpose of contesting a suit, but in cases of the arrest of property or of the person, either the

* See forms of Actions, No. 1 to 14.

† See Affidavits to lead Warrants, No. 15 to 20.

‡ See forms of Warrants, No. 21 to 34.

§ See Forms No. 35 to 37.

¶ See the Form of this Affidavit, No. 38.

¶¶ See Form of Minute, No. 39.

demand must be satisfied, or competent bail given before the property or person is released from the arrest.

In order to avoid unnecessary detention when the arrest is to take place at a distance from the Court, a commission for taking bail is to accompany the warrant, as an authority to the party serving the warrant or release the individual or the property on sufficient bail being given.

§ 10. *Proceeding by Default.*

In the case of property arrested, and no party appearing after the return of the warrant, the cause may proceed by default, or *pœnam contumaciæ*. To this end, on the day the warrant is returned, the parties cited and not appearing, are, at the petition of the Proctor, to be pronounced by the Judge or Surrogate to be in default, and an entry to that effect is to be added by the Registrar to the minute on the return of the warrant in the Assignation.*

At the expiration of two months from the return of the warrant, if no appearance be given, the parties cited are again to be pronounced in default, and the promoter is to be entitled to a decree pronouncing for the amount of his demand, and given him a lien on the property; which decree is to be drawn by the Proctor, who, after it has been perused and settled by the Registrar, is to make a fair copy of it for the Court.†

An affidavit in verification of all the facts mentioned in a decree is to be made by the party proceeding, which affidavit is to be drawn by the Proctor, and submitted to the Registrar.‡

The Proctor is then to prepare a short case detailing the proceedings, which, with, a copy of the affidavit, he is to deliver to counsel as instructions to move the Court to sign the decree, of which, when signed by the Judge, to the Registrar is to make a minute in the Assignation Book.§

On the same Court day, or on any subsequent adjourned Court day, if an affidavit || of two persons is exhibited, stating that the property proceeded against is perishable and likely to deteriorate in value, the Judge is to direct a decree of appraisement and sale to issue, of which the Registrar is also to make an entry.¶ This decree is then to be delivered by the Registrar to the Proctor, and by the latter to the Marshal, with instructions for its execution.** The Marshal is thereupon to select a broker, or other person conversant with the value of the property, and to administer an oath to him justly and faithfully to inventorize and appraise the ship her tackle, apparel and furniture, or the goods, as the case may be. An inventory and appraisement are then to be made, and the Marshal is to cause the property to be publicly advertised by printed bills or otherwise, and, after sufficient public notice of the intended sale, to be sold by auction. The sale being completed, the Marshal is to return the decree (with his certificate as to the execution thereof) into Court, or before the Judge or Surrogate in Chambers, and to bring in at the same time the inventory and appraisement, with a more extended return of the Marshal†† and appraiser, signed by them, setting forth the particulars and the value of the ship or goods as appraised; and he is also to bring the account of sales and proceeds into the Registry within the time specified in the decree.‡‡

If the property be of considerable value, two brokers or appraisers may be employed, provided there is sufficient reason for the same. The property is never to be sold under the appraised value, unless by special order of the Court; and if the appraised value cannot be obtained after an attempt to sell, the Marshal is to

* See Form of Minute, No. 40.

† See Forms Nos. 41 and 42.

‡ See Forms Nos. 43 and 44.

§ See Forms Nos. 45 and 46.

|| See Form No. 47.

¶ See Minute on granting a Decree of Appraisement and Sale, No. 48.

** See Decrees of Appraisement and Sale, Nos. 49 and 50.

†† See Forms of Return, Nos. 51 and 52.

‡‡ See Form of Minute, No. 53.

exhibit an affidavit,* of at least two persons, stating that the property had been only advertised and put up at public auction, when only a certain sum was bid for the same. And if the Judge be then satisfied that all has been done as properly and fairly as if the owner himself had been selling his own property, he is to direct the same to be sold at a reduced price, but not for less than a sum which he in his discretion is to fix. A minute† of such order is to be entered by the Registrar in the Assignation Book, and the property is then to be offered again to sale by public auction.

When the proceeds are brought into the Registry, the Registrar may pay out of the Court to the party proceeding, on his application for that purpose, the amount of the debt pronounced for, together with the costs of the suit, the same being first duly taxed and allowed by the Judge.

When a decree pronouncing for the interest of a party proceeding by default has been signed by the Judge, if any other party should also proceed against the property, he will be entitled, on motion of Counsel, to have his interest pronounced for by an interlocutory decree,‡ after the warrant has been returned two months, and a second default has been incurred in his particular suit. On this occasion a similar affidavit must be exhibited to that required on obtaining the decree for the interest of the party who had originally proceeded by default.

The balance of proceeds, if any remain in the Registry after satisfying the amount pronounced for and costs, may, on production of the Ship's Register, or other satisfactory evidence of ownership, be paid out to the owner. But if his application be made within a year and a day from the return of the warrant, he is to give bail to answer latent demands.§

The sufficiency of sureties is to be reported upon by the Marshal, and the bail must be given in the manner hereinafter mentioned respecting, bail to answer an action in a contested suit.

In a case proceeding by default or in *penam*, the owners of the property are to be allowed to contest the suit at any time before the expiration of a year and a day from the return of the warrant; but if they neglect to appear until they have been pronounced in default, they must on appearing, pay contumacy fees, viz., all the costs occasioned by such their neglect, including the charges for keeping possession beyond the time specified in the warrant for its return, which costs are to be taxed by the Court.

§ 11. Contested Suits

In contested suits the property remains in the custody of the Court, but if the release thereof be a material object to the owner, or to the party defendant, it may be delivered to him on sufficient bail by two persons severally in the amount for which the action has been entered. Causes of possession, however, are notailable unless by the special direction of the Judge. Bail to answer an action, and all bail bonds or recognizances are to be given, in the following manner:

The Proctor who is to produce the sureties is to furnish the Marshal and also the adverse Proctor with the particulars, in writing, of the names of the proposed bail, their address and occupation; and the Marshal, having made due enquiry as to their sufficiency, is to deliver his report || thereon to the Proctor proposing the bail, who is then to instruct the Registrar to prepare the bail-bond.¶ The Registrar, the two Proctors, and their sureties, are then to attend the Judge or Surrogate, and, upon the recognizances being duly entered into, the property is to be released upon an instrument** to be drawn by the Marshal and issued immediately after bail has been given. This form is to be dispensed with when the bail is taken by commission.

* See Form No. 54.

† See Form No. 55.

‡ See Form No. 56.

§ See Form of Bond, No. 57.

|| See Form of Report, No. 58.

¶ See Bail-Bonds, No. 59 to 67.

** See Form of Release, No. 68.

It is competent to the adverse Proctor to object to the proposed sureties, in which case the Judge is immediately to decide on the validity of the objections. If the adverse Proctor do not attend at the production of the sureties, the bail may be taken *ex parte* upon an affidavit, * to be prepared by the Proctor producing them, that he has given twenty-four hours' notice in writing of their names, address, and occupation, which affidavit is to be left in the Registry.

Should a party appear under protest, either objecting to the jurisdiction of the Court or on any other ground on which he means to contend that he is not liable to answer the action, his appearance must be entered by the Registrar in the Assignment Book as given under protest, and the party so appearing is to be assigned to deliver his act on protest to the adverse Proctor within a limited time.† The same course of proceeding is to be pursued on the act on protest as in cases of acts on petition (hereafter stated) up to the time of the hearing, when the Judge is either to pronounce for the protest and dismiss the suit, or overrule the protest and assign the party to appear absolutely, and the cause is then to proceed as if no appearance on protest had been given.

In contested suits the facts may be established either by libel or plea, and the examination of witness thereon styled "Plea and Proof;" or by an "Act on Petition," supported by affidavits, to which may be annexed exhibits or other documents to be verified in the affidavits.

§ 12. *Proceedings by Plea and Proof.*

When an appearance has been entered, the defendant is entitled to an assignation on the plaintiff to exhibit a libel within a time to be limited by the Judge.

The libel or plea is to be drawn by the plaintiff's Proctor‡ and settled by Counsel, and then a fair copy, signed by Counsel, is to be made for the Court, and brought in pursuant to the assignation; § a copy is also to be delivered to the adverse Proctor, and each Proctor is entitled to make copies for the use of his Counsel at the hearing.

There may be annexed to the libel or plea, documents or exhibits pleaded or referred to therein, of which copies are to be made in like manner, the originals being brought into Court. And upon the libel or plea being brought in, the Judge is to assign to hear, on admission thereof, on the next Court day, or at the time to be named by him. The defendant's Proctor may then lay the libel or plea before Counsel for his advice, if the same be opposable, and if it be deemed by him not sufficient in law (supposing it be true) to warrant the plaintiff's prayer, the admission of it may be opposed; whereby if the plaintiff has no legal cause of action, the suit may be stopped *in limine*, it being the duty of the Judge to reject all pleas, which, if assumed to be true, will not justify him in pronouncing a decree for the party giving in such plea. Or if the plea contains matter unnecessary or irrelevant to the cause of action, or is drawn too diffuse or argumentative a manner, the admission thereof may be opposed. Upon these objections coming to be debated, the Judge will order the plea to be admitted, reformed, or altogether rejected as he shall see cause. If ordered to be reformed, the Judge will in his discretion direct the objectionable matter to be expunged and other points modified. ¶ If ordered to be rejected, such rejection puts an end to the suit.

On the libel being debated, a case on each side is to be prepared by the respective Proctors, and delivered to the Counsel with copies of the libel and of the exhibits, if any, which copies, however, must afterwards serve for the use of the Counsel at the final hearing.

* See Form of Affidavit, No. 69.

† See Form of Act, No. 70.

‡ See Libels, No. 71 to 75.

§ See Form of Minute on bringing in Libel, No. 76.

¶ See Minute admitting, reforming or rejecting Libel, No. 77 to 80.

Pleas, the admissibility of which is not objected to, are admitted to proof, of course.

Pleas or allegations given in a subsequent stage of a cause, may be admitted, referred, or rejected in a similar manner.

On the libel being admitted, the Proctor giving in the same is to be assigned to prove its contents by evidence within a time to be limited by the Judge, and the party giving in the plea is entitled, if he desires it, to the personal answers in writing of the adverse party.* In that case a decree for answers is to be extracted from the Registry and served on the party, by shewing him the original under seal, and leaving with him a copy thereof. The answers are to be drawn by the Proctor for the party required to give in the same, who must answer specifically to all the facts or allegations in the plea which are within his own knowledge, by either admitting or denying the same; and as to all matters, he must answer to his belief or disbelief.

No extraneous or irrelevant matter is to be introduced, but the party may set forth any matter necessary to explain his answer. If any facts are introduced which are capable of proof by witnesses, they must be established by evidence regularly taken on a plea. The answers † are to be settled by Counsel, and then the party attended by his Proctor is to be sworn ‡ to the truth thereof before the Judge or Surrogate in the presence of the Registrar, who is to make and sign an attestation at the foot thereof. The Registrar is then to file them and make a minute § in the Assignment Book, of their having been sworn and brought into Court. The adverse Proctor may immediately inspect them without waiting for publication, and may have an office copy of them. And if they be insufficient, redundant, or contain matter not pertinent, may be objected to in the same manner as a libel or plea.

If after the return of a plea personally served, the party does not give in his answer within the time assigned, the Judge may decree an attachment against him for his contumacy: but, notwithstanding this measure, the Proctor for the plaintiff may proceed with the production of his witnesses and take other requisite steps in the cause.

§ 13. Examination of Witnesses.

The name of the witness || and a designation of the specific articles of the libel or plea on which he is to be examined, must be delivered to the adverse Proctor and to the Registrar or Examiner, whereupon the Proctor giving in the plea is to attend the witness and produce him before the Judge or Surrogate, in Court or chambers, when the witness is to be immediately sworn in the presence of the Registrar. ¶ Due notice of his intended production must be given to the adverse Proctor, who may attend if he think fit. On the witness being sworn, the Registrar is to make an entry thereof in the Assignment Book. **

The deposition in chief is not to be taken upon written interrogatories, but by relevant questions put *viva voce* by the Registrar or Examiner, †† and arising out of circumstances pleaded, but not so put as to lead the witness. If there are several pleas, witnesses are to be examined on each plea. The witness must not be dismissed until the lapse of twenty-four hours from the time of his production, so that the adverse Proctor may have an opportunity to cross-examine him by interrogatories in writing if he think fit; and this time may be extended on reasonable cause to be shewn by the Proctor through the Registrar to the Judge. †† Such interrogatories are to be drawn by the adverse Proctor, and, when practicable, settled by Counsel. They are then to be copied for and signed by Counsel, and delivered to

* See Decree for Answers, No. 81.

† See Answers, No. 82 to 85.

‡ See Oath, No. 86.

§ See Minute, No. 87.

|| See Form, No. 88.

¶ See Oath, No. 89.

** See Minute No. 90.

†† See Forms used in the High Court of Admiralty, No. 91 to 95.

‡‡ See Forms, No. 96 to 99.

the Registrar, with instructions as to the particular interrogatories to be administered to each witness. When the witness has been examined in chief, and also upon interrogatories, if any are to be administered, the depositions in chief, and also the answers to the interrogatories (if any,) are to be read over to or by the witnesses and signed by him, and he is then to attend with the Registrar before the Judge or Surrogate in chambers, and make a declaration that he knows the contents of his deposition, and that the same are true in virtue of the oath by him taken on his being produced; and an attestation thereof is to be made at the foot of the deposition by the Registrar or Examiner.

The evidence of the witnesses is in all cases to be kept closely sealed, and the contents thereof are not to be divulged until publication shall have been passed; after which, but not sooner, the Proctor administering the interrogatories, if any are administered, is to deliver a copy thereof to the Proctor producing the witness.

In the event of any witness refusing to attend to be examined, his necessary expenses having been tendered to him (but not otherwise,) a compulsory or subpoena, * to be prepared by the Registrar, may be extracted, and served on the person so refusing to attend, by shewing to him the original instrument under seal, and leaving with him a collated copy thereof, and if he do not appear to this process, an attachment may issue against him for his contempt.

The witnesses for the plaintiff being all examined, his Proctor may on the first court-day afterwards pray publication of the evidence, which is to be decreed to take place at a time to be fixed by the Judge; † and at the expiration of that time it is imperative on the opposite party to plead if he intends to do so at all; for this purpose, he is to attend before the Registrar or Surrogate, and declare in a minute ‡ of Court that he intends to offer an allegation § or counter-plea, and the same must be brought into Court within a reasonable time, to be assigned by the Judge. In that case, publication of the evidence must be stayed until the allegation be disposed of, either by being admitted or rejected by the Court, or by the party abandoning the intention of giving it in. If admitted, publication must be stayed until the whole evidence in the cause be taken. In the event of no allegation or counter-plea being given, or, if given, being rejected by the Court, or withdrawn by the party, publication of the evidence is to take place; and thereupon the depositions may be inspected on each side, and copies thereof furnished to the parties at the request of their Proctors, who may make copies thereof for their respective Counsel.

After the evidence has been inspected, neither party can claim as a matter of right to give any further plea or allegation in the principle cause; but if the Judge shall be satisfied by affidavit that there is any matter important to the issue, which could not have been pleaded before by reason that knowledge thereof had not come to the party prior to, or that the fact had occurred after the publication, the Judge in his discretion may allow such matter to be pleaded.

Allegations exceptive to the testimony of witnesses ¶ may be given after publication in cases only where the matter on which they are founded, arises out of the evidence of the witness or witnesses excepted to, and where the contradiction, if proved, would tend materially to destroy his or their credit; but no allegation exceptive to the testimony of witnesses is to be admitted, if the facts it contains either have been or could have been pleaded before publication. After publication, no allegation, pleading generally that the witness is not worthy to be believed on his oath, is to be received. Any such allegation, when offered, must precede publication, and must plead generally that the witness is of bad character and reputation, and not to be believed on his oath without imputing to him any specific charges.

* See Form No. 100.

† See Minute, No. 101.

‡ See Minute No. 102.

§ See Forms of Allegation, No. 108 to 107.

¶ See Forms Nos. 108 and 109.

When several pleas are given in a cause, witnesses are to be examined on each plea; and all other steps are to be pursued in the same manner as directed in respect of the plaintiff's libel.

It is the duty of the Proctors to take especial care that the libel and defensive allegation contain all the facts material to the decision of the cause, so that several pleas may not unnecessarily be given.

When publication shall have taken place on all pleas, the cause is to be set down to be heard at a time to be appointed by the Judge. Counsel are to be furnished with copies of all material papers, viz., pleas, exhibits, and depositions of witnesses, but not of warrants, decrees, or other formal instruments, unless from circumstances the contents of such instruments may be material to the discussion of the cause. A case for hearing on each side is to be prepared by the respective Proctors, briefly stating the proceedings which have taken place, and calling the attention of Counsel to the decree which each party may pray, the Judge to pronounce. The evidence is not to be abstracted, nor are documents of which Counsel are furnished with copies to be more than merely described in the case. All lengthened details are to be avoided, but the attention of Counsel is to be directed to the principal points. A reasonable fee is to be paid to Counsel on the hearing; and if the case takes more than one day in argument, a moderate additional or refreshing fee is to be given for each subsequent day. Definitive sentences in writing are only requisite in derelict and piratical cases. In other causes the Judgment may be given by interlocutory* decree, and entered by the Registrar in the Assignation Book.

If it become necessary to enforce a Judgment, a monition† is to be taken out against the party principal and his bail, and served in the manner before directed in regard to instruments requiring personal service. Upon the return into Court of the monition, with a certificate of its due service indorsed thereon, and the tenor thereof not being obeyed, the Judge, upon motion of Counsel, may decree an attachment‡ against the person of the party monished for his contempt; directing either the attachment to issue immediately, or to be suspended for a reasonable time, as circumstances may in his judgment require. This attachment§ is to be extracted from the Registry. The previous service of a monition may not always be necessary. Where the disobedience is manifest upon the face of the proceedings, and it is clear that the order of the Court must be known to the party, an attachment may be decreed without a previous monition; but in cases where sureties are to be attached, a previous monition is indispensable. Upon compliance with the order for disobedience of which the attachment issued, and upon payment of the costs of the attachment, the Marshal, or other person executing it, is to release the party, certifying to the Judge fully what has been done, but in cases of doubt he may resort to the Judge for directions previous to the release.

§ 14. *Proceeding by Act on Petition.*

In case bail has been given to the action, a minute is to be made in the Assignation Book by the Registrar, assigning the Proctor for the party proceeding to deliver his act on petition to the adverse Proctor by a time to be fixed by the Judge. The Proctor is then to set forth the facts of his case || in a plain narrative manner, without argument, and concluding with his prayer. This, having been settled by Counsel (for which purpose he is to be furnished with a copy), is to be copied fair for the Court, and then delivered to the adverse Proctor that he may reply thereto, and with the reply, it must be returned to the Proctor of the party proceeding, that he may make a rejoinder thereto if necessary. The reply and rejoinder must also be settled by Counsel in the same manner as the act.

* See Interlocutory Decrees, No. 110 to 130.

† See Monitions, No. 131 to 135.

‡ See Minutes, No. 136 to 139.

§ See Attachments, No. 140 to 145.

|| See Acts on Petition, No. 146 to 148.

The facts alleged in the act on petition are to be supported by affidavits; and any necessary exhibits, or documents annexed thereto, are to be verified in such affidavits, which are to be confined to the material averments, and are not to be settled by Counsel.

Should any delay occur in the delivery of the act from one Proctor to the other, either of them may allege the same, in the presence of the Registrar, before the Judge, who is to direct the act to be returned by a time to be specified; and if it be not returned by that time, or good cause shewn for the delay, the Judge is to assign to hear the act on petition *ex parte*, that no unnecessary postponement may take place, for which purpose a copy of the act, instead of the original, together with the affidavits on behalf of the party, must be brought in by the Proctor applying to have the cause so heard.

When the article is concluded, it is to be signed by both Proctors who are to attend before the Judge or Surrogate, in the presence of the Registrar, to bring in the same, together with the original affidavits and exhibits. No further affidavits or documents are to be afterwards received, unless by leave of the Judge obtained on special application. The Judge is then to appoint the cause for hearing, and thereupon one copy of the affidavits and exhibitions is to be made for each of the Counsel, and one for the adverse Proctor, to be delivered to him when the originals are brought in. The adverse Proctor is also to make copies for his own Counsel. The same rules, as to the preparing the case for hearing, delivering copies of papers, fees to Counsel, and the same proceedings for enforcing obedience to the decree, are to be observed as in a cause conducted by plea and proof.

§ 15. *Suits for Mariners' Wages.*

The same regulations as to the arrest of a Ship, the subsequent proceeding by default or *in pœnam*, and the rules for conducting a cause by plea and proof, are to be applicable to the suit of a mariner for his wages, which is called a cause of subtraction of wages, in which the mariner may proceed against the ship, freight, and master, or the ship and freight, or the owner or the master alone; and any number of mariners, not exceeding six, may proceed jointly in one action.

When an appearance is given, the Proctor for the party proceeding is entitled to an assignation on the defendant* to bring into Court the mariner's contract and ship's books; and he is not compelled to file his libel until they are so brought in.

The libel, if in common form and pleading no special matter, should state the hiring, rate of wages, performance of service, and the refusal of payment; and should have annexed to it a schedule, stating the whole amount of wages, with the sum received on account, and the balance claimed to be due. This plea is termed a summary petition, and should not be settled by Counsel.

§ 16 *Suits for Pilotage.*

Suits for the recovery of pilotage, where no party appears to defend the action, may be conducted by default or *in pœnam*. When contested, the proceeding will be by plea and proof; the libel or plea, as in suits for wages, if containing no special matter, is also called a summary petition, and need not be settled by Counsel.

§ 17. *Suits of Bottomry.*

These suits may likewise be conducted by default or *in pœnam*, and ships may be sold, in virtue of a decree of the Court, for the payment of bottomry bonds without any appearance having been given to defend the action.

When the validity of the bond is contested, the cause generally proceeds by act on petition and affidavits, but the party promoting the cause may, if he thinks proper, proceed by plea and proof: and it is competent to defendant, on his appearance, to require the cause to be conducted in that manner, for which purpose he must pray the Judge to assign the promoter to bring in a libel.

* See Minute, No. 149.

Before the warrant is extracted from the Registry, the original bond must be exhibited to the Registrar in addition to the usual affidavit.

§ 18 *Causes of damage by Collision.*

These causes may also be prosecuted by default or *in pœnam*. When defended, the suit is conducted by plea and proof, and differs in no respect from that mode of proceeding already detailed.

Suits of Damage by Beating or Assault on the High Sea.

In these cases the suit is by plea and proof, and the warrant is necessarily against the person.

Prosecutions for contempt in breach of the Maritime Law, and of the Regulations and Instructions relating to His Majesty's Service at Sea.

These prosecutions can only be instituted on complaint by an Officer in His Majesty's Navy, and under the directions of the Lord High Admiral or the Commissioners, for executing the office of Lord High Admiral of the United Kingdom, or of some one of the Admirals or Commanders in Chief of the naval squadrons abroad, and are to be conducted in the following manner:—

An affidavit* of two persons is to be exhibited by the Proctor for the Crown, stating the name and description of the party intended to be proceeded against, and detailing the particulars of the offence committed, which affidavit, with a short case, is to be delivered to the Advocate for the Crown to move the Judge to decree the warrant of arrest, who in making the decree, is to specify the amount of the bail to be given as he shall consider sufficient to ensure the personal appearance of the party prosecuted when judgment shall be pronounced. This amount is to be stated in the Action Book and on the face of the warrant. The Marshal is then to execute the warrant by the arrest of the person of the offender, who is to be liberated on giving sufficient bail, which is to be taken in the usual manner.

On the appearance being given, the Proctor for the Crown † is to be assigned to exhibit articles pleading the offence within a short time to be specified by the Judge.

These articles are to be prepared by the Proctor for the Crown, and may be settled by Counsel, and the cause is then to proceed like other suits, by plea and proof, with the following exceptions:

1st. On the articles or plea being admitted to proof, the defendant must be assigned to declare in act of Court, within a reasonable time, generally whether he denies the facts pleaded, which is termed giving a negative issue, or whether he confesses them, which is termed giving an affirmative issue.

2ndly. In case of an affirmative issue, the Judgment of the Court may be immediately pronounced, on which occasion the defendant is to be allowed to exhibit affidavits in mitigation of punishment, but not to deny the offence charged.

3rdly. Extended personal answers in writing to the different positions or averments of the articles cannot be required from the defendant.

4thly. Where a negative issue is given the defendant may be at liberty to offer a defensive plea.

After the evidence is taken, if the Judge shall decide that the charge is established, he will proceed to give sentence, imposing the fines due by law on the defendant and condemning him in the costs. In very aggravated cases the defendant may also be imprisoned for a limited time. Affidavits in mitigation may be offered and are to be received when the offence has been proved by evidence.

§ 19. *Suits for Salvage.*

The ordinary course of proceeding is by act on petition, but in cases where no

* See Affidavit, No. 150

† See Form, No. 161.

appearance is given these suits may be prosecuted by default or *in poenam*. The property must on no account be released from arrest until a value shall be agreed upon between the parties and alleged in minute.* of Court, which is to be entered by the Registrar in the Assignment Book.

If the value cannot be agreed upon, a decree † of appraisement must be extracted by the Proctor for the salvors, and executed and returned into Court before the property is released. This constat of the value is necessary both for regulating the amount of bail to be taken, and for guiding the Judge at the final hearing in fixing a proper remuneration for the services of the salvors, with reference to the value of the property saved.

§ 20. Causes of Possession.

These causes are to commence by the entry of an action at the suit of the owners or owner of a majority of interest in the ship, and a warrant is to be issued to obtain possession thereof from any party who may withhold the same. No amount of action need be inserted in the Action Book or on the face of the warrant.

An Affidavit ‡ of the party proceeding is to be prepared by the Proctor, and laid before Counsel, with a short case stating the circumstances, in order to move for the warrant, which can be obtained only on motion of Counsel. The affidavit need not previously, as in other cases, be left in the Registry. On this occasion the Judge or Surrogate is to be attended by the Proctor, Counsel, and Registrar; and the Judge on reading the affidavit, if it be satisfactory, will, on motion of Counsel, § decree the warrant citing all persons in general to appear and answer to the party proceeding in a cause of possession. The warrant having been served on the ship, is to be returned into the Registry, and if no appearance be given within a month from such return, the Judge, if satisfied that the party proceeding has a majority of the legal interest, is, on the affidavit originally brought in or on further proofs, if necessary, being exhibited on motion of Counsel on the next regularly adjourned Court-day, by interlocutory decree to order possession of the ship to be delivered to the party proceeding, or if necessary assign a further limited time for entering an appearance, and on any subsequent regularly adjourned Court-day in like manner pronounce his decree, which is issued by the Registrar from the Registry. ||

Should any party appear to contest the right of possession, the cause is to proceed by act on petition and affidavits, the ship remaining in the custody of the Court until the final hearing, because the object of the suit which is to obtain actual possession of the property cannot otherwise be secured.

Upon an interlocutory decree being pronounced in favor of either party, a decree of possession is to be issued accordingly.

During the dependence of the suit on proof by affidavit being exhibited that the ship's Register is in the possession of any person whomsoever, a monition ¶ may be issued requiring him to bring it in, or shew cause why it should not be brought into the Registry to abide the event of the suit. Or after the hearing, should the ship's Register remain in the possession of any person, the Judge may on proof thereof issue a monition ** directing him to deliver up the same to the party in whose favor the decree has been made.

Causes of possession may also be conducted by plea and proof at the option of either party.

§ 21. Action to obtain Security for the safe Return of a Vessel.

Actions of this description occur when a part owner is dissatisfied with the management of his co-owners, and requires the ship to be restrained from proceeding on a voyage until bail shall be given for her safe return to the port to which she belongs.

* See Minute, No. 152.

† See Decree, No. 153.

‡ See Form, No. 154.

§ See Minute, No. 155.

¶ See Form, No. 156.

** See Form, No. 157.

** See Form, No. 158.

An affidavit * of the party is first to be made setting forth the number of shares of which he is the legal owner, that he is dissatisfied with the management of the ship, and is desirous of obtaining bail for her safe return to the port to which she belongs, to the amount of the value of his shares, which value is to be stated in the affidavit. And upon this affidavit, which need not previously be left in the Registry, the Judge or Surrogate in chambers is to be moved by Counsel to issue the warrant of arrest. †

The action should be entered in the amount of the value of the shares of the party proceeding, and in a further moderate sum to cover the costs; and on bail ‡ being given, the vessel is to be released and allowed to proceed on her voyage.

In case of the parties differing as to the value of the vessel, she must be appraised under the authority of the Court; and the actual value of the shares of the party proceeding at the period of giving bail, whether the ship be appraised or not, is the amount to be recovered in case the bond shall ultimately be pronounced to be forfeited.

The costs of the arrest are to be borne by the party proceeding; and the costs of giving bail by the defendant, unless the Judge shall see cause to order otherwise.

In the event of the loss of the vessel before her return to the port to which she belongs, (until which time the bail bond remains in force,) the party principle and his sureties may be called on by monition § to shew cause why they should not bring in the amount of their recognizances, in order to abide the judgment of the Court. To obtain this monition an affidavit must be exhibited, shewing that the bond has become forfeited, and it must be moved for by Counsel before the Judge or Surrogate. The monition when obtained requires personal service

Should an appearance be given and the suit be contested, the Proctor of the party proceeding is to be assigned to deliver an act on petition to the adverse Proctor, and the cause is then to take the same course as other cases conducted by act on petition.

§ 22. *Derelict Cases.*

In cases of derelict the action is to be entered and the warrant extracted by the Proctor for the Admiralty, without any amount of action being stated in the Action Book or on the warrant, and no affidavit is necessary to obtain the warrant, which, when issued, is to be served by affixing it for a short time on the ship or goods found derelict, and by leaving thereon affixed a true copy thereof. The warrant is then to be returned by the Proctor into the Registry.

After the lapse of three months from the return of the warrant, (the property remaining in the custody of the Court,) the Judge, on the next regularly adjourned Court-day, at the petition of the Proctor, and on his allegation ¶ in Court that the warrant has been returned upwards of three months, and that no appearance has been given, is to decree a monition ¶¶ to issue, calling upon all persons to appear and shew cause why the property should not be condemned, at the expiration of a year and a day from the return of the warrant, as droits and perquisites of His Majesty in his office of Admiralty. The monition is to be made returnable at three months after its date, and is to be served by affixing the original for a short time either on the Court House or on the Exchange, or place of common resort of merchants, or as the usage of the colony or settlement may be, and by leaving thereon affixed a true copy thereof. The object of this general service is to give the utmost publicity, so that the contents of the monition may be most likely to reach the knowledge of all parties interested. After this service, the monition is to be returned into the Registry, with a certificate of service indorsed thereon.

If the property be in a perishable condition, and the Judge be satisfied by affidavit at any period after the arrest that it would be for the benefit of all parties

* See Form, No. 159.

† See Minute, No. 160.

‡ See Form of Bond, No. 161.

§ See Form, No. 162.

¶ See Minute, No. 163.

¶¶ See Monition, No. 161.

interested therein that the same should be forthwith sold, it may be appraised and sold under the direction and authority of the Court, and the proceeds paid into the Registry.

At the expiration of a year and a day from the return of the warrant, if no claim or appearance be given for the owners, the Judge, on the next regularly adjourned Court-day, is to proceed to condemn by sentence the property as droits and perquisites of His Majesty in his office of Admiralty. The sentence* is to be prepared by the Proctor, who is to make a fair copy thereof for the Judge's signature, which is to be signed in Court in presence of the Registrar, and a certificate † is to be added by the Registrar on the sentence, and a minute made in the Assignation Book of the same having been so signed.

The owner of property proceeded against as derelict, may appear at any time before the termination of the cause, and claim the same without being liable to any fees of contumacy incurred prior to their appearance. The claim, with an affidavit ‡ in verification thereof, is to be drawn by the Proctor, and should set forth the name, residence, and occupation of the owner, the title of the party to, and the identity of the ship or goods claimed. Documents or exhibits in support of the affidavit may be annexed thereto. When the claim and affidavit have been settled by Counsel, the Proctor is to attend his party before the Judge or Surrogate, to be sworn to the same in the presence of the Registrar, and the Judge will then assign to hear on admission thereof on the next Court-day, or at any other time to be by him fixed, of which notice is to be given to the parties. A copy of the affidavit and claim is to be given to the Proctor for the Crown, and if the Counsel for the Crown be satisfied that the party claiming is entitled to restitution of the property, he is to consent to the same being restored, which on motion of Counsel § before the Judge may be immediately done on payment of the salvage, and the expenses on behalf of the Crown. The instrument of restitution || is to be prepared by the Registrar, and extracted from the Registry by the Proctor for the claimant. The interests of salvors are always to be protected, and to this end, if restitution be consented to, and if salvage has not been previously paid, bail ¶ to our Sovereign Lord the King, in his office of Admiralty, in a sum sufficient to answer salvage, must be given by two persons on behalf of the owners before the instrument of restitution is to be issued.

If the title to the property is contested, the cause must come on to be heard in Court; a case and papers being delivered to Counsel as in other contested causes.

§ 27. *Prosecutions for breach of the Revenue or Navigation Laws.*

An affidavit** is to be made by the seizer, detailing the grounds of the seizure and the circumstances attending the same, to which, in the case of a vessel being seized, is to be annexed all original papers that have been delivered up at the time of seizure, and which must be verified in the affidavit. Or if the ship's papers have been concealed, thrown overboard, or destroyed, the fact of such concealment or destruction should be stated in the affidavit.

The affidavit †† is to be exhibited to the Judge or Surrogate, who is to decree a monition †† to issue, returnable fourteen days after service, citing by name the owners or persons implicated (if known) in special, and all others in general, to appear and shew cause why the forfeiture should not be decreed, and the penalties due by law pronounced for; but where the parties are not known the monition must only cite all persons in general.

When the monition specifies the names of the parties cited, it must be personally served on them like other instruments requiring personal service, and must also, like other monitions where the names of parties are not mentioned, be served on the

* See Sentence, No. 165.

† See Minute, No. 166.

‡ See Forms, Nos. 167 and 168.

§ See Forms of Interlocutories, No. 128 to 180.

¶ See Form, No. 169.

¶ See Form of Bond, No. 170.

** See Forms, Nos. 203 and 204.

†† See Minutes decreeing same, Nos. 205 and 207.

‡‡ See Monitions, Nos. 208 and 211.

Exchange or Court-house, or other public place, as before directed respecting instruments requiring service against all persons in general.

The monition having been served and no appearance being given, the Judge is to proceed by interlocutory decree to condemn the property; but such condemnation is not to take place on any other than a regularly adjourned Court-day, and not until the expiration of fourteen days from the return of the monition, and if it has been personally served, the Judge may, without requiring any further evidence than the affidavit to lead the monition, pronounce for the penalties due by law.

If a personal service of the monition cannot be effected by reason that the persons named therein have purposely absented themselves to avoid the service, the Judge may pronounce a similar decree; but if he has reason to believe that the persons named in the monition are *bond fide* ignorant thereof, he is to reserve his judgment so far as relates to the penalties sued for, and also as to the property, should any doubt arise upon the evidence.

In the case of a monition citing all persons in general, and not describing any person by name, no penalties can be pronounced for, but if the persons by whom the offence was committed shall afterwards be discovered, a subsequent monition may be issued in the same suit against him or them for the recovery of the penalties.

In order to move for the interlocutory decree,* a case, with a copy of the affidavit, must be delivered to Counsel.

A claim may be given on behalf of the owners at any time before the interlocutory decree, and the claimant may, if he think fit, require the seizer to fyle an information or libel, to which the claimant may give in a responsive plea or allegation, and the case will then proceed by plea and proof in the manner before mentioned.

To the claim must be annexed an affidavit, containing the names, descriptions, and residence of the owners, and a detail of all the circumstances on which the claimant means to rely as the grounds of his defence.

The claim and affidavit † are to be prepared and given in as directed in derelict cases; but in compliance with the Act 6 Geo. IV., cap. 114, sec. 62, security must be given on behalf of the claimant in the sum of £60 sterling, ‡ to answer costs before any claim can be received.

Upon a claim being fyled, the Judge, with the consent of the Collector and Comptroller of the Customs, may order the delivery of the property to the claimant, on his giving bond, with two sufficient sureties, to answer double the value of the same, as provided by the 58th section of the said Act.

The Court, on the application of the officer of the Customs, or parties interested may, at any time before condemnation, direct the property to be sold, if it shall satisfactorily appear by affidavit that a sale will be beneficial to all parties interested.

When a claim is given, and no libel prayed, the Court may proceed to adjudge the case upon the facts and circumstances stated in the affidavits on both sides; § but if it shall appear to the Judge that the case is not sufficiently proved by such evidence, he may direct an information or libel to be fyled by the seizer, || and give leave to the claimant to fyle a responsive allegation; in which case witnesses are to be examined on both sides, and the cause will proceed as in plea and proof cases. ¶ After condemnation, the sale must take place according to the provisions of the 56th section of the said Act.

In order to remedy complaints which have been made of the burthensome law charges in the Colonies, on proceedings in revenue cases of small value, it is directed that any number of seizures, not exceeding in the aggregate value £300, and not individually exceeding the sum of £100 may be included in one monition, and that different seizing officers may proceed conjointly in the same prosecution,—care

* See Forms, Nos. 212 and 213.

† See Forms, Nos. 214 and 215.

‡ See Bond, No. 216.

§ See Interlocutory Decrees, Nos. 217 and 218.

|| See Libel, No. 219.

¶ See Interlocutory Decrees, Nos. 220 and 221.

being taken that the monition, and also the libel where that proceeding is required, be drawn conformably with the several circumstances, and that the different seizures be described in separate articles or counts of the libel or information. And to obviate any possible delay in the proceedings of the seizing officer,* any claimant is to be at liberty to take out a monition † against the seizer, returnable three days after service thereof, requiring him immediately to proceed to the adjudication of the property seized. For this purpose and also to enable the seizer to determine whether to proceed separately as to one seizure, or to wait for the chance of including other seizures in the same process, by a consideration of the expenses of warehousing and custody of the seizure, the seizer is, without delay, in all cases where the probable amount of the seizure does not exceed in value £100, to report the facts to the Registrar of the Court.

In cases where it shall be deemed necessary to proceed immediately without waiting for other seizures, and the value is under £100, the several charges of the proceeding and adjudication are to be reduced to £25 per cent. upon the usual charges; and if the property separately proceeded against does not exceed the value of £50, one half of the usual fees only are to be charged.

§ 28. *General Rules to be observed in Practice.*

Subduction of an Action.

If a party proceeding, determine to abandon his suit, or has compromised the same, he may at any period be allowed to subduct the action; to which end, the Proctor who has extracted the warrant is to sign a short entry to that effect in the Action Book, and the property, if any have been arrested, is to be immediately released.

§ 29. *Tender.*

Whenever a tender is made on behalf of a defendant to pay a certain sum of money, the sum tendered must be brought into the Registry, and an undertaking given for payment of the costs incurred up to that time; this must be done before the Judge or Surrogate, in the presence of the Registrar and the adverse Proctor, and a minute ‡ thereof is to be entered in the Assignment Book, and the Proctor for the plaintiff is to be assigned to declare whether he will accept the tender or not, within a time to be limited by the Judge.

If the tender be refused, and the Courts shall ultimately consider the same to have been sufficient, the plaintiff, in general cases, is to be subject to all the costs incurred subsequent to the refusal, but under special circumstances, where the enforcement of this rule may be attended with injustice or hardship, the Court may exercise its discretion by forbearing to condemn him in costs.

§ 30. *References.*

In cases where a reference of the subject in litigation may be expedient, the Judge, either for his own satisfaction or at the instance of either of the parties, may refer any accounts or demands, or any matter incidental thereto, to the Registrar, directing him to take to his assistance one or two merchants, and to investigate and report on the matter. The merchants to be selected by the Registrar and approved by the Judge.

The reference being ordered, the Registrar is forthwith to make an appointment with the Proctors of the parties and with the assistant merchant or merchants, and all necessary documents being produced, the Registrar and merchants are to hear the matters in dispute discussed by the Proctors and the parties principal, or their agents. The Registrar is afterwards to draw up the result of the investigation, and of their joint deliberation thereon, in a written report, § to be brought into

* See Minute, No. 222.

† See Monition, No. 223.

‡ See Minute, No. 224.

§ See Report, No. 225.

Court, and a minute* to that effect is to be thereupon made in the Assignation Book.

The Judge is to direct the report to be confirmed, unless objected to by either party by the succeeding adjourned Court-day, or within a time to be limited by him. The report may be confirmed at the prayer of either of the Proctors,† and either may object to the report wholly or in part; but the party objecting must so declare in act of Court, and is to be assigned by the Judge to deliver in an act on petition, setting forth his objections to the adverse Proctor, within a time to be limited. And the subsequent proceedings are then to be conducted as on all other acts on petition.

§ 31. *Taxation of costs.*

The Proctor of the party who has obtained a decree or order condemning another party in the costs, is to furnish the adverse Proctor and the Registrar each with a copy of his bill, and to attend the Registrar to procure an appointment to tax the same, of which notice is to be given to the adverse Proctor, that he may be present thereat; and if he shall decline, or neglect to attend, the taxation may proceed in his absence upon an affidavit being exhibited to and filed with the Registrar, shewing that a copy of the bill had been furnished, and that twenty-four hours previous notice of the appointment had been given to him.

If the amount of the costs ascertained by the Registrar be not forthwith paid, the Registrar is to report the amount to the Court, when, if no objection be made, the Judge is to sign the bill, which completes the taxation, and a minute‡ thereof is to be entered in the Assignation Book.

If the adverse Proctor be dissatisfied with the amount proposed to be allowed, he is, on the same being reported and before the bill is signed by the Judge, so to declare in Court; and in that case the Judge is to assign him to deliver an act on petition§ in objection to the taxation within a short time to be specified, and subsequently the same course is to be pursued as in other acts on petition.

When the Judge has signed the bill, whether as originally reported by the Registrar, or with any subsequent alteration, he is to decree a monition|| for payment thereof: and if the costs be not immediately paid, such monition may be extracted and served as usual, and may be followed up by attachment if necessary.

§ 32. *Incidental Monitions.*

In any cause, however commenced, monitions may incidentally become necessary, which are to be made returnable at a period to be fixed by the Judge; and if the tenor of the monition be not complied with, the Judge, on proof that it has been duly served, may enforce obedience thereto by attachment.

§ 33. *Commissions.*

Commissions to take bail, to take the answers of parties to a libel or allegation, to take the oaths of parties or others to affidavits, to examine witnesses, and the like, may, under the authority and at the discretion of the Judge, issue in cases where the parties reside at so great a distance that the transaction of the business by commission will be attended with less expense than their personal appearance before the Court.

Commissions may also issue for the unlivery of a cargo, for the appraisement or sale of a ship or cargo, or for the appraisement and sale of a ship and cargo, in cases when, by reason of the distance, the Marshal cannot be conveniently employed for the purpose without great expense.¶

* See Minute, No. 226.

† See Minute, No. 227.

‡ See Minute, No. 228.

§ See Minute, No. 229.

|| See Monition, No. 135.

¶ See Forms, No. 230 to 235.

All commissions are to be directed to respectable merchants, or professional men named by the Proctors; and when they can agree thereto, one Commissioner will be sufficient, otherwise a Commissioner is to be nominated by each party.

§ 34. *Acts on Petition.*

In cases where any incidental matter may become the subject of dispute, and either of the parties shall desire it, or if the Judge shall deem it necessary for his own satisfaction to have the facts further elucidated, he may direct the circumstances to be set forth in an act on petition.

§ 35. *Appeals.*

All appeals from decrees of the Vice Admiralty Courts are to be asserted by a party in the suit within fifteen days after the date of the decree, which is to be done by the Proctor declaring the same in Court; and a minute thereof is to be entered in the Assignment Book.* And the party must also give bail within fifteen days from the assertion of the appeal in the sum of £100 sterling, to answer the costs of such appeal.

In all cases, however, in which an appeal is asserted, except respecting slaves, the Judge may proceed to carry his sentence into execution, provided the party in whose favor the decree has been made give bail to avoid the event of the appeal, † by two sureties in the amount of the value of the property or subject in dispute, together with the further sum of £100 sterling to answer costs, in the event of the same being awarded by the superior Court.

The party appealing, having complied with these regulations, is then to cause the Judge and Registrar to be served with an inhibition from the High Court of Admiralty, restraining them from further proceedings in the cause, and also with a monition to transmit the process.

This process will consist of a fair copy of the proceedings under the seal of the Vice Admiralty Court, to be made and signed by the Registrar, at the expense of the party ordering the same, which is to be transmitted to the Superior Court, pursuant to the monition.

The proceeds, if in Court, or in the hands of any individual, must, on a special monition for that purpose being served, be remitted to the Registrar of the High Court of Admiralty or Court of Appeal.

§ 36. *Regulations as to the Sittings of the Court.*

Before the rising of the Court, the Judge is always to adjourn the same to a day to be by him fixed at his discretion, and proclamation thereof is thereupon to be made in open Court, by the Marshal or Officer of the Court. It is, however, competent to the Judge, notwithstanding such adjournment, subsequently to appoint an intermediate day or days, as may appear to him to be necessary, for the expediting any particular cause or causes before the Court.

Forty-eight hours notice of such intermediate Court-days must always be published in the Gazette, or public newspaper of the Colony, by the Registrar, at the expense of the party at whose instance or for whose benefit the Court is to be so called, which expense is to be paid by the Proctor.

Care is always to be taken that on such intermediate Court-days, no assignation be sped, or order made, precluding the right, or to the manifest injury of any absent party, when it shall appear that he cannot have received sufficient notice of the sitting of the Court; and absent parties are always to be entitled to the favourable consideration of the Judge, if on the next succeeding regularly adjourned Court-day cause shall be shewn why an assignation made on any intermediate Court-day had not been complied with.

* See Form, No. 236.

† See Form, No. 237.

In like manner, when an assignation has been made for an act to be done by a limited time, shall not have been duly complied with, and an intermediate Court-day shall be subsequently held, parties who cannot by possibility have been cognizant of such intermediate Court, and who may have very conclusive reasons to allege why they have been unable to comply with such assignation, are not to be prejudiced by the enforcement of the same on such intermediate Court-day.

§ 37. *As to the Return and Service of Warrants, Monitions, and other Instruments.*

In general cases, warrants, monitions, and other instruments are to be made returnable, and parties cited to appear at the Registry, either on a certain day mentioned, or at the expiration of a certain number of days after service, to be specified in the instrument, and between any two hours of the day most usually appropriated to public business.

Monitions to pay costs or a sum of money, or to do any specific act within a certain number of days, are to be returnable at the expiration of the usual hours of business at the Registry, on the furthest or last day assigned to the party to do the act.

If no appearance be given thereto, the Registrar is immediately on the expiration of the time specified to attend before the Judge or Surrogate in Court or Chambers, with the Proctor who is to return the instrument; and the proceedings are subsequently to be continued according to the requisites of the cause. The day of such return is the period from which is to be reckoned, for all future purposes, the contumacy or default of the party cited and not appearing.

Instruments against all persons in general, and which are served only on the ship or goods, or on the Exchange, or principal resort of Merchants, or on the Court-house, can only be further proceeded or *in pœnam* on the regularly adjourned Court-days. But an instrument which has been personally served and duly returned, may be followed up by all further proceedings, even to attachment, without more regard to the regularly adjourned Court-days than would be necessary respecting any other incident in the proceedings, because in such cases the party who has been served must always be aware of the liabilities to which he is exposed by his own laches, or contempt.

If an instrument be served on a ship, or goods laden on board a ship, when the master is on board, and the action be one to which he ought to appear and become a defendant, such service may, for the purpose of future proceedings, be considered equivalent to a personal service on him.

Whenever any monition or other instrument is served by any other person than the Marshal, the certificate* of the service thereof must be verified by an affidavit of the person serving the same.

All warrants, monitions and other instruments requiring ulterior proceeding *in pœnam*, in case of no appearance or of non-obedience, must be duly returned at the time specified for their return; and if not then duly returned, no further proceedings can be had thereon.

§ 38. *Interlocutory Decree.*

The interlocutory decree, which must always be moved by Counsel, is the final act of adjudication in the principal cause of action in any suit. But in some few instances a suit may be terminated without it, viz:—

Where a libel is rejected.

Where a defendant is dismissed because the promoter does not bring in his libel.

Where a protest is pronounced for, and the party appearing under protest is dismissed.

Where an action is subducted.

If sureties apply to be dismissed from their recognizances, it must be done by interlocutory decree; but if they are dismissed by the interlocutory decree in the principal cause, no further decree of that kind is necessary for their dismissal.

* See Form of Certificate and Affidavit, No. 238.

The fees due to the Judge and Officers on an interlocutory decree, are chargeable to all parties who received benefit under the same; thus, in a case of derelict, the fees are chargeable to the claimant who obtains restitution of the property, and to the salvors to whom salvage may be awarded.

No decree is to be made, nor Act of Court to be sped by the Judge or Surrogate, without the presence of the Registrar, by whom a minute or record thereof must be made and attested, except only in case of the Registrar's unavoidable absence, on which occasion the Judge or Surrogate may assume an actuary to attest *pro hac vice* the act to be done. Any Practitioner of the Court, provided he be not concerned in the suit in which the act is to be done, may perform this part of the Registrar's duty, attesting by his signature the entry of the act in the Assiguation Book.

§ 39. *Monitions.*

If a monition be not decreed at the time an interlocutory decree is made, it may, at the petition of the Proctor on either side, be decreed on any Court-day afterwards.

No monition to pay costs can be extracted until after such costs shall have been regularly taxed by the Court.

§ 40. *Proxies.*

Although proxies are not usually exhibited in maritime suits, yet they may sometimes be required, in order to prevent Proctors from proceeding in causes on instructions from parties not being themselves entitled to intervene, or not having a legal *personæ standi* to prosecute a cause.*

§ 41. *Other General Rules.*

Upon the execution of commissions to take bail, the sureties must always justify their sufficiency before the Commissioners, by being sworn to an affidavit,† to be drawn by the Registrar and annexed to the commission; and when bail is not taken by commission, and the Court orders the sureties to justify, a similar affidavit must be made.

When a cargo has been delivered to the consignee, and he has not paid the freight, or when freight has been paid, and is in possession of the owner of the ship, master, broker, or any other person, such freight may be arrested by service of a warrant, upon the consignee or the person in whose hands the freight remains.

The same course is to be pursued when, under similar circumstances, a monition is to be served to bring the freight into the Registry.

All commissions of unlivery, of appraisement, and of appraisement and sale, are to be extracted by the Proctor for the plaintiff or promoter in the cause.

In those Courts in which it may be necessary that the same individual should act as Advocate and Proctor, he may elect in which of the two capacities his fee, in those instances where the duties are necessarily exercised together, shall be charged, and the Practitioner is in no instance to be allowed to receive fees for the same business in both capacities, nor to take a fee as Counsel where the act of a Proctor only is necessary. The same rule will apply to the fee specified in the table for a consultation in any intermediate stage of the proceeding, should a "necessity arise to resort to Counsel for advice;" but an Advocate's fee or consultation is not to be charged on any occasion where a reference to Counsel would not have been necessary. The Practitioner in such cases is only to be entitled to the fee for consultation as a Proctor.

If the Practitioner charges the Advocate's fee for motion necessarily made by Counsel before the Judge in the progress of the cause, he is not to charge or be allowed the Proctor's fee for attending such motion, and where he charges the

* See Proxy, No. 239.

† See Form of Affidavit, No. 240.

Advocate's fee "for the hearing," he is not also to charge or be allowed the Proctor's fee "for attending informations on the final hearing;" nor is he in any case, when acting as Counsel in the cause, to charge the Proctor's fee for attendance to fee Counsel.

In the case of the charges for drawing, and the fee for settling any plea, affidavits, interrogatories, answers, and the like, the Practitioner acting in both capacities is not to be entitled to the full fee for drawing, and to charge a copy to settle, and also a fee for settling the same; but may be allowed, instead thereof, to charge such fee as the table prescribes for the Advocate on settling, and also a moiety of the charges allowed by the table to the Proctor for drawing and copying.

It being provided by the 5th section of the Act, under the authority of which these Regulations are established, that persons feeling themselves aggrieved by the allowance of any charges made by any Officers or Practitioners in the said Vice Admiralty Courts, as not warranted by the established Tables of Fees, may have such charges retaxed by the authority of the High Court of Admiralty of England, upon summary application thereto.

It is requisite, when such applications are intended to be made to that Court, that a set of the copies of all papers previously made out and used in the proceedings upon which the charges objected to have arisen, or so many of them as may be necessary to explain or support the disputed charges, be transmitted to England; or if such copies cannot be transmitted without incurring an expense disproportionate to the object, it will be sufficient, as a substitute for the same, that an affidavit be made stating summarily the nature of the proceedings and the decree in the cause, a description of the different papers and the number of folios contained in each of them, and such facts or circumstances as will explain the nature of the cause and the charges objected to; which affidavit is to be filed in the Registry of the Vice Admiralty Court, to give the Officer or Practitioner whose charges may be objected to, an opportunity of replying thereto, which he should do within a period not exceeding fourteen days, to be limited by the Judge, who is then to order the costs already taxed to be referred for revision to the High Court of Admiralty, with copies of the affidavits. But, previous to any such order of reference being made, the party complaining must pay to the adverse Proctor such part of the allowed charges as is not objected to, and must bring the remainder into the Registry of the Vice Admiralty Court, to abide the decision of the High Court of Admiralty.

NOTE.—The foregoing Rules and Regulations touching the practice and proceedings in the several Courts of Vice Admiralty abroad, are extracted from a Report addressed to the Lords Commissioners of His Majesty's Treasury, drawn up and signed by

JAMES FARQUHAR,
H. B. SWABEY,
WILLIAM ROTHERY;

and perused and approved by

HERBERT JENNER,
JOHN DODSON,
STEPHEN LUSHINGTON,

And the whole, together with the Table of Fees for the respective Colonies (regulated and approved by the same persons), were submitted to and approved by the Right Honorable Sir CHRISTOPHER ROBINSON, Judge of the High Court of Admiralty.

TABLE of Fees to be taken by the Judge, Registrar, Marshal, Advocates, and Proctors of the Vice Admiralty Court at Quebec.

JUDGE.

Sterling Money
£. s. d.

No Fees to be allowed to the Judge. His Salary to be, in lieu of all Fees 200 0 0

BY THE SURROGATE.

Fees in the Progress of a Suit or Cause.

For administering an Oath as to a Witness or Party in a Cause. Taking Bail, whether by one or more persons. Decreeing Monition, Commission, Attachment, or any other Instrument; or for any Judicial Act done before or after the hearing of the Cause,..... 0 1 6

BY THE REGISTRAR.

1. *Fees on Instruments prepared by the Registrar.*

For Drawing and Engrossing—Warrant to arrest Ship, Goods, or Person—
Copy and Fyling Affidavit,..... 0 4 6
Bail Bond,..... 0 4 6
Monition, Commission, or Decree, whether of Unlivery, Appraisement or Sale, or otherwise,..... 0 9 0
Writ or Instrument of Restitution,..... 0 9 0
Compulsory or Subpœna against Witnesses,..... 0 3 0
Writ of Attachment,..... 0 9 0
If either of the preceding Instruments exceed in length ten folios, for every folio beyond ten,..... 0 1 0

Note.—The folio mentioned throughout this Table of Fees must contain ninety words, reckoning each figure as a word.

Should the Registrar be required to prepare any other Document, Instrument or matter whatsoever, not specified in this Table, he will be entitled to the same charge as a Proctor, viz:—

For Drawing, for every folio,..... 0 1 0
For Fair Copying or Engrossing, for every folio,..... 0 0 6

2. *Fees on Documents not prepared by the Registrar, but by the Proctor, Solicitor, or Advocate in a Cause.*

On a decree, pronouncing for the interest of a Party proceeding *in pœnam*, being signed by the Judge, including the drawing the Act,..... 0 6 0
On fyling Affidavit or Protest of a Master or Mariners, without reference to the number of persons making the same,..... 0 1 6
On fyling Libel, Information, Claim, Proxy, or similar Document,..... 0 2 3
On fyling Exhibit annexed thereto, or to any Affidavit,..... 0 0 6
On signing (or fyling) personal answers of a Party in a Suit, including drawing the Act,..... 0 3 0

3. *Fees on taking the Examination of Witnesses.*

On the Examination of every Witness on an Information, Libel, Interrogatories or Plea, (whether *vidæ voce* or otherwise) a fee of..... 0 4 6
For each folio to which the Examination shall extend, if in English,..... 0 1 0
If by Interpretation (Interpreter included,)..... 0 2 0

NOTE.—It should be understood, that the Registrar, or whoever acts as the Examiner for him, should take Depositions in chief of the Witnesses, on the Libel, Information, or Plea itself, without written Interrogatories; putting each relevant questions, *vidæ voce*, as may suggest themselves; and care should be taken not to lead the Witness. The Libel, Information, or Plea, should therefore always be drawn sufficiently precise and full to enable the Examiner to take the Examinations accordingly.

The Cross-examinations must, of course, be taken on written Interrogatories.

4. Fees on Office Copies of Papers or Proceedings.

For office Copy of Sentence or Interlocutory Decree, certified under Seal,	0	6	0
For Office Copy of any Affidavit, Examination, Answers of a Party, or other documents, or Proceedings in a Cause, or Extract therefrom, if under twelve folios,	0	4	6
If exceeding twelve folios, for each folio beyond twelve,	0	0	6
Office Copies of Papers and Proceedings to form a Process, to be transmitted to the Court of Appeal, or for any other purpose, for each folio contained therein,	0	6	0

5. Fees on Translation of Papers.

Where papers are translated, the Registrar should charge the Disbursement actually made to the Translator, with an addition of one-fourth, to compensate himself for his trouble, advance, &c.

6. Incidental Fees in the Progress of a Cause.

	Sterling Money,		
	£	s.	d.
On Subduction of an Action	0	4	6
For entering every ordinary Act of Court not specified in this Table	0	1	0
On every Default pronounced against Parties in Contempt, in Cases proceeding <i>in panam.</i>	0	4	6
On every Interlocutory Decree, or Sentence, including drawing the Act, to be paid by the Party succeeding	0	9	0
For every Attendance before a Judge or Surrogate, at which any Decree is made, other than an Interlocutory or Sentence including the Act, drawing the Act	0	4	6
For a Receipt for original Documents delivered out of the Registry	0	1	6
On a Search or Examination of the Records, by any person not being a Party in the cause in which the Search is made	0	1	0

NOTE.—No Fee to be charged to a Party in the Cause, or to any Seamen, applying for a Search.

For advertising an intermediate or Extra Court Day, in addition to the sum paid for Advertisement	0	4	6
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7. On Paying out Money.

For preparing Receipt for Money to be paid out of the Registry	0	1	6
Poundage on Money paid out of the Registry, for every Pound sterling	0	0	2

8. Taxing Costs.

For taxing a Bill of Costs, if under six folios, from the Party at whose instance the Taxation takes place	0	4	6
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9. References of Accounts, &c., by the Judge, to the Registrar and Merchants.

To the Registrar	2	2	0
To the Assistant Merchant	2	2	0

If two Merchants, Two Guineas each.

BY THE MARSHAL.

For arresting a Vessel, Goods, or Person	0	18	0
For keeping possession of a Vessel and Cargo, jointly, or either of them singly, when the same are not under the responsible charge and custody of the Officers of the Customs, for each day in which they remain in the Marshal's charge, exclusive of charge for keepers when necessary	0	3	0

NOTE.—This Fee not to be chargeable in cases where the Goods have been put into Store or Warehouse.

For inquiring into and certifying the sufficiency of Persons proposed as Sureties in any Suit.....	0	2	3
For release of a Vessel, Goods, or Person from arrest.....	0	2	3
For executing any Monition, or Decree for Answers of a Party, or Compulsory, or other Instrument not specified.....	0	4	6
For every Default or Decree, pronounced for the interest of a Party proceeding <i>in pœnam</i>	0	3	0
For every attendance in Court, when a Sentence or Interlocutory Decree is pronounced	0	4	6
For executing any Decree or Commission of Appraisement, exclusive of the Appraiser's Fees, but including the making of the Inventory, if the value should not exceed £500 sterling.....	1	1	0
For the like Duty, when the value exceeds £500 sterling.....	1	16	0
For executing every Decree or Commission of Sale of Ship, or Goods, by Public Auction, when the gross proceeds are under £200 sterling... ..	1	1	0
And on every additional £100 sterling	0	10	6
On attending the execution of a Decree or Commission of Unlivery of Cargo (when not done for the purpose of Sale), per Day.....	0	16	0
For taking a Person in Execution after Sentence, if the Sum due from such Person does not exceed £20 sterling.....	0	18	0
For the like Duty when the Sum is above £20 and under £50 sterling... ..	1	16	0
For the like Duty when the Sum is above £50 and under £100 sterling, for every Pound sterling due.....	0	1	0
And on every additional Pound sterling after the first £100.....	0	0	6

NOTE.—Should it be necessary for the Marshal to go any distance to execute any of the above Duties, there should be paid to him for Loss of Time and Travelling Expenses, in addition to the preceding Fees, the following:—

If the distance exceeds Four and be under Six Miles.....	1	1	0
If the distance be still greater, the allowance to be increased by an addition of 2s. 3d. for each additional league and his reasonable disbursements.			

BY THE ADVOCATES.

As the professions of Advocate and Proctor are not as yet separated in Lower Canada, the Fees of both are inserted under the following head.

BY THE ADVOCATES AND PROCTORS.

Retaining Fee, Instructions to prosecute or defend	0	10	6
For attending before the Judge, or Judge Surrogate, either in Court or Chambers.....	0	6	0
On extracting any Warrant, Monition, Commission, Writ, or other Instrument.....	0	6	0
Drawing Libel, Information, Claim and Affidavit, Act on Petition, Responsive Plea (or Replication) to Libel or Information, or Act on Petition.....	0	18	0
Engrossing Copies, each.....	0	9	0
Drawing Interrogatories, Answers, Affidavits, or any other Proceeding whatever, not herein specified, for each folio.....	0	1	0
Fair Copying or Engrossing, for every folio.....	0	0	6

NOTE.—It should be understood that in preparing Interrogatories for the Cross-examination of Witnesses, they are not to be drawn separately for each Witness to whom the same are to be administered, but that when practicable, as in most instances will be the case, one set of Interrogatories should be prepared generally applicable to all the Witnesses.

For Consultation with Party, for the purpose of taking Instructions for the Libel, Information, Plea, Act on Petition, or for any other important purpose, during the dependence of a Suit.....	0	6	0
The Fee for the final Hearing must depend upon the length of the Evidence, and the importance and difficulties of the Cause; but in cases of no great intricacy, the Fee should be from Two to Three Guineas, and not to exceed the latter sum, unless where the Proceedings are voluminous or unusually important or difficult, and in this last case not to exceed Five Guineas	2	2	0
	3	3	0
	5	5	0
For any necessary Attendance on the Registrar, or on the adverse Proctor, during the progress of a Cause, to adjust any incidental point in the Suit, or on the Marshal, to instruct him as to the service of any Instrument, reporting Bail, &c.....	0	4	6
On all Office Copies of Depositions, &c., obtained from the Registrar, one-third of the actual sum paid at the Registry is to be added for the trouble of collating and extracting the same.			
For perusing and considering any Papers, Exhibits, or Documents, furnished or introduced into a Cause, by the adverse Party, or furnished by a party to his own Proctor, for the purpose of being brought forward as Evidence in the Suit, if not exceeding twelve folios.....	0	3	0
For every additional twelve folios.....	0	1	6
For attending Informations on the final Hearing of a Cause, when it occupies only a short time, 10s.; if a few hours, 16s. 8d.; if a whole day, £1 6s. 8d.....	0	10	0
	0	16	8
		or	
	1	6	8

NOTE.—In some of the Vice Admiralty Courts, Proceedings for the Forfeitures of Ships, or Goods, and for the Recovery of Penalties consequent thereon, have, in some instances, been carried on by two separate Suits; one for the condemnation of the Property, and the other for the Penalties. This mode of proceeding should be discontinued, one Suit only being necessary to accomplish both objects.

In all cases under £20 sterling, wherein the Judge shall see fit to order that the Proceedings be summary, and the Evidence taken *vidæ voce*, the Fees to be taken by the several Officers of the Court shall become half of the foregoing Fees, and no more, save and except as to the Fee for the Warrant of Arrest, Arrest and Bail Bond, which shall remain as above.

So also as to cases under £20 sterling, settled before the return of the Warrant.

Supplementary Rules.

The Rules and Regulations established by the King's Order in Council of the 27th June, 1832, are not to be construed to have set aside the former practice in the Courts of Vice Admiralty, of allowing the Defendant to require from the Promoter to Libel with Sureties, unless the promoter should be admitted by the Court to his juratory caution.

From the shortness of the season of the navigation at the port of Quebec, and the danger and risk to ships towards the close of the navigation in the autumn, from even so short as twenty-four hours' notice of bail to answer an action, this period of notice of bail as provided by the 11th Section of the above Rules and Regulations, shall not be required, where the Parties who are proposed as the Bail make oath that they are respectively worth more than the amount for which they are proposed as Bail or Security, over and above the amount of all their just debts.

(Signed,)

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“

J. DODSON,
JOSEPH PHILLIMORE,
WM. ROTHERY,
H. B. SWABEY.

At the Court at Buckingham Palace, the second day of March, 1848.

Present :

The Queen's Most Excellent Majesty in Council.

WHEREAS there was this day read at the Board:—a Memorial of the Right Honorable the Lords Commissioners of the Admiralty, dated the 16th February, 1848, in the words following, viz :

“Whereas by His late Majesty's Order in Council, of the 27th June, 1832, certain Tables of Fees were established for the several Courts of Vice Admiralty; and by a subsequent Order in Council, of his late Majesty, dated 20th November, 1835—so much of the preceding Order in Council as related to the establishment of a Table of Fees, to be taken by the several Officers of the Vice Admiralty Court at Quebec, was revoked; And, whereas, the Lords Commissioners of Your Majesty's Treasury have represented to us that it would be desirable to establish a Table of Fees, for the said Vice Admiralty Court, at Quebec. We do, therefore, most humbly submit to Your Majesty—that Your Majesty will be most graciously pleased, by your Order in Council, to authorize us to carry into effect the proposal of the Lords Commissioners of Your Majesty's Treasury; and, that the Table of Fees hereunto annexed, which has been proposed by Your Majesty's Advocate General, and other competent Authorities of the High Court of Admiralty of England, may be established, by Your Majesty's Order in Council, as the only Fees to be taken or received by the Officers and Practitioners of the Vice Admiralty Court at Quebec.”

Her Majesty having taken the said Memorial into consideration was pleased, by and with the advice of Her Privy Council, to approve thereof, and of the Table of Fees accompanying the same (copy whereof is hereunto annexed), and the Right Honorable the Lords Commissioners of the Admiralty are to give the necessary directions herein accordingly.

(Signed,)

C. GREVILLE.

Entered and Enrolled in the Vice-Admiralty Court at Quebec, the 27th day of June, 1848.

J. P. BRADLEY, Registrar.

RETURN to an Address from the Legislative Assembly to His Excellency the Governor General, dated the 16th July, 1847, and praying His Excellency to cause to be laid before the House, Copies in Council of the 20th November, 1835, revoking and annulling, in respect to the Vice Admiralty Court of Lower Canada, the Tariff of Fees established by the Order in Council of the 27th June, 1832, for the Vice-Admiralty Courts abroad, under the authority of the Imperial Statute, 2 Will. IV., cap. 51, and of the Petition of the Bar of Quebec to Her Majesty, in relation to the said Tariff and the said Order, in Council, transmitted through His Excellency the late Lord Metcalfe in November, 1843; together with Copies of all Correspondence and Documents in His Excellency's possession, having reference to the establishment of a Tariff of Fees for the said Court.

By Command,

D. DALY,

Secretary.

Secretary's Office,
Montreal, 26th July, 1847.

(Copy.)

CASTLE ST. LEWIS,
QUEBEC, 2nd Feb., 1836.

The following communications having been addressed to His Excellency Lord Gosford, by order of the Lords Commissioners of the Admiralty, I have received His Excellency's commands to cause the same to be published in the Official Gazette, for the information and guidance of all concerned.

(Signed,) STEPHEN WOLCOTT,
Civil Secretary.

ADMIRALTY, 25th Nov., 1835.

MY LORD,—His Majesty having been pleased, by His Order in Council, dated 20th instant, to revoke and annul so much of the Order in Council, of the 27th June, 1832, as established a Table of Fees to be taken by the several Officers of the Vice Admiralty Court at Quebec; I am recommended by My Lords Commissioners of the Admiralty, to transmit to your Lordship herewith, for your information and guidance, a Copy of the said Order in Council of the 20th instant.

I am, my Lord,
Your Lordship's
Most humble servant,
(Signed,) JOHN BARROW.

The Earl of Gosford,
Vice Admiral, Quebec.

(Copy.)

L. S.

AT THE COURT AT BRIGHTON,
The 20th of November, 1835.

PRESENT :

The King's Most Excellent Majesty in Council.

WHEREAS, there was this day read, at the Board, a Memorial of the Right Honorable the Lords Commissioners of the Admiralty, dated the 18th instant, in the words following, viz:—

Whereas Your Majesty, by Your Order in Council, of the 27th June, 1832, was pleased to establish certain Rules, Regulations and Fees for the several Courts of Vice Admiralty in Your Majesty's Possessions abroad, under the authority of an Act passed in the second year of Your Majesty's Reign; And whereas the Lords Commissioners of Your Majesty's Treasury have lately represented to us, upon a communication from Your Majesty's Secretary of State for the Colonies, that it is expedient that so much of the said Order in Council as relates to the establishment of a Table of Fees to be taken by the several Officers of the Vice Admiralty Court at Quebec, be revoked: We do, therefore, most humbly submit to Your Majesty, that Your Majesty will be most graciously pleased, by Your Order in Council, to revoke and annul so much of the said Order in Council of the 27th June, 1832, as relates to the establishment of a Table of Fees in the said Vice Admiralty Court at Quebec, accordingly.

His Majesty having taken the said Memorial into consideration, was pleased by and with the advice of His Privy Council, to approve thereof, and to order, as it is ordered, that so much of the said Order in Council of the 27th June, 1832, as relates

to the establishment of a Table of Fees in the said Vice Admiralty Court at Quebec, be revoked and annulled; and the Right Honorable the Lords Commissioners of the Admiralty are to give the necessary directions herein accordingly.

(Signed,) C. GREVILLE.

Certified to be True Copy of the Order in Council, published in the *Quebec Official Gazette* of the 4th of February, 1836.

E. PARENT,
Assistant Secretary.

NOTE—The Petition of the Bar of Quebec, referred to in the Address, was transmitted to the Colonial Secretary in the Original, and no Copy of it kept.

(Copy.)

No. 53.

GOVERNMENT HOUSE,
KINGSTON, 5th March, 1842.

MY LORD,—With reference to Lord Seaton's Despatch of the 29th January, 1839, and to other Correspondence mentioned in the margin, I have the honor to transmit to Your Lordship, herewith, the copy of a further letter from Mr. Black, the Judge of the Vice Admiralty Court at Quebec, repeating his solicitations for the establishment of a Tariff of Fees for that Court.

The circumstances which led to the abrogation of the Tariff formerly in existence are so fully explained in the correspondence above referred to, and in that which took place in the year 1834 with Lord Alymer, that it is unnecessary for me here to enter into any recapitulation of them.

In his Despatch of the 15th August, 1838, Lord Glenelg announced to the Earl of Durham that it was the intention of Her Majesty's Government to send out a series of questions by which to elicit from the Vice Admiralty Court, all the information necessary for their guidance in the preparation of a new Tariff. I cannot find that this intention was ever carried into effect, or that any answer was returned to Lord Seaton's Despatch of January, 1839. The matter, therefore, still remains in the same position in which it was left by the revocation of the Order in Council of the 27th June, 1832. But as the want of a proper Table of Fees is very injurious to the efficiency of this Court, and as the power of establishing such fees has been vested by the Imperial Parliament in the Queen in Council, I beg to request Your Lordship's early attention to the question with a view to its settlement on a permanent and satisfactory basis.

I have, &c.,
(Signed,) CHARLES BAGOT.

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

(Copy.)

GOVERNMENT HOUSE,
KINGSTON, 23rd March, 1843.

MY LORD,—Having received a further application from Mr. Black, the Judge of the Vice Admiralty Court at Quebec, respecting the necessity which exists for establishing a Tariff of Fees for that Court, I have the honor herewith to transmit a copy of his letter of the 15th March to Your Lordship, and to request Your Lord-

ship's attention to this subject, in connexion with the Despatch which I addressed to Your Lordship on the 5th March, 1842, (No. 53) referring to Mr. Black's former correspondence upon it.

I have, &c.,
(Signed,) CHARLES BAGOT.

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

(Copy.)
No. 88.

DOWNING STREET,
16th September, 1843.

SIR,—I have to acknowledge the receipt of your Despatch No. 47, of the 23rd March, requesting the decision of Her Majesty's Government upon the Tariff of Fees which it would be proper to establish for the payment of the Officers of the Court of Vice Admiralty at Quebec.

The subject to which your Despatch relates, having been for some time under the consideration of the Lords Commissioners of the Treasury, I transmitted to that Board a copy of your Despatch, and of its inclosure, accompanied by my request that a decision might be formed upon the question contained in it without further delay; and I have since received a letter from one of the Secretaries to their Lordships, inclosing the Draft of a Table of Fees to be taken by the respective officers of the Court of Vice Admiralty at Quebec, of which and of the whole correspondence which has passed on the subject between this office and the Treasury, I now enclose you copies for your information.

You will observe that the Lords of the Treasury have no objection to the revision of the proposed Table of Fees by a Commission of Canadian Lawyers or Merchants, appointed by you for that purpose, or to the adoption of any other scale of fees that you, or the proposed Commission, may recommend; but they state that it will be necessary not only that the scale which shall eventually be adopted, should receive the sanction of the Queen in Council, but that, in consideration of the extensive nature of the jurisdiction of the Vice Admiralty Courts, and of the expediency of making the same scale of fees applicable to the Courts of Nova Scotia, New Brunswick, Newfoundland, and Prince Edward Island, it will be desirable that before any amended Table of Fees be sanctioned by the Queen in Council, it should be submitted for the opinion of Her Majesty's Advocate and the Advocate of the Admiralty,

Under these circumstances it is open to you to appoint a Commission, composed, according to my suggestion, of Canadian Merchants and Lawyers, or to nominate any other local authority which you may think more qualified for this duty. But I wish further to receive your opinion whether there would be any objection to the promulgation of the amended Tariff by an Order in Council to be issued in pursuance of the Act of Parliament, or whether there is any motive in favor of proceeding by local legislation sufficiently strong to overrule the reasons of the Board of Treasury in favor of adhering to the course of proceeding hitherto observed in such cases.

I have, &c.,
(Signed,) STANLEY.

Sir C. T. Metcalfe, Bart.,
&c., &c., &c.

TREASURY CHAMBERS,

26th June, 1843.

SIR,—I am commanded by the Lords Commissioners of Her Majesty's Treasury to transmit to you the enclosed copy of a Report from Mr. Rothery, dated the 19th instant, relative to the establishment of a Tariff of Fees for the Vice Admiralty Court at Quebec, in order that the same may be submitted for the information of Lord Stanley, with reference to your letter of the 25th April last, and to the previous communications from His Lordship's Department on the subject of the revision of the Table of Fees in the Vice Admiralty Court in the North American Provinces.

I have, &c.,

(Signed,)

C. E. TREVELYAN.

James Stephen, Esq.,
&c., &c., &c.

To the Right Honorable the Lords Commissioners of Her Majesty's Treasury:

MAY IT PLEASE YOUR LORDSHIPS,

In obedience to Your Lordships' commands, I have perused and considered the letter herewith returned, from James Stephen, Esq., together with a copy of a Despatch from the Governor of Canada, and copy of a letter from the Judge of the Vice Admiralty Court at Quebec, in which he inquires whether Her Majesty's Government have yet decided on the establishment of a Tariff of Fees for that Court, and Mr Stephen, in reference to his letter dated 18th May, 1842, as well as to the previous correspondence on the subject, states, that Lord Stanley hopes that this question may be decided upon, without further delay.

I do most humbly report to Your Lordships that I have in conjunction with Mr. Swabey, the Registrar of the High Court of Admiralty, at various periods, endeavoured to obtain from different sources the best information that could be procured to warrant us in making such alterations as appeared to be proper in the fees to be established in the Vice Admiralty Court in question, and we think that we have obtained sufficient information to enable us to conclude the same. At present, however, it is in the middle of the Term, but so soon as the present Term ends, every exertion shall be used to terminate the duties assigned to him.

All which is most humbly submitted to Your Lordships' Wisdom.

(Signed,)

WM. ROTHERY.

Stratford Place,
19th June, 1843.

DOWNING STREET,

13th July, 1843.

SIR,—I am directed by Lord Stanley to acknowledge the receipt of your letter of the 26th ultimo, on the subject of the revision of the Tariff of Fees to be established for the Vice Admiralty Court at Quebec.

Lord Stanley would be very reluctant to address to the Governor General of British North America a Despatch communicating to that Officer the explanations which the Lords Commissioners of the Treasury have received of the causes which have so very long delayed the completion of this work. His Lordship fears that the Legislative and Judicial authorities of Canada would regard with serious discontent the apology that the gentlemen to whom this duty has been confided by the Lords Com-

missioners are too much occupied with the business of the Term at Westminster Hall to attend to so important a Provincial interest; especially as the reference to those Gentlemen has been pending before them for more than fourteen months.

The dissatisfaction of the Province would (as Lord Stanley fears) be increased by the Statement of the difficulty (so tardily admitted) with which the referees of the Treasury have had to contend in obtaining the requisite information as to the material facts of the case, and by the further statement of the very imperfect means of knowledge now at their command.

It appears to Lord Stanley not to be really doubtful that the subject is beyond the competency of any persons in this country, and that there can be no sufficient reason why the arrangement of the Fees of the Court of Admiralty at Quebec should not be left to the local Authorities.

His Lordship is fully convinced of the far superior qualifications of those Authorities for such a task, but even in the opposite hypothesis, he cannot doubt that a Tariff of Fees of local origin is much the most likely to be acceptable to the parties interested.

Lord Stanley would propose therefore, unless the Lords Commissioners of the Treasury perceive any very serious and decisive objection, to instruct Sir Charles Metcalfe to appoint a Commission of Canadian Lawyers and Merchants for the preparation of the Tariff, and to submit it when so prepared to the Legislature of Canada for their sanction.

If there is any Act of Parliament or Order in Council which would interfere with the execution of this purpose, Lord Stanley would recommend the immediate repeal of it.

I have, &c.

(Signed,)

JAMES STEPHEN.

C. E. Trevelyan, Esq.,
&c., &c., &c.

(Copy.)

TREASURY CHAMBERS,
11th September, 1843.

SIR,—The Lords Commissioners of Her Majesty's Treasury having had under their consideration your letter of the 13th July last, relative to the revision of the Tariff of Fees for the Vice Admiralty Court at Quebec; I have it in command, with reference to the previous correspondence which has taken place upon this subject, to request that you will acquaint Lord Stanley that Mr. Rothery having now reported the steps that had been taken by him, in conjunction with the Registrar of the High Court of Admiralty, for the preparation of the Tariff in question, and for the necessary revision in connexion with any new Regulation that may be adopted in the Court at Quebec, of the fees chargeable in the other Vice Admiralty Courts in North America, My Lords have directed Extracts from such Report with Table of Fees to which it refers, to be forwarded to you, in order that they may be laid before Lord Stanley; in doing which, you will observe to his Lordship that the report having been submitted by Mr. Rothery to Her Majesty's Advocate and the Advocate of the Admiralty, have been approved by those Officers.

You will further state to Lord Stanley that My Lords have not omitted, at the same time, to advert to the suggestions in the communication above mentioned, of the 13th July last, "that the arrangement of the fees of the Court of Admiralty at Quebec should be left to the local Authorities, and that with this view Sir Charles Metcalfe should be instructed to appoint a Commission of Canadian Lawyers and Merchants for the preparation of the Tariff, and to submit it when so prepared to

the Legislature of Canada for their sanction, and that any Act of the Imperial Parliament or Order in Council that would interfere with the execution of this purpose should be immediately repealed."

Referring to these suggestions you will observe to His Lordship that it is in the first place to be borne in mind that the charges in the Vice Admiralty Court at Quebec or other Vice Admiralty Courts in the Colonies are not confined to the locality of the Colony, as the fees may become payable by any class of Her Majesty's subjects whose vessels, from various accidental circumstances may become subject to the adjudication of the particular Vice Admiralty Court; and that in consequence it is to be presumed, of this extensive jurisdiction it is required by the Act 2nd Will. IV., chap., 51, specially passed for the regulation of the practice and for the establishment of fees to be taken in the Courts of Vice Admiralty throughout the Colonial Possessions of the Crown, that the Rules, Regulations, and Table of Fees of these Courts should only be established or altered by Order of Her Majesty in Council.

My Lords, however, apprehend that there can be no objection to any revision of the proposed Table of Fees previous to the legalization of it in the manner pointed out by the Act, by any competent persons in Canada, or to the adoption or legalization by Her Majesty in Council of any other Scale of Fees that may be recommended by the Canadian Government or by the Commission that has been suggested; and referring to the strong opinion on this subject signified in your letter of the 13th July, you will apprise Lord Stanley that My Lords see no possible objection to any instructions His Lordship may seem fit to convey to the Governor of Canada in these respects, or to the transmission to the Canadian Government of the Table of Fees now forwarded to His Lordship, either in order to its revision, or for the information merely of any Commission His Lordship may direct the Governor to appoint. But you will at the same time point out to Lord Stanley's attention that it will not only be necessary that any Scale of Fees eventually be adopted, shall receive the sanction of Her Majesty in Council, but likewise that the consideration before adverted to, connected with the extensive nature of the Jurisdiction of Vice Admiralty Courts, as well as the expediency suggested in Mr. Rothery's Report, of making the same Scale of Fees applicable to the Courts at Nova Scotia, New Brunswick, Newfoundland and Prince Edward Island, will render it advisable, that previously to any revised or amended Table being laid before Her Majesty for such sanction, it should be submitted to Her Majesty's Advocate, and the Advocate of the Admiralty for their consideration and opinion thereon.

I am, &c.,

(Signed,) G. CLARK.

EXTRACT from Mr. Rothery's Report, dated the 31st August, 1843.

"In obedience to directions received from Your Lordships' Board, signified to me by Francis Thos. Baring, Esq., in his letter dated 12th November, 1838, I have perused and considered copies of a letter from Mr. Stephen, Under Secretary of State for the Colonial Department, dated the 24th October, 1838, and of its several inclosures, on the subject of the Rules, Regulations, and Fees of the Vice Admiralty Court at Quebec, and signifying the opinion of the Board that the same course which had been adopted in pursuance of their Lordships' Minute dated the 14th January, 1831, on the subject of the charges of the Vice-Admiralty Courts in the Colonies, should be pursued for the purpose of ascertaining what Rules and Regulations it might be proper to establish for the Vice Admiralty Courts at Quebec and Halifax, as well as of forming a Scale of Fees for the officers of both those Courts, and desiring me to communicate with Mr. Swabey, the Registrar of the High Court of Admiralty, and with Mr. Fairbanks, then Judge of the Vice Admiralty Court at Halifax, and

after consultation with Her Majesty's Advocate and the Advocate of the Admiralty, to submit to Your Lordships' Board such Regulations on this subject as might appear to be expedient.

I have the honor to report that in the execution of these directions, I have in addition to the preceding documents, perused and considered the following also transmitted to me by command of Your Lordships' Board, and communicated the same to Mr. Swabey likewise for his perusal.

Letter from F. T. Baring, Esq., dated the 29th December, 1838, with letter from Mr. Hy. Bliss, dated 29th November, 1838, relative to the expediency of applying such Rules, Regulations and Scale of Fees, as might be recommended in the cases of Canada and Nova Scotia, to the Vice Admiralty Court of New Brunswick.

Letter from Mr. Pennington, dated 4th April, 1839, with copies of two Despatches from Sir John Colborne, dated from Montreal the 29th January, in that year, transmitted by direction of Your Lordships' Board, together with two letters from H. Black, Esq., Judge of the Vice Admiralty Court at Quebec, dated the 24th and 25th of the said month of January.

Letter from Mr. Stephen to Your Lordships' Secretary, dated the 20th November, 1839, with a copy of a letter from Sir Colin Campbell, the Lieutenant Governor of Nova Scotia, dated, Halifax, 19th October, 1839, together with with a letter from Mr. Fairbanks, then Judge of the Vice Admiralty Court at Halifax.

Letter from Mr Stephen to Your Lordships' Secretary, dated the 13th May, 1842, with copy of a letter from the late Sir Charles Bagot, Governor of Canada, dated the 5th of the previous month of March; as also copy of a further letter from Mr. Black, the Judge of the Vice Admiralty Court, at Quebec, dated the 12th February, 1842.

Further letter from Mr. Stephen to Your Lordships' Secretary with a copy of a further letter from the late Sir Charles Bagot, dated the 23rd of the said month of March, with a further letter from Mr. Black, dated the 15th of that month.

I have also attentively perused and considered the several other documents hereunder mentioned, more particularly relating to the Scale of Fees at the Vice Admiralty Court at Quebec, and communicated the same to Mr. Swabey, viz :

Copies of a letter from Sir George Grey, dated 16th May, 1835, and a Despatch from Lord Aylmer, the Governor of Quebec, as also my Report thereon, dated the 12th June, 1835.

Letter from the Honorable J. Stewart, dated the 5th December, 1835, with a copy of a letter and its enclosure, from the Board of Admiralty, being a copy of an Order in Council, dated the 20th November, 1835, revoking Table of Fees for the Vice Admiralty Court at Quebec.

Copy of a letter from J. Stephen, Esq., dated the 3rd March, 1838, with copies of Despatches from the Earl of Gosford, and of the replies returned to them; also of a further letter from Mr. Stephen, dated the 8th of said March, with a copy of a Despatch from the Earl of Gosford, and my Report thereon, dated the 19th April, 1838.

Copy of Your Lordship's Minute dated 30th April, 1838.

Copy of a letter from A. G. Spearman, Esq., dated 13th July, 1838, with letter from Mr. Stephen, and copy of a Minute of Your Lordships' as well as the previous correspondence which had taken place on the subject of the establishment of a new Tariff of Fees, and copy of my letter to Mr. Spearman, in reply, dated the 26th October, 1838.

Letter from Mr. Stephen, dated the 13th July, last, stating, &c.—

On the subject of this recommendation from Lord Stanley, I beg to refer Your Lordships to a separate Report of this day's date to Your Lordships, and shall pro-

ceed in this Report to state every thing which has been done for the purpose of framing a Table of Fees proper to be established in these Vice Admiralty Courts; and for this purpose, exclusive of the oral testimony received from the late Mr. Fairbanks, the Judge of the Vice Admiralty Court at Halifax, from Mr. Black, the Judge of the Vice Admiralty Court at Quebec—Mr. Archibald, the present Judge of the Vice Admiralty Court at Halifax—Mr. Young, a gentleman having considerable practice in that Court—and from a variety of other persons, from whom it was most likely the best information could be procured, Mr. Swabey and myself are of opinion that the Scale of Fees formerly established at Quebec, was too high and should be reduced, and we have prepared a Table of Fees, such as we consider would be proper to be received by the Judge, Officers and Practitioners of this Vice Admiralty Court of Quebec. I beg, however, to observe, that no Table of Fees can be regularly established for any Vice Admiralty Court, except by an Order of H. M. in Council, in conformity with the Act of the 2nd Will. the 4th, cap. 51.

I beg further to report that we are also of opinion that the same fees which are to be established at Quebec, should be made available to the two other Vice Admiralty Courts, to which, by direction of Your Lordships, our attention has been called, viz: Halifax and New Brunswick; and notwithstanding these are the only Vice Admiralty Courts for which we have been directed to prepare a Table of Fees, yet we are of opinion that similar Tables should be applied to the Vice Admiralty Courts established at Newfoundland and Prince Edward's Island.

In preparing this Scale of Fees, we have, in order to enable us to discharge more properly the duties confided to us, also found it necessary to have reference to the following documents, viz:—

The Reports of the Commissioners employed in preparing Tables of Fees in prize causes, for certain of the Vice Admiralty Courts, which Tables were afterwards established by His Majesty's Order in Council, dated the 15th July, 1813.

The Reports of the Commissioners for examining into the duties, salaries and emoluments of the Officers of the several Courts of Justice in England, particularly those relating to the High Court of Chancery and Exchequer.

The High Courts of Admiralty and Prize Appeals, and the principal Ecclesiastical Courts.

Also in the Act of the 2nd Will. the 4th, cap. 51, to regulate the practice and the fees in the Vice Admiralty Courts abroad, and to obviate doubts as to their jurisdiction, together with the Rules, Regulations, and Tables of Fees thereby ordained and established.

QUEBEC.

TABLE OF FEES.

BY THE JUDGE.

Fees in the progress of a Suit or Cause

STERLING
MONEY.

£ S. D.

For administering an oath to a witness or party in a cause, taking bail, whether by one or more persons, decreeing monition, commission, attachment, or any other instrument, or for any judicial act done before or after the hearing of a cause, and not otherwise mentioned herein. 0 2 0

The above fee of 2s. to be taken by the Surrogate whenever he performs the duty.

On subduction of an action,.....	0	2	8
On pronouncing a party to be in default,.....	0	6	8
On signing a decree pronouncing for the interest of a party proceeding in pœnam,.....	0	6	8
On a sentence or interlocutory decree,.....	1	0	0

Fees upon the Sealing of Instruments.

Warrant of arrest, monition, commission, decree, restitution or attachment,	0	4	4
Compulsory or subpœna, or any instrument not otherwise mentioned,.....	0	2	8
Exemplification of any document or proceeding,.....	0	6	8
Process transmitted to the Court of Appeal,.....	0	4	4

BY THE REGISTRAR.

1. Fees on instruments prepared by the Registrar.

For drawing and engrossing—

Warrant to arrest ship, goods or person,.....	0	3	6
Bail Bond,.....	0	3	6
Monition, commission or decree, whether of unlivery, appraisement or sale, or otherwise,.....	0	10	0
Writ or Instrument of restitution,.....	0	12	0
Compulsory or subpœna against witnesses,.....	0	5	0
Writ of Attachment,..	0	12	0
If either of the preceding instruments exceed in length ten folios, for every folio beyond ten.....	0	1	0

* The folio mentioned throughout this Table of Fees must contain ninety words, reckoning each figure as a word.

Should the Registrar be required to prepare any other document, instrument or matter whatsoever, not specified in this Table, he will be entitled to the same charge as a Proctor, viz:

For drawing every folio,.....	0	1	0
For fair copying or engrossing for every folio,.....	0	0	6

2. Fees on documents not prepared by the Registrar, but by the Proctor Solicitor, or Advocate, in a causé.

On a decree pronouncing for the interest of a party, proceeding in pœnam, being signed by the Judge,.....	0	6	8
On fying affidavit or protest of a master or mariners. without reference to the number of persons making the same,.....	0	2	8
On fying libel, information, claim, proxy, or similar document,.....	0	4	0
On fying exhibit annexed thereto, or to any affidavit,.....	0	1	0
On entering (or engrossing) personal answers of a party in a suit, for each folio,...	0	0	6

3. Fees on taking the examination of witnesses.

In taking the *examination of every witness on an information, libel, interrogatories or plea, a fee of.....	0	6	8
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* Note.—It should be understood that the Registrar or whosoever acts as the Examiner for him, should take the depositions in chief of the witnesses, on the libel, information or plea itself, without interrogatories; putting such relevant questions *via voce*, as may suggest themselves, and care should be taken not to lead the witness; the libel, information or plea should therefore always be drawn sufficiently precise and full to enable the Examiner to take the examinations accordingly. The cross-examinations must, of course, be taken on written interrogatories.

For each folio to which the examination shall extend, if in English,.....	0	1	0
If by interpretation, (interpreter included,)	0	2	0
4. Fees on office copies of papers or proceedings.			
For office copy of sentence or interlocutory decree certified under seal,...	0	9	0
For office copy of any affidavit, examination, answers of a party or other documents, or proceedings in a cause or extract therefrom, if under twelve folios,.....	0	5	0
If exceeding twelve folios, for every folio beyond twelve,.....	0	0	6
Office copies of papers and proceedings to form a process to be transmitted to the Court of Appeal, or for any other purpose, for each folio contained therein,.....	0	0	6
5. Fees on translation of papers.			
Where papers are translated, the Registrar should charge the disbursements actually made to the Translator, with an addition of one-fourth, to compensate him for his trouble, advance, &c.			
6. Incidental fees in the progress of a cause.			
On subduction of an action,.....	0	5	0
For ordering every ordinary act of Court,.....	0	1	0
On every default pronounced against parties in contempt in cases proceeding in poenam,.....	0	3	4
On every interlocutory decree or sentence, including drawing the act, to be paid by the party succeeding,.....	0	10	0
For every attendance before a Judge or Surrogate, at which any decree is made, other than an interlocutory or sentence.....	0	3	6
For a receipt for original documents delivered out of the Registry,....	0	1	4
On a *search or examination of the records by any person not being a party in the cause in which the search is made,.....	0	2	6
*Note.—No fee to be charged to a party in the cause, or to any seaman applying for search.			
For advertising an intermediate or extra Court day, in addition to the sum paid for advertisement.....	0	5	0
7. On paying out money.			
For preparing Receipt for money to be paid out of the Registry,.....	0	1	0
Poundage on money paid out of the Registry, for every pound sterling,..	0	0	2
8. Taxing costs.			
For taxing a Bill of Costs if under six folios from each party who attends the taxation.....	0	3	4
If the Bill of Costs exceed six folios, for every additional folio (besides the Fees above mentioned) to be paid in equal proportions by each person who attends; and if but one party attend, to be paid by him solely,.....	0	0	4
9. References of accounts, &c., by the Judge to the Registrar and Merchants.			
To the Registrar,.....	3	3	0
To the Assistant Merchants.....	3	3	0
If two Merchants, three guineas each.			

BY THE MARSHAL.

For arresting a vessel, goods or person,.....	1	1	0
For keeping possession of a vessel and cargo jointly, or either of them singly, when the same are not under the responsible charge and custody of the Officers of the Customs, for each day in which they remain in the Marshal's charge,.....	0	4	0

For enquiring into and certifying the sufficiency of persons proposed as sureties in any suit, for each surety.....	0	4	0
For release of a vessel, goods or person from arrest,.....	0	5	0
For executing every monition or decree for answers of a party, or compulsory or other instrument not specified,.....	0	6	8
For every default or decree pronouncing for the interest of a party proceeding in pœnam,.....	0	4	4
For every attendance in Court, when a sentence or interlocutory decree is pronounced,.....	0	8	8
For executing every decree or commission of appraisement, exclusive of the appraiser's fees, but including the making of the inventory, if the value should not exceed £500 sterling,.....	1	6	8
For the like duty when the value exceeds £500 sterling,.....	2	0	0
For executing every decree or commission of sale of ship or goods by public auction, when the gross proceeds are under £200 sterling,....	1	0	0
And on every additional £100 sterling,.....	0	10	0
On attending the execution of a decree or a commission of unlivery of cargo (when not done for the purpose of sale,) per day,.....	2	2	0
For taking a person in execution after sentence, if the sum due from such person does not exceed £20 sterling,	1	0	0
For the like duty when the sum is above £20 and under £50 sterling,	2	0	0
And on every additional pound sterling after fifty pounds,	0	0	6
NOTE. Should it be necessary for the Marshal to go any distance beyond two miles to execute any of the above duties, there should be paid to him for loss of time and travelling expenses, in addition to the preceding fees, for every mile so travelled in going to and returning from the place of service,.....	0	1	0

BY THE ADVOCATES.

It is not easy to lay down any precise rules respecting fees to Counsel, inasmuch as the amount must depend upon the circumstances of each particular case, with reference to its length, importance and difficulty.

In all undefended cases, and in matters of no great difficulty, one Counsel ought to be considered sufficient.

Subject to these observations, the following suggestions are made for the guidance of the Proctor in feeing Counsel, upon matters which most frequently occur in the progress of a Suit:—

Retaining fee to an Advocate.	1	1	0
For perusing, settling and signing information or libel, claim and affidavit, act on petition, responsive plea (or replication) to libel, or information or act on petition, according to the length or difficulty.....	0	10	6
For perusing, settling and signing *interrogatories, answers, &c., when the same do not exceed 12 folios in length.....	0	10	6
For every additional fifteen folios to the extent of sixty.....	0	10	6

The necessity for consultations with Counsel may of course occasionally arise, particularly in cases of great nicety and difficulty, but these ought not too frequently to occur, and it is obvious that no specific amount of fee can be fixed for such occasion; the Chancery practice may therefore afford a sufficient analogy for the proper fee to be paid to Counsel.

* It should be understood, that in preparing interrogatories for the cross-examination of witnesses, they are not to be drawn separately for each witness to whom the same are to be administered; but that when practicable (as in most instances will be the case), one set of interrogatories should be prepared, generally applicable to all the witnesses.

For any motion necessarily made by Counsel before the Judge in the progress of a cause.....	}	0	10	6
		2	2	0
The fee for the final hearing must depend upon the length of the evidence and the importance and difficulties of the cause; but in cases of no great intricacy, the fee should be from two to five guineas, and should not exceed the latter sum, unless where the proceedings are voluminous or unusually important or difficult.....	}	2	2	0
		5	5	0

BY THE PROCTORS.

Retaining fee.....	0	5	0	
For attending before the Judge or Judge Surrogate, either in Court or Chambers.....	0	5	0	
On extracting any warrant, monition, commission, writ, or other instrument	0	6	8	
Drawing libel, information, plea, claim, affidavit, act on petition, interrogatories, answers, or any other proceeding whatever, not herein specified, for every folio.....	0	1	0	
Fair copying or engrossing, for every folio	0	0	6	
For consultation with party for the purpose of taking instructions for the libel, information, plea, act on petition, or for any other important purpose during the dependence of a suit.....	0	6	8	
For consultation with Counsel, if any such should be found requisite, preparatory to the final hearing of a cause or otherwise.....	0	6	8	
Or if special.....	0	13	4	
And if for any great length of time and the case be important, the fee may be increased under the sanction of the Judge.				
For *attendance on Counsel to see him, to peruse, settle or sign any information, libel, replication or other plea, claim, affidavit, act on petition, answers, interrogatories or other matter, or upon any other occasion that may arise on delivering papers and seeing Counsel.....	0	6	8	
For any necessary attendance on the Registrar, or on the adverse Proctor, during the progress of a cause, to adjust any incidental point in the suit, or on the Marshal to instruct him as to the service of any instrument reporting bail, &c.....	0	5	0	
On all office copies of depositions, &c., obtained from the Registrar, one-third of the actual sum paid at the Registry, is to be added for trouble of collating and extracting the same.				
For perusing and considering any papers, exhibits or documents, furnished or introduced into a cause by the adverse party, or furnished by a party to his own Proctor for the purpose of being brought forward as evidence in the suit, if not exceeding 12 folios.....	0	3	4	
For every additional 12 folios.....	0	2	0	
For attending informations on the final hearing of a cause when it occupies only a short time, 6s. 8d., if a few hours, 13s. 4d., if a whole day, £1.1.....	}	0	6	8
		0	13	4
		1	1	0

* NOTE.—Care should be taken not to increase the number of attendances or consultations with Counsel, which ought only to be resorted to when absolutely necessary.

(Copy.)

No. 150.

GOVERNMENT HOUSE,

KINGSTON, 28th *December*, 1843.

MY LORD,—At the request of Mr. Black, Judge of the Vice Admiralty Court, and M. P. P. for Quebec, on the part of the Bar of the City, I have the honour to submit a Petition to Her Majesty in Council, praying for a Tariff of Fees in the Vice Admiralty Court of Canada. The Report desired by Your Lordship's Despatch of the 16th September, No. 88, shall be hereafter submitted.

I have, &c.,

(Signed,)

C. T. METCALFE.

The Right Honble. Lord Stanley,
&c., &c., &c.

CIVIL SECRETARY'S OFFICE,

MONTREAL, 2nd *August*, 1844.

SIR,—I am directed by the Governor General to request your attention to the subject of the Secretary of State's Despatch of the 16th September, 1843, No. 88, which was transferred to you for the purpose of obtaining the Report called for by Her Majesty's Government, on the proposed new Tariff of Fees to be established for the Vice Admiralty Court at Quebec.

I have the honor to be,

Sir,

Your most obedient servant,

J. M. HIGGINSON.

The Hon. the Provincial Secretary,
&c., &c., &c.

SECRETARY'S OFFICE,

MONTREAL, 17th *August*, 1844.

SIR,—I have the honor, by command of the Governor General, to inform you that His Excellency would be happy to avail himself of your services as a Commissioner, conjointly with the Honorable Messrs. and Esquires, to examine and report as to the establishment of a Tariff of Fees, for the payment of the Officers of the Vice Admiralty Court at Quebec, for the information of Her Majesty's Government. And I am to request that you will be pleased to inform me at your early convenience, whether or not you will be willing to act as such Commissioner.

I have the honor to be,

Sir,

Your most obedient servant,

D. DALY, Secretary.

NOTE.—A letter to the foregoing effect was addressed to the Honorable Wm. Walker, Honorable F. W. Primrose, Honorable George Pemberton, John Duval and Henry Lemesurier, Esquires, who accepted the appointment of Commissioners.

SECRETARY'S OFFICE,
MONTREAL, 23rd August, 1844.

GENTLEMEN,—I have the honor, by command of the Governor General, to inform you that His Excellency is pleased hereby to name you to be Commissioners to report to His Excellency, for the information of Her Majesty's Government, on the subject of the establishment of a suitable Tariff of Fees, for the payment of the Officers of the Vice Admiralty Court at Quebec.

I enclose accordingly for your perusal, the accompanying copy of a Despatch from Her Majesty's Principal Secretary of State for the Colonies, suggesting the appointment of a Commission for this object, and transmitting several documents to which your attention will, in the outset of your investigation, require to be given.

It will also be desirable that you should avail yourselves of the information and suggestions of the Honorable Judge of the Admiralty Court, who will, no doubt, be happy to render you every assistance in his power. Should you have occasion to call on any other Officer of the Court, you will understand that His Excellency has directed that every facility should be afforded you by them.

I have the honor to be,
Gentlemen,
Your most obedient servant,

D. DALY, Secretary.

Honorable Wm. Walker,
Hon. F. W. Primrose,
Hon. Geo. Pemberton;
John Duval,
Henry Lemesurier, Esquires,
&c., &c., &c.
Quebec.

SECRETARY'S OFFICE,
MONTREAL, 23rd August, 1844.

SIR,—I have the honor, by command of the Governor General, to inform you that His Excellency has been pleased to name the Honorable Messrs. W. Walker, F. W. Primrose and George Pemberton, and Messrs. Duval and Henry LeMesurier, to be Commissioners to report to His Excellency, for the information of Her Majesty's Government, on the subject of the establishment of a suitable Tariff of Fees, for the payment of the Officers of the Vice Admiralty Court at Quebec.

His Excellency does not doubt that they will be desirous to avail themselves of your information and suggestions, and that you will readily afford them every assistance in your power, in the prosecution of their inquiry.

Should they have occasion to call upon any other Officer of the Court, I am to request that you will be pleased to signify to such Officer His Excellency's desire that he should afford them any information they may seek.

I have the honor to be, Sir,
Your most obedient servant,

D. DALY, Secretary.

To His Excellency the Right Honorable SIR CHARLES THEOPHILUS METCALFE, Baronet, Knight Grand Cross of the Most Honorable Order of the Bath, One of Her Majesty's Most Honorable Privy Council, Governor General of British North America, and Captain General and Governor in Chief in and over the Provinces of Canada, New Brunswick, Nova Scotia and the Island of Prince Edward, &c., &c., &c.

MAY IT PLEASE YOUR EXCELLENCY :

WE, the undersigned Commissioners named to report to Your Excellency, for the information of Her Majesty's Government, on the subject of the establishment of a suitable Tariff of Fees for the payment of the Officers of the Vice Admiralty Court at Quebec, have the honor to lay before Your Excellency, a statement of our proceedings and the opinion we have formed on the subject referred to us by the Honorable Mr. Secretary Daly, dated the 23rd August last.

Having, in the first place, given a careful attention to the Despatch from Her Majesty's Principal Secretary of State for the Colonies and the documents accompanying it, which had been transmitted to us, we conceived it to be our duty before proceeding further, to request the Honorable the Judge of the Vice Admiralty Court at Quebec, to communicate to us in such shape as might appear to him most convenient, his opinion as to the amount and scale of Fees to be inserted in such Tariff, with such observations and suggestions in reference to the subject as his experience might enable him to form. In compliance with this request, the Honorable Judge transmitted to us, on the 21st September last, a Tariff of Fees, such as he thought should be established for the Officers of the Vice Admiralty Court at Quebec, accompanied by a letter explanatory of his views upon the subject, both of which documents are attached to this Report. We afterwards thought it necessary to obtain the opinions of the Registrar and Marshal of the Court, on the subject, as also that of the Quebec Bar, more particularly of those gentlemen of the profession who most usually practice in the Vice Admiralty Court, and for this purpose we obtained the attendance of the Registrar and of several of the Advocates, whose evidence having been taken down in writing, will be found in an Appendix to this Report. The severe illness of the Marshal prevented his attendance before the Commissioners, and we have thus been deprived of the assistance to be derived from his information and experience.

Having in this manner obtained all the local information which was within our reach, connected with the subject matter referred to us, and having carefully compared the different Tariffs, namely, the one which was established in 1832 under the 2nd William IV., cap. 51, and which had since been abrogated; that now transmitted by Her Majesty's Principal Secretary of State for the Colonies, as proposed for adoption; and the one recommended by the Honorable the Judge of the Vice Admiralty Court at Quebec; and having maturely considered the various documentary and oral evidence and information which we had obtained, together with what might be derived from our own knowledge and experience on the matters bearing upon this question, we have unanimously agreed upon the following Report, which we respectfully submit to Your Excellency.

We are decidedly of opinion that the Tariff which was established by an Order of His late Majesty in Council in 1832, before referred to, is much too high, and neither adapted to the means and circumstances of those upon whom it would operate in this Colony, nor to the class of cases which usually come before the Court of Vice Admiralty at Quebec.

We are also decidedly of opinion that the general objections acknowledged by all enlightened persons to the payment of Judicial Officers by fees apply in their fullest extent to the Judges of the Vice Admiralty Courts, and recommend that no fees to the Judges be inserted in the Tariff to be established agreeing completely

with the view taken by the present Judge of the Vice Admiralty Court at Quebec on that subject. We would remark that at present, and ever since 1769, the Judge of that Court has received, in lieu of fees, as salary of £200, sterling, per annum, which is paid out of the Provincial funds; but there being no law prohibiting him from taking fees, if any such be legally established, he would have an option to relinquish the salary and take the fees; this, in our opinion, ought to be avoided, by giving the Judge an adequate annual salary, which, we respectfully submit, considering his rank and station, the character and dignity of the Court over which he presides, and how desirable it is that the individual filling that office should be selected from among the most distinguished members of the profession, ought not to be less than £500, sterling, per annum. The present salary was fixed at a remote period, when the other Judicial Officers in the Colony were paid at the same rate: the salaries of all the other Judges have since been increased, whilst that of the Judge of the Vice Admiralty Court has remained the same.

We would further remark, that even if the proper authorities should ultimately decide upon inserting fees to the Judge in the Tariff to be established, the amount which might be received at Quebec, either upon the scale of the Tariff made in 1832, or of that transmitted by Her Majesty's Provincial Secretary of State for the Colonies, would not, in all probability, be equal to the small salary the Judge at present receives.

We are of opinion that the fees proposed to be granted to the Registrar and Marshal in the Tariff transmitted by the Right Honorable Lord Stanley would not be too high, if neither of those officers are to receive any salary in compensation for their services; but we are also clearly of opinion that, under the peculiar circumstances of this Colony, it is not desirable that these Officers should be paid wholly by fees. We agree with the Judge of the Vice Admiralty Court at Quebec, that it would be preferable that these Officers should have a moderate fixed salary as part of their emoluments, and that a reduced scale of fees should be established for them, to make up with such salaries a proper remuneration for his services. If this suggestion can be adopted, we recommend the establishment of the Table of Fees proposed by the Judge of the Vice Admiralty Court at Quebec for the Registrar and Marshal, with the exception of the item of 4s. 6d. to the Registrar for the examination of each witness, *vidæ voce*. This fee, in our opinion, should be confined to the examinations taken in writing, and 1s. sterling, for each witness examined *vidæ voce* would be sufficient. In recommending these parts of the last mentioned Tariff, it is on the supposition that the Registrar shall receive, in addition, £100; sterling, fixed salary, and the Marshal £50, fixed salary, as recommended by the Judge, which we think reasonable allowances. We have come to these conclusions upon this part of the subject from the following considerations:

It is certain that since the Tariff of 1832 was abrogated, and the Registrar and Marshall have been allowed compensation for their services, not paid by the suitors, the number of suits in the Vice Admiralty Court at Quebec has increased nearly threefold, owing, we have no doubt, chiefly to there being no check, in the shape of necessity of incurring the expense of certain disbursements and the fear of ultimate costs, to the instituting of the most unfounded proceedings. We therefore think that such a check should exist by the establishment of a Tariff of Fees. On the other hand, as nine-tenths of the suits heretofore brought have been for Seamen's wages, which are usually commenced by the seizure of the vessel to which they belong, whether we consider the interest of the Shipowners, who, even when successful, having to do with opponents generally unable to pay costs, have to sustain a very heavy and unjust burthen in all such cases, or if we look to the class of persons who seek redress upon whom a Tariff of Fees equal to the remuneration of the services of the Officers would operate nearly as a denial of justice, we think that by making that Tariff lower than what would be a proper compensation for the ser-

vices of these Officers, and making up the difference by annual salaries, both these evils would be avoided as far as regulations can tend to do so. Another objection to these Officers being paid wholly by fixed salaries exists in the unnecessary trouble often given to them on the one hand, and in the want of a sufficient impulse towards the expeditious and correct discharge of their duty on the other.

We have made these observations and formed these conclusions from an experience of the past, and in connection with the provisions of the Merchant Seamen's Act now in force, not being aware at the time that the Imperial Legislature at its last Session had passed a new Merchant Seamen's Act to come into operation on the 1st January next, when, having accidentally learned the fact, we procured the loan of a copy, with which we were kindly favoured by the Collector at this Port, and we have given to it our most serious consideration; but after having done so, we have not found any reason to alter our opinion either as to the Tariff or the salaries which we have recommended by this Report. We cannot refrain from expressing our regret that the jurisdiction in respect to Seamen's wages in cases under £20 has been taken from the Admiralty Court and transferred to Magistrates, being of opinion that it would be much for the interest of all parties concerned if a decision could be had on these as well as others of a like nature in the Vice Admiralty Court, without entailing a ruinous expense, and we would rather, therefore, see facilities afforded for a resort to that tribunal than otherwise, and if our views in this respect could be fully accomplished, we would contemplate with satisfaction the repeal of this part of the Merchant Seamen's Act.

We are induced to submit the foregoing observations, notwithstanding the changes introduced by the new Merchant Seamen's Act, from the necessity derived from experience of establishing a Tariff of Fees to operate as a check on the institution of unfounded proceedings, as previously observed by us in this Report.

With respect to the fees for Advocates and Proctors, we are of opinion that inasmuch as these professions are united in this Province, the Tariff proposed by the Honorable Judge of the Vice Admiralty Court at Quebec, as far as respects these Officers is to be preferred to that proposed by the Home Authorities, and being, in our opinion, reasonable in amount, we at all events recommend its adoption.

We have not failed to advert to the desire which has been expressed that, if practicable, a Tariff should be formed applicable to all the Colonies in North America; but in the absence of information as to the practice and the relative position of the different Officers of the Vice Admiralty Courts of the other Colonies compared with that of Canada, we have felt that we have best discharged the duty imposed upon us, by confining ourselves to suggesting what we conceived to be most desirable for the Vice Admiralty Court of this Province. Before concluding it may be proper for us to state, that in the recommendations we have made, we have reference only to what in our judgment we thought to be advisable on general principles, without taking into consideration the hardships that the present Registrar and Marshal will necessarily sustain by the operation of the new Merchant Seamen's Act, which will have the effect of taking away the greater part of the fees proposed for them, deeming that to be a question wholly beyond the purview of the reference made to us.

We would likewise state that the Honorable George Pemberton, one of the Commissioners appointed by Your Excellency, having been unavoidably obliged to go to Europe before the labours of the Commission were completed he could not sign this Report, but we have reason to believe that if present, he would have concurred in its general import.

The whole, nevertheless, humbly submitted to Your Excellency, by

Your most obedient and very humble servants,

(Signed,)

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WM. WALKER.
F. W. PRIMROSE,
J. DUVAL,
H. LEMESURIER

Quebec, 18th December, 1844.

APPENDIX.

MINUTES OF PROCEEDINGS.

A meeting of the Commissioners appointed by His Excellency the Governor General, to report to His Excellency, for the information of Her Majesty's Government, on the subject of a suitable Tariff of Fees for the payment of the Officers of the Vice Admiralty Court at Quebec, was held on the 19th September, 1844.

Present :

Hon. W. Walker,
 Hon. F. W. Primrose,
 Hon. Geo. Pemberton,
 John Duval, Esq., and
 Henry LeMesurier, Esq.

Mr. George Irvine, was appointed Clerk—a letter was written to the Hon. H. Black, Judge of the Vice Admiralty Court, requesting him to communicate in such shape as might appear to him most convenient, as to the amount and scale of fees to be inserted in the Tariff, with such observations and suggestions in reference to the subject as his experience might enable him to form, or which might appear to him useful.

The documents transmitted to the Commissioners, by the Honorable Mr. Secretary Daly, were read

2nd December, 1844.

A meeting was held at the Office of Mr. Duval.

Present :

Hon. Wm. Walker,
 Hon. F. W. Primrose,
 J. Duval, Esq., and
 Henry LeMesurier, Esq.

A letter from the Honorable H. Black, dated 21st September, 1844, was read.

Letters were written to Messrs. Bradley, Parkyn, Ross and Macquire, requesting their attendance, on Wednesday, the 4th instant, to give such information and make such suggestions in reference to the amount and scale of fees to be inserted in the Tariff as they might think expedient.

A letter was also written to Geo. Vanfelson, Esq., for the information of the gentlemen of the Quebec Bar, stating that the Commissioners would be happy to avail themselves of any suggestions which might be made to them, by the gentlemen of the Bar.

4th December, 1844.

A meeting was held at Mr. Duval's Office,

Present :

Hon. W. Walker,
 Hon. J. W. Primrose,
 John Duval, Esq., and
 Henry LeMesurier, Esq.

Joseph P. Bradley, Esq., Registrar of the Vice Admiralty Court, Quebec, attended, and gave the following testimony:—

I have been Registrar of the Vice Admiralty Court, since 1st January, 1842, and I performed part of the duties of that Office for several years previous to that date.

The number of Actions issued in

Year.	Number of Actions.	Registrar's Fees. Amount.
1833,	86	£277 8 2½
1834,	120	301 17 9
1835,	101	280 7 11

The above fees were received under the Tariff established by the King in Council, in 1832, abolished in 1836.

The number of Actions issued since 1839, is as follows:—

1840,.....	133	1842,.....	283
1841,.....	187	1843,.....	417
		1844,.....	336

during which latter years the Registrar has had an annual salary of £150, sterling, in lieu of all fees. This was considered a temporary arrangement to provide for the Registrar until a Tariff was made. This annual salary, I consider inadequate as a remuneration for the services performed, as will appear by the amounts received by the Registrar, under the late Tariff, during the years 1833, 1834, 1835, and the number of actions issued during those years, compared with the number of actions issued during the subsequent years. This annual salary was granted on the recommendation of Lord Gosford, then Governor in Chief; and Lord Durham, Governor General of the Canadas, subsequently recommended an annual salary of £250 or £300, sterling,—I cannot be positive which sum. Lord Gosford's recommendation was acted upon before Lord Durham's Despatch was received in England.

Since January last up to the present time there have been forty-three cases finally disposed of on the merits. The great majority of cases brought before the Court of Vice-Admiralty is for the recovery of Seamen's wages. The Court sits regularly twice a week during navigation season, that is between 1st of May and the end of November, and frequently on other days, on special application from the parties.

During the remainder of the season the Court sits occasionally as the business requires.

It appears that since the fees have been abolished the number of actions issued have greatly increased.

In the following years the number of Judgments pronounced were as follows:—

	Actions returned.	Judgment for Promoter.	Judgment against Promoter.
1833,.....	8	8	8
1834,.....	32	7	9*
1835,.....	28	8	4
1842,.....	127	24	49
1843,.....	158	27	70†
1844,.....	127	20	23

I attribute the increase of business in this Court to the absence of a Tariff. I have attentively examined the Table of Fees proposed by the Worshipful

* During these years, the Officers received fees in virtue of the Tariff since abolished.
 † During these years, the Officers received no fees.

Henry Black, Judge of the Vice Admiralty Court at Quebec. I consider the fees therein allowed to the Advocates both moderate and just. I am of opinion that it would be right to give the Court a discretionary power to tax Advocate's fees in a case of sufficient importance to require a second Advocate, say from three to ten guineas.

From the experience I have had in performing the duties of Registrar during the above period, I consider that an annual salary of £150, sterling, ought to be allowed in addition to the fees proposed by the Judge's Table, and £75, sterling, to the Marshal, in addition to the fees proposed.

I am averse to the payment of the Registrar and Marshal by an annual salary, exclusive of fees, because it enables suitors to harass the Officers unnecessarily; I would prefer a Tariff, however low, with a competent salary. Without an annual salary to the Officers, I am of opinion that the Tariff of 1832 affords no more than an adequate remuneration to them for the services performed—with such a Tariff in force the number of cases would be greatly diminished.

I would suggest the necessity of providing in a suitable manner for a Crier, by a small fee from each party on every case returned into Court.

5th December, 1844.

Present :

Hon. Wm. Walker,
Hon. F. W. Primrose,
John Duval, Esq., and
Henry LeMesurier, Esq.

Dunbar Ross, Esquire, Advocate of Quebec, attended, and gave the following testimony:—

I have practiced in the Vice Admiralty Court at Quebec for the last ten years. I am of opinion that the Tariff of 1832, established by the Order in Council, is too high for the general class of cases tried in that Court, which are for Seamen's wages, but not for cases of Salvage, Collision, and others of like importance.

I have had an opportunity of looking over the Tariff proposed by the present Judge, and I think it too low; and I do not approve of his proposal to do away with the distinction between the fees paid to a Proctor and an Advocate, being of opinion that the distinction which prevails in England between an Advocate and a Proctor ought to prevail in this and all other Colonies; at the same time that I think that in all Colonies where the professions are united the Proctor ought to be permitted to take all the ordinary and reasonable fees allowed by the Tariff to one Advocate or additional Counsel, without charging twice for the same service, and subject to the discretion of the Registrar and Judge in taxation.

I think it would be desirable in practice, though it would be a violation of principle, to make a separate Tariff for such suits for the recovery of Seamen's wages.

As to the Registrar and Marshal, I am of opinion that they should be paid by an annual salary only, with the exception of furnishing copies of documents and such like services, for which a fee should be allowed. I am, notwithstanding, also of opinion that the payment of these Officers by salaries, instead of fees, has a tendency to increase the number of unfounded suits: I am of opinion that £250, sterling, for the Registrar, and £150, sterling, for the Marshal, are proper salaries; and as to the Registrar I make this estimate more in consideration of the important functions to be performed by the Registrar of the Admiralty, than with regard to the amount of business in the Vice-Admiralty at Quebec.

I am of opinion that the Table of Fees proposed by the present Judge would be excessive for the Registrar without any salary, as they would amount to about

£400, per annum, and this, notwithstanding the reduction in the number of cases which the Tariff would occasion; the number of cases would then amount to about 300.

I am of opinion that the fees proposed by the same Tariff for the Marshal are upon too high a scale.

I am decidedly against any fees being allowed to the Judge: public opinion is opposed to it. The present salary of £200, sterling, is totally inadequate to the duties and dignity of a Judge.

Letters were directed to be addressed to Messrs. O. Stuart and Macquire, requesting their attendance on Friday, the 6th instant.

6th December, 1844.

Present:

Hon. Wm. Walker,
Hon. F. W. Primrose,
J. Duval, Esq.,
Henry LeMesurier, Esq.

John Macquire, Esq., of Quebec, Advocate, attended, and gave the following testimony:—

I have practised in the Vice-Admiralty Court at Quebec for ten years; I have examined the Tariff of 1832 established by an Order in Council, and I have also witnessed its effects on the Vice-Admiralty Court at Quebec. I am of opinion that it is too high for the ordinary class of cases there which are for Seamen's wages, but for cases of Salvage, Collision and others of like importance I do not consider it too high. I have examined the Table of Fees proposed by the present Judge of the Vice-Admiralty Court at Quebec, and in my opinion the fees proposed for the Advocates and Proctors are reasonable. The great majority of cases brought before the Vice-Admiralty Court at Quebec are instituted for the recovery of Seamen's wages; I think that it would be desirable that there should be a separate Tariff for Seamen's wages, subject to the provisions contained in the Merchant Seamen's Act. As to the Registrar and Marshall, I am of opinion that they ought to be paid by a fixed annual salary, and not to be allowed fees on any proceeding whatever. I should consider £250, sterling, a year, an adequate remuneration for the services performed by the Registrar, and £150, sterling, for the Marshall, this latter sum in lieu of fees for all proceedings whatever, his disbursements not included; the Registrar to be allowed also a moderate fee for copies of all documents that are asked for by the parties, not including copies of proceedings served on either party during the prosecution of a suit.

I think that the payment of a fixed annual salary in lieu of all fees has a tendency to increase the number of suits, as it affords a greater facility to suitors. I am of opinion that the fees proposed by the present Judge to be paid to the Registrar without any fixed salary would afford an adequate remuneration for his services. As to the Marshal, I consider the fee of 18s for the execution of a warrant to be excessive. I am of opinion that one-half, namely, 9s, would be sufficient, allowing him his disbursements. As to the Judge I am of opinion that he ought to be paid by a salary without fees: the same reasons that exist against allowing fees to the Judges of the Common Law Courts apply to the Judge of the Vice-Admiralty Court.

I have seen the Tariff of Fees sent out by Lord Stanley to His Excellency the Governor General, and I prefer the modification of it, as proposed by the present Judge of the Vice-Admiralty Court. In my opinion, if a Tariff were established the number of cases would be reduced to about two hundred annually.

George Ohill Stuart, Esq., of Quebec, Advocate, also attended, and gave the following testimony:—

I have practised several years in the Vice-Admiralty Court at Quebec, and occasionally perform the duties of Deputy Judge, under a deputation which I now hold. The Tariff established by an Order in Council of 1832, I have always considered not at all adapted to this country, and the fees therein allowed by far too high for the generality of suitors: since that Tariff has been in disuse the Registrar and Marshal have been paid by annual salaries out of the Provincial Revenue; and the business of the Court has greatly increased, which I attribute to the facility afforded to the obtaining of the process of the Court without paying for it,—this has led to a great deal of oppression, and injustice to Shipowners; a number of vexatious suits have been instituted, and vessels arrested, particularly when on the point of sailing, without a shadow of ground, and with the view of extorting money from the Shipowners. I am of opinion that it would be preferable to pay the Officers of the Court by fees on each proceeding, and these fees adapted to different classes of suits. I would provide separately for Seamen's suits; they comprise at least nine-tenths of the business of the Court, and they are almost invariably disposed of in a summary manner, giving little trouble either to the Officers or Proctors concerned. I am of opinion that £200, sterling, annually, would afford an adequate remuneration for the duties performed by the Registrar, and £75, for the Marshal, allowing him his disbursements; and I think the duties ought to be performed by him in person, which I believe is not now the practice. In a Seaman's suit brought for the recovery of wages, and conducted to final judgment in a summary manner, the Registrar's fees altogether ought not to amount to more than 9s, sterling; in the same case the Marshal's fees ought not to amount to more than 7s, sterling, exclusive of disbursements; and the Attorney, for each party, from £3 to £4. In other cases I should recommend the Tariff proposed by the present Judge.

I am decidedly opposed to the allowance of fees to the Judge; it is as objectionable in the Admiralty Court as it is in the Common Law Courts. I would pay him by a fixed salary of £500 a year.

10th December, 1844.

Present:

Hon. W. Walker,
Hon. F. W. Primrose,
John Duval, Esq.,
Henry LeMesurier, Esq.

The Commissioners considered and agreed upon the different heads of their Report, a Draft of which the Honorable Mr. Primrose was requested to prepare.

13th December, 1844.

Present:

Hon. W. Walker,
Hon. F. W. Primrose,
John Duval, Esq.,
Henry LeMesurier, Esq.

The draft of the Report was read and finally agreed upon, and directed to be engrossed by the Clerk.

18th December, 1844.

Present :

Hon. W. Walker,
 Hon F. W. Primrose,
 John Duval, Esq.,
 Henry LeMcsurier, Esq.,

The new Merchant Seamen's Act of the 7th and 8th Victoria, c. 112, was read and considered. The Report, with a slight alteration and addition was concurred in.

(Signed,)

GEO. IRVINE.

Clerk to the Commission.

The foregoing is a true copy of our proceedings.

(Signed,)

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WM. WALKER,
 F. W. PRIMROSE,
 J. DUVAL,
 H. LEMESURIER.

QUEBEC, 21st September, 1844.

GENTLEMEN,—I have the honor to acknowledge the receipt of your letter of the 19th instant, requesting me to communicate to you my opinion as to the amount and scale of fees to be allowed to the Officers of the Vice-Admiralty Court for Lower Canada, for the services which they perform, with such suggestions in reference to the subject as might appear to me useful towards the duty which has been cast upon you.

The subject is one which I have found to be of peculiar difficulty. Important as the functions of the Court are, as connected with the administration of one uniform system of Maritime Law throughout the Empire, and taking cognizance, as it does, of Revenue cases concurrently with the Courts of Supreme Jurisdiction within this Province, the majority of the cases tried before it involve, however, but small pecuniary amounts. A Table of Fees producing an income corresponding with the rank in life which the Registrar and Marshal of the Court must be, and affording to them an adequate remuneration for the services which they are called upon to perform, would press with undue weight upon the trade of the port. I would submit, therefore, the expediency of allowing the Registrar and Marshal a moderate salary each, in addition to the fees to be allowed them, those fees to be graduated on a scale not to be burthensome to the trade, and sufficient, with the addition of such salary, to afford them an adequate remuneration. In this view of the subject, I conceive that a salary of £100, sterling, to the Registrar, and £50, sterling, to the Marshal, per annum, would be reasonable. If this suggestion should meet the views of Her Majesty's Government, the draught of a Table of Fees, which I have the honor of submitting herewith, would, with these salaries, I should hope, attain the object contemplated.

It will be seen in the proposed Table that it differs from the preceding Tables, in allowing no fees to the Judge. This omission is made advisedly, and on the conviction, founded on past experience, that the Court cannot have that place in the confidence of suitors and of the public which it ought to possess, if the Judge received fees.

I have the honor to be, Gentlemen,

Your most obedient humble servant,

(Signed,)

H. BLACK

To The Honorable William Walker,
 Francis Ward Primrose,
 George Pemberton,
 John Duval, and
 Henry LeMesurier.

Proposed Table of Fees to be taken by the Officers and Practitioners of the Vice-Admiralty Court at Quebec.

JUDGE.

No fees to be allowed to the Judge, his salary to be in lieu of all fees.

BY THE SURROGATE.

Fees in the progress of a suit or cause.

	STERLING MONEY.	
	£	s. d.
For administering an oath to a witness or party in a cause, taking bail, whether by one or more persons, decreeing monition, commission, attachment, or any other instrument, or for any judicial act done before or after the hearing of a cause.....	0	1 6

BY THE REGISTRAR.

1. Fees on instruments prepared by the Registrar.

For drawing and engrossing :—

Warrant to arrest ship, goods or person, copy, and filing affidavit,.....	0	4	6
Bail bond.....	0	4	6
Monition, commission or decree, whether of unlivery, appraisement or sale or otherwise,.....	0	9	0
Writ or instrument of Restitution,.....	0	9	0
Compulsory or subpoena against witnesses,.....	0	3	0
Writ of attachment,.....	0	9	0
If either of the preceding instruments exceed in length ten folios, for every folio beyond ten,.....	0	1	0

NOTE.—The folio mentioned throughout this Table of Fees, must contain ninety words, reckoning each figure as a word.

Should the Registrar be required to prepare any other document, instrument or matter whatsoever not specified in this Table, he will be entitled to the same charge as a Proctor, viz :

For drawing, for every folio.....	0	1	0
For fair copying or engrossing, for every folio,.....	0	0	6

2. Fees on documents prepared not by the Registrar, but by the Proctor, Solicitor or Advocate in a cause.

On a decree, pronouncing for the interest of a party proceeding in pœnam, being signed by the Judge, including drawing the act,.....	0	6	0
On filing affidavit or protest of a master or mariners; without reference to the number of persons making the same.....	0	1	6
On filing libel, information, claim, proxy or similar document,.....	0	2	3
On filing exhibit annexed thereto, or to any affidavit,.....	0	0	6
On signing and filing personal answers of a party in a suit, including drawing the act,.....	0	3	0

3. Fees on taking the examination of witnesses.

On the examination of every witness on an information, libel, interrogatories or plea, (whether <i>visâ voce</i> or otherwise,) a fee of.....	0	4	6
For each folio to which the examination shall extend, if in English.....	0	1	0
If by interpretation, interpreter included,.....	0	2	0

NOTE.—It should be understood that the Registrar, or whoever acts as examiner for him, should take the depositions in chief of the witnesses on the libel, information or plea itself, without written interrogatories, putting such relevant questions, *vivâ voce*, as may suggest themselves, and care should be taken not to lead the witness. The libel, information or plea, should therefore always be drawn sufficiently precise and full to enable the Examiner to take the examinations accordingly.

The cross-examinations must, of course, be taken in written interrogatories.

4. Fees on office copies of papers or proceedings.

For office copy of sentence or interlocutory decree, certified under seal,..	0	6	0
For office copy of any affidavit, examination, answers of a party, or other document or proceedings in a cause, or extract therefrom, if under twelve folios,.....	0	4	6
If exceeding twelve folios, for each folio beyond twelve,.....	0	0	6
Office copies of papers and proceedings to form a process, to be transmitted to the Court of Appeal, or for any other purposes, for each folio contained therein,.....	0	0	6

5. Fees on translation of papers.

Where papers are translated, the Registrar should charge the disbursement actually made to the Translator, with an addition of one-fourth, to compensate himself for his trouble, advance, &c.

6. Incidental fees in the progress of a cause.

On subduction of an action	0	4	6
For entering every ordinary act of Court not specified in this Table,.....	0	1	0
On every default pronounced against parties in contempt, in cases proceeding in pœnam,	0	4	6
On every interlocutory decree or sentence, including drawing the act, to be paid by the party succeeding,.....	0	9	0
For every attendance before a Judge or Surrogate at which any decree is made other than an interlocutory or sentence including the act, drawing the act,.....	0	4	6
For a receipt for original documents delivered out of the Registry,.....	0	1	6
On a search or examination of the records by any person not being a party in the cause in which the search is made,.....	0	2	6

NOTE.—No fee to be charged to a party in the cause, or to any seaman applying for a search.

For advertising an intermediate Court day, in addition to the sum paid for the advertisement,.....	0	4	6
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7. On paying out money.

For preparing receipt for money to be paid out of the Registry,.....	0	1	6
Poundage on money paid out of the Registry, for every pound sterling,...	0	0	2

8. Taxing costs.

For taxing a bill of costs, if under six folios, from the party at whose instance the taxation takes place,.....	0	4	6
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9. References on Accounts, &c., by the Judge to the Registrar and Merchants.

To the Registrar,.....	2	2	0
To the Assistant Merchant,.....	2	2	0
If two merchants, two guineas each.			

BY THE MARSHAL.

For arresting a vessel, goods or person,.....	0	18	0
For keeping possession of a vessel and cargo jointly, or either of them separately, when the same are not under the responsible charge and custody of the Officers of the Customs, for each day they remain in the Marshal's charge, exclusive of the charge of keepers when necessary,.....	0	3	0

NOTE.—This fee not to be chargeable in cases where the goods have been put in store, in which case he shall be entitled to a sum equal to one-third of the sum actually paid for storage for this duty

For enquiry into, and certifying, the sufficiency of persons proposed as sureties in any suit,.....	0	2	3
For release of a vessel, goods or person from arrest,.....	0	2	3
For executing every monition or decree for answers of a party, or compulsory or other instrument not specified,.....	0	4	6
For every default or decree pronouncing for the interest of a party proceeding in pœnam,.....	0	3	6
For every attendance in Court when a sentence or interlocutory decree is pronounced,.....	0	4	6
For executing every decree or commission of appraisement, exclusive of the Appraiser's fee, but including the making of the inventory, if the value should not exceed £500 sterling,.....	1	1	0
For the like duty when the value exceeds £500 sterling,	1	16	0
For executing every decree or commission of sale of ship or goods by public auction, when the gross proceeds are under £200 sterling,....	1	1	6
And on every additional £100 sterling,.....	0	10	0
On attending the execution of a decree or commission of unlivery of cargo (when not done for the purpose of sale), per day.....	0	16	0
For taking a person in execution after sentence, if the sum due from such person does not exceed £20 sterling.....	0	18	0
For the like duty, when the sum is above £20 and under £50 sterling...	1	16	0
For the like duty when the sum is above £50 and under £100 sterling, for every pound sterling due.....	0	1	0
On every additional pound sterling after the first £100.....	0	10	6

NOTE.—Should it be necessary for the Marshal to go any distance to execute any of the above duties, there should be paid to him, for the loss of time and travelling expenses, in addition to the preceding fees, the following:—

If the distance exceed four and be under six miles..... 1 1 0

If the distance be still greater, the allowance to be increased by an addition of 2s. 3. for each additional league and his reasonable disbursements.

BY THE ADVOCATES.

The professions of Advocate and Proctor not being separated in Lower Canada, the fees of both are inserted under the following head:—

BY THE ADVOCATES AND PROCTORS.

Retaining fee, instructions to prosecute or defend.....	0	10	6
For attending before the Judge or Judge Surrogate, either in Court or in Chambers.....	0	6	0
For extracting any warrant, monition, commission, writ or other instrument	0	6	0

Drawing libel, information, claim and affidavit, act on petition, responsive plea (or replication) to libel or information or act on petition.....	0	18	0
Engrossing copies, each	0	9	0
Drawing interrogatories, answers, affidavits or any other proceeding whatever, not herein specified, for each folio.....	0	1	0
Fair copying or engrossing, for every folio	0	0	6

NOTE.—It should be understood that in preparing interrogatories for the cross-examination of witnesses, they are not to be drawn separately for each witness to whom the same are to be administered, but that when practicable (as in most instances will be the case,) one set of interrogatories should be prepared generally applicable to all the witnesses.

For consultation with a party for the purpose of taking instructions for the libel, information, plea, act on petition, or for any other important purpose during the dependence of a suit.	0	6	0
--	---	---	---

The fee for the final hearing must depend upon the length of the evidence and the importance and difficulties of the cause; but in cases of no great intricacy, the fee should be from two to three guineas, and not to exceed the latter sum, unless where the proceedings are voluminous or unusually important or difficult, and in this last case not to exceed five guineas.

For any necessary attendance on the Registrar or on the adverse Proctor during the progress of a cause, to adjust any incidental point in the suit, or on the Marshall, to instruct him as to the service of any instrument, reporting bail, &c.....	0	4	6
--	---	---	---

On all office copies of depositions, &c., obtained from the Registrar, one-third of the actual sum paid at the Registry is to be added for the trouble of collating and extracting the same.

For perusing and considering any papers, exhibits or documents furnished or introduced into a cause by the adverse party, or furnished by a party to his own Proctor, for the purpose of being brought forward as evidence in the suit, if not exceeding twelve folios.....	0	3	0
For every additional twelve folios.....	0	1	6
For attending informations on the final hearing of a cause, when it occupies only a short time.....	0	10	0
If a few hours	0	16	8
If a whole day.....	1	6	8

In some of the Vice Admiralty Courts, proceedings for the forfeiture of ships or goods, and for the recovery of penalties consequent thereon, have, in some instances, been carried on by two separate suits—one for the condemnation of the property, and the other for the penalties. This mode of proceeding should be discontinued, one suit being only necessary to accomplish both objects.

In all cases under £20 sterling, wherein the Judge shall see fit to order that the proceedings be summary and the evidence taken *viva voce*, the fees to be taken by the several Officers of the Court shall be one-half of the foregoing fees, and no more, save and except as to the fee for the warrant of arrest, arrest and bail bond, which shall remain as above.

So also as to cases under £20 sterling, settled before the return of the warrant.

SUPPLEMENTARY RULES.

The Rules and Regulations established by the King's Order in Council, of the 27th June, 1832, are not to be construed to have set aside the former practice in the Courts of Vice Admiralty, of allowing the defendant to require from the Promoter to libel with sureties, unless the Promoter should be admitted by the Court to his juratory caution.

From the shortness of the season of navigation at the Port of Quebec, and the danger and risk to ships towards the close of the navigation in the autumn, from even so short as twenty-four hours notice of bail to answer an action, this period for notice of bail as provided by the eleventh section of the above Rules and Regulations, shall not be required, but two hours shall be deemed sufficient if served on the adverse Proctor in person.

(Copy.)

No. 102.

GOVERNMENT HOUSE,

Montreal, 28th July, 1846.

SIR,—I have the honor to acknowledge the receipt of your Despatch No. 54, of the 17th of April last, enclosing a letter from Mr. George Pemberton, on the subject of the delay in establishing a Table of Fees for the Vice Admiralty Court at Quebec, and instructing me, in the absence of the Report which Lord Metcalfe had intended to submit, to furnish you with my own Report on the subject.

I find that according to the suggestions contained in Lord Stanley's Despatch, No. 88, of the 16th of September, 1843, my predecessor appointed a Commission to revise the draft of the Table of Fees transmitted in that Despatch, and to report to him on the subject. The Commissioners made their Report on the 21st of December, 1844, and on the 25th of January following, Lord Metcalfe referred it for the consideration and Report of the Executive Council. At the time of His Lordship's departure from this Government, the subject was still under the consideration of that Board, which prevented him from fulfilling his intention of reporting to you the result of the enquiries that had been instituted in this Province. I have now the honor to submit a copy of the Commissioners' Report, together with copies of the papers which accompanied it, and a copy of an approved Report thereon of a Committee of the Executive Council, in order that they may be submitted to the proper Officers before the final enactment by Her Majesty in Council of a Tariff of Fees for the several Courts of Vice Admiralty in British North America.

I have, &c.,

(Signed)

CATHCART.

The Right Honorable

W. E. Gladstone,

&c. &c. &c.

SECRETARY'S OFFICE, 27th July, 1847.

NOTE.—No reply to the foregoing Despatch has yet been received from Her Majesty's Government.

Quebec :

**PRINTED BY JOHN LOVELL, AT HIS STEAM PRINTING ESTABLISHMENT,
MOUNTAIN STREET.**

RETURN

IN PART—TO AN ADDRESS of the Legislative Assembly, dated 27th September, 1852, for Statement of the number of limits, or licences, or applications, which have been granted or pending to cut Timber or Saw Logs on the River Ottawa and its Tributaries, or in any other part of the Province, for the years 1848, 1849, 1850, 1851, and 1852, &c.

By command,

A. N. MORIN,
Secretary.

Secretary's Office,
Quebec, 13th June, 1853.

WOODS AND FORESTS, Return of Licenses granted,

NAMES.	LICENSES GRANTED DURING THE YEAR 1852.				QUANTITY AND DESCRIPTION		
	Date.	No.	Area in square miles.	Locality, River, Township or Seignior.	White Pine.		Red
					Pieces.	Feet.	Pieces.
JOHN HUME, Per Return for 1852.							
George Benson Hall							
Do do							
Do do							
Do do	1852. June 15.	1	30	Ireland, Inverness, Halifax, Somerset, Nelson			
AMABLE BOCHET, Per Return for 1852.							
Antoine St. Cyr	January 2.		35	River Batiscan			
Joseph O. Méthot	February 16.		74	Township Gosford			
William Price & Co.	" 20.		230	River Batiscan			
Wilibrone Demars	" 21.		120	Township of Acton and River Batiscan			
Do	Nov. 10.		120	Do do			
Antoine St. Cyr & B. Roy	" 11.		35	River Batiscan			
George Hale	" 13.		16	Do			
Joseph Onez Méthot	Dec. 30.		24	Township of Gosford			
William Price & Co.	" 31.		200	River Batiscan			
L. N. GAUVREAU, Per Return for 1852.							
Casgrain & Co.			854				
J. Baptiste Bélanger & Co.	January 2.	2	8				
Louis Bertram	" 7.	3	20				
Do	August 2.	1	40	Green River			
Messrs. Price & Tétu	" 2.	2	60	Trois Pistoles River			
JOHN ALFRED TORNEY, Per Return for 1852.							
Hon. John Robertson					1396	97720	
Do							
Thomas Jones					518	36240	
Do							
Messrs. J. & S. Savage					40	2800	
Messrs. Willey & Burrey					100	7000	
Do							
Messrs. J. & S. Hofey					400	28000	
Do							
Stephen Tracy					75	5250	
Do							
James Tibbits	Oct. 11.	1	50	Big Black River			
Do	" "	2	50	Do			
Do	" "	3	25	River St. John, N. W. Branch			
Do	" "	4	25	Do do			
Do	" "	5	25	River St. Francis, &c.			
Do	" "	6	25	Pohingamook Lake & R.			
Do	" "	7	50	Long Lake, Cabaneau R.			
Do	" "	8	50	Do do			
Do	" "	9	50	Do do			
Amounts carried over			350		2529	177010	

and Duties accrued in the year 1852, &c.

OF TIMBER ON WHICH DUTIES HAVE ACCRUED IN 1852.							AMOUNT OF REVENUE.			REMARKS.	
Pine.	Elm, Ash, &c.		Oak, &c.		Saw Logs.		Ground Rents on Licenses granted.	Duties accrued on Timber cut.	Totals.		
	Feet.	Pcs.	Feet.	Pcs.	Feet.	Pine.					
		200	4000					16 13 4	16 13 4		
						933	2974	61 19 2	61 19 2		
								9 14 5	9 14 5		
								3 15 0	3 15 0		
		200	4000			933	2974	88 6 11	92 1 11		
						1381	17	4 7 6	14 14 9	19 2 3	
						3423	80	9 5 0	37 6 5	46 11 5	
						4694	9061	28 15 0	237 13 4	266 8 4	
								15 0 0	240 0 0	255 0 0	
						18624	2208	15 0 0	15 0 0	15 0 0	
								4 7 6	4 7 6	4 7 6	
								2 0 0	2 0 0	2 0 0	
								3 0 0	3 0 0	3 0 0	
								25 0 0	25 0 0	25 0 0	
						28122	11366	106 15 0	529 14 6	636 9 6	
						21239	9924		427 19 9	427 19 9	
							188	1 0 0	3 18 4	4 18 4	
						5850	6796	2 10 0	202 10 5	205 0 5	
								5 0 0	5 0 0	5 0 0	
								7 10 0	7 10 0	7 10 0	
						27089	16908	16 0 0	634 8 6	650 8 6	
							29218	2131 10 0	2131 10 0	2131 10 0	
								257 17 6	257 17 6	257 17 6	
							250	128 17 6	128 17 6	128 17 6	
								5 0 0	5 0 0	5 0 0	
								8 15 0	8 15 0	8 15 0	
							600	59 7 6	59 7 6	59 7 6	
								3 7 6	3 7 6	3 7 6	
								87 10 0	87 10 0	87 10 0	
								1 5 0	1 5 0	1 5 0	
							600	35 18 4	35 18 4	35 18 4	
								6 5 0	6 5 0	6 5 0	
								6 5 0	6 5 0	6 5 0	
								6 5 0	6 5 0	6 5 0	
								3 2 6	3 2 6	3 2 6	
								3 2 6	3 2 6	3 2 6	
								3 2 6	3 2 6	3 2 6	
								3 2 6	3 2 6	3 2 6	
								6 5 0	6 5 0	6 5 0	
								6 5 0	6 5 0	6 5 0	
								6 5 0	6 5 0	6 5 0	
								30668	50 0 0	2719 8 4	2769 8 4

WOODS AND FORESTS

NAMES.	LICENSES GRANTED DURING THE YEAR 1852.				QUANTITY AND DESCRIPTION		
	Date.	No.	Area in square miles.	Locality, River, Township or Seigniori.	White Pine.		Red
					Pieces.	Feet.	Pieces.
Amounts brought forward.			350		2529	177010	
JOHN A. TORNEY, (Continued.)	1852.						
James Tibbits	October 11	10	25	Baker's Brook			
Messrs. J. & S. Glazier	" 12	11	25	Little Black River			
Do do	" "	12	25	Do do			
Do do	" "	13	20	Cabaneau River, Long Lake			
Do do	" "	14	15	Cabaneau River			
Do do	" "	15	10	Blue River, St. Francis			
James Tibbits	November 16	16	50	Do do			
Do	" "	17	25	St. Francis River			
Do	" "	18	34	Do do			
			579		2529	177010	
CYRIEN BLANCHET, Per Return for 1852.							
John McCormick	August 10	1	11 1/2				
FLORENCE DEGUISE, Per Return for 1852.							
Sir H. Caldwell							
Nazaire Aubutt							
Réné Thiboutot							
Jean René Thiboutot	December 24	1	8	N. W. of Ixworth			
FRANCIS TETU, Per Return for 1852.							
Luc Silvian	January 3	1	8				
Do	" 31		12				
Charles Rouleau							
Augustin Morin		2					
Francis Morin							
Louis Dion							
Julian Michaud							
James Smith						2998	
Do							
Charles Lefrançois							
William Patton							
Jean-Bte. Boulanger							
Louis Morin							
Jules Dion							
Charles Lefrançois							
William Patton							
Charles Lapointe							
			20			2998	
FRANCIS McANNANY, Per Return for 1852.							
Billa Flint					50	3500	
David Smith							
Ab. Thomson							
Félix Gabouri							
John McDonald					658	49952	
Job Lingham							
David D. Bogart							
Amounts carried over.					708	53452	

RETURN—(Continued.)

OF TIMBER ON WHICH DUTIES HAVE ACCRUED IN 1852.							AMOUNT OF REVENUE.			REMARKS.
Pine.	Elm, Ash, &c.		Oak, &c.		Saw Logs.		Ground Rents on Licenses granted.	Duties accrued on Timber cut.	Totals.	
Feet.	Pcs.	Feet.	Pcs.	Feet.	Spruce	Pine.	£ s. d.	£ s. d.	£ s. d.	
						30668	50 0 0	2719 8 4	2769 8 4	
							3 2 6		3 2 6	
							3 2 6		3 2 6	
							2 10 0		2 10 0	
							1 17 6		1 17 6	
							1 5 0		1 5 0	
							6 5 0		6 5 0	
							3 2 6		3 2 6	
							4 5 0		4 5 0	
						30668	78 12 6	2719 8 4	2778 0 10	
							1 8 9		1 8 9	Locality.
					4491	8545		224 16 0	224 16 0	
						150		3 2 6	3 2 6	
						100		2 1 8	2 1 8	
							1 0 0		1 0 0	
						27232	1 0 0	233 13 4	284 13 4	Locality.
						226		4 14 2	4 14 2	
						400	1 10 0	8 6 8	9 16 8	Do.
						200		2 1 8	2 1 8	
						500		5 4 2	5 4 2	
						112		2 6 8	2 6 8	
						200		4 3 4	4 3 4	
								12 9 10	12 9 10	
								4 11 6	4 11 6	183 pcs. Red Spruce.
						258		5 7 6	5 7 6	
						3288		34 5 0	34 5 0	
						95		0 19 9	0 19 9	
						400		4 3 4	4 3 4	
						488		10 3 4	10 3 4	
						580		12 1 8	12 1 8	
						6080		62 16 8	62 16 8	
								20 0 0	20 0 0	400000 Shingles at 1s.
						40009	2 10 0	479 18 2	482 8 2	
								64 11 8	64 11 8	
						13000		278 17 1	278 17 1	
						2000		41 13 4	41 13 4	
						608		12 13 4	12 13 4	
								104 1 4	104 1 4	
						8600		179 3 4	179 3 4	
						4000		83 6 8	83 6 8	
								764 6 9	764 6 9	Add Logs.

WOODS AND FORESTS

NAMES.	LICENSES GRANTED DURING THE YEAR 1852.				QUANTITY AND DESCRIPTION		
	Date.	No.	Area in square miles.	Locality, River, Township or Seigniorry.	White Pine.		Red
					Pieces.	Feet.	Pieces
Amounts brought forward					708	53452	
F. McANNANY.—(Continued.)	1852.						
Gilbert Patrick					47	3220	
Archibald C. Thomson and Robert Potts	September 24	1	75	Beaver Creek N. side.			
Do do	" "	2		Do do South side			
R. M. C. D. Clute	" "	3		Do do North side			
Do do	" "	4		Do do South side			
A. C. Thomson	" "	5	160	Township of Marmora..			
James Morton	" 27	6		Do Lake			
Billa Flint	October 11	7		Do Elziver			
F. Gabouri	" 25	8		Do Hungerford			
James Cumming	" "	9		Do Lake			
Do	" "	10		Do do			
Do	" "	11		Do do			
Do	" "	12		Do do			
Do	" "	13		Do do			
Do	" "	14		Do do			
Do	" "	15	Do do				
William H. Meyers	" 30	16	50	Easterly part of Tudor.			
Job Lingham	" "	17		Township of Elziver.			
Do	" "	18	64	Do do			
Joseph Canniffe	" "	19		Do Hungerford			
David Bogart	" "	20		Do Elziver and do.			
John McDonald	" "	21		Do do			
Do	" "	22	60	Easterly part of Grimsthorp			
David Smith	" "	23		Township of Marmora..			
William McArdell	Nov. 10	24	60	Beaver Creek N. side.			
Do	" "	25		Do South side			
Alexander McCaul	" "	26		Do North side			
Do	" "	27		Do South side			
			657		755	56672	
JOHN KANE.							
Per Return for 1852.							
Peter McLeod, Jr.							
William Price							
Do	" 11	24	106	Saguenay & Tributaries			
Do	" "	25		Do do			
Do for Estate of McLeod	" "	26		Do do			
Do do	" "	27		Do do			
JOHN ALEXANDER,							
Per Return for 1852.							
Henry R. H. Boys	June 30	1	8	Tay & Matchedash			
Hon. W. B. Robinson	July 22	2		Flos			
John Edward Rankin	Dec. 31	3		Tay, Sunnidale & Vespra			
Henry R. H. Boys		3					
			33				

RETURN—(Continued.)

OF TIMBER ON WHICH DUTIES HAVE ACCRUED IN 1852.							AMOUNT OF REVENUE.			REMARKS.
Pine.	Elm, Ash, &c.		Oak, &c.		Saw Logs.		Ground Rents on Licenses granted.	Duties accrued on Timber cut.	Totals.	
Feet.	Pcs.	Feet.	Pcs.	Feet.	Spruce	Pine.				
	5	175					£ s. d.	£ s. d.	£ s. d.	
								764 6 9	764 6 9	
								6 14 2	6 14 2	
							18 15 0		18 15 0	
							3 2 6		3 2 6	
							2 0 0		2 0 0	
							7 10 0		7 10 0	
							6 0 0		6 0 0	
							1 0 0		1 0 0	
							40 0 0		40 0 0	
							12 10 0		12 10 0	
							8 0 0		8 0 0	
							1 0 0		1 0 0	
							4 15 0		4 15 0	
							11 15 0		11 15 0	
							2 0 0		2 0 0	
							7 10 0		7 10 0	
							3 15 0		3 15 0	
	5	175					129 12 6	771 0 11	900 13 5	
						20271	422 6 3	422 6 3		
						13208	279 0 2	279 0 2		
						10902	227 2 6	227 2 6		and 123 Red Pine Logs.
							13 5 0		13 5 0	
							37 15 0		37 15 0	
							56 2 6		56 2 6	
						1568	32 13 4	32 13 4		Miles and Localities.
							1 0 0		1 0 0	
							1 0 0		1 0 0	
							2 12 6		2 12 6	
							4 12 6	32 13 4	37 5 10	

WOODS AND FORESTS

NAMES.	LICENSES GRANTED DURING THE YEAR 1852.				QUANTITY AND DESCRIPTION		
	Date.	No.	Area in square miles.	Locality, River, Township or Seignior.	White Pine.		Red
					Pieces.	Feet.	Pieces.
H. W. McCANN, Per Return for 1852.							
Cyprus Lang					56	3960	
John Alexander					86	6000	
Robert Campbell					68	4800	
William Dunning					64	4800	
William J. Cook					343	24000	
Patrick Darrah					29	2000	
Arthur Burton					86	6000	
Benson and Fresley					68	4800	
Jacob Dixon					29	2000	
James McKinlay					29	2000	
Stephen Tucker					36	2500	
Shane and Burn					21	1500	
Samuel Benson					86	6000	
James Forrest					29	2000	
James Franklin					42	3000	
John Corin					21	1440	
Thomas Franklin					14	1000	
James Little					14	1000	
Henry Nicholson					22	1520	
William J. Reid					29	2000	
Henry Franklin					21	1500	
John Simpson					24	1680	
Daniel McCauley					21	1500	
John McGovern					36	2500	
Francis Belfoi					29	2000	
Mathew Sarjant					42	3000	
Wickham and Ryan					86	6000	
Antoine Perrigaw					29	2000	
D. McGregor					42	3000	
Peter McMartin							
Andrew Alexander					109	7680	
F. Gorrie					71	5000	
P. H. Elijah					103	7200	
F. Lang					57	4000	
M. Desrinch					10	720	
Philip Coburn					29	2000	
George Ferris					109	7680	
William Fetterley					14	1000	
L. Gorrie					29	2000	
J. and J. McCaul					157	11000	
F. B. Maxwell					52	3644	
Robert Steene					171	12000	
G. M. Bradford					86	6000	
C. J. Hollister					42	3000	
Lester and Legg					86	6000	
James Steene					64	4500	
John Fanny					17	1200	
F. J. Campbell					10	720	
William Shay					86	6000	
William Cairns					57	4000	
Sergeant and Kenney					86	6000	
McMahon and English					86	6000	
Levi Delebean					42	3000	
Adam Miller					42	3000	
Finlay McLeod					121	8466	
D. A. Cameron					57	4000	
George McClure					71	5000	

RETURN—(Continued.)

OF TIMBER ON WHICH DUTIES HAVE ACCRUED IN 1852.							AMOUNT OF REVENUE.			REMARKS.
Pine.	Elm, Ash, &c.		Oak, &c.		Saw Logs.		Ground Rents on Licenses granted.	Duties accrued on Timber cut.	Totals.	
	Feet.	Pcs.	Feet.	Pcs.	Spruce	Pine.				
							£ s. d.	£ s. d.	£ s. d.	
								8 5 0	8 5 0	
								12 10 0	12 10 0	
								10 0 0	10 0 0	
								9 7 6	9 7 6	
								50 0 0	50 0 0	
								4 3 4	4 3 4	
								12 10 0	12 10 0	
								10 0 0	10 0 0	
								4 3 4	4 3 4	
								4 3 4	4 3 4	
								5 4 2	5 4 2	
								3 2 6	3 2 6	
								12 10 0	12 10 0	
								4 3 4	4 3 4	
								6 5 0	6 5 0	
								3 0 0	3 0 0	
								2 1 8	2 1 8	
								2 1 8	2 1 8	
								8 3 4	8 3 4	
								4 3 4	4 3 4	
								3 2 6	3 2 6	
								3 10 0	3 10 0	
								3 2 6	3 2 6	
								5 4 2	5 4 2	
								4 3 4	4 3 4	
								6 5 0	6 5 0	
								12 10 0	12 10 0	
								4 3 4	4 3 4	
								6 5 0	6 5 0	
								22 10 0	22 10 0	
								16 0 0	16 0 0	
								10 8 4	10 8 4	
								15 0 0	15 0 0	
								8 6 8	8 6 8	
								1 10 0	1 10 0	
								4 3 4	4 3 4	
								16 0 0	16 0 0	
								2 1 8	2 1 8	
								4 3 4	4 3 4	
								22 18 4	22 18 4	
								7 11 10	7 11 10	
								25 0 0	25 0 0	
								12 10 0	12 10 0	
								6 5 0	6 5 0	
								12 10 0	12 10 0	
								9 7 6	9 7 6	
								2 10 0	2 10 0	
								1 10 0	1 10 0	
								12 10 0	12 10 0	
								8 6 8	8 6 8	
								12 10 0	12 10 0	
								12 10 0	12 10 0	
								6 5 0	6 5 0	
								6 5 0	6 5 0	
								17 12 9	17 12 9	
								8 6 8	8 6 8	
								16 8 4	16 8 4	

WOODS AND FORESTS

NAMES.	LICENSES GRANTED DURING THE YEAR 1852.				QUANTITY AND DESCRIPTION		
	Date.	No.	Area in square miles.	Locality, River, Township or Seigniorly.	White Pine.		Red
					Pieces.	Feet.	Pieces.
W. J. QUINN, (Continued.)							
Hamilton Brothers	October 17	2	25	River Rouge			
Do do	" "	3	25	Halkin Creek, R. Rouge			
Do do	" "	4	25	Lake Nomining, R. Rouge			
OLIVER WELLS, Per Return for 1852.							
			88				
George Baptist & Co.							
Do do	" 20	1	40	St. Maurice, No. 1, West			
Do do	" "	2	50	Do 2, "			
Do do	" "	3	65	Do 3, "			
Do do	" "	4	50	Do 4, "			
Do do	" "	5	50	Do 5, "			
Do do	" "	6	55	Do 5, East			
Do do	" "	7	40	Matawin, No. 1, South			
Do do	" "	8	45	Do 1, North			
Do do	" "	9	50	Do 3, South			
Do do	" "	10	50	Mequinac No. 1, South			
Do do	" "	11	50	Do 2, South			
Do do	" "	12	50	Do 2, North			
Do do	" "	13	60	St. Maurice, No. 8, West			
Do do	" "	14	50	Rat River, No. 1, South			
Campbell Moody							
Do do	" "	15	50	St. Maurice, No. 12, West			
Do do	" "	16	50	Rat River, No. 1, North			
Do do	" "	17	35	Bostonais, No. 1, North			
Do do	" "	18	50	Do 2, North			
Do do	" "	19	50	Do 2, South			
Do do	" "	20	35	Croche, No. 1, North			
Do do	" "	21	40	Do 1, South			
Do do	" "	22	45	Trenche, No. 1, South			
Do do	" "	23	50	Do 2, North			
Do do	" "	24	50	Do 2, South			
Do do	" "	25	50	Do 3, North			
Do do	" "	26	50	Do 3, South			
Do do	" "	27	36	Flamand, No. 1, North			
Do do	" "	28	50	Do 1, South			
Pemberton Brothers							
Do do	" "	29	50	Bostonais, No 6, South			
Do do	" "	30	50	Do 6, North			
Do do	" "	31	50	Flamand, No. 2, North			
Do do	" "	32	50	Do 2, South			
Do do	" "	33	50	Do 3, North			
Do do	" "	34	50	Do 3, South			
David Burnett							
Do do	" "	35	50	Croche, No. 3, South			
Do do	" "	36	50	Do 4, South			
Do do	" "	37	50	Matawin, 4, South			
Gilmour & Co.							
Do do	" "	38	50	St. Maurice, 7, West			
Do do	" "	39	50	Do 9, East			
Do do	" "	40	50	Vermillion 1, South			
Do do	" "	41	50	Do 1, North			
Do do	" "	42	50	St. Maurice, 13, West			
Do do	" "	43	55	Do 14, West			
Do do	" "	44	50	Do 8, East			
Do do	" "	45	45	Do 10, East			
Do do	" "	46	50	Do 13, East			
Do do	" "	47	50	Do 14, East			
Do do	" "	48	50	Matawin 5, South			
Do do	" "	49	50	Do 5, North			
Do do	" "	50	50	Do 6, North			
Do do	" "	51	50	Do 6, South			
Do do	" "	52	50	Do 7, North			
Do do	" "	53	50	Do 7, South			

RETURN.—(Continued.)

OF TIMBER ON WHICH DUTIES HAVE ACCRUED IN 1852.							AMOUNT OF REVENUE.			REMARKS.	
Pine.		Elm, Ash, &c.		Oak, &c.		Saw Logs.		Ground Rents on Licences granted.	Duties accrued on Timber cut.		Totals.
Feet.	Pcs.	Feet.	Pcs.	Feet.	Pcs.	Spruce	Pine.				
								£ s. d.	£ s. d.	£ s. d.	
								3 2 6		3 2 6	
								3 2 6		3 2 6	
								3 2 6		3 2 6	
							5816	11 0 0	121 3 6	132 3 6	
							25730		530 8 9	530 8 9	166 14 2, J. Estates
								37 0 0		37 0 0	do
								37 0 0		37 0 0	do
								37 0 0		37 0 0	do
								37 0 0		37 0 0	do
								71 0 0		71 0 0	do
								37 0 0		37 0 0	do
								37 0 0		37 0 0	do
								37 0 0		37 0 0	do
								66 0 0		66 0 0	do
								37 0 0		37 0 0	do
								37 0 0		37 0 0	do
								40 0 0		40 0 0	do
								37 0 0		37 0 0	do
								37 0 0		37 0 0	do
								44 0 0		44 0 0	do
								71 0 0		71 0 0	do
								12 0 0		12 0 0	do
								54 0 0		54 0 0	do
								60 0 0		60 0 0	do
								14 0 0		14 0 0	do
								13 0 0		13 0 0	do
								7 0 0		7 0 0	do
								11 0 0		11 0 0	do
								13 0 0		13 0 0	do
								11 0 0		11 0 0	do
								13 0 0		13 0 0	do
								14 0 0		14 0 0	do
								34 0 0		34 0 0	do
								7 10 0		7 10 0	do
								6 5 0		6 5 0	do
								10 0 0		10 0 0	do
								30 0 0		30 0 0	do
								15 0 0		15 0 0	do
								20 0 0		20 0 0	do
								80 0 0		80 0 0	do
								25 0 0		25 0 0	do
								37 0 0		37 0 0	do
								37 0 0		37 0 0	do
								37 0 0		37 0 0	do
								37 0 0		37 0 0	do
								35 0 0		35 0 0	do
								25 0 0		25 0 0	do
								27 10 0		27 10 0	do
								39 0 0		39 0 0	do
								22 10 0		22 10 0	do
								12 10 0		12 10 0	do
								102 0 0		102 0 0	do
								180 0 0		180 0 0	do
								90 0 0		90 0 0	do
								100 0 0		100 0 0	do
								160 0 0		160 0 0	do
								100 0 0		100 0 0	do

WOODS AND FORESTS

NAMES.	LICENSES GRANTED DURING THE YEAR 1852.				QUANTITY AND DESCRIPTION		
	Date.	No.	Area in square miles.	Locality, River, Township or Seignior.	White Pine.		Red
					Pieces.	Feet.	Pieces.
OLIVER WELLS, (Continued.)	1852.						
Gilmour and Co.	October 20	54	50	Matawin, No. 8, North			
Do	"	55	50	Vermillion, No. 2, North			
Do	"	56	50	Do 2, South			
Do	"	57	50	Do 3, North			
Do	"	58	50	Do 4, North			
Do	"	59	50	Do 5, North			
Do	"	60	50	Do 5, South			
Do	"	61	50	Do 6, North			
Do	"	62	50	Do 6, South			
Do	"	63	50	Do 7, North			
Do	"	64	30	Au lac Clair, No. 3, West			
Do	"	65	30	Do 3, East			
John W. Russell	"	66	45	Mequinac, No. 1, North.			
William Price and Co	"	67	50	St. Maurice, No. 2, East			
George B. Hall	"	68	30	Do 11, East			
Do	"	69	50	Do 7, East			
Do	"	70	50	Do 12, East			
Do	"	71	55	Do 3, East			
Do	"	72	50	Do 6, East			
Do	"	73	55	Do 9, W.			
Do	"	74	30	Do 11, S.W.			
Do	"	75	50	Do 5, W.			
Do	"	76	35	Do 10, W.			
Do	"	77	55	Mequinac, No. 3, South.			
Do	"	78	45	Do 3, North.			
Do	"	79	35	Do 4, Head.			
Do	"	80	50	Matawin, No. 4, North			
Do	"	81	50	Do 3, North			
Do	"	82	50	Do 8, South			
Do	"	83	40	Rat River, No. 2, South			
Do	"	84	40	Do 2, North			
Do	"	85	50	Do 3, South			
Do	"	86	50	Bostonais, No. 3, North.			
Do	"	87	50	Do 3, South			
Do	"	88	50	Do 4, North.			
Do	"	89	50	Do 1, South.			
Do	"	90	60	Do 5, North.			
Do	"	91	30	Do 5, South.			
Do	"	92	25	Do 4, South.			
Do	"	93	50	Croche, No. 2, South			
Do	"	94	40	Do 2, North			
Do	"	95	50	Do 3, North			
Do	"	96	50	Do 4, North			
Do	"	97	50	Vermillion, No. 3, South			
Do	"	98	50	Do 4, South			
Do	"	99	50	Do 7, South			
Do	"	100	50	Do 8, North			
Do	"	101	50	Do 8, South			
Do	"	102	50	Do 9, North			
Do	"	103	50	Do 9, South			
Do	"	104	50	Au lac Clair, No. 1, West			
Do	"	105	50	Do 1, East			
Do	"	106	50	Do 2, West			
Do	"	107	50	Do 2, East			
Do	"	108	35	Trenche, No. 1, North			
G. Baptist and Co.	"	109	12	Township of Shawinigan			
Bonus charged on each Berth in addition at the rate of £10 per area of 50 miles for Roads							
				5172			

RETURN.—(Continued.)

OF TIMBER ON WHICH DUTIES HAVE ACCRUED IN 1852.								AMOUNT OF REVENUE.			REMARKS.
Pine.	Elm, Ash, &c.		Oak, &c.		Saw Logs.		Ground Rents on Licenses granted.	Duties accrued on Timber cut.	Totals.		
	Feet.	Pes.	Feet.	Pes.	Spruce	Pine.					
							£ s. d.	£ s. d.	£ s. d.		
							125 0 0		125 0 0		
							22 10 0		22 10 0		
							55 0 0		55 0 0		
							40 0 0		40 0 0		
							50 0 0		50 0 0		
							25 0 0		25 0 0		
							27 10 0		27 10 0		
							12 10 0		12 10 0		
							27 10 0		27 10 0		
							15 0 0		15 0 0		
							32 10 0		32 10 0		
							17 10 0		17 10 0		
							30 0 0		30 0 0		
							15 0 0		15 0 0	£7 10s. Od., Jesuit's Estates.	
							15 0 0		15 0 0		
							32 10 0		32 10 0		
							10 0 0		10 0 0		
							60 0 0		60 0 0	£48 Os. Od., Jesuit's Estates.	
							66 0 0		66 0 0		
							37 0 0		37 0 0		
							37 0 0		37 0 0		
							50 0 0		50 0 0		
							60 0 0		60 0 0		
							35 0 0		35 0 0		
							15 0 0		15 0 0		
							10 0 0		10 0 0		
							77 0 0		77 0 0		
							37 0 0		37 0 0		
							180 0 0		180 0 0		
							20 0 0		20 0 0		
							30 0 0		30 0 0		
							20 0 0		20 0 0		
							43 0 0		43 0 0		
							42 10 0		42 10 0		
							17 10 0		17 10 0		
							19 0 0		19 0 0		
							5 0 0		5 0 0		
							2 0 0		2 0 0		
							10 0 0		10 0 0		
							26 0 0		26 0 0		
							37 0 0		37 0 0		
							27 10 0		27 10 0		
							25 0 0		25 0 0		
							52 10 0		52 10 0		
							47 10 0		47 10 0		
							40 0 0		40 0 0		
							17 10 0		17 10 0		
							15 0 0		15 0 0		
							7 10 0		7 10 0		
							10 0 0		10 0 0		
							5 0 0		5 0 0		
							8 0 0		8 0 0		
							12 0 0		12 0 0		
							6 5 0		6 5 0		
							12 0 0		12 0 0		
							1 10 0		1 10 0		
										1031 0 0	
						25730	4003 0 0	530 8 9	5564 8 9		

WOODS AND FORESTS

NAMES.	LICENSES GRANTED DURING THE YEAR 1852.				QUANTITY AND DESCRIPTION		
	Date.	No.	Area in square miles.	Locality, River, Township or Seignior.	White Pine.		Red
					Pieces.	Feet.	Pieces.
A. J. RUSSELL, Per Return for 1852.	1852						
Thomas Latimer	September 14	1	1 ¹ / ₂	Township of Mosham			
James Dunfield	" 24	2	3 ¹ / ₂	Township of Pakenham.			
C. O. Kelly	" 27	3	40	Indian River			
Joshua Smith	" "	4	40	Do			
Alexander Sueddon	" "	5	16 ¹ / ₂	Darling, Pakenham and Ramsay			
R. Scott	" 29	6	1 ¹ / ₂	Beckwith and Montague			
Austin Russell	" "	7	8	Township of Oso			
Joseph Amound	October 1	8	7	Township of Osgoode			
Do	" "	9	8	Township of Gloucester			
R. W. Learnud	" "	10	25	Lake Temiscaming, Ottawa			
John Egan	" "	11	37	Deep River, Oisa Creek			
Roderick Ryan	" 4	12	25	River Ottawa			
Do	" "	13	11 ³ / ₄	River Dumoine			
R. W. Cruce	" "	14	8	Do			
Do	" "	15	14	Black River			
Thomas McKay	" 5	16	24	River Gatineau			
McKay and McKinnon	" "	17	24	Township of Wakefield.			
Do do	" "	18	7	Do do			
Alexander McCaul & Brother	" "	19	50	York River, Madawaska			
Do do	" "	20	50	Do do			
Do do	" "	21	50	Egan's Creek			
Do do	" "	22	50	York River			
Do do	" "	23	46	Do			
Alexander McCaul	" "	24	50	River Maganacippi			
Wood, Petry, Portnois and Co.	" "	25	50	River Ottawa and do.			
Do do	" "	26	50	Do do			
Do do	" "	27	22 ³ / ₄	Do do			
John Dunlop	" "	28	8	Township of Stafford			
A. H. Dunlop	" "	29	20	Indian River and do.			
John Browne	" "	30	8 ¹ / ₂	Township of Pakenham.			
Do	" "	31	20	Blithefield and Madawaska			
Duncan McFarlane	" "	32	26	Township of Bagot			
Do	" "	33	13	Do do			
J. and D. Bell	" "	34	7 ¹ / ₂	Township of Sheen, and River Ottawa			
John Bell	" "	35	10	Chalk River			
J. and D. Bell	" "	36	28 ³ / ₄	River Matawan			
Samuel Grimes	" "	37	18	Chalk River			
G. B. Lyon	" "	38	9 ¹ / ₂	Stag Creek, Gatineau			
H. L. Routh	" "	39	15	Black River			
Do	" "	40	50	Do			
Anderson and Paradis	" "	41	17 ¹ / ₂	Township of Bagot			
Do do	" "	42	12 ³ / ₄	Township of Darling			
Do do	" "	43	15	Do do			
Do do	" "	44	10	Do do			
Louis Brisard	" "	45	4 ³ / ₄	Township of Litchfield.			
Anthony Cullen	" "	46	16	River Gatineau			
Do	" "	47	17 ³ / ₄	Do			
C. and D. McDonell	" "	48	50	River Bonnechere			
Do	" "	49	30	Do			
Do	" "	50	40	Do			
Do	" "	51	35	Do			
J. Deacon, Senior	" "	52	17 ¹ / ₂	Township of Sherbrooke			
S. A. Huntingdon	" "	53	5 ¹ / ₂	Township of Allumette.			

RETURN—(Continued.)

OF TIMBER ON WHICH DUTIES HAVE ACCRUED IN 1852.							AMOUNT OF REVENUE.			REMARKS.
Pine.	Elm, Ash, &c.		Oak, &c.		Saw Logs.		Ground Rents on Licenses granted.	Duties accrued on Timber cut.	Totals.	
	Feet.	Pcs.	Feet.	Pcs.	Feet.	Spruce Pine.				
							£ s. d.	£ s. d.	£ s. d.	
							1 0 0		1 0 0	
							1 0 0		1 0 0	
							5 0 0		5 0 0	
							5 0 0		5 0 0	
							2 1 3		2 1 3	
							1 0 0		1 0 0	
							1 0 0		1 0 0	
							1 17 6		1 17 6	
							2 0 0		2 0 0	
							6 5 0		6 5 0	
							4 12 6		4 12 6	
							3 2 6		3 2 6	
							2 17 6		2 17 6	
							2 0 0		2 0 0	
							3 10 0		3 10 0	
							3 0 0		3 0 0	
							3 0 0		3 0 0	
							1 0 0		1 0 0	
							6 5 0		6 5 0	
							6 5 0		6 5 0	
							12 10 0		12 10 0	
							6 5 0		6 5 0	
							5 15 0		5 15 0	
							6 5 0		6 5 0	
							6 5 0		6 5 0	
							6 5 0		6 5 0	
							6 5 0		6 5 0	
							2 16 3		2 16 3	
							1 0 0		1 0 0	
							2 10 0		2 10 0	
							1 1 3		1 1 3	
							2 10 0		2 10 0	
							3 5 0		3 5 0	
							3 5 0		3 5 0	
							1 19 0		1 19 0	
							1 5 0		1 5 0	
							3 11 3		3 11 3	
							2 5 0		2 5 0	
							1 3 9		1 3 9	
							1 17 6		1 17 6	
							6 5 0		6 5 0	
							2 4 2		2 4 2	
							1 11 3		1 11 3	
							1 17 6		1 17 6	
							1 5 0		1 5 0	
							2 0 0		2 0 0	
							2 0 0		2 0 0	
							2 3 9		2 3 9	
							6 5 0		6 5 0	
							3 15 0		3 15 0	
							5 0 0		5 0 0	
							4 7 6		4 7 6	
							4 0 0		4 0 0	
							1 0 0		1 0 0	

WOODS AND FORESTS

NAMES.	LICENSES GRANTED DURING THE YEAR 1852.			QUANTITY AND DESCRIPTION		
	Date.	No.	Area in square miles.	White Pine.		Red
				Pieces.	Feet.	Pieces.
A. J. RUSSELL, (Continued.)	1852.					
A. Leamy.....	October 5	54	14			
Thomas Wilson	" "	55	2			
James Wilson	" "	56	10			
J. White and W. Rice.....	" "	57	2 $\frac{3}{4}$			
Robert Craig	November 3	58	5			
Do	" "	59	2			
R. McConnell	" "	60	20			
B. McConnell	" "	61	40			
Do	" "	62	30			
Do	" "	63	24			
Do	" "	64	27			
C. and J. Wheeler	" "	65	17			
Do	" "	66	4			
M. Copps	" 10	67	1 $\frac{1}{2}$			
W. McConnell, Jr.	" 11	68	9			
A. W. Powell.....	" 12	69	25			
Do	" "	70	25			
Hiram Cotton	" "	71	15 $\frac{3}{4}$			
Hamilton Brothers	" 13	72	27			
Do	" "	73	33			
Do	" "	74	10			
Do	" "	75	39			
Do	" "	76	39			
Do	" "	77	50			
Do	" "	78	39			
Do	" "	79	39			
Do	" "	80	25			
Do	" "	81	7 $\frac{3}{4}$			
Do	" "	82	35			
G. Hamilton and M. McBean.	" "	83	25			
Hamilton Brothers	" "	84	4			
Do	" "	85	13			
J. Haggart	" 4	86	6 $\frac{1}{2}$			
Hamilton Brothers	" 13	87	43			
Do	" 15	88	25			
George Bryson.....	" 17	89	9			
Do	" "	90	8			
Do	" "	91	20			
Do	" "	92	8			
A. McLaren	" 18	93	17			
Do	" "	94	16			
Do	" "	95	1 $\frac{3}{4}$			
G. B. Hall	" 19	96	8			
Do	" "	97	25			
Alonzo Wright	" "	98	50			
G. B. Hall	" "	99	23			
Do	" "	100	11			
Do	" "	101	25			
W. H. Witmore.....	" 20	102	6 $\frac{3}{4}$			
John Coghlan.....	" "	103	24 $\frac{1}{2}$			
J. Poupore	" "	104	15			
Do	" "	105	30			
G. B. Hall	" "	106	20			
Do	" "	107	32			
Do	" "	108	8			
Do	" "	109	12 $\frac{3}{4}$			
Do	" "	110	11			

RETURN—(Continued.)

OF TIMBER ON WHICH DUTIES HAVE ACCRUED IN 1852.							AMOUNT OF REVENUE.			REMARKS.
Pine.	Elm, Ash, &c.		Oak, &c.		Saw Logs.		Ground Rents on Licences granted.	Duties accrued on Timber cut.	Totals.	
	Feet.	Pcs.	Feet.	Pcs.	Spruce.	Pine.				
							£ s. d.	£ s. d.	£ s. d.	
							3 10 0		3 10 0	
							1 0 0		1 0 0	
							1 5 0		1 5 0	
							1 0 0		1 0 0	
							1 0 0		1 0 0	
							1 0 0		1 0 0	
							5 0 0		5 0 0	
							10 0 0		10 0 0	
							7 10 0		7 10 0	
							3 0 0		3 0 0	
							3 7 6		3 7 6	
							1 17 6		1 17 6	
							2 0 0		2 0 0	
							1 0 0		1 0 0	
							1 2 6		1 2 6	
							3 2 6		3 2 6	
							6 5 0		6 5 0	
							1 18 9		1 18 9	
							3 7 6		3 7 6	
							4 2 6		4 2 6	
							2 10 0		2 10 0	
							4 17 6		4 17 6	
							4 17 6		4 17 6	
							6 5 0		6 5 0	
							1 0 0		1 0 0	
							4 7 6		4 7 6	
							3 2 6		3 2 6	
							2 0 0		2 0 0	
							1 12 6		1 12 6	
							2 0 0		2 0 0	
							5 7 6		5 7 6	
							3 2 6		3 2 6	
							1 2 6		1 2 6	
							1 0 0		1 0 0	
							2 10 0		2 10 0	
							1 0 0		1 0 0	
							2 2 6		2 2 6	
							2 0 0		2 0 0	
							1 0 0		1 0 0	
							1 0 0		1 0 0	
							3 2 6		3 2 6	
							12 10 0		12 10 0	
							2 17 6		2 17 6	
							1 7 6		1 7 6	
							3 2 6		3 2 6	
							1 0 0		1 0 0	
							6 0 0		6 0 0	
							1 17 6		1 17 6	
							3 15 0		3 15 0	
							2 10 0		2 10 0	
							4 0 0		4 0 0	
							1 0 0		1 0 0	
							1 11 3		1 11 3	
							1 7 6		1 7 6	

WOODS AND FORESTS

NAMES.	LICENSES GRANTED DURING THE YEAR 1852.				QUANTITY AND DESCRIPTION		
	Date.	No.	Area in square miles.	Locality, River, Township or Seigniorly.	White Pine.		Red
					Pieces.	Feet.	Pieces.
A. J. RUSSELL, (Continued.)	1852.						
G. B. Hall	November 20	111	43	Black Sea Creek			
Do	"	112	43	Do do			
Do	"	113	50	River Desert			
Do	"	114	50	Do			
Do	"	115	25	Do			
Do	"	116	50	Gea Boo Creek, Gatineau			
Do	"	117	50	Do do			
Do	"	118	30	Eagle River			
Do	"	119	50	Do			
Do	"	120	50	Do			
Do	"	121	50	Do			
Do	"	122	36	Do			
Do	"	123	25	Do			
Do	"	124	4	River Pickanock			
Ruggles Wright	"	125	47	Grand Lake			
John Egan	"	22	126	River St. Sire			
Do	"	"	127	Do			
John Mitchell	"	23	128	Township of Bathurst			
Thomas McGoey	"	"	129	Turtle Creek, Gatineau			
Do	"	"	130	Tomasine River			
Do	"	"	131	Do			
Allan Gilmour	"	29	132	Lake St. Mary			
Do	"	"	133	River Desert			
John Gilmour	"	"	134	Do			
James Gilmour	"	"	135	River St. Joseph			
H. Carmichael	"	28	136	Township of Litchfield			
Do	"	"	137	Do Westmeath			
Samuel Dickson	December 11	138	8	Do McNabb			
Do	"	"	139	Do do			
Patrick Egan	"	13	140	Do Huntley			
Hamilton Brothers	"	14	141	Do Masham			
Do	"	"	142	Do do			
James Skead	"	17	143	Do Dalhousie			
Do	"	"	144	Do Bagot			
John Thompson	"	21	145	Do Wakefield			
Alexander Caldwell	"	27	146	Do Oso			
Do	"	"	147	Do Lavant and Dalhousie			
Do	"	"	148	Township of Darling			
J. and J. Hawley	"	22	149	Do Fitzroy, Torbolton and Huntly			
Allan Gilmour	November 29	150	22	River Contecagama, Gatineau			
Do	"	"	151	River Pickanock			
James Gilmour	"	"	152	Do			
Do	"	"	153	Do			
Do	"	"	154	Do			
A. Gilmour	"	"	155	River Kazabazua			
Do	"	"	156	Do			
Do	"	"	157	Do			
Do	"	"	158	River Gatineau			
Do	"	"	159	Do			
Do	"	"	160	Do			
Do	"	"	161	Do			
Do	"	"	162	Do			
Do	"	"	163	Do			
James Gilmour	"	"	164	Do			
Do	"	"	165	Do			
Allan Gilmour	"	"	166	River Petewawe			

RETURN—(Continued.)

OF TIMBER ON WHICH DUTIES HAVE ACCRUED IN 1852.							AMOUNT OF REVENUE.			REMARKS.	
Pine.		Elm, Ash, &c.		Oak, &c.		Saw Logs.		Ground Rents on Licenses granted.	Duties accrued on Timber cut.		Totals.
Feet.	Pcs.	Feet.	Pcs.	Feet.	Spruce	Pine.					
								£ s. d.	£ s. d.	£ s. d.	
								5 7 6		5 7 6	
								5 7 6		5 7 6	
								6 5 0		6 5 0	
								6 5 0		6 5 0	
								3 2 6		3 2 6	
								6 5 0		6 5 0	
								6 5 0		6 5 0	
								3 15 0		3 15 0	
								6 5 0		6 5 0	
								6 5 0		6 5 0	
								6 5 0		6 5 0	
								4 10 0		4 10 0	
								3 2 6		3 2 6	
								1 0 0		1 0 0	
								5 17 6		5 17 6	
								6 5 0		6 5 0	
								6 5 0		6 5 0	
								6 5 0		6 5 0	
								6 5 0		6 5 0	
								3 2 6		3 2 6	
								2 10 0		2 10 0	
								10 5 0		10 5 0	
								10 0 0		10 0 0	
								1 0 0		1 0 0	
								1 0 0		1 0 0	
								3 2 6		3 2 6	
								1 0 0		1 0 0	
								2 6 3		2 6 3	
								2 10 0		2 10 0	
								2 6 3		2 6 3	
								2 7 6		2 7 6	
								1 0 0		1 0 0	
								2 17 6		2 17 6	
								2 12 6		2 12 6	
								1 0 0		1 0 0	
								1 0 0		1 0 0	
								5 10 0		5 10 0	
								4 15 0		4 15 0	
								1 15 0		1 15 0	
								6 5 0		6 5 0	
								6 5 0		6 5 0	
								3 15 0		3 15 0	
								6 5 0		6 5 0	
								3 10 0		3 10 0	
								10 7 6		10 7 6	
								12 10 0		12 10 0	
								6 5 0		6 5 0	
								6 5 0		6 5 0	
								6 5 0		6 5 0	
								12 10 0		12 10 0	
								6 5 0		6 5 0	
								1 5 0		1 5 0	
								12 10 0		12 10 0	

WOODS AND FORESTS

NAMES.	LICENSES GRANTED DURING THE YEAR 1852.				QUANTITY AND DESCRIPTION		
	Date.	No.	Area in square miles.	Locality, River, Township or Seignior.	White Pine.		Red
					Pieces.	Feet.	Pieces.
A. J. RUSSELL, (Continued.)	1852.						
Allan Gilmour.	November 29	167	50	River Petewawe			
John Gilmour.	"	168	50	Do			
James Gilmour.	"	169	50	Do			
David Gilmour.	"	170	50	Do			
Do	"	171	50	Do			
Messrs. Gilmour & Co.	"	172	15	Do			
Allan Gilmour.	"	173	25	Do and Ottawa			
Do	"	174	25	River Petewawe			
Joseph Smith	"	175	50	River Ottawa and Jacko			
R. W. Cruce.	"	176	25	River Ottawa			
Joseph Smith.	"	177	50	River Ottawa and Jacko			
Do	"	178	50	Do do			
Do	"	179	50	Do do			
Allan Gilmour.	"	180	50	River Coulonge, W. Bank			
Do	"	181	50	River Coulonge			
Gilmour & Co.	"	182	25	Do			
Allan Gilmour.	"	183	45	Do			
Do	"	184	50	Do			
Do	"	185	25	Do			
William Hamilton.	"	186	50	Do			
Do	"	187	25	Do			
Do	"	188	34	Do W. Bank			
Allan Gilmour	"	189	36	River Amable du fonds.			
Do	"	190	25	River Ottawa & Matawin			
Do	"	191	8	River Matawin			
Do	"	192	25	Black River			
Peter Morris.	"	193	50	River Dumoine, W. Bk.			
Do	"	194	50	Do do			
Allan Gilmour	"	195	50	Hilaus Creek, River Madawaska			
Do	"	196	50	Do do			
Do	"	197	45	River Madawaska			
William Byers	"	198	50	Do			
Do	"	199	50	Do			
Do	"	200	35	Do			
Gilmour & Co.	"	201	13	Do			
Do	"	202	18	Do			
Do	"	203	50	Do			
Do	"	204	50	Do			
Do	"	205	40	Do			
Do	"	206	50	Do			
James Skead	"	207	50	Do			
Gerrard McCrean.	"	208	40	Do			
Do	"	209	15	Do			
Do	"	210	25	River Mississippi and Madawaska			
J. Skead and A. Gilmour	"	211	25	River Mississippi			
Do do	"	212	25	Do			
Do do	"	213	25	Do			
Do do	"	214	40	Do			
James Wadsworth.	"	215	48	River Scooramata			
Joseph Smith	"	216	45	River Ottawa			
Allan Gilmour	"	217	20	Do			
Do	"	218	25	Do			
Do	"	219	50	Do			
Do	"	220	38	Do			
Archibald McVicar.	"	221	25	Do			
Gilmour & Co.	"	222	2	Rear of Litchfield			
Do	"	223	25	River Mississippi			

RETURN—(Continued.)

OF TIMBER ON WHICH DUTIES HAVE ACCRUED IN 1852.							AMOUNT OF REVENUE.			REMARKS.
Pine.	Elm, Ash, &c.		Oak, &c.		Saw Logs.		Ground Rents on Licences granted.	Duties accrued on Timber cut.	Totals.	
Feet.	Pcs.	Feet.	Pcs.	Feet.	Spruce	Pine.				
							£ s. d.	£ s. d.	£ s. d.	
							12 10 0		12 10 0	
							12 10 0		12 10 0	
							12 10 0		12 10 0	
							6 5 0		6 5 0	
							6 5 0		6 5 0	
							3 15 0		3 15 0	
							6 5 0		6 5 0	
							6 5 0		6 5 0	
							6 5 0		6 5 0	
							6 5 0		6 5 0	
							6 5 0		6 5 0	
							12 10 0		12 10 0	
							12 10 0		12 10 0	
							6 5 0		6 5 0	
							5 12 6		5 12 6	
							12 10 0		12 10 0	
							6 5 0		6 5 0	
							6 5 0		6 5 0	
							3 2 6		3 2 6	
							4 5 0		4 5 0	
							9 0 0		9 0 0	
							3 2 6		3 2 6	
							1 0 0		1 0 0	
							6 5 0		6 5 0	
							6 5 0		6 5 0	
							6 5 0		6 5 0	
							6 5 0		6 5 0	
							6 5 0		6 5 0	
							12 10 0		12 10 0	
							6 5 0		6 5 0	
							11 5 0		11 5 0	
							6 5 0		6 5 0	
							6 5 0		6 5 0	
							8 15 0		8 15 0	
							1 12 6		1 12 6	
							4 10 0		4 10 0	
							6 5 0		6 5 0	
							6 5 0		6 5 0	
							5 0 0		5 0 0	
							12 10 0		12 10 0	
							6 5 0		6 5 0	
							5 0 0		5 0 0	
							1 17 6		1 17 6	
							3 2 6		3 2 6	
							6 5 0		6 5 0	
							6 5 0		6 5 0	
							6 5 0		6 5 0	
							5 0 0		5 0 0	
							12 0 0		12 0 0	
							5 12 6		5 12 6	
							2 10 0		2 10 0	
							3 2 6		3 2 6	
							12 10 0		12 10 0	
							9 0 0		9 0 0	
							3 2 6		3 2 6	
							1 0 0		1 0 0	
							6 5 0		6 5 0	

WOODS AND FORESTS

NAMES.	LICENSES GRANTED DURING THE YEAR 1852.				QUANTITY AND DESCRIPTION		
	Date.	No.	Area in square miles.	Locality, River, Township or Seignior.	White Pine.		Red
					Pieces.	Feet.	Pieces.
A. J. RUSSELL, (Continued.)	1852.						
Allan Gilmour	November 29	224	50	River Jean de Terre			
Gerrard McCrae	"	225	8	River Madawaska			
Allan Gilmour	"	226	2	Township of Hull			
Gilmour & Co.	"	227	10	Do Chichester and River Ottawa			
James Gilmour	"	228	17	Township of Litchfield.			
Gilmour & Co.	"	229	9	Do N. Sherbrooke			
Do	"	230	25	Do Palmerston			
Do	"	231	24	Do do			
Do	"	232	25	Do do			
Peter Robertson	"	233	4 ³ / ₆	Do McNabb			
C. C. Symmes	"	234	50	River Sweyo			
Owen McDonell	"	235	25	Lake Temiscaming			
John Gilmour	"	236	42	River Petewawe			
James Wadsworth	"	237	25	River Madawaska			
Do	"	238	20	Do			
Do	"	239	40	Do			
James Porter	"	240	25	River Mississippi			
Do	"	241	25	Do			
James Wadsworth	"	242	25	Do			
Do	"	243	40	Do			
J. Wadsworth and J. Porter	"	244	50	Do			
Do do	"	245	50	Do			
Do do	"	246	25	Do			
James Wadsworth	"	247	6	Chalk River			
John Supple	"	248	31	Indian River			
Do	"	249	20	Do			
Do	"	250	23	Do			
Do	"	251	25	River Petewawe			
Do	"	252	15	Chalk River			
Do	"	253	31	River Petewawe			
Do	"	254	6	Snake River			
Do	"	255	35	R. Ottawa and Petewawe			
Do	"	256	15	Indian River			
Do	"	257	50	River Dumoine			
Do	"	258	12	River Ottawa			
Do	"	259	3 ³ / ₆	Township of Stafford			
Do	"	260	4 ⁴ / ₆	Do Ross			
Do	"	261	6	Do Westmeath			
Do	"	262	16	River Ottawa			
Do	"	263	50	River Dumoine			
Do	"	264	50	Do			
Do	"	265	50	Do			
Do	"	266	50	Do			
Do	"	267	50	Do			
Do	"	268	50	Do			
S. J. Dawson	"	30 269	50	Montreal River			
Do	"	270	50	L. Temiscaming, Ottawa			
Do	"	271	50	River Matawin.			
Do	"	272	30	Do			
H. Carmichael	"	273	50	River Coulonge, East Bk.			
Do	"	274	46	Do do			
Do	"	275	31	Do do			
Do	"	276	50	Do do			
Do	"	277	50	Do do			
John Egan	December 20	278	18 ¹ / ₆	Township of Onslow			
Do	"	279	18	Do Clarendon, Bristol and Onslow			
Do	"	280	12 ³ / ₆	Township of Clarendon.			

RETURN—(Continued.)

OF TIMBER ON WHICH DUTIES HAVE ACCRUED IN 1852.							AMOUNT OF REVENUE.			REMARKS.
Pine.	Elm, Ash, &c.		Oak, &c.		Saw Logs.		Ground Rents on Licenses granted.	Duties accrued on Timber cut.	Totals.	
	Feet.	Pes.	Feet.	Pes.	Feet.	Pine.				
							£ s. d.	£ s. d.	£ s. d.	
							6 5 0	6 5 0	6 5 0	
							1 0 0	1 0 0	1 0 0	
							1 0 0	1 0 0	1 0 0	
							1 5 0	1 5 0	1 5 0	
							4 5 0	4 5 0	4 5 0	
							2 5 0	2 5 0	2 5 0	
							6 5 0	6 5 0	6 5 0	
							6 0 0	6 0 0	6 0 0	
							6 5 0	6 5 0	6 5 0	
							1 0 0	1 0 0	1 0 0	
							6 5 0	6 5 0	6 5 0	
							3 2 6	3 2 6	3 2 6	
							15 15 0	15 15 0	15 15 0	
							6 5 0	6 5 0	6 5 0	
							5 0 0	5 0 0	5 0 0	
							10 0 0	10 0 0	10 0 0	
							6 5 0	6 5 0	6 5 0	
							6 5 0	6 5 0	6 5 0	
							6 5 0	6 5 0	6 5 0	
							5 0 0	5 0 0	5 0 0	
							6 5 0	6 5 0	6 5 0	
							6 5 0	6 5 0	6 5 0	
							3 2 6	3 2 6	3 2 6	
							1 0 0	1 0 0	1 0 0	
							3 17 6	3 17 6	3 17 6	
							2 10 0	2 10 0	2 10 0	
							2 17 6	2 17 6	2 17 6	
							6 5 0	6 5 0	6 5 0	
							3 15 0	3 15 0	3 15 0	
							3 17 6	3 17 6	3 17 6	
							1 0 0	1 0 0	1 0 0	
							4 7 6	4 7 6	4 7 6	
							3 15 0	3 15 0	3 15 0	
							6 5 0	6 5 0	6 5 0	
							1 10 0	1 10 0	1 10 0	
							1 0 0	1 0 0	1 0 0	
							1 0 0	1 0 0	1 0 0	
							1 0 0	1 0 0	1 0 0	
							4 0 0	4 0 0	4 0 0	
							6 5 0	6 5 0	6 5 0	
							6 5 0	6 5 0	6 5 0	
							6 5 0	6 5 0	6 5 0	
							6 5 0	6 5 0	6 5 0	
							6 5 0	6 5 0	6 5 0	
							6 5 0	6 5 0	6 5 0	
							6 5 0	6 5 0	6 5 0	
							6 5 0	6 5 0	6 5 0	
							3 15 0	3 15 0	3 15 0	
							12 5 0	12 5 0	12 5 0	
							5 15 0	5 15 0	5 15 0	
							7 15 0	7 15 0	7 15 0	
							12 10 0	12 10 0	12 10 0	
							12 10 0	12 10 0	12 10 0	
							2 5 7 ¹ / ₂	2 5 7 ¹ / ₂	2 5 7 ¹ / ₂	
							2 5 0	2 5 0	2 5 0	
							1 11 3	1 11 3	1 11 3	

WOODS AND FORESTS

NAMES.	LICENSES GRANTED DURING THE YEAR 1852.				QUANTITY AND DESCRIPTION			REMARKS.
	Date.	No.	Area in square miles.	Locality, River, Township or Seigniori.	White Pine.		Red	
					Pieces.	Feet.	Pieces.	
A. J. RUSSELL, (Continued.)	1852.							
James Doyle	December 20.	281	1	Township of Onslow...				
John Egan	" "	282	16	River Bonnechère, Admaston				
Do	" "	283	14	Township of Calumet ..				
Do	" "	284	14	Do do				
Do	" "	285	10	Deep River Ottawa				
Do	" "	286	15	Do do				
John Egan & Co.	" "	287	47	River Ottawa.				
Do	" "	288	10	Bissett's Creek				
John Egan	" "	289	42 ³ / ₈	River Ottawa.				
John Egan & Co.	" "	290	8	Chalk River				
John Egan	" "	291	24	Deep River Ottawa.				
Do	" "	292	20	Do do				
Do	" "	293	28	River Sweyo				
Do	" "	294	7	Chalk River				
Do	" "	295	18	River Bonnechère.				
Do	" "	296	29	Do				
John Egan & Co.	" "	297	27	Do				
John Egan	" "	298	15	Do				
Do	" "	299	5	Do				
Do	" "	300	25	River Quijon				
Do	" "	301	32	River Bonnechère.				
Do	" "	302	39	Chalk River				
Do	" "	303	30	River Madawaska and Bonnechère.				
Do	" "	304	25	River Bonnechère				
Do	" "	305	50	River Madawaska				
Do	" "	306	50	Do				
Do	" "	307	20	Lusko Creek, Black Riv.				
Do	" "	308	18 ¹ / ₂	Black River				
Do	" "	309	50	River Bonnechère				
Do	" "	310	40	Black River				
Do	" "	311	25	River Madawaska				
Do	" "	312	50	River Ottawa.				
Do	" "	313	29	River Bonnechère				
Do	" "	314	50	River Ottawa				
Do	" "	315	15 ³ / ₈	Black River				
James Davidson	" "	316		Township of Allumette.				
W. H. Tilstone	" "	317	17 ³ / ₈	River Bonnechère				
John Egan	" "	318	20	McGillvray's Ck., Black R				
Do	" "	319	50	River Madawaska				
Do	" "	320	25	River Bonnechère				
Do	" "	321	40	Do do				
John Egan & Co.	" "	322	50	Bear River				
Do	" "	323	25	River Madawaska				
Do	" "	324	25	Do				
Do	" "	325	25	Do				
Do	" "	326	12 ³ / ₈	Do				
Do	" "	327	15 ³ / ₈	River Petewawe				
Do	" "	328	25	Do and Ottawa				
Do	" "	329	13 ³ / ₈	Hull, Eardly & Wakefield				
Do	" "	330	25	River Quyon				
Do	" "	331	50	Do				
Do	" "	332	50	River Dumoine.				
Do	" "	333	25	Do				
Do	" "	334	40	Do				
Do	" "	335	18	Do				
Do	" "	336	33	Do				
Do	" "	337	21	Do				

RETURN—(Continued.)

OF TIMBER ON WHICH DUTIES HAVE ACCRUED IN 1852.								AMOUNT OF REVENUE.			REMARKS.
Pine.	Elm, Ash, &c.		Oak, &c.		Saw Logs.		Ground Rents on Licences granted.	Duties accrued on Timber cut.	Totals.		
	Feet.	Pcs.	Feet.	Pcs.	Spruce	Pine.					
							£ s. d.	£ s. d.	£ s. d.		
							1 0 0		1 0 0		
							2 0 0		2 0 0		
							1 15 0		1 15 0		
							1 15 0		1 15 0		
							1 5 0		1 5 0		
							1 17 6		1 17 6		
							5 17 6		5 17 6		
							1 5 0		1 5 0		
							5 6 3		5 6 3		
							1 0 0		1 0 0		
							3 0 0		3 0 0		
							2 10 0		2 10 0		
							3 10 0		3 10 0		
							1 0 0		1 0 0		
							2 5 0		2 5 0		
							3 12 6		3 12 6		
							3 7 6		3 7 6		
							1 17 0		1 17 0		
							1 0 0		1 0 0		
							3 2 6		3 2 6		
							4 0 0		4 0 0		
							9 15 0		9 15 0		
							3 15 0		3 15 0		
							3 2 6		3 2 6		
							12 10 0		12 10 0		
							12 10 0		12 10 0		
							2 10 0		2 10 0		
							2 5 7		2 5 7		
							6 5 0		6 5 0		
							5 0 0		5 0 0		
							6 5 0		6 5 0		
							6 5 0		6 5 0		
							3 12 6		3 12 6		
							6 5 0		6 5 0		
							3 18 8		3 18 8		
							1 0 0		1 0 0		
							2 3 9		2 3 9		
							5 0 0		5 0 0		
							6 5 0		6 5 0		
							3 2 6		3 2 6		
							5 0 0		5 0 0		
							12 10 0		12 10 0		
							6 5 0		6 5 0		
							6 5 0		6 5 0		
							6 5 0		6 5 0		
							3 2 6		3 2 6		
							1 18 9		1 18 9		
							3 2 6		3 2 6		
							1 13 9		1 13 9		
							3 2 6		3 2 6		
							6 5 0		6 5 0		
							6 5 0		6 5 0		
							3 2 6		3 2 6		
							5 0 0		5 0 0		
							1 12 6		1 12 6		
							4 2 6		4 2 6		
							2 12 6		2 12 6		

WOODS AND FORESTS

NAMES.	LICENSES GRANTED DURING THE YEAR 1852.			QUANTITY AND DESCRIPTION		
	Date.	No.	Area in square miles.	White Pine.		Red
				Pieces.	Feet.	Pieces.
A. J. RUSSELL, (Continued.)	1852.					
John Egan & Co.	December 20.	338	42 ³ / ₈	River Dumoine		
Do	"	339	50	Do		
Do	"	340	50	Do and Pousier's Creek.		
Do	"	341	50	R. Ottawa, Temiscaming		
Do	"	342	25	Do do		
Do	"	343	40	River Dumoine		
Do	"	344	40	Do		
Do	"	345	50	Do		
H. LeMesurier	"	346	50	L. Temiscaming, Ottawa		
Do	"	347	25	Do do		
Do	"	348	50	Do do		
W. H. Tilstone.	"	349	50	River Quyon		
Do	"	350	50	Do		
H. L. Routh	"	351	50	River Ottawa		
Do	"	352	50	Do		
Do	"	353	50	R. Ottawa, Temiscaming		
Do	"	354	50	Do do		
Do	"	355	8	Do do		
John Egan	"	356	11	River Ottawa		
J. Poupore	"	357	4	Township of Allumette.		
J. Davidson	"	358	27	Do Sheene & Chichester		
J. W. McLean.	"	359	2 ⁵ / ₈	Township of Eardley		
John Egan	"	360	11	Do Bristol		
J. Donnelly.	"	361	20	Do Blithefield		
R. Kenny	"	362	20	River Coulonge		
Do	"	363	20	Do		
John Egan	"	364	50	River Ottawa		
M. Cullen	"	365	35	River Dumoine.		
Hugh Hamilton	"	366	19 ³ / ₈	Township of Westmenth		
J. B. Poupore	"	367	1 ³ / ₈	Do Allumette.		
Joseph Aumond.	"	368	15	River Petewawe		
Do	"	369	50	Do		
Do	"	370	50	Do		
G. & W. Aird.	"	371	43	River Madawaska		
Do	"	372	48	Do		
Do	"	373	48	Do		
Thomas B. Hyde	"	374	12	Do		
Joseph Aumond.	"	375	20	River Ottawa		
Do	"	376	30	River Madawaska		
Do	"	377	30	Do		
Do	"	378	50	Black River		
Do	"	379	25	River Petewawe		
Do	"	380	8	Do		
Do	"	381	40	Do		
Do	"	382	9	River Matawin.		
Do	"	383	50	River Ottawa		
Do	"	384	50	Do		
Do	"	385	25	Black River		
Do	"	386	50	Do		
Do	"	387	36	River Amable du Fonds		
Do	"	388	20	Deep River, Ottawa		
John Poupore.	"	389	3	River Ottawa		
Joseph Aumond.	"	390	20	Do		
Thomas B. Hyde	"	391	36	River Madawaska		
Edward Masse	"	392	3	River Ottawa		
Joseph Aumond	"	393	48	River Petewawe		
Do	"	394	26	River Ottawa and Township of Chichester.		

RETURN—(Continued.)

OF TIMBER ON WHICH DUTIES HAVE ACCRUED IN 1852.							AMOUNT OF REVENUE.			REMARKS.
Pine.	Elm, Ash, &c.		Oak, &c.		Saw Logs.		Ground Rents on Licenses granted.	Duties accrued on Timber cut.	Totals.	
	Feet.	Pcs.	Feet.	Pcs.	Feet.	Pine.				
							£ s. d.	£ s. d.	£ s. d.	
							5 6 3		5 6 3	
							6 5 0		6 5 0	
							6 5 0		6 5 0	
							6 5 0		6 5 0	
							3 2 6		3 2 6	
							5 0 0		5 0 0	
							5 0 0		5 0 0	
							6 5 0		6 5 0	
							6 5 0		6 5 0	
							3 2 6		3 2 6	
							6 5 0		6 5 0	
							6 5 0		6 5 0	
							6 5 0		6 5 0	
							1 0 0		1 0 0	
							1 7 6		1 7 6	
							1 0 0		1 0 0	
							3 7 6		3 7 6	
							1 0 0		1 0 0	
							1 7 6		1 7 6	
							2 10 0		2 10 0	
							5 0 0		5 0 0	
							2 10 0		2 10 0	
							6 5 0		6 5 0	
							4 7 6		4 7 6	
							2 9 0		2 9 0	
							1 0 0		1 0 0	
							1 17 6		1 17 6	
							6 5 0		6 5 0	
							6 5 0		6 5 0	
							10 15 0		10 15 0	
							6 0 0		6 0 0	
							6 0 0		6 0 0	
							1 10 0		1 10 0	
							5 0 0		5 0 0	
							7 10 0		7 10 0	
							7 10 0		7 10 0	
							12 10 0		12 10 0	
							3 2 6		3 2 6	
							1 0 0		1 0 0	
							10 0 0		10 0 0	
							2 5 0		2 5 0	
							6 5 0		6 5 0	
							6 5 0		6 5 0	
							3 2 6		3 2 6	
							12 10 0		12 10 0	
							9 0 0		9 0 0	
							2 10 0		2 10 0	
							1 0 0		1 0 0	
							2 10 0		2 10 0	
							4 10 0		4 10 0	
							1 0 0		1 0 0	
							6 0 0		6 0 0	
							3 5 0		3 5 0	

WOODS AND FORESTS.

NAMES.	LICENSES GRANTED DURING THE YEAR 1852.			QUANTITY AND DESCRIPTION		
	Date.	No.	Area in square miles.	White Pine.		Red
				Pieces.	Feet.	Pieces.
A. J. RUSSELL, (Continued)	1852.					
Anderson & Paradis	December 20.	395	16	River Ottawa and Township of Chichester		
Alexander McCauley	"	396	8	Do do		
Do	"	397	30	River Maganacippi		
Do	"	398	20	Do do		
Do	"	399	27 ³ / ₈	River Petewawe		
Do	"	400	14	Do		
Anderson & Paradis	"	401	20	Do		
Alexander McDonell	"	402	50	Do		
Do	"	403	25	Do		
Do	"	404	25	Do		
Ronald McDonell	"	405	10	Do		
Alexander McDonell	"	406	10	Do and Madawaska		
Do	"	407	36	River Bonnechère		
Do	"	408	45	Do		
Duncan McDonell	"	409	38	Do		
C. S. Bellows	"	410	3 ¹ / ₆	Township of Westmeath		
Do	"	411	5 ³ / ₆	Do do		
D. Moore, Jr.	"	412	48	River Ottawa		
Do	"	413	24	Do		
Rinaldo McConnell	"	414	35	Do		
J. Grierson	"	415	2 ⁵ / ₆	Township of Tarbolton		
W. R. R. Lyon	"	416	2 ³ / ₆	Do Goulbourn		
J. Playter and W. Lees	"	417	3 ¹ / ₆	Do Olden		
J. Teavens	"	418	4	Do Tarbolton		
William Moffatt	"	419	50	River Ottawa		
Do	"	420	50	Do		
John Thomson	"	421	32	River Petewawe		
Do	"	422	32	Do		
Stephen Burritt	"	423	2	Township of Montague		
William Forbes	"	424	12	Do Pakenham & Fitzroy		
Peter Aylen, Jr.	"	425	11	River Madawaska and Bonnechère		
D. O'Meara	"	426	20	Indian River		
Archibald McDonald	"	427	9 ³ / ₆	Stag Creek, Gatineau		
Arthur McArthur	"	428	5	Townships of Bagot and Blitfield		
Do	"	429	50	Townships of Admaston and Constance		
Do	"	430	24	Do do		
Do	"	431	5 ³ / ₆	Township of Lavant		
Do	"	432	24	River Madawaska		
James Hubbell	"	433	10	Township of McNabb		
William Petry	"	434	50	Indian River		
Wood and Petry	"	435	50	River Madawaska		
Alexander McCaul	May 6	436	17	Township of Wakefield		
James Skead	December 20.	437	19	Do Olden		
Do	"	438	22	Do Olden and Oso		
William Morris	"	439	20	River Petewawe		
Do	"	440	39	Do		
William McLachlan	"	441	50	River Keepawa		
Do	"	442	50	Do		
Do	"	443	50	Do		
Do	"	444	50	Do		
Do	"	445	50	Do		
William Hamilton	"	446	50	River Coulonge		
Do	"	447	50	Do		

RETURN—(Continued.)

OF TIMBER ON WHICH DUTIES HAVE ACCRUED IN 1852.							AMOUNT OF REVENUE.			REMARKS.
Pine.	Elm, Ash, &c.		Oak, &c.		Saw Logs.		Ground Rents on Licences granted.	Duties accrued on Timber cut.	Totals.	
	Feet.	Pcs.	Feet.	Pcs.	Spruce	Pine.				
							£ s. d.	£ s. d.	£ s. d.	
							2 0 0		2 0 0	
							2 0 0		2 0 0	
							7 10 0		7 10 0	
							5 0 0		5 0 0	
							3 8 9		3 8 9	
							3 10 0		3 10 0	
							2 10 0		2 10 0	
							12 10 0		12 10 0	
							6 5 0		6 5 0	
							6 5 0		6 5 0	
							2 10 0		2 10 0	
							2 10 0		2 10 0	
							4 10 0		4 10 0	
							5 12 6		5 12 6	
							4 2 6		4 2 6	
							1 0 0		1 0 0	
							1 0 0		1 0 0	
							12 0 0		12 0 0	
							3 0 0		3 0 0	
							4 7 6		4 7 6	
							1 0 0		1 0 0	
							1 0 0		1 0 0	
							1 0 0		1 0 0	
							1 0 0		1 0 0	
							6 5 0		6 5 0	
							6 5 0		6 5 0	
							4 0 0		4 0 0	
							4 0 0		4 0 0	
							1 0 0		1 0 0	
							1 10 0		1 10 0	
							2 15 0		2 15 0	
							2 10 0		2 10 0	
							1 3 9		1 3 9	
							1 0 0		1 0 0	
							6 5 0		6 5 0	
							3 0 0		3 0 0	
							1 0 0		1 0 0	
							6 0 0		6 0 0	
							1 5 0		1 5 0	
							12 10 0		12 10 0	
							6 5 0		6 5 0	
							2 2 6		2 2 6	
							4 15 0		4 15 0	
							5 10 0		5 10 0	
							2 10 0		2 10 0	
							4 17 6		4 17 6	
							6 5 0		6 5 0	
							6 5 0		6 5 0	
							6 5 0		6 5 0	
							6 5 0		6 5 0	
							6 5 0		6 5 0	
							6 5 0		6 5 0	
							6 5 0		6 5 0	
							6 5 0		6 5 0	

WOODS AND FORESTS

NAMES.	LICENSES GRANTED DURING THE YEAR 1852.				QUANTITY AND DESCRIPTION		
	Date.	No.	Area in square miles.	Locality, River, Township or Seigniori.	White Pine.		Red
					Pieces.	Feet.	Pieces.
McLEAN STEWART, Per Return for 1852. <i>Collection of Duties accrued under Licenses granted by A. J. Russell.</i>							
J. W. McLean and J. Egan & Co.					306	21420	.....
Hilliard and Dickson					281	15463	.....
D. Rillem and J. Wadsworth.					151	10570	.....
Do do					33	2068	.....
Andrew Leamy					500	35000	.....
William McLachlin					333	14553	7
Benjamin Gordon					28	1698	.....
John McMillan					30	2100	.....
A. R. McDonell					1456	94243	3
John Egan & Co.					642	44940	.....
Samuel Grimes					24	680	.....
Samuel Dickson					353	21425	11
Arthur McArthur					276	16455	2
C. C. Symmes					378	26460	22
J. & J. Hawley and Egan & Co.					100	5200	.....
James Grimes					124	8680	.....
John McCrea and John Stevens					291	19266	.....
John Stevens and John McCrea					133	9310	.....
William McLachlin					393	17073	.....
Robert Kenney					1042	53298	.....
James Hubble					37	2590	.....
D. McLaren and J. Marshall					36	2520	.....
John Egan & Co.					113	8050	.....
Samuel Grimes					667	29105	.....
John Egan & Co.					221	15470	.....
Do					32	2240	.....
Samuel Dickson					7	490	.....
Robert Gourley					115	7910	.....
Ls. Brissar					540	37800	9
C. C. Symmes					167	11690	.....
Walton Smith					158	11060	.....
John Poupore					450	31500	.....
George B. Hall					2	.....	.....
Josias Ritchey					27	1943	.....
Hilliard and Dickson					170	9341	4
H. & J. Mair					186	14859	19
William McGonigal					38	2363	.....
E. A. McDonell					244	14533	9
Gilmour & Co.					482	30546	.....
Paul McNally					1163	63676	6
John Robertson					27	1498	.....
H. & J. Mair					1170	70449	220
John Brown					24	1483	8
Brian and Finlay					65	3008	2
Duncan Campbell					133	9037	37
Hiram Cotton					97	5120	2
L. A. Huntington					244	14580	.....
Arthur McArthur					553	52823	28
John Hardman					375	29078	12
Thomas Bryson					121	8488	12
P. Robertson					95	5817	4
R. Honeycom					22	1283	1
A. McAuley					69	3819	8
John Browne					1161	71264	34

RETURN—(Continued.)

Pine.	OF TIMBER ON WHICH DUTIES HAVE ACCRUED IN 1852.				AMOUNT OF REVENUE.			REMARKS.			
	Feet.	Elm, Ash, &c.		Oak, &c.		Saw Logs.			Ground Rents on Licenses granted.	Duties accrued on Timber cut.	Totals.
		Pcs.	Feet.	Pcs.	Feet.	Spruce	Pine.				
								£ s. d.	£ s. d.	£ s. d.	
								43 11 8	43 11 8	43 11 8	
								32 4 4	32 4 4	32 4 4	
								22 0 5	22 0 5	22 0 5	
								4 6 2	4 6 2	4 6 2	
								72 18 4	72 18 4	72 18 4	
	210	17	562					38 10 9	38 10 9	38 10 9	
	14	186						5 11 3	5 11 3	5 11 3	
								4 7 6	4 7 6	4 7 6	
	116	3	102					197 5 0	197 5 0	197 5 0	
								93 12 6	93 12 6	93 12 6	
								3 10 0	3 10 0	3 10 0	
				1	20			46 10 2	46 10 2	46 10 2	
								34 12 1	34 12 1	34 12 1	
								60 9 0	60 9 0	60 9 0	
								9 15 10	9 15 10	9 15 10	
								21 10 9	21 10 9	21 10 9	
								40 2 9	40 2 9	40 2 9	
								19 7 11	19 7 11	19 7 11	
								35 11 4	35 11 4	35 11 4	
				1	9			113 18 0	113 18 0	113 18 0	
								5 7 11	5 7 11	5 7 11	
								5 5 0	5 5 0	5 5 0	
								16 15 5	16 15 5	16 15 5	
								60 12 9	60 12 9	60 12 9	
								32 4 7	32 4 7	32 4 7	
								4 13 4	4 13 4	4 13 4	
								1 0 5	1 0 5	1 0 5	
								16 9 7	16 9 7	16 9 7	
	342			4	136			81 0 6	81 0 6	81 0 6	
								26 3 11	26 3 11	26 3 11	
								23 0 10	23 0 10	23 0 10	
								65 12 6	65 12 6	65 12 6	
								952 6 3	952 6 3	952 6 3	
								4 8 4	4 8 4	4 8 4	
								21 15 11	21 15 11	21 15 11	
								35 11 10	35 11 10	35 11 10	
								4 18 6	4 18 6	4 18 6	
								34 17 0	34 17 0	34 17 0	
								63 12 9	63 12 9	63 12 9	
								138 8 11	138 8 11	138 8 11	
								3 2 5	3 2 5	3 2 5	
								178 7 1	178 7 1	178 7 1	
								4 6 3	4 6 3	4 6 3	
								6 14 2	6 14 2	6 14 2	
								25 7 5	25 7 5	25 7 5	
								11 3 0	11 3 0	11 3 0	
								30 16 0	30 16 0	30 16 0	
								118 4 3	118 4 3	118 4 3	
								62 9 7	62 9 7	62 9 7	
								20 13 11	20 13 11	20 13 11	
								12 19 7	12 19 7	12 19 7	
								4 9 7	4 9 7	4 9 7	
								10 11 11	10 11 11	10 11 11	
								153 15 7	153 15 7	153 15 7	

WOODS AND FORESTS

NAMES.	LICENSES GRANTED DURING THE YEAR 1852.			QUANTITY AND DESCRIPTION		
	Date.	No.	Area in square miles.	White Pine.		Red
				Pieces.	Feet.	Pieces.
McLEAN STEWART, (Continued)						
James McFarlane				347	21090	.....
Joseph Aumond				1680	129006	2
D. T. Browne				669	33243	58
Do				533	41952	31
John McNaughton				61	3660	4
W. and J. Teelford				167	9078	166
John Egan & Co.				138	8922	.....
Do				241	13503	2
Robert Renney				59	2183	63
John Donnelly				1403	87389	14
John Egan & Co.				1106	70581	136
C. C. Symmes.				299	18561	55
H. Carmichael.				403	27136	.....
Do				315	16966	4
John Egan & Co.				500	27410	.....
Do				474	44034	11
Alexander Sneddon				377	28851	13
D. McLellan				96	6074	4
James Grierson				61	2920	2
Samuel McConnell				18	1090	51
H. Carmichael				51	3010	5
Robert Conron				59	3212	.....
A. McAitken				1768	118263	11
John Coghlan				370	28919	4
Robert Howe				378	20183	.....
Alexander McConnell				114	5862	.....
D. McFarlane				944	62809	3
John Supple				1100	76792	86
Thomas Bryson				349	18957	.....
James Skead				1371	95139	47
J. H. Wylie				3	182	7
C. S. Bellows				22	1452	.....
R. McConnell				1298	89786	.....
John Grierson				312	19126	20
R. Runahan				420	24161	23
James Wilson				329	19886	13
Edmund Heath				38	2235	7
Alexander McAulay				93	4903	13
John Egan & Co.				1169	85232	186
Do				606	44820	140
James Early				57	2877	.....
A. Dunlap				40	2274	7
John Duggan				17	892	5
William McVicar				127	7923	.....
Alexander McCracken				1102	73431	23
D. Moorhead				182	11393	1
John Egan & Co.				521	30199	8
Alexander McLaren				855	46765	37
Q. S. McDougall				44
John Dunlop				14	825	3
William Gibson				109	9175	54
Do				902	46790	12
Alexander McMillan				417	22164	.....
Alexander McConnell				1	44	2028
Do				2157
Do				1046	81357	.....
Do				1041	81662	2
Do				937	73424	1
Do				973	78452	11

RETURN—(Continued.)

OF TIMBER ON WHICH DUTIES HAVE ACCRUED IN 1852.							AMOUNT OF REVENUE.			REMARKS.
Pine.	Elm, Ash, &c.		Oak, &c.		Saw Logs.		Ground Rents on Licenses granted.	Duties accrued on Timber cut.	Totals.	
	Feet.	Pcs.	Feet.	Pcs.	Spruce	Pine.				
							£ s. d.	£ s. d.	£ s. d.	
				4	83			44 19 5	44 19 5	5
98								269 3 5	269 3 5	5
1657	2	61						75 10 4	75 10 4	4
1502								94 11 2	94 11 2	2
188								8 8 2	8 8 2	2
3976			14	451				38 8 8	38 8 8	8
	1	28						18 14 4	18 14 4	4
44			2	137				29 3 1	29 3 1	1
1869			2	75				12 16 2	12 16 2	2
582								184 9 9	184 9 9	9
4583								162 2 10	162 2 10	10
2416			21	599				52 9 7	52 9 7	7
			1	56				56 17 8	56 17 8	8
	156	5242						35 19 8	35 19 8	8
604	1	68	1	25				78 18 11	78 18 11	11
585								96 11 1	96 11 1	1
211								62 10 0	62 10 0	0
51								13 10 8	13 10 8	8
1386	1	18	17	487				6 5 11	6 5 11	11
230	4	137						11 3 5	11 3 5	5
								8 0 2	8 0 2	2
								6 13 10	6 13 10	10
485								248 8 1	248 8 1	1
166								60 18 10	60 18 10	10
	21	724	7	251				46 12 8	46 12 8	8
	11	378						13 15 9	13 15 9	9
	1	80						131 16 0	131 16 0	0
	1	49						174 16 5	174 16 5	5
								39 9 10	39 9 10	10
1758								201 17 5	201 17 5	5
314	2	101						2 2 2	2 2 2	2
	1	68						3 6 2	3 6 2	2
								187 1 1	187 1 1	1
796	6	293						44 7 8	44 7 8	8
1212	4	128						55 18 5	55 18 5	5
436								42 5 9	42 5 9	9
246								5 13 8	5 13 8	8
441	4	119	2	75				13 0 4	13 0 4	4
7182								207 11 11	207 11 11	11
5350								115 13 4	115 13 4	4
								5 19 11	5 19 11	11
157			20	347				7 11 3	7 11 3	3
178	1	23						2 13 11	2 13 11	11
								16 10 1	16 10 1	1
1112								157 14 5	157 14 5	5
21								23 16 5	23 16 5	5
261	7	246						65 0 7	65 0 7	7
1490			12	285				105 8 5	105 8 5	5
1629	4	196						7 12 1	7 12 1	1
105			4	101				2 15 9	2 15 9	9
2849								30 19 9	30 19 9	9
433			7	211				100 2 1	100 2 1	1
	4	315	1	46				47 15 6	47 15 6	6
80923								168 13 8	168 13 8	8
86865								180 19 5	180 19 5	5
								169 9 10	169 9 10	10
54								170 7 1	170 7 1	1
25								153 1 5	153 1 5	5
420								154 15 6	154 15 6	6

WOODS AND FORESTS

NAMES.	LICENSES GRANTED DURING THE YEAR 1852.				QUANTITY AND DESCRIPTION		
	Date.	No.	Area in square miles.	Locality, River, Township or Seigniorly.	White Pine.		Red
					Pieces.	Feet.	Pieces.
McLEAN STEWART, (Continued)							
Gilmour & Co.					521	42080	303
Do					1010	72465	205
F. B. Hyde					995	65095	6
Do					776	58456	219
Peter White					918	63459	199
J. S. Johnston					1284	90136	47
John Curry					398	25207	7
Simon Hill					1212	79513	44
Henry McPeake					307	18048	57
J. and D. Bell					1154	91087	49
Do					919	59929	42
Samuel McConnell					805	54469	6
Louis Centre					679	52115	6
Do					1	66	989
John Poupore					1433	68527	6
Samuel McConnell					1314	88758	64
John Thomson					825	71756	8
Do					447	38175	585
Do							1513
C. and R. McConnell							1586
Do							1701
Do							1625
John Supple					57	4856	7
Do					542	28360	150
Paul McNally					307	16899	229
Samuel McConnell					923	58405	508
W. and J. Moffatt					337	19715	48
Do					1351	93808	22
John Supple & Co.					1080	59228	50
Do					952	62984	49
Do					958	62891	38
John Egan & Co.					100	8225	839
Do					992	85707	16
Do					100	7375	910
Do					77	5414	838
Do					766	61670	968
Do					1596	114509	131
L. Mackie					1492	102812	92
James Skead					1362	93877	85
Geo. & W. Aird					969	76292	4
Do					877	56733	296
Do					1114	77694	36
Daniel McLachlin					1195	86100	110
Do					4	258	1709
Do					6	423	1630
Do					12	768	1494
Do					1153	84085	149
Do					1044	70288	75
Do					4	236	1520
Alexander McAuley					810	48845	60
James Wadsworth					1002	90537	718
John Egan & Co.					1014	63175	28
Ira Mason					523	38185	581
James Rowan					462	24025	4
John Supple					1179	66798	64
James Skead					30	1775	2815
Do							
J. Smith					1351	115502	155
Gilmour & Co.					978	64941	80

RETURN—(Continued.)

OF TIMBER ON WHICH DUTIES HAVE ACCRUED IN 1852.								AMOUNT OF REVENUE.			REMARKS.
Pine.	Elm, Ash, &c.		Oak, &c.		Saw Logs.		Ground Rents on Licences granted.	Duties accrued on Timber cut.	Totals.		
	Feet.	Pcs.	Feet.	Pcs.	Spruce	Pine.					
							£ s. d.	£ s. d.	£ s. d.		
12270								113 5 0	113 5 0		
8324								168 6 3	168 6 3		
206								138 7 0	138 7 0		
9500								131 7 4	131 7 4		
9064								161 1 10	161 1 10		
1952								191 17 0	191 17 0		
313	6	264	2	50				55 4 8	55 4 8		
2059								169 18 11	169 18 11		
2135			4	136				42 18 0	42 18 0		
1522								192 18 9	192 18 9		
1883			10	271				130 9 6	130 9 6		
266								114 0 8	114 0 8		
289								109 15 7	109 15 7		
47155								98 7 6	98 7 6		
154								143 8 2	143 8 2		
2721								190 11 8	190 11 8		
473								151 9 3	151 9 3		
23579								128 13 2	128 13 2		
61844								128 16 10	128 16 10		
55466								115 11 1	115 11 1		
62685								130 11 11	130 11 11		
56407								117 10 4	117 10 4		
297								11 7 1	11 7 1		
4839			1	46				69 8 8	69 8 8		
8824								53 11 10	53 11 10		
21650								166 18 2	166 18 2		
1633								44 9 7	44 9 7		
940								201 11 2	201 11 2		
1863								127 9 8	127 9 8		
2271								138 0 8	138 0 8		
1602								134 7 3	134 7 3		
43452								107 13 3	107 13 3		
776								180 3 6	180 3 6		
38395			1	70				95 10 9	95 10 9		
45766								106 12 8	106 12 8		
41852								215 13 5	215 13 5		
5873								250 16 0	250 16 0		
3433	1	70						221 12 9	221 12 9		
3837								203 11 5	203 11 5		
187								159 14 5	159 14 5		
14125								147 12 5	147 12 5		
1443								164 17 4	164 17 4		
4033								137 15 7	137 15 7		
76395								159 13 11	159 13 11		
73041								153 1 0	153 1 0		
79492								167 4 2	167 4 2		
6065								187 16 4	187 16 4		
2719			10	227				153 10 4	153 10 4		
81405								170 1 10	170 1 10		
2071								106 1 7	106 1 7		
30929								253 1 1	253 1 1		
1421								134 11 7	134 11 7		
24971	1	34						131 14 4	131 14 4		
152			3	108				51 7 3	51 7 3		
2584			23	601				148 6 0	148 6 0		
125151								264 8 7	264 8 7		
6748								254 13 9	254 13 9		
3422								142 8 5	142 8 5		

WOODS AND FORESTS

NAMES.	LICENSES GRANTED DURING THE YEAR 1852.				QUANTITY AND DESCRIPTION		
	Date.	No.	Area in square miles.	Locality, River, Township or Seigniori.	White Pine.		Red
					Pieces.	Feet.	Pieces.
McLEAN STEWART, (Continued)							
William Mackay					1225	83017	21
Robert Conroy							1169
Do					445	34700	818
Samuel Grimes					1065	72626	192
Charles McAuley					390	29471	34
John Egan & Co.							92
Do							31
Robert Conroy					616	48521	275
John Poupore					853	51534	26
Elias Moore					124	10223	1371
John Egan & Co.					12	483	2128
Do					1095	73099	29
McMillan and Turner					54	2830	55
John Egan & Co.							80
R. McConnell					24	1847	1610
John Egan & Co.					27	3984	2
A. Gilmour & Co.					80	5566	2538
William Byers							1181
Do					5	313	1228
Gilmour & Co.					1045	81878	247
William Morris					6	345	1218
Do					11	656	1264
Do					749	57472	90
Joseph Aumond					3	251	1704
Do					2	70	1247
Do							1267
Do					263	15509	3
Jas. Tibbet & Joseph Aumond							27
G. B. Hall							
					127691	8642632	54619
W. J. Scott,							
Per Return for 1852.							
Robert Davison				Township of Escott			
SAMUEL HART,							
Per Return for 1852.							
John Hutchins					80	2100	
Peter Cockburn					150	10500	
Harvey Ronalds					21	1470	
Daniel McCrea					8	560	
Miles McMillan & Co.					70	4900	
Andrew Cockburn					53	4410	
Lawyer & Son					34	476	
Hawn Brothers					6	420	
Peter Cockburn					55	2850	
E. W. Swayne					7	490	
					444	28176	
WILLIAM MORRISON,							
Per Return for 1852.							
Scallon and Leprohon	January 15		120	L'Assomption and Cathcart R.			
Do	October 12	1	120	S. W. Bank of L'Ass'tion			
Do	" "	2		Do do			
Do	" "	3		N. E. Bank of L'Assomption and Cathcart			
Do	" "	4		Do do			
	" "	5		Black River			

RETURN—(Continued.)

OF TIMBER ON WHICH DUTIES HAVE ACCRUED IN 1852.							AMOUNT OF REVENUE.			REMARKS.
Pine.	Elm, Ash, &c.		Oak, &c.		Saw Logs.		Ground Rents on Licenses granted.	Duties accrued on Timber cut.	Totals.	
Feet.	Pcs.	Feet.	Pcs.	Feet.	Spruce	Pine.				
							£ s. d.	£ s. d.	£ s. d.	
1014							175 1 4	175 1 4	175 1 4	
60082							125 3 5	125 3 5	125 3 5	
15568							104 14 6	104 14 6	104 14 6	
6870							165 12 4	165 12 4	165 12 4	
1633							64 16 1	64 16 1	64 16 1	
8280							17 5 0	17 5 0	17 5 0	
2945							6 2 8	6 2 8	6 2 8	
11907							125 17 10	125 17 10	125 17 10	
1242							110 1 1	110 1 1	110 1 1	
71991							171 5 7	171 5 7	171 5 7	
92368							193 8 10	193 8 10	193 8 10	
1289							154 19 6	154 19 6	154 19 6	
1907			1	18			9 19 8	9 19 8	9 19 8	
6480							13 10 0	13 10 0	13 10 0	
78159			1	36			166 18 1	166 18 1	166 18 1	
223							8 15 4	8 15 4	8 15 4	
126242	3	118	3	59			275 9 3	275 9 3	275 9 3	
53428	1	45					111 9 11	111 9 11	111 9 11	
65274							136 12 10	136 12 10	136 12 10	
10588							192 12 9	192 12 9	192 12 9	
50884							106 14 7	106 14 7	106 14 7	
52504							110 15 0	110 15 0	110 15 0	
3250							126 10 1	126 10 1	126 10 1	
76334							159 11 1	159 11 1	159 11 1	
56197							117 4 6	117 4 6	117 4 6	
53197	2	84					111 3 6	111 3 6	111 3 6	
109							32 10 9	32 10 9	32 10 9	
2336							4 17 4	4 17 4	4 17 4	
						10957	228 5 5	228 5 5	228 5 5	
2418436	616	22378	408	10588		56668	24587 9 6	24587 9 6	24587 9 6	
						496	10 6 8	10 6 8	10 6 8	
							4 7 6	4 7 6	4 7 6	
							21 7 6	21 7 6	21 7 6	
							3 1 3	3 1 3	3 1 3	
							1 3 4	1 3 4	1 3 4	
							10 4 2	10 4 2	10 4 2	
							9 3 9	9 3 9	9 3 9	
							1 19 8	1 19 8	1 19 8	
							0 17 6	0 17 6	0 17 6	
							8 0 5	8 0 5	8 0 5	
							1 0 5	1 0 5	1 0 5	
							61 5 6	61 5 6	61 5 6	
						6959	15 0 0	144 19 7	159 19 7	
							15 0 0		15 0 0	

All Clergy.

WOODS AND FORESTS

NAMES.	LICENSES GRANTED DURING THE YEAR 1852.				QUANTITY AND DESCRIPTION		
	Date.	No.	Area in square miles.	Locality, River, Township or Seigniorly.	White Pine.		Red
					Pieces.	Feet.	Pieces.
JOHN FELTON, (Continued.)							
Vital Content							
André Simoneau							
Jonathan Harvey							
Do							
Do							
Antoine Maynant							
Do							
George B. Hall	1851	December 20.	1	24			Wolfstown and Ham
Hans D. Breakey	1852	Do 27.	2	15			Risborough
Do		Do 27.	3	10			Do
				49			
HENRY SMITH.							
Per Return for 1852.							
Duncan McFee							
A. MACPHERSON.							
Per Return for 1852.							
John Haggart							
Playfair							
James Morton							
E. Clark, (assignee of J. Cameron)							
David Roblin							
D. D. Bogart							
Billa Flint, Jr.							
John Kilborn							
Tilt and Chaffey							
Wheeler & Co.							
John Pomeroy							
Gabriel Forrester						350	
R. D. Rorison							
Jacob Rogers							
L. Lockwood							
A. and D. Hooper							
W. Pomeroy							
James Booth							
W. Fredingburgh							
Do							
Blood, Bond & Co.							
John Pomeroy							
C. W. Wartman							
John Vanness							
John Donovan							
Geo. and A. Stuart							
Blood, Bond & Co.							
John Cameron						52500	
Lewis Park							
Thomas Grange							

RETURN—(Continued.)

OF TIMBER ON WHICH DUTIES HAVE ACCRUED IN 1852.							AMOUNT OF REVENUE.			REMARKS.
Pine.	Elm, Ash, &c.		Oak, &c.		Saw Logs.		Ground Rents on Licences granted.	Duties accrued on Timber cut.	Totals.	
Feet.	Pcs.	Feet.	Pcs.	Feet.	Spruce	Pine.				
						14	£ s. d.	£ s. d.	£ s. d.	
						50	0 5 7	0 5 7	0 5 7	
						12	1 0 0	1 0 0	1 0 0	
						89	0 4 10	0 4 10	0 4 10	Clergy.
						130	1 15 7	1 15 7	1 15 7	Do.
						246	2 12 0	2 12 0	2 12 0	
						47	4 18 5	4 18 5	4 18 5	
							0 18 10	0 18 10	0 18 10	Do.
							3 0 0	3 0 0	3 0 0	
							1 11 3	1 11 3	1 11 3	
							1 11 3	1 11 3	1 11 3	
						1828	6 2 6	129 16 4	185 18 10	
						4141				
						50	*	2 5 0	2 5 0	
						1600		33 6 8	33 6 8	
						1625		33 17 1	33 17 1	
						3174		66 2 6	66 2 6	
						9350		194 15 10	194 15 10	
						33128		698 14 0	698 14 0	400 logs exported
						9016		187 16 8	187 16 8	and 4s. interest.
						30503		636 13 7	636 13 7	24,000 Shingles.
						3800		79 3 4	79 3 4	
						19616		414 18 4	414 18 4	300 cords Pine.
						3358		69 19 2	69 19 2	
						200		4 3 4	4 3 4	Clergy.
						65		5 0 5	5 0 5	Do 8 floats a 10s.
						1668		35 16 0	35 16 0	Int. 4s. 1d
						1350		42 3 9	42 3 9	Interest 20s.
						150		4 13 9	4 13 9	Clergy £8 17s. 8d.
						2250		70 6 3	70 6 3	School 38 6s. 1d.
						1002		31 6 3	31 6 3	Clergy 0 13s. 5d.
						20		0 12 6	0 12 6	School 4 0s. 4d.
						161		5 0 10	5 0 10	Do.
						395		8 4 7	8 4 7	Do £7 1s. 1d.
						325		10 3 1	10 3 1	Clergy 1 3s. 6d.
						200		6 5 0	6 5 0	Do 8 9s. 8d.
						600		18 15 0	18 15 0	Do.
						50		1 11 3	1 11 3	School.
						500		15 12 6	15 12 6	Do. £18 7s. 10d.
						500		15 12 6	15 12 6	Clergy 2 4s. 8d.
						908		32 8 9	32 8 9	School 18 7s. 10d.
						65 floats.		164 1 3	164 1 3	Clergy 2 4s. 8d.
						100		3 2 6	3 2 6	School 27 16s. 0d.
						500		11 2 4	11 2 4	Clergy 4 12s. 9d.
								3 2 6	3 2 6	School 140 12s. 6d.
								11 2 4	11 2 4	Clergy 28 8s. 9d.
								11 2 4	11 2 4	Do.
								11 2 4	11 2 4	Do 1 11s. 9d.
										School 9 10s. 7d.
										Interest 14s.

WOODS AND FORESTS

NAMES.	LICENSES GRANTED DURING THE YEAR 1852.				QUANTITY AND DESCRIPTION		
	Date.	No.	Area in square miles.	Locality, River, Township or Seignior.	White Pine.		Red
					Pieces.	Feet.	Pieces.
A. McPHERSON, (Continued.)							
James Sharman							
David King							
Bernard Levy							
William Frizell							
Blood, Bond & Co.							
Thomas Grange							
Fox and Anglin							
Elias Jackson							
Andrew McGregor							
W. Griffin (by Beamish)							
Blood, Bond & Co							
A. M. Clarke							
Calvin Cook & Co.					5040		
W. Brackin							
Geo. Chaffey & Brothers						1500	
Charles Warner							
George Empey							
George Clancy							
Wheeler & Co.						1500	
Eli Clarke							
Richard Lazier							
Archibald McDonell							
Richard Madden							
John Denny							
John Walbridge							
W. Milburne							
John Denny							
Paul and Vader							
John Haggart	June 20	1	8	Town of Hinchinbrooke			
James Morton	July 30	2-3	37	Township of Kennebec			
D. Roblin	August 13	4-5	45	Do			
John Kilborn	" 21	6	8	Do Loberough			
D. D. Bogart	September 24	7-8	40	Do Kallador			
Billa Flint	October 5	9-10	34	Do do			
Wheeler & Co.	" 19	11	8	Do Hinchinbrooke			
Eli Clarke	November 15	14-15	32	Do do			
Tilt and Chaffey	" 20	13	16	Do Loberough			
B. Tilt	" "	12	8	Do Beaford			
George Chaffey & Brother	December 21	16	4	Do Pittsburg			
George DUBERGE			240			60890	
Per Return for 1852.							
James Gibbs							
Do							
Naz. Tétu & Co.							
Do							
Vital Godreault							
John Foster							

RETURN—(Continued.)

OF TIMBER ON WHICH DUTIES HAVE ACCRUED IN 1852.								AMOUNT OF REVENUE.			REMARKS.
Pine.	Elm, Ash, &c.		Oak, &c.		Saw Logs.		Ground Rents on Licences granted.	Duties accrued on Timber cut.	Totals.		
	Feet.	Pcs.	Feet.	Pcs.	Spruce	Pine.					
							£ s. d.	£ s. d.	£ s. d.		
							450	14 1 3	14 1 3	Clergy £1 11s. 9d.	
							34	1 1 3	1 1 3	School £9 10s. 7d.	
							102	3 3 9	3 3 9	School.	
							4650	145 6 3	145 6 3	Clergy.	
							433½	13 10 10	13 10 10	Clergy £20 15s. 7d.	
							475	14 16 10	14 16 10	School £124 10s. 8d.	
							3074	96 16 3	96 16 3	Clergy £2 2s. 5d.	
							50	1 11 3	1 11 3	School £12 14s. 5d.	
							400	12 10 0	12 10 0	Clergy £5 14s. 3d.	
							92	2 17 6	2 17 6	School £74 4s. 3d.	
							108	3 7 6	3 7 6	Do	
							1441	45 0 7	45 0 7	Do £10 14s. 4d.	
								40 5 0	40 5 0	Clergy £1 15s. 8d.	
							200	17 3 9	17 3 9	392 Floats at 1s. 3d.	
							525	21 1 10	21 1 10	Clergy £2 10s. 6d.	
							1038	32 8 9	32 8 9	175 Floats at 1s. 3d.	
							2100	65 12 6	65 12 6	School	
							60	1 17 6	1 17 6	Clergy £32 16s. 8d.	
							2166	72 7 6	72 7 6	School £32 16s. 8d.	
							1150	35 18 9	35 18 9	Do	
							70	2 3 9	2 3 9	Do £85 0s. 9d.	
							180	7 4 4	7 4 4	Clergy £7 6s. 9d.	
							200	6 5 0	6 5 0	Do	
							850½	26 11 4	26 11 4	Clergy.	
							6200	193 15 0	193 15 0	Out on Indian Lands	
							6	0 3 9	0 3 9	Clergy £27 13s. 7d.	
							1562½	48 16 5	48 16 5	School £166 1s. 8d.	
							50	1 11 3	1 11 3	£41 16s. 5d.	
								1 0 0	1 0 0		
								4 12 6	4 12 6		
								5 12 6	5 12 6		
								1 0 0	1 0 0		
								5 0 0	5 0 0		
								4 5 0	4 5 0		
								2 0 0	2 0 0		
								8 0 0	8 0 0		
								2 0 0	2 0 0		
								1 0 0	1 0 0		
								1 0 0	1 0 0		
								35 10 0	3828 18 8	3864 8 8	640 Floats.
							153681½				
							3306	68 17 6	68 17 6		
							4428	46 2 6	46 2 6		
							5562	115 17 6	115 17 6		
							8476	88 5 10	88 5 10		
							360	7 10 0	7 10 0		
							1200	12 10 0	12 10 0		
							14104	9228	389 3 4	389 3 4	

WOODS AND FORESTS

NAMES.	LICENSES GRANTED DURING THE YEAR 1852.				QUANTITY AND DESCRIPTION		
	Date.	No.	Area in square miles.	Locality, River, Township or Seignior.	White Pine.		Red
					Pieces.	Feet.	Pieces.
A. J. RUSSELL.—(Continued.)	1853.						
Robert Kenny	January 20 ..	453	14 ³ / ₈	Townships of Oso and Sherbrooke			
Robert Conroy	" 22 ..	454	50	Papineau's Creek, River Madawaska			
Do	" " ..	455	50	Do do			
Do	" " ..	456	42	River Madawaska, Fork Branch			
Do	" " ..	457	50	Do do			
William Hamilton	" 20 ..	458	3	Township of Westmeath			
Do	" 22 ..	459	3 ¹ / ₂	Do of Beckwith			
Do	" 20 ..	460	1	Do of Huntly			
Do	" " ..	461	5 ³ / ₈	Do of Goulbourne			
Do	" " ..	462	6	Do of do and Huntly			
Do	" 22 ..	463	21	Township of Ross			
John McMillan	" 26 ..	464	1	Do Huntly			
Donald Cameron and Charles McAuley	" " ..	465	25	River Ottawa			
Joseph Lusk	" " ..	466	1 ¹ / ₂	Township of Eardley			
Alexander Moffatt	" " ..	467	2	Do of Westmeath			
Louis M. Coutlie	" " ..	468	21	Do Horton			
Wood, Petry, Poitras & Co. ..	" 29 ..	469	50	River Madawaska			
Do do	" " ..	470	50	Do Coulonge			
Do do	" " ..	471	30	Do do and Black River			
Do do	" " ..	472	35	River Coulonge			
Do do	" " ..	473	50	Black River			
Do do	" " ..	474	50	Do			
Do do	" " ..	475	50	Do			
Do do	" " ..	476	50	Do			
Do do	" " ..	477	50	River Coulonge			
Archibald McVicar	" " ..	478	1	Township of Wakefield			
Matthew Henry Morris	February 2 ..	478	1	Do do			
John Morris	" 3 ..	479	3	Do Fitzroy and March			
James Travers	" " ..	480		Rivers Madawaska and Bonnechère			
Peter Aylen & Co.	" " ..	481		River Madawaska and Township of Blithfield			
Holmes Mair	January 31 ..	482	14	Township of Litchfield			
John Campbell	February 3 ..	483	20	River Madawaska			
N. Burwash	" " ..	484	50	Do			
Daniel McLachlin	" " ..	485	50	Do			
Do	" " ..	486	30	Do			
Do	" " ..	487	15	River Bonnechère			
Elliott Johnston	" " ..	488	2	Township of Bristol			
William McLachlin	" " ..	489	19	Do of Bromley & Admaston			
J. L. McDougall	" " ..	490	25	Township of Admaston			
Do	" 5 ..	491	20	Do do			
Do	" " ..	492	1	Do Onslow			
Henry Merrifield	" 15 ..	493	1	Do do			
Stafford Merrifield	" " ..	494	8	Allumette Island			
James Wodsworth	August 18 ..	495	50	River Ottawa			
Robert Kernaghan	February 21 ..	496	50	Do Keepawa			
D. Cameron & A. McKinzie ..	" " ..	497	50	Do do			
Do	" " ..	498	50	Do do			
Do	" " ..	499	50	Do do			
S. A. Huntington	" " ..	500	3	Allumette Island			

RETURN—(Continued.)

OF TIMBER ON WHICH DUTIES HAVE ACCRUED IN 1852.							AMOUNT OF REVENUE.			REMARKS.	
Pine.		Elm, Ash, &c.		Oak, &c.		Saw Logs.		Ground Rents on Licences granted.	Duties accrued on Timber cut.		Totals.
Feet.	Pcs.	Feet.	Pcs.	Feet.	Spruce Pine.						
								£ s. d.	£ s. d.	£ s. d.	
								1 16 8		1 16 8	
								12 10 0		12 10 0	
								12 10 0		12 10 0	
								5 5 0		5 5 0	
								6 5 0		6 5 0	
								1 0 0		1 0 0	
								1 0 0		1 0 0	
								1 0 0		1 0 0	
								1 0 0		1 0 0	
								2 12 6		2 12 6	
								1 0 0		1 0 0	
								3 2 6		3 2 6	
								2 0 0		2 0 0	
								1 0 0		1 0 0	
								2 12 6		2 12 6	
								6 5 0		6 5 0	
								6 5 0		6 5 0	
								3 15 0		3 15 0	
								8 15 0		8 15 0	
								12 10 0		12 10 0	
								12 10 0		12 10 0	
								12 10 0		12 10 0	
								12 10 0		12 10 0	
								8 15 0		8 15 0	
								1 0 0		1 0 0	
								1 0 0		1 0 0	
								2 0 0		2 0 0	
								1 15 0		1 15 0	
								1 0 0		1 0 0	
								2 10 0		2 10 0	
								6 5 0		6 5 0	
								6 5 0		6 5 0	
								6 5 0		6 5 0	
								3 15 0		3 15 0	
								3 15 0		3 15 0	
								1 0 0		1 0 0	
								2 7 6		2 7 6	
								3 2 6		3 2 6	
								2 10 0		2 10 0	
								1 0 0		1 0 0	
								1 0 0		1 0 0	
								1 0 0		1 0 0	
								1 0 0		1 0 0	
								6 5 0		6 5 0	
								6 5 0		6 5 0	
								6 5 0		6 5 0	
								6 5 0		6 5 0	
								1 0 0		1 0 0	

WOODS AND FORESTS

NAMES.	LICENSES GRANTED DURING THE YEAR 1852.				QUANTITY AND DESCRIPTION		
	Date.	No.	Area in square miles.	Locality, River, Township or Seigniorly.	White Pine.		Red
					Pieces.	Feet.	Pieces.
<i>W. CRAWFORD,—(Continued.)</i>							
Samuel Strickland							
Bullock and Portland					7648		
R. C. Smith					7350		
C. Perry					11832		
Samuel Dickson					5000		
James Cummings	October 30	1	16	Burleigh and Dummer			
Do	"	2	8	Berkeley			
Do	"	3	20	Methuen			
Do	"	4	24	Burleigh			
James Bird	"	5	6	Burleigh and Dummer			
A. Gilmour & Co.	"	6	10	Harvey and Burleigh			
Do	"	7	16	Fenelon, Verulum, Smith			
John Langton	August 16	8	18	Harvey, Enismore, Douro			
Sanford Baker	October 25	9	20	Methuen			
Archibald & Thompson	" 30	10	28	Harvey and Belmont			
A. H. Meyers	"	11	10	Burleigh and Methuen			
Robert M. C. Diute	"	12	10	Harvey and Dummer			
James G. Phelps	"	13	36	Do do			
James Edwards	"	14	2½	Smith and Harvey			
James Muirhead	"	15	2	Burleigh			
Charles Perry	"	16	29	Burleigh and Harvey			
			250½		282802		
<i>J. B. WILLIAMS,</i>							
Per Return for 1852.							
David Sharman							
George Maynard							
John Cleveland and Jos. Laird							
Sarah Anne Bart							
Donald McAllum					4170		
George Boothe					2170		
Mathew McKay					500		
Jos. Cullette & H. Waters & Co.					19080		
Solomon P. Hicks and Craton Stewart					5000		
James Dawson					5000		
François Dubuque					9000		
					44870		
<i>C. CAMPBELL SHEPPARD,</i>							
Per Return for 1852.							
John C. Simmons					2000		
Ambrose Duncan							
John C. Simmons	October 20	1	15	Horton and Warwick			
G. L. Marles	December 27	2	2	Grantham			
		3	17		2000		

RETURN—(Continued.)

OF TIMBER ON WHICH DUTIES HAVE ACCRUED IN 1852.							AMOUNT OF REVENUE.			REMARKS.
Pine.	Elm, Ash, &c.		Oak, &c.		Saw Logs.		Ground Rents on Licences granted.	Duties accrued on Timber cut.	Totals.	
Feet.	Pcs.	Feet.	Pcs.	Feet.	Spruce	Pine.				
						60	£ s. d.	£ s. d.	£ s. d.	
		1836					1 5 0	1 5 0		
							23 11 8	23 11 8		
							15 6 3	15 6 3		
				340			37 3 10	37 3 10		
							10 8 4	10 8 0		
							4 0 0	4 0 0		
							2 0 0	2 0 0		
							5 0 0	5 0 0		
							6 0 0	6 0 0		
							1 10 0	1 10 0		
							2 10 0	2 10 0		
							4 0 0	4 0 0		
							1 12 6	1 12 6		
							2 10 0	2 10 0		
							3 10 0	3 10 0		
							1 5 0	1 5 0		
							2 10 0	2 10 0		
							4 10 0	4 10 0		
							1 0 0	1 0 0		
							1 0 0	1 0 0		
							3 12 6	3 12 6		
							46 10 0	613 6 5	659 16 5	
						414	8 12 5	8 12 5		
						45	2 16 3	2 16 3		10d. per log and 50 per cent.
							5 0 0	5 0 0		
					1200		1 5 0	1 5 0		
					300		6 5 0	6 5 0		Clergy.
							3 5 0	3 5 0		Do.
							0 15 0	0 15 0		Do.
							28 11 0	28 11 0		Do.
							7 10 0	7 10 0		Do.
							7 10 0	7 10 0		Do.
							13 10 0	13 10 0		Do.
							£ 84 19 8	84 19 8		
						800	29 3 4	29 3 4		
						1614	30 11 3	30 11 3		
							1 17 6	1 17 6		
							1 0 0	1 0 0		
						2414	2 17 6	59 14 7	62 12 1	

WOODS AND FORESTS RETURN.—(Continued.)

STATEMENT of the amount of extra Ground Rent charged for non-occupation on Licenses renewed for the season of 1852-3.

Names	Amount.	Names.	Amount.
FRANCIS McANANNY, Per Return for 1852.	£ s. d.	A. J. RUSSELL,—(Continued.)	£ s. d.
A. G. Thomson	9 7 6	Gilmour & Co.	3 0 0
James Morton	3 15 0	Do do	3 2 6
Billa Flint	0 15 0	John Gilmour	5 5 0
James Dumming	20 0 0	James Wadsworth	3 2 6
William H. Meyers	6 5 0	Do	2 10 0
D. Bogert	1 7 6	Do	5 0 0
J. McDonald	4 5 0	James Porter	3 2 6
	£45 15 0	Do	3 2 6
A. J. RUSSELL, Per Return for 1852.		James Wadsworth	3 2 6
W. H. Learmeed	3 2 6	John Supple	3 2 6
Roderick Ryan	1 8 9	Do	1 17 6
R. W. Crinice	1 0 0	Do	1 17 6
Alex. McCaul & Brother	6 5 0	Hugh Carmichael	6 2 6
Louis Brisard	1 0 0	Do	3 17 6
B. McConnell	5 0 0	Do	6 5 0
Do	3 15 0	Do	6 5 0
E. & E. Wheeler	1 0 0	John Egan	4 17 6
A. W. Powell	3 2 6	Do	6 5 0
Hamilton Brothers	1 5 0	Do	3 2 6
Do	3 2 6	Do	1 19 4
John Hoggart	1 0 0	Do	2 10 0
Monzo Wright	6 5 0	John Egan & Co.	6 5 0
John Coghlan	3 0 0	John Egan	3 2 6
John Gilmour	5 2 6	Do	3 2 6
James Gilmour	5 0 0	Do	3 2 6
Allan Gilmour	5 3 9	Do	1 11 3
Do	6 5 0	Robert Kenny	2 10 0
Do	6 5 0	Geo. & Wm. Aird	5 7 6
Do	3 2 6	Joseph Aumond	3 15 0
Do	6 5 0	Do	3 15 0
Do	6 5 0	Do	6 5 0
Do	6 5 0	Do	5 0 0
Do	6 5 0	Do	1 2 6
Do	6 5 0	Do	6 5 0
Do	6 5 0	Do	4 10 0
John Gilmour	6 5 0	Alexander McAuley	1 0 0
James Gilmour	6 5 0	Do	3 15 0
Gilmour & Co.	1 17 6	Do	2 10 0
Allan Gilmour	3 2 6	Do	1 15 0
Do	3 2 6	Alexander McDonald	6 5 0
R. W. Cruice	3 2 6	Do	3 2 6
Allan Gilmour	6 5 0	Do	3 2 6
Do	6 5 0	Ronald McDonald	1 5 0
Gilmour & Co.	3 2 6	Alexander McDonald	1 5 0
Allan Gilmour	6 5 0	David Moore, Jr.	6 0 0
Do	3 2 6	Peter Aylen, Jr.	1 7 6
Do	3 2 6	Arthur McArthur	3 0 0
Do	5 12 6	Mr. Peiry	6 5 0
William Byers	4 7 6	James Skead	2 7 6
Gilmour & Co.	2 5 0	Do	2 15 0
Do	6 5 0	J. McMillan and R. Turner	1 0 0
J. Skead and A. Gilmour	3 2 6	Robert Conroy	6 5 0
Do do	3 2 6	Do	6 5 0
Do do	3 2 6	Joseph Lusk	1 0 0
Do do	2 10 0	Wood, Petry, Poitras & Co.	4 7 6
James Wadsworth	6 0 0	Do do	6 5 0
Allan Gilmour	6 5 0	Do do	6 5 0
Do	4 10 0	Do do	6 5 0
Gilmour & Co.	3 2 6	Do do	6 5 0
James Gilmour	2 2 6	Do do	6 5 0
Gilmour & Co.	1 2 6	Archibald McVicar	6 5 0
Do do	3 2 6	James Teavens	1 0 0

WOODS AND FORESTS RETURN.—(Continued.)

STATEMENT of amount of Extra Ground Rent charged for non-occupation on Licenses renewed for the season of 1852-3.

Names.	Amount.	Names.	Amount.
A. J. RUSSELL,—(Continued.)	£ s. d.	DONALD McLEAN,—(Continued.)	£ s. d.
Elliot Johnston	1 17 6	J. A. Cameron	3 15 0
Robert Bell	1 10 0	Wm. Hamilton	6 10 0
John Mitchell	1 15 0	A. McEwen	6 5 0
John Egan	6 5 0	Peter Leach	5 0 0
Do	1 15 0		
Do	3 12 6		£108 14 11
H. L. Routh	2 0 0		
Do	1 15 0	A. MacPHERSON,	
John Egan	5 0 0	Per Return for 1852.	
Joseph Aumond	1 0 0	Walter Wheeler	1 0 0
Allan Gilmour	2 15 0	Eli Clarke	4 0 0
Do	4 10 0		£5 0 0
John Supple	2 0 0		
Joseph Aumond	2 10 0		
	£462 10 7	WALTER CRAWFORD,	
		Per Return for 1852.	
DONALD McLEAN,		James Cummings	2 0 0
Per Return for 1852.		Do	1 0 0
David Davidson	8 1 3	Do	2 10 0
Do	6 17 6	Do	3 0 0
Allan Gilmour	6 5 0	James Bird	0 10 0
W. Stewart	4 10 7	A. Gilmour & Co.	1 5 0
Peter Leach	4 10 7	Do	2 0 0
W. Barry	6 5 0	Robert M. C. Dlute	1 5 0
Wm. Hamilton	6 5 0		£18 10 0
Allan Gilmour	6 5 0		
S. J. Dawson	3 2 6		
James Gilmour	3 2 6	RECAPITULATION.	
G. W. Cameron	3 2 6	A. J. Russell	462 10 7
J. A. Cameron	6 5 0	F. McAnnany	45 15 0
Peter Leach	6 5 0	Donald McLean	108 14 11
G. W. Cameron	6 5 0	Allan Macpherson	5 0 0
J. A. Cameron	1 17 6	Walter Crawford	18 10 0
Donald Cameron	2 0 0		
S. G. Dawson	6 5 0	Total	£685 10 6

NOTE.—This system has been but one year in operation, and as the Ground Rents continue doubling every year, the barths remain unoccupied, its effects, as a check upon monopoly, are as yet but partially developed.

RECAPITULATION
WOODS AND FORESTS

Names of Agents.	Licences Granted.				DUTIES						
	No. of Berths.	Area in Square Miles.	Ground Rents accrued on Licenses			Quantity and Description					
			Crown.	Jesuits' Estates.	Total.	White Pine.		Red Pine.		Elm, Ash, &c.	
						Pieces.	Feet.	Pieces.	Feet.	Pieces.	Feet.
RECAPITULATION Per Return for 1852.											
			£ s. d.	£ s. d.	£ s. d.						
Amable Bochet, ...	854	106 15 0	...	...	106 15 0	...	...	...	...	...
Henry Lor, ...	...	64 2 6	...	...	64 2 6	6034	325133	765	25859	27 951
William Morrison, ...	11	476	69 10 0	...	59 10 0	...	...	...	...	...
Oliver Wells, ...	109	5172	3781 0 0	222 0 0	4003 0 0	...	...	...	...	...
William Wilson, ...	5	42½	8 0 0	...	8 0 0	...	321238	1	70	1 20	
John Starrs, ..	52	2184½	273 1 3	...	273 1 3	172	1500	...	...	...
Donald McLean, ...	23	903½	222 12 4	...	222 12 4	...	49196	...	...	...
W. H. Quinn, ...	4	88	11 0 0	...	11 0 0	...	...	...	...	...
Alexander Daly, ...	8	399	49 17 6	...	49 17 6	200	14000	...	...	...
George Duberger, ...	...	...	...	...	...	...	...	...	...	...
John Kane, ...	...	860	107 2 6	...	107 2 6	...	...	...	...	...
A. J. Russell, ...	524	14592½	2360 15 9	...	2360 15 9	...	...	...	...	...
McLean Stewart, ...	...	...	...	...	...	127691	8642682	54619	2419436	616 22378
James Stevenson, ...	...	...	...	...	...	...	...	...	...	...
John Felton, ...	3	49	6 2 6	...	6 2 6	...	...	...	...	...
John Hume, ...	1	30	3 15 0	...	3 15 0	200	4000	...	...	...
Cyprien Blanchet, ...	1	11½	1 8 9	...	1 8 9	...	...	...	...	...
Louis Richard, ...	2	50	6 5 0	...	6 5 0	...	5000	...	...	833
Andrew Ross, ...	7	111	13 17 6	...	13 17 6	...	...	...	...	...
Francis Tetu, ...	2	20	2 10 0	...	2 10 0	183	2998	...	...	...
Florence DeGuise, ...	1	8	1 0 0	...	1 0 0	...	...	...	...	...
L. N. Gauvreau, ...	...	128	16 0 0	...	16 0 0	...	...	...	...	...
Pierre Gauvreau, ...	6	117	14 12 6	...	14 12 6	...	...	...	...	...
John A. Torney, ...	19	679	78 12 6	...	78 12 6	2529	177010	...	...	...
John Eden, ...	3	65	8 12 6	...	8 12 6	...	...	...	...	...
John Alexander, ...	3	33	4 12 6	...	4 12 6	...	...	...	...	...
Alexander McNabb, ...	1	30	3 15 0	...	3 15 0	...	...	...	...	...
J. B. Williams, ...	...	...	...	...	...	44870	...	...	...	...
Walter Crawford, ...	16	250½	46 10 0	...	46 10 0	...	232802	...	...	14212
Francis McAnnany, ...	27	657	129 12 6	...	129 12 6	755	58672	...	...	5 175
A. Macpherson, ...	16	240	35 10 0	...	35 10 0	...	60890	...	...	960
W. J. Scott, ...	...	...	...	...	...	...	...	...	...	...
Samuel Hart, ...	...	...	...	...	...	444	28176	...	...	...
H. W. McCann, ...	15	47½	15 0 0	...	15 0 0	4007	220976	...	...	...
C. Campbell Sheppard, ...	2	17	2 17 6	...	2 17 6	...	2000	...	...	...
Henry Smith, ...	...	...	...	...	...	...	...	...	...	...
	860	27972½	7434 10 7	222 0 0	7656 10 7	142215	10354234	55386	2444335	649 39529	

TULATION.
RETURN.—(Continued.)

COLLECTED.				Amount of Duties accrued thereon.					Total accrued from Licenses granted and Duties Collected.	REMARKS.
of Timber.				Crown.	Clergy.	School.	Jesuits' Estates.	Total.		
Oak, &c.		Saw Logs.								
Pieces.	Feet.	Spruce.	Pine.							
				£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	
...	...	28132	11366	529 14 6	...	...	...	529 14 6	636 9 6
...	...	1485	6498	886 17 7½	...	...	...	886 17 7½	951 0 1½
...	9959	144 19 7	...	...	...	144 19 7	204 9 7	
...	25730	363 14 7	...	...	166 14 2	530 8 9	5564 8 9	
...	1017	576 0 0	114 16 3	...	...	690 16 3	698 16 3	
...	61831	1308 13 9	...	...	...	1308 13 9	1581 16 0	
...	211	103 17 9	...	...	...	103 17 9	329 10 1	
...	5816	121 3 6	...	...	...	121 3 6	132 3 6	
...	4925	139 1 3	...	...	...	139 1 3	188 18 9	
...	14104	9228	339 3 4	...	...	339 3 4	339 3 4	
...	44381	928 8 11	...	...	...	928 8 11	1035 11 5	
...	2360 15 9	
...	24587 9 6	
...	2731 2 6	
...	129 16 4	
...	135 18 10	
...	88 6 11	
...	1 8 9	
...	272 3 3	
...	138 15 5	
...	482 8 2	
...	231 0 2½	
...	650 8 6	
...	524 19 3	
...	2719 8 4	
...	8 12 6	
...	32 13 4	
...	3 15 0	
...	84 19 8	
...	659 16 5	
...	900 13 5	
...	3864 8 8	
...	10 6 8	
...	61 5 6	
...	597 17 4	
...	59 14 7	
...	2 5 0	
...	2 5 0	
...	44325 16 8	
...	53013 7 3	

{1031, Bonus included see folio 9.

123 Red Pine Logs.

{400,000 Shingles, £20 included.

{640 Plosts, of this £20 11s 4d. is from Indian Lands.

WOODS AND FORESTS RETURN.—(Continued.)
Shewing the amount of deductions on Red Pine in 1852.

Names.	Amount.	Names.	Amount.
	£ s. d.		£ s. d.
James Skead.....	3 18 3	Amount brought forward....	1975 9 9
Alexander McDonell.....	168 11 9	Daniel McLachlin.....	152 8 4
Do do.....	180 19 4	Do do.....	165 12 2
J. Wadsworth.....	0 1 6	Do do.....	12 12 8
Do do.....	8 12 2	Do do.....	5 13 8
John Supple.....	9 10 0	Do do.....	169 11 10
F. Armstrong.....	3 1 0	Alexander McAuley.....	4 6 3
John Egan & Co.....	17 9 7	J. Wadsworth.....	64 8 8
M. Coghlan.....	2 8 4	John Egan & Co.....	2 19 2
George Morris & Co.....	7 19 0	Ira Mason.....	52 0 6
Do do.....	6 5 6	John Supple.....	5 7 8
Do do.....	7 5 11	James Skead.....	260 14 7
C. O'Kelly.....	167 8 7	J. Smith.....	14 1 2
Do do.....	3 7 9	Gilmour & Co.....	7 2 7
John Poupore.....	1 10 7	Do do.....	22 1 2
John Egan & Co.....	7 4 1	W. Mackey.....	2 2 3
Do do.....	11 8 5	R. Conroy.....	125 3 5
Roderick Ryan.....	6 14 8	Do do.....	32 8 8
Gilmour & Co.....	42 18 5	S. Grimes.....	14 6 3
F. B. Hyde.....	19 19 11	C. McAuley.....	3 8 0
P. White.....	18 17 8	John Egan & Co.....	17 5 0
J. S. Johnston.....	4 1 4	Do do.....	6 2 7
Simon Hill.....	4 5 9	Robert Conroy.....	24 16 1
Henry McPeake.....	4 8 11	John Poupore.....	2 11 9
J. and D. Bell.....	3 3 5	E. Moore and John Egan.....	149 19 8
Do do.....	3 18 5	John Egan & Co.....	192 8 8
Samuel McDonnell.....	0 11 1	Do do.....	2 13 8
Louis Centre.....	98 4 10	McMillan & Turner.....	3 19 6
Samuel McDonnell.....	5 13 4	John Egan & Co.....	13 10 0
John Thomson.....	49 2 5	R. McConnell.....	162 16 8
Do do.....	123 16 10	John Egan & Co.....	0 9 3
C. and R. McDonell.....	115 11 1	Gilmour & Co.....	263 0 1
Do do.....	180 11 10	William Byers.....	111 6 2
Do do.....	117 10 3	Do do.....	185 19 9
John Supple.....	10 1 7	William Morris.....	106 0 2
P. McNally.....	18 7 8	Do do.....	109 7 8
W. and J. Maffett.....	1 19 2	Do do.....	6 15 5
John Supple & Co.....	3 17 7	Joseph Aumond.....	159 0 8
Do do.....	4 14 7	Do do.....	117 1 7
Do do.....	3 6 9	Do do.....	110 16 6
John Egan & Co.....	90 10 6	Do do.....	0 4 6
Do do.....	1 12 4	J. Tibbits & Joseph Aumond.....	4 17 4
Do do.....	79 19 9	Samuel McDonell.....	45 2 1
Do do.....	95 6 11	H. & J. Moffatt.....	3 8 0
Do do.....	87 3 10		
Do do.....	12 4 8	Total on the Ottawa.....	£ 4841 6 1
Lawrence Mackie.....	7 3 0	R. A. Seymour.....	£8 8 8
James Skead.....	7 19 10	James McConnell.....	2 6 8
George and W. Aird.....	29 8 6	Do do.....	42 8 4
Do do.....	3 0 1	Edward Quinn.....	0 2 4
Daniel McLachlin.....	8 8 0		
Do do.....	159 3 1	Total on the St. Maurice.....	53 0 7
Amount carried over.....	£ 1975 9 9	Total deductions.....	£ 4894 6 8

WOODS AND FORESTS RETURN.—(Continued.)

Return shewing the amount of Duties accruing in the several Localities in 1852.

Localities.	Names of Agents, &c.	Duties accrued in each Locality.			Total amount.		
		£	s.	d.		£	s.	d.
West of Toronto	John Alexander	37	5	10	126	0	6
	Alexander McNabb	3	15	0			
	J. B. Williams	84	19	8			
East of Toronto	Walter Crawford	659	16	5	5508	15	8
	Francis McAnnany	900	13	5			
	Allan Macpherson	8874	8	8			
	W. J. Scott	10	6	8			
	Henry Smith	2	5	0			
	Samuel Hart	61	5	6			
Ottawa	A. J. Russell, Licences granted	2380	15	9	34520	13	10
	McL. Stewart, Bytown Agency Collections	24687	9	6			
	Do do Red Pine deducted as below	4841	6	1			
	Jas. Stevenson, Collection on Saw Logs	2731	2	6			
Ottawa—(Continued.)	Total Bytown Agency	84520	13	10	37872	16	0
	William Wilson	698	16	3			
	John Starrs	1581	15	0			
	Donald McLean	326	10	1			
	W. H. Quinn	132	3	6			
	H. W. McCann	612	17	4			
East of Montreal	Amable Bochet	636	9	6	8978	2	0½
	Henry Lor	951	0	1½			
	Do do deductions on Red Pine as below	53	0	7			
	William Morrison	204	9	7			
	Oliver Wells	5564	8	9			
	Alexander Daly	188	18	9			
	George Duberger	339	3	4			
	John Kane	1035	11	5			
East of Montreal	John Felton	135	18	10	5426	19	8½
	John Hume	92	1	11			
	Cyprien Blanchet	1	8	9			
	Louis Richard	272	3	3			
	Andrew Ross	152	12	11			
	Francis Tetu	482	8	2			
	Florence Deguise	231	0	2½			
	L. N. Gauvreau	650	8	6			
	Pierre Gauvreau	539	11	9			
	John A. Torney	2798	0	10			
	John Eden	8	12	6			
	C. C. Sheppard	62	12	1			
	Ottawa	Deduction on Red Pine as per Statement	£	57907				13	4894	6	3
McLean Stewart		4841	6	1			
Henry Lor		53	0	7			
St. Maurice	per	£	4894	6	3		
Total Revenue for 1852		£	58018	7	8		

WOODS AND FORESTS RETURN.—(Continued.)

COMPARATIVE STATEMENT OF DUTIES FROM 1848 TO 1851 INCLUSIVE.

Names of Agents.	1848.	1849.	1850.	1851.
J. Alexander,.....		7 14 7		8 9 7
J. B. Williams,...				2 1 8
Andrew Geddes,.....				5 2 6
John Clarke,.....			12 16 10	32 8 3
D. Campbell,.....				2 10 0
Joseph Wilson,.....		10 1 4		
Walter Crawford,.....		148 15 8		
Francis McAnnany,.....	38 13 11	137 4 7	399 17 1	587 16 2
Allan McPherson,.....	217 12 10	446 17 2	1236 0 6	1537 18 1
W. J. Scott,.....	8 15 0	1 2 6		
Samuel Hart,.....	2 0 10	0 6 8		24 19 1
Stevenson & Stuart, (Bytown Timber District).....	18032 8 4	19171 7 3	18601 16 10	22743 11 0
Anthony Leslie,.....	8 6 8			
William Wilson,.....	1289 3 4	927 6 3	1229 14 7	1722 12 6
Donald McLean,.....		62 10 0	52 18 0	230 3 8
Owen Quinn, (now W. H. Quinn),.....	285 9 2	641 16 8	285 0 10	260 19 2
H. W. McCann,.....	31 17 6	85 16 8	237 17 5	272 4 2
A. Bochet,.....	25 15 6	562 1 0	218 11 2	379 13 5
Henry Lor,.....		46 6 9	52 1 8	235 11 2
William Morrison,.....	111 10 0	133 8 2	72 13 4	113 10 0
Alexander Dnly,.....		71 13 6	45 11 9	18 11 8
George Duberger,.....	494 16 4		100 0 0	174 18 11
John Kane,.....	375 0 0	359 7 6	705 11 0	558 2 6
John Felton,.....	17 19 4	16 19 4		14 4 2
William Hargrave, (now John Hume),.....	67 14 2	70 6 3	32 16 8	3 15 0
O. J. Kemp,.....				6 5 0
Cyprien Blanchet,.....				4 15 0
Louis Richard,.....	63 5 7	49 0 0	133 13 8	197 6 5
G. A. Bourgeois, (part of G. D. Marlers),.....			11 9 2	31 4 2
Andrew Ross,.....			6 10 2	22 3 2
R. Bourdages, (now Fras. Tetu),.....	20 16 8		8 19 2	191 8 1
J. B. Martin, (now F. DeGuise),.....	212 2 11	206 10 10	220 3 9	187 12 6
L. N. Gauvreau,.....	39 6 5	297 15 3	217 15 9	464 18 9
Pierre Gauvreau,.....	685 14 7	365 18 6	220 18 9	283 18 1
G. L. Marler, (now C. C. Sheppard),.....	5 9 4	22 18 4	84 1 0	
E. Martelle,.....	287 6 1	359 19 6	540 16 2	
Total,.....	£22270 15 4	24198 7 3	24728 1 0	30818 13 10

Total amount of Duties accruing in the several Localities from 1848 to 1852, inclusive.

Localities.	1848.	1849.	1850.	1851.	1852.
West of Toronto.....		17 15 11	12 16 10	50 12 0	126 0 6
East of Toronto, on the St. Lawrence.....	267 2 7	729 6 7	1635 17 7	2150 13 4	5508 15 8
Ottawa.....	19597 5 0	20888 16 10	20407 8 5	25229 10 6	37872 16 0
East of Montreal, N. of St. Lawrence.....	1006 12 8	1172 19 11	1194 13 11	1480 7 8	8973 2 0
East of Montreal, S of St. Lawrence.....	1399 15 1	1389 8 0	1477 4 3	1407 10 4	5426 19 8
Totals.....	£22270 15 4	24198 7 3	24728 1 0	30318 13 10	57907 13 11

STATEMENT shewing the total quantity of Timber from the Bytown District, measured in Quebec from 1848 to 1852 inclusive. The quantities on which the Crown Dues were levied and the quantities exempt therefrom.

Years.	White Pine Timber, Cubic Feet.			Red Pine Timber, Cubic Feet.			Oak, Elm, &c., Cubic Feet.			No. of Saw Logs.
	Total.	Exempt.	Dutiable.	Total.	Exempt.	Dutiable.	Total.	Exempt.	Dut'ble.	
1848	4,460,040	2,991,007	1,469,033	4,123,534	507,696	3,615,838	425,437	422,445	2,992	97,876
1849	7,970,235	5,551,242	2,418,990	3,726,301	982,777	2,743,524	113,137	104,773	8,364	77,281
1850	9,468,370	5,774,066	3,694,304	2,110,852	554,112	1,556,740	405,110	396,304	8,806	85,951
1851	9,639,582	5,704,242	3,935,260	3,148,657	680,031	2,468,626	405,544	473,576	11,968	113,919
1852	16,928,547	8,285,865	8,642,682	2,496,903	78,467	2,418,436	532,450	499,219	83,231	187,762

NOTE.—The above has reference only to the Section of Country where the system of collection had heretofore been most perfected, and shews the quantity of White Pine exempted from duty in that Section in the four preceding years to have been about two thirds of the whole, or twenty millions exempted against eleven millions dutiable, while by the system adopted in 1852 the quantity exempted has been less than a half of the whole, or eight millions two hundred thousand exempted, against eight millions six hundred thousand dutiable; of Red Pine, the quantity exempted in the four preceding years was more than a fifth of the whole, and in 1852 less than a thirtieth.

In the smaller agencies where the system of collection was still more imperfect, there is no means of procuring data for a comparative Statement of quantities, but the following will give a condensed view of the whole Timber Revenue (Bytown excepted,) for the same period:—

	£	s.	d.
1848, amount as per Returns of Agents	4238	7	0
1849, do do do	5027	0	0
1850, do do do	6126	3	4
1851, do do do	7575	2	10
1852, do do at reduced rate on Red Pine	23333	19	6

MEMORANDUM.

This Return, although very voluminous, is rendered in the most abbreviated form practicable, but does not contain a sixth part, in volume, of what has been required. It is composed, however, of the most useful part of the information sought, while, from the defective data of past years, there is a great part of what has been asked for which there is no means of supplying.

JOHN ROLPH.

* The Saws Logs are given to shew the total from Bytown, though not measured in Quebec, and consequently not coming strictly under the above heading.

QUEBEC :

PRINTED BY JOHN LOVELL, AT HIS STEAM PRINTING ESTABLISHMENT,

MOUNTAIN STREET.

R E T U R N

To an Address of the Legislative Assembly, dated 9th June, 1853; for
 “Copies of Petitions presented against the Bill introduced during the
 “present Session of Parliament, to define the Seigniorial Rights, with
 “the Names of the Signers of the said Petitions.”

By Command.

(Signed,) A. N. MORIN,

Secretary.

SECRETARY'S OFFICE,

Quebec, 13th June, 1853.

[Translation.]

To His Excellency the Right Honorable JAMES, Earl of Elgin and Kincardine,
 Knight of the Thistle, Governor General of the Provinces of British North
 America, Governor in Chief of the Province of Canada, &c., &c., &c.

The undersigned Seigniors, Proprietors of Fiefs and Seigniories in Lower
 Canada,

Humbly represent to Your Excellency ;

That your Petitioners have viewed with feelings of the deepest concern the intro-
 duction into the Legislative Assembly, of a Bill, intituled, “An Act to define Seignio-
 rial rights in Lower Canada, and to facilitate the redemption thereof.”

That your Petitioners respectfully but strongly protest against the provisions of
 the said Bill, both in its *ensemble* and in its details, and they beg your Excellency
 to withhold the Royal Sanction therefrom for the following reasons:—

That it is a principle of Common Law that when two parties have given their
 free consent to a contract, as in the present instance, and an attempt is made to an-
 nul that contract or to modify its conditions, they ought both to be consulted.

That the Seigniors have never been consulted respecting the changes sought to
 be introduced into contracts which have existed, on an average, nearly one hundred
 years, and which, whether ancient or of a recent date, have been declared good and
 valid by the Judicial Tribunals.

That out of the forty-two Members who represent Lower Canada, there are only
three Seigniors; the greater part of the remaining Members being Censitaires, and
 having withal the support of the Ministry. That for a certain number of years the
 Seigniors have been systematically excluded from taking a part in public affairs.
 Finally, that those who ask for the abolition of the old contracts and the Seigniorial
 rights, and who are to profit by that abolition, wish alone to dictate the conditions
 thereof, thus constituting themselves supreme judges in their own cause. Such a
 proceeding would, to say the least of it, be a virtual substitution of the right of the
 stronger to every principle of justice and the most sacred rights of property.

That the acceptation of the pretended redemption offered to the Seigniors by this Bill, is made binding on them, at the same time that it will be always lawful for the Censitaires collectively or individually to accept or refuse, in the whole or in part, the conditions of that redemption.

That while the whole of the indemnity will be regulated by some Censitaires, and a portion only by others, the greater number may put off doing so for an indefinite period, and thus create endless confusion in the management of estates and in the administration of the Seigniories. This confusion will only have the effect of diminishing the value of a description of property, the investment of capital in which, and the consequent improvement whereof, have been prevented by repeated threats of spoliation.

That most exorbitant powers will be conferred upon the three Commissioners to be appointed under the 45th and following sections, for the purposes of the said Bill. That by virtue of their authority, they may, whensoever they shall think fit, summon before them any Seignior or Censitaire with such papers as they shall require, even should such papers bear evidence against the Seignior or Censitaire; and in the event of these persons neglecting to obey such order at the hour appointed, the Commissioners will have power, without any trial whatsoever, to commit such Seignior or inhabitant, to the common gaol, as a felon, for the space of one calendar month.

That in addition to this excessive authority, these Commissioners, whose duty it will be to make summary valuations between the Seigniors and the Censitaires, thus having it in their power to ruin either as their caprice or their own interest may dictate, will enjoy an irresistible influence in times of Election. This influence will be unbounded, inasmuch as there is no limit to the duration of their term of Office, fifty years being, in the opinion of Your Petitioners, insufficient for the conscientious discharge of the duty assigned to them, were they even to work more zealously than Government-paid Commissioners ever do.

That several clauses of this Bill (which the author has thought proper to divide into ninety-two, in order, perhaps, to give it a certain significance,) cannot possibly be brought into operation. Of this, your Petitioners beg permission of your Excellency to cite an example: namely, the clause respecting the right of banality.

“To establish the price of redemption of the right of banality, an estimate shall be made of the decrease in the annual receipts of the banal mills to arise from the suppression of the right of banality and from the inhabitants being freed therefrom; the amount of the said estimate,” (such estimate being made by the Commissioners,) “shall represent the interest at six per cent. of the capital which shall be the price of redemption of the banality for the whole of the Seignior, and the said capital shall be apportioned among all the lands subject thereto, according to their superficial extent.”

In what manner and at what time will that estimate be made? No mode of doing so is defined; no time is limited; everything in this respect is left to the Commissioners themselves.

Will they make this estimate at the end of the first year? But then the harvest may perhaps be less by one half than that of the preceding year or years, and thus the Seignior will have an indemnity twice as great as that to which he will be entitled; on the other hand the harvest may be more plentiful, and the Seignior will receive nothing in return for the loss of his privileges. Will they wait until several years have elapsed? The same deceptions may occur; besides, no rival mill may have been erected, the receipts may be the same, and during the year next after the valuation, a mill may be constructed which will render valueless that of the Seignior. To whom will the Commissioners apply in order to ascertain the receipts of a Banal mill? The Seignior is generally the only person who knows anything of these

receipts, nor is he always capable of ascertaining them. Will the Commissioners refer to him in order to establish the amount of those receipts on which the whole of the estimate must depend? Will the matter be left to the Millers, who in most cases can neither write nor keep accounts, and who may very frequently be interested in diminishing or in increasing the amount of the receipts of the Mill? Even supposing all these difficulties to have been got over, is it fair that the indemnity to be allowed to the Seigneur should be redeemed by all his Censitaires in proportion to the superficial extent of their lands. Thus, a Censitaire in possession of one hundred arpents of wood-land yielding only one quart of wheat, will have to pay the same indemnity as the Censitaire whose land consists of one hundred cultivated arpents, yielding one thousand minots of wheat!

The Bill is full of errors of this nature, evidently shewing that it was drawn up without reflection or without a knowledge of facts; it would inevitably give rise to endless litigation fraught with ruin both to the Seigneur and the Censitaire. Your Petitioners fear they would only fatigue your Excellency were they to cite any further examples in support of this assertion; but they have it in their power to do so, and they are fully prepared to prove it.

That your Petitioners beg leave to call the serious attention of Your Excellency to the fact, that the Seigniors of Lower Canada, themselves, are desirous that the commutation of their rights should be effected at as early a date as possible, and that they are ready to make every just and reasonable concession, and even to sacrifice a portion of their most legitimate rights in order to terminate a contestation of which they can neither foresee the end nor the consequences.

What your Petitioners think they have a right to expect, is to be consulted with regard to the terms of the redemption; to have an opportunity afforded them of entering into an amicable arrangement with those who ask for that redemption, and of endeavouring with them to carry it out with facility, fairness, and so as to entail as little expense as possible upon both parties, and especially in such a manner as to avoid the litigation, the spoliation, the cost, the useless formalities, the delay and confusion to which the Bill in question would give rise.

What your Petitioners ask for, is, that the commutation be an entire one having the effect of totally extinguishing the feudal system within a given time; otherwise, at every new election attempts will be made to despoil them of another shred of the remnant left them. What they think would be strictly just, is that the transaction be equally binding on the Seigniors and on the Censitaires who ask for it. What they claim is to see their fate decided at once, that they may not in a manner be left without the pale of the law, and deprived of a portion of their civil rights; that they may be enabled to valueate what shall be left them, in order to be able, as well as any other citizen, to base their future welfare as well as that of their children, on known and certain resources, beyond the reach of the envy and intrigues of those who, in seeking popularity, are ever invoking the right of the stronger against them.

Finally, that the Seigniors, urged on by necessity and with the full determination of defending their just rights, will find themselves placed in the painful alternative of publicly making this protestation in England and elsewhere; that they will never cease to cry out against an act of spoliation, the principle of which, if once admitted, will lead to many others; a spoliation which will render valueless every description of property, and if accomplished, will inevitably end in the ruin of the credit of this Province, and of the morality of its inhabitants.

Wherefore, your Petitioners beg, that they may be permitted to reiterate their prayer, that Your Excellency will be pleased to withhold the Royal Sanction from that Bill, in the event of its passing the two branches of the Legislature, and to reserve it for Her Majesty's consideration.

Your Petitioners have too much confidence in the righteousness of their cause,

and in the justice of their Gracious Sovereign, to hesitate in leaving their fate in Her august hands.

And your Petitioners will ever pray.

Quebec, 11th April, 1853.

(Signed,) MARGUERITE DE LANAUDIÈRE,
 " JOSEPHTE BABY,
 " LUC. G. DRAPEAU,
 " V. T. CAZEAU,
 " M. A. DRAPEAU KELLY,
 " LOUISE ANGELE DRAPEAU,
 " PETER LANGLOIS,
 " G. JOLY,
 " JEFFREY HALE,
 " JAS. GIBB,
 " WILLIAM PATTON,
 " H. G. FORSYTH,
 " J. M. FRASER,
 " P. A. DeGASPE,
 " H. G. FORSYTH, Attorney for
 GEO. G. FORSYTH,
 " D. BURNET, Attorney for
 PETER BURNET,
 " ARCHD. CAMPBELL,
 " A. W. TRIGGE,
 " JOHN YULE,
 " AMELIA PLENDERLEATH CHRISTIE, by
 WM. BOWMAN, Attorney,
 " A. STUART,
 " E. B. LINDSAY,
 " ALEXR. LINDSAY,
 " ANGUS McDONALD,
 " GEO. B. HALL, Exr.,
 ESTATE LATE P. PATERSON,
 " G. JOLY, Attorney for
 MRS. BINGHAM.

R E P O R T.

THE SPECIAL COMMITTEE to which was referred the Petition of WILLIAM LYON MACKENZIE, Esquire, Acting Executor to the Estate of the late ROBERT RANDALL, of Chippawa, Esquire, have the honor to Report:—

That they have devoted as much of their time as could be spared from other duties to the investigation of the important questions involved in the Petition referred to them.

They have received oral and documentary evidence applicable to the case, and carefully arranged the same for reference.

The property claimed, as part of the late Mr. Randall's Estate, is of great value, and many persons are interested in the ultimate result of this inquiry.

Your Committee, at this late period of the Session, forbear to express an opinion: they recommend however that the Evidence, herewith reported, be printed for the use of Members, with a view to the further consideration of the subject next Session.

They also recommend that any further Evidence to be offered in the matter at the next Session, by any party interested, may be likewise printed, when the same is received.

The whole, nevertheless, humbly submitted.

JAMES SMITH,
Chairman.

14th June, 1853.

MINUTES OF EVIDENCE

AND

PROCEEDINGS OF THE COMMITTEE.

COMMITTEE ROOM,

Saturday, 16th April, 1853.

MEMBERS PRESENT :

Mr. Smith of Durham; Hon. Mr. Robinson, Messrs. Christie of Wentworth, Fergusson, Wright of the East Riding of York, and Hartman.

Read the Order of Reference.

Mr. SMITH of Durham, called to the Chair.

Read the Petition referred.

Mr. *Mackenzie* attended the Committee, and having opened his case ;

It was Ordered, on motion of Mr. Christie, That such documents as are referred to by Mr. Mackenzie, and in his possession, be received and fyled, for the future reference of the Committee.

The following were then handed in, viz :—

Original Patent from the Crown to Robert Randall, of Lots 38, 40, &c., of Nepean.

Copy of Petition of Robert Randall to Lt. Governor, dated 23rd Sept., 1808.

Plans marked A and B.

Original Lease, &c.

Robert Bell, Esq., called and examined, and states :—

That he resides in Bytown, on Lot No. 40, broken front Concession A, on the Ottawa. A large portion of this lot has been sold and built upon, since it came into the possession of Messrs. Sherwood and Britton. This lot adjoins the principal lots on which are built the town of Bytown. Cannot say, without reflection, how many live on the lot. It is of great value. There are about half a dozen buildings on the lot in the 1st Concession of 200 acres, but in Concession A the greater part is built over by occupants, as town property. The buildings have about half of them been built since 1845; these are the most valuable. Knows that Mr. Firth's original tavern stand was on lot 40, Concession A. As to the maps or plans fyled and marked A and B, considers them correct. Was aware when he went to Bytown that the titles of this property were in dispute; it was generally known that the claims were made by Mr. Mackenzie, acting for some other party. This dispute may have had some effect on purchasers, but very little. Thinks a notice was published, warning against purchasing this property, by Mr. Mackenzie, in 1850; this was the first I ever saw.

Upon 39, Concession A, no improvements or enclosures were made by Mr. Rochester, except a small building erected since 1846. At present there are a large number of persons (labourers) living in buildings of a temporary character, a greater part of which were erected within the last five years; these parties had no particular liberty to occupy; I look upon them as squatters. The land is owned by Government. In 1846, Mr. N. Sparks had a few acres cleared and enclosed, on the westerly part, adjoining lot 38. On the part nearest the slides, several French Canadians resided in buildings they had built upon it. Mr. Rochester lives in the concession adjoining; his right to purchase lot 39, in the 1st, has been recognized by the Government; there could be no pre-emptive right in Mr. Rochester to lot 39, Concession A; he did not occupy this lot in 1846. He has told me repeatedly that he considered broken front lot 39, as belonging to 39, 1st Con. Knows, as a surveyor, that this is not the case; they are separate and distinct lots, in separate Concessions, and have no connection. I give this testimony as a surveyor, after having surveyed it under instructions from the Crown Land Department, in 1846. I am aware that lot 39, Concession A, was for a length of time reserved for public purposes, and part of it now absolutely required for landing rafts and for the use of the slides. As to the value of this lot, I estimate it to be from 5 to £8,000. I laid it out in city lots in 1846, after the Government had decided on Rochester's claim; this was done under instructions from the Crown Land Department.

Adjourned to the call of the Chair.

Monday, 25th April, 1853.

PRESENT:

Mr. Smith, Chairman; Messrs. Hartman, Christie of Wentworth, Fergusson, and Hon. Mr. Robinson.

The Committee deliberated upon the allegations and prayer of the Petition referred to them.

Mr. Mackenzie submitted and laid before the Committee further documentary evidence—

Which was received and fyled, marked (A) and (B).

Mr. Mackenzie also handed to the Chairman, a communication from Mr. Bell, which he requested might be received and added to the testimony given by him before the Committee at its last sitting.

After being read as followeth:—

QUEBEC, 16th April, 1853.

WM. L. MACKENZIE, Esq., M.P.P.

Sir,—Please have the following added to my evidence, given before the Committee this day, respecting Lot 39, Concession A, in Nepean on the Ottawa.

Yours, &c. &c. &c.,

R. BELL.

The practice as regards pre-emption could only allow a pre-emptive right on behalf of any person to one lot, and not to more. Lot 39, in Concession A, and lot No. 39, in Concession 1st, are, as already stated in different Concessions, having no connexion, separated by a road allowance one chain in width, which is now a public highway, and the lots do not exactly abut as parts of one lot, but pass beyond one another several chains.

I have seen the plan of A. J. Russell, Esq., for a canal across the said lot, to improve the Ottawa Navigation, and I would be willing to undertake to make that canal and take lot 39, in Concession A, as compensation for the work.

I have also seen a petition on behalf of Mr. John Rochester, signed by thirteen gentlemen, and dated at Quebec, 26th August, 1852. Three of the signers are of Bytown—all the others belong to other parts of the country, some of them one hundred miles from the lot in question, and can know but little respecting who made improvements upon the lot. Excepting William Stewart, I do not believe any of the signers referred to could point out the lot. I know of no fact or circumstance that would in any respect sustain what is averred in that Petition.

ROBERT BELL.

I want the above incorporated as part of the evidence, and not separate from it as supplementary or additional.

R. B.

Ordered, That it be fyled as documentary evidence.

The Hon. Commissioner of Crown Lands was called, and in reply to certain inquiries respecting lot 39, 1st Concession, and 39, Concession A, of Nepean, stated to the Committee, that he would give directions that any documents in his Department, having reference to these lots, should be placed at the disposal of the Committee, or delivered to the Clerk at any time.

Ordered, That the Clerk do procure from the Office of the Commissioner of Crown Lands, all documents having reference to the lots in question, that are not now before the Committee.

Daniel McLachlin, Esq., a Member of the House, called and examined:—

1. What improvements, if any, had Rochester made upon lot 39, Concession A, previous to 1848, or previous to 1836, or to 1852, in August?—The first building on lot 30, Concession A, Nepean, was erected in 1837, by a Canadian, and acknowledged that he did so as a squatter; and under the same circumstances many buildings have been erected since. I think there are as many as thirty families residing on this lot, in houses all of a temporary kind. I am not aware that Rochester ever made any improvements on this lot.

2. Are there any good buildings now on it?—There are none; the best one would probably cost £50.

3. Were any affidavits given to Mr. Durie in 1845, or at any other time, to prove that nothing had been on the lot?—There were; I have seen them.

4. Is the affidavit now shewn you, by Robert Reed, a true original?—I believe it to be a true document.

5. Who had made affidavits to their being no improvements?—James Skead and Duncan Stewart, who lived on the lots adjoining; there were others, but I do not remember them.

6. Did you purchase the right of a squatter on lot 39, Concession A?—I did; and was reported in possession by Clergy Reserve Inspectors Chitty and Roberts; in consequence of which I applied for the lot: other parties also applied. I afterwards abandoned my claim, as I knew the squatter, from whom I purchased, had not been in possession for five years. I subsequently offered the Government £10 an acre for this lot.

7. Did Rochester do any act to constitute ownership to this lot?—He never did; he claimed it as being part of the lot in the 1st Concession.

8. Was it known in Bytown when you came there in 1836, that lot 40 and its broken fronts were contested by Randall, or that the ownership was disputed in any way?—Some years after 1836 I heard of the dispute; I am not aware that it prevented any one from buying.

9. Did Firth offer to sell you any right he had to lot 39, 1st Concession, or the broken lot, before he sold to Rochester?—He did of the 1st Concession; he did not pretend to have any claim on Concession A. I took his papers to a lawyer, and after their examination, concluded he had no right to the lot, and consequently refused to purchase.

10. What is your opinion as to the value of lot 39, Concession A?—It is worth, in a block, £2,000; if sold out in lots it might probably bring more.

I would add, in reference to this lot, that the beach is necessary for the use of the slides, and a part of the lot for a canal.

And then he withdrew.

Adjourned till 10 o'clock, A.M., to-morrow.

Tuesday, 26th April, 1852.

MEMBERS PRESENT :

Mr. Smith, Chairman; Hon. Mr. Robinson, Mr. Hartman, Hon. Mr. Macdonald, Messrs. Wright, Fergusson, and Christie.

The Honorable *George S. Boulton*, a Member of the Honorable the Legislative Council, attended the Committee.

Mr. Boulton, by permission of the Committee, addressed it on the subject of the general allegations and matters contained in the Petition.

Mr. Mackenzie was allowed to reply, by way of explanation.

Mr. Boulton withdrew.

The Committee deliberated.

Ordered, That the Honorable John Rolph, Commissioner of Crown Lands, be requested to attend the Committee on to-morrow, at 10 o'clock, A.M.; and that Wm. McDonald Dawson, of the Crown Land Department, be summoned to attend the Committee at the same time.

Adjourned till 10 o'clock, A.M., to-morrow.

Wednesday, 27th April, 1853.

MEMBERS PRESENT :

Mr. Smith, Chairman; Mr. Wright, Hon. Mr. Robinson, Messrs. Hartman, Christie, and Fergusson.

The Honorable *John Rolph*, a Member of the House, and Commissioner of Crown Lands, attended the Committee, in accordance with the Order of yesterday.

In answer to a question from the Chairman, Mr. Rolph stated, that to the best of his recollection, he was a member of a Committee of the House of Assembly of Upper Canada, in the year 1828, appointed upon a Petition of Robert Randall.

A printed copy of the Report of that Committee, in the Appendix to the Journals of the House, is shewn to Mr. Rolph.

Did you concur with the Committee in that Report?—I have no recollection of dissenting from it; I believe I concurred in it.

1. Are you Commissioner of Crown Lands?—I am Commissioner of Crown Lands.

2. What claimants have there been for lots 39, in the 1st Concession, and 39, Concession A, in Nepean?—As to 39, in the 1st Concession, the claimants have been, 1st. Robert Randall; 2nd. Isaac Firth; and 3rd. John Rochester.

As to 39, in Concession A, the claimants have been, 1st. Robert Randall (whose claim is continued now by Mr. Mackenzie, as his executor); 2nd. Daniel McLachlin; 3rd. John Rochester (continued now by Malloch and Rochester); 4th. numerous occupants of the town lots which were advertised for sale; and 5th. the Town Council of Bytown; other applications to purchase, based on no special claims, have also been made. Both lots have likewise been claimed as an endowment for the Episcopal Church at Bytown, by the Rev. S. S. Strong.

3. Are they the same, or different lots?—They are distinct lots, with a concession line and road of the usual breadth between them.

4. What evidence is there in your Department that Firth or Rochester have ever been in possession of lot 39, 1st Concession, or 39, Concession A, Nepean?—As to 39, in the first Concession, the evidence of Rochester's possession consists in the conjoint Return of the Clergy Reserve Inspectors, Chitty and Roberts, in 1844, and as this has never been questioned it would seem superfluous to add any additional evidence.

As to 39, in Concession A, the evidence of Rochester's possession consists of several affidavits, stating that he gave permission to take stones and wood from it; that he claimed it; that the Deponents understood it was his; that rent was paid or promised to him by occupants, in actual possession of the lot, &c. The only direct evidence of his possession is the affidavits of Charles Henry, that he occupied a house built, by Rochester, of Edward Hawley; that he ploughed and planted on it for Rochester, and the certificate (not under oath) of John Egan, Esq. M.P.P., and Joseph Aumond, Esq., that he has a house on it, and ten or twelve acres cultivated. To this might be added the evidence of P. Roberts, one of the inspectors, who,

although a party to the conjoint Report by himself and Chitty, by which McLachlin was returned as in possession, addressed a letter to the Commissioner, stating his opinion in favor of Rochester, grounded on a claim through Firth, who however, as stated in the Order in Council, of 20-22 June, 1846, "never pretended in any of his applications to the Government, that he possessed or desired to obtain it," and that "therefore, the claim to pre-emption set up by Rochester, falls to the ground."

5. What evidence have you in your Department, that Rochester and Malloch have not been in possession of these lots?—As to 39, in the 1st Concession, there is no evidence that it is not in the possession of John Rochester. As to 39, in Concession A, the evidence that it has not been in the possession of John Rochester, consists of the conjoint return of the Clergy Reserve Inspectors, in 1844; of the affidavits of Duncan Stewart, Donald McGregor, and of James Skead, Esqs. in 1845,—long residents on the adjoining lot,—that they knew of no occupancy or improvements by him; of the Petition of Daniel McLachlin, Esq. owner of an extensive milling establishment on the adjoining lot, and now M.P.P. for Bytown, in 1846; of the actual survey by Provincial Land Surveyor, Robert Bell, under instructions from the Department by Order in Council, in 1846; of the respective Memorials of the Merchants, of the Magistrates, and of the Corporation of Bytown, in 1852, which either directly or indirectly deny the occupancy on which the claim to pre-emption is based, and in the latter of which the Councillors declare the fact to be patent to the whole community by "personal observation and public notoriety" that there is no "visible thing" that could be so construed.

6. What evidence have you in your Department of any possession of these lots, or either of them by others?—As to 39, in the 1st Concession, it was in the possession of Robert Randall by lease, from 1809 to 1821: there is no evidence before the Department, that it has since then been in the possession of any other persons, than Firth and Rochester.

As to 39, in Concession A, it was also in the possession of Robert Randall by lease, from 1809 to 1821; and since then, by the conjoint Return of the Clergy Reserve Inspectors, it was found to be in the possession of Daniel McLachlin, principally, and of Ozias Banning, and Louis Dorin, partially, by two shanties they had on it; and by the general testimony before the Department, and the admission of the opposing claimants, Messrs. Malloch and Rochester, in 1852; it has been in the possession of about twenty families, who have petitioned to purchase the town lots they have occupied, since they were surveyed and advertized for sale.

7. Has Rochester had any possession that would give him a pre-emptive right?—My opinion on this head is fully expressed in the Departmental Reports which are already before the Committee; and I have only to add, that in my opinion (though in this I may be mistaken) no person can acquire a pre-emptive right to any lot expressly reserved by the Government for public purposes, nor would improvements, even were they made, avail against such public reservation; and further, there is no evidence of any occupation and improvement for five years antecedent to 1841, on which alone any pre-emptive right could accrue under the Order of the Queen in Council, based on the Imperial Statute.

8. What evidence is there in your Department of lot 39, Concession A, Nepean, being required for public purposes?—The evidence that lot 39, Concession A, is required for public purposes consists of an Order in Council, of 24th April, 1833, stating it to be "indispensably necessary to the public service"; of a letter from F. P. Rubidge, Esq. to the Department of Public Works (being an engineer in the employment of that department), of 13th September, 1845, in which he states that it should be withheld from sale "for Government purposes, otherwise some land-jobbers will be getting it now and cause us to pay for it hereafter."

pre-emptive Right!

of a letter from Thomas C. Keefer, 29th September, 1845, stating that it will be required for slide purposes, and recommending that it be reserved; and of letters from the Department of Public Works to this Department, in 1845 and 1846, stating that it should "be reserved for public purposes," and particularizing a portion indispensable for the works then in progress; of the letters of Robert Bell, Esq., P.L.S.; of Daniel McLachlin, Esq., M.P.P.; of the Department of Public Works, and of the respective Memorials of the Merchants, of the Magistrates, and of the Corporation of Bytown in 1852, all stating the reservations for public purposes to be indispensable; the Memorials of the Corporation adding, the necessities of the town for water, to which the position of Bytown affords but few accessible points; and of the late official Report of Messrs. Russell and Merrill,—the one Surveyor of Timber Licenses, and the other Superintendent of Public Works on the Ottawa,—stating that the reservation, in respect of which their opinions were asked, is so indispensable that if it were alienated, they "would feel constrained by a sense of duty to recommend that immediate steps should be taken for the purchasing of it back again"; which has been fully sustained by another Report from the Department of Public Works, dated the 3rd May instant. Messrs. Russell and Merrill also add the necessities for water, &c., of Bytown, which being on "a high and rocky site," the shore is "elsewhere steep or precipitous," and "the slope of land to the river, and into it, in this place only, is very gentle."

In accordance with such testimony the Government, upon a fuller examination of the matter, made certain reservations, thus abundantly sustained, against which Governmental Reservations, Mr. Malloch has made the most unwarrantable objections.

9. What evidence is there in your Department that lot 39, Concession A, has been improved by Rochester and Malloch?—None, beyond that stated in answer to question No. 4.

10. What evidence is there to the contrary?—The evidence that lot 39, Concession A, has not been improved by Rochester or Malloch, has been stated in answer to question No. 5.

11. What better right, according to the rules of your Department, has Rochester than any squatter?—My opinion on this head is already fully expressed in the Reports which are before the Committee.

12. Has the Government, at any time, admitted the right to pre-emption, by Firth, Rochester, or any other person to lot 39, Concession A, or lot 39, in 1st Concession, Nepean?—The Government has at no period admitted the right to pre-emption in Firth to lot No. 39, in the 1st Concession, nor to lot 39, Concession A, for which latter he never applied.

To lot 39, in 1st Concession, such a right would seem to have been admitted in Rochester, by Order in Council, of 17th February, 1846; but this was cancelled, and the right denied by Order in Council, of 20–22 June, 1846, and also by subsequent Orders, although he was permitted to become the purchaser (of the part of that lot not required for public purposes), under a distinct denial of any pre-emptive right, but in consideration of his large improvements.

To lot 39, in Concession A, no such right has ever been admitted by the Government, either in Firth or Rochester, or any other person, up to the time of my investigation of the case, when presented conjointly by Messrs. Malloch and Rochester.

13. How and when did this lot become a part of Bytown?—Lot 39, Concession A, became a part of Bytown in 1847, by the Act 10th and 11th Vic. cap. 43, being the first Session of Parliament after the survey into town lots, by Order in Council, in 1846.

14. How came it to be surveyed into town lots, and when was this survey made?

—Lot 39, Concession A, was surveyed into town lots by authority of Orders in Council, of 20–22 June, and 1st July, 1846; the survey was executed under instructions from this Department, of 15th July and 24th August, 1846, and completed in September of that year.

15. Were these town lots ever offered for sale, and on what terms?—The town lots were advertised for sale (as per Canada Gazette, of 8th January, 1848), upon application, on and after the 9th February following, at the prices therein stated.

16. Has any Patent been made out for lot 39, Concession A, in Nepean?—Patents have been prepared in this Department, in obedience to the Orders in Council, and submitted for the consideration of the Government.

17. If so, in whose name was it made out, and in whose possession is it, and how did it come into such possession?—The Patent was prepared in the names of John Rochester and Edward Malloch. I cannot say in whose hands it now is, because since it was sent to the Provincial Secretary, it has not reached this Department for transmission, according to 4th and 5th Vic., cap. 100, sec. 20.

18. Do you consider the lot to be patented in the full and proper sense of the term, so as to be altogether alienated from the Crown?—I have no evidence upon this point but what is before the Committee, and do not feel competent to give an opinion upon the question of title.

19. What persons, if any, have been reported by the Clergy Reserve Inspectors as entitled to a pre-emptive right to purchase, under the regulations respecting lot 39, Concession A, Nepean?—By the conjoint attested Return of the Inspectors, Daniel McLachlin was reported as being in possession of lot 39, Concession A, Nepean, with three acres cleared; but Mr. McLachlin, afterwards, voluntarily stated that the occupation under which he claimed, fell short of the five years antecedent to 1841, required by the regulations, and conscientiously waiving any claim to pre-emption, offered to purchase, first at five hundred and afterwards at a thousand per cent. advance on the valuation of the Inspectors.

JOHN ROLPH.

Adjourned to the call of the Chair.

Saturday, 28th May, 1853.

MEMBERS PRESENT:

Mr. Smith, Chairman; Messrs. Christie of Wentworth, Hartman, and Fergusson. It was Ordered, That the Clerk do give to Mr. Mackenzie copies of any papers before the Committee.

The Honorable Mr. Attorney General *Richards*, called in, and examined:—

1. Are you Attorney General for Upper Canada?—I am.
2. What claimants have there been for lots 39, in the 1st Concession, and 39, Concession A, in Nepean?—I know of no claimants, except those that may be exhibited by papers in the Crown Land Office.
3. Are they the same or different lots?—I believe they are different concessions. Think several lots in those concessions have been granted.
4. What evidence is there in your Department that Firth or Rochester have ever been in possession of lot 39, 1st Concession, or 39, Concession A, Nepean?—There is no evidence in my Department with reference to the matter at all.
5. What evidence have you in your Department that Rochester and Malloch have not been in possession of these lots?—None.
6. What evidence is there in your Department of lot 39, Concession A, Nepean, being required for public purposes?—None.

- 7. What evidence is there in your Department that lot 39, Concession A, has been improved by Rochester and Malloch?—None.
- 8. What evidence have you in your Department of any possession of these lots, or either of them by others?—None.
- 9. Has Rochester had any possession that would give him a pre-emptive right?—The opinion I have formed in this matter is from the facts that appear in the papers in evidence which are, as I understand, before the Committee.
- 10. What evidence is there to the contrary?—None.
- 11. What better right, according to the rules of your Department, has Rochester than any squatter?—There are no rules in my Department connected with the matter.
- 12. Has the Government at any time admitted the right to pre-emption by Firth, Rochester, or any other person, to lot 39, Concession A, or lot 39, in 1st Concession, Nepean?—The papers before the Committee will show the decision of the Government in the matter.
- 13. How and when did this lot become a part of Bytown?—I believe it was under the Act, as stated in the evidence of the Commissioner of Crown Lands.
- 14. How came it to be surveyed into town lots, and when was this survey made?—I presume by Order in Council. I have no personal knowledge of the matter, except from the papers referred to.
- 15. Were these town lots ever offered for sale, and on what terms?—I have no knowledge except from the same papers.
- 16. Has any Patent been made out for lot 39, Concession A, in Nepean?—I believe a Patent has issued for a portion of this lot.
- 17. If so, in whose name was it made out, and in whose possession is it, and how did it come into such possession?—I have no personal knowledge to whom it was given, but presume it is in the name of the person for whom it was issued.
- 18. Do you consider the lot to be patented in the full and proper sense of the term, so as to be altogether alienated from the Crown?—I do.
- 19. What persons, if any, have been reported by the Clergy Reserve Inspectors, as entitled to a pre-emptive right to purchase, under the regulations respecting lot 39, Concession A, Nepean?—That will appear from the papers referred to. I have no personal knowledge of the matter.

Mr. Mackenzie stated to the Committee, that he had nothing further to lay before them in support of his Petition.

Committee adjourned till Monday next, at 10 o'clock.

Documents given in evidence, this day, before the Select Committee on the Petition of William Lyon Mackenzie, as Executor to the estate of the late Robert Randall, Esq., M.P. for Lincoln County, relative to lot No. 40, in 1st Concession, and broken front lot No. 40, in Concession A, both in Nepean, Carleton County.

WM. L. MACKENZIE.

April 25th, 1853.

(A.)

*Schedule of Documents given in evidence by
W. L. Mackenzie.*

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- No. 1.—Grant from the Crown in Nepean. (Copy)
- 2.—Probate of Randall's Will. (Copy)
- 3.—Map of 39 and 40, Nepean
- 4.—Map. Part of Kennedy's plan of Bytown
- 5.—..... (Blank.)
- 6.—..... (Blank.)
- 7.—Randall to Judge Boulton, 1807
- 8.—Same to same
- 9.—Hon. H. J. Boulton, to Randall
- 10.—Randall, to Judge Boulton
- 11.—Randall's Instructions to Rudsdell
- 12.—Agent of N. W. Co's. certificate
- 13.—Judge Boulton to Randall
- 14.—Randall's petition for 40, &c
- 15.—Registrar Sherwood's certificate
- 16.—Mr. Moor to Randall
- 17.—Randall's Petition to Governor Gore
- 18.—Hon. G. S. Boulton to Randall.....
- 19.—Surveyor Sherwood to Randall
- 20.—Hon. H. J. Boulton's Memorandum.....
- 21.—Mr. Barrows to Mr. Randall.....
- 22.—Mr. Lee to Randall.....
- 23.—Mr. Downes to Randall.....
- 24.—Capt. LeBreton to Randall
- 25.—Randall to Hon. H. J. Boulton.....
- 26.—Hon. H. J. Boulton to Randall.....
- 27.—Randall to Judge Boulton
- 28.—Hon. H. J. Boulton to Randall.....
- 29.—Andrew Berrie to Randall
- 30.—Randall's Affidavit as to secret Judgment.....
- 31.—Mr. Stuart to Mr. W. L. Mackenzie
- 32.—Earl of Dalhousie's opinion as to LeBreton purchase
- 33.—Certificate of Sheriff's Sale, lot 40
- 34.—Governor General's answer to Randall's Petition
- 35.—Capt. Dirkson bids Mrs. Firth retain possession of part of 40, Nepean

No. 36.—Randall to Dirkson, about a defence .....	.....
37.—Lord Dalhousie's Decision to trial in Judge Jonas Jones .....	.....
38.—Randall's Affidavit, as to lot 40 .....	.....
39.—Dr. Rolph endeavors to set aside Boulton's Judgment in K.B...	.....
40.—Same question .....	.....
41.—Mr. Washburn to Randall, same question .....	.....
42.—Mr. Randall's title to Fall's Estate .....	.....
43.—Col. By to Mrs. Firth.....	.....
44.—Mr. Sheriff Sherwood to Randall .....	.....
45.—Randall's petition, in Assembly, vs. Boulton .....	.....
46.—Report of Committee, House of Assembly, 1828 .....	.....
47.—Proceedings of Assembly's Committee, 1828 .....	.....
48.—Bill No. 1, passed for Randall's relief .....	.....
49.—Chief Justice Robinson to Randall .....	.....
50.—Mr. Radenhurst to Randall .....	.....
51.—Lord Dalhousie to Mrs. Firth .....	.....
52.—Judge Willis to Secretary of State .....	.....
53.—Ejectment Suit, 1828 .....	.....
54.—Capt. LeBreton's Valuation of lot 40 .....	.....
55.—Address of U.C. Legislative Assembly to King William .....	.....
56.—Address of Assembly to Governor Colborne .....	.....
57.—Bill No. 2, passed for Randall's Relief .....	.....
58.—Votes on Bill No. 2, in Assembly.....	.....
59.—Randal to Secretary Mudge .....	.....
60.—Governor Colborne's reply .....	.....
61.—Mr. Bidwell to W. L. Mackenzie.....	.....
62.—Bill No. 3, reported as agreed to in Committee for Randall's relief .....	.....
63.—General Rowan to W. L. Mackenzie .....	.....
64.—Mr. Stanton to General Rowan .....	.....
65.—Notices—Nepean and Bridgewater Estates .....	.....
66.—Report of Special Committee, U.C. Assembly, 1836 .....	.....
67.—Proceedings of said Committee .....	.....
68.—Mr. Waters to W. L. Mackenzie .....	.....
69.—Same to same .....	.....
70.—Bill No. 4, passed for Randall's relief .....	.....
71.—President Fillmore, and his firm to W. L. Mackenzie.....	.....
72.—Hon. R. Baldwin's Opinion .....	.....
73.—Judge Sherwood's Application for Amelia Island .....	.....
74.—Judge Small to Mr. Culp .....	.....
75.—Same to same .....	.....
76.—Messrs. Turner, Granger and Bann to Mr. Culp .....	.....
77.—Executor's Notice—Bytown paper .....	.....
78.—Value of lot 40, G. Malloch's Evidence .....	.....
79.—Mr. A. Stewart to W. L. Mackenzie .....	.....

No. 1.

FRANCIS GORE, }
Lt. Governor. }

PROVINCE OF UPPER CANADA.

GEORGE THE THIRD, by the Grace of God, of the United Kingdom of Great Britain and Ireland, King, Defender of the Faith, &c.

To all to whom these presents shall come,

GREETING :

KNOW YE, that We, of our special grace, certain knowledge, and mere motion have given and granted, and by these presents do give and grant unto Robert Randall, of the Town of Cornwall, in the County of Stormont, in the Eastern District, merchant, his heirs and assigns for ever; all that parcel or tract of land situate in the Township of Nepean, in the County of Carleton, in the District of Johnstown, in our said Province, containing, by admeasurement, Five hundred acres, more or less, with allowance for road between the broken front and first Concession; also, Four hundred and fifty acres, be the same more or less, being Lots number Thirty-eight and Forty, in the first Concession from the Grand or Ottawa River, and the broken fronts of said lots on the said Grand River. The broken Lots, numbers Ten and Eleven, in the first Concession upon the River Rideau. Lot number Eleven, in the second Concession, and the easternmost or front three-fourths of Lot number Ten, in the second Concession of the said Township of Nepean, together with all the woods and waters thereon lying and being, under the reservations, limitations, and conditions hereinafter expressed; which said nine hundred and fifty acres of land are butted and bounded, or may be otherwise known as follows: that is to say, commencing in front upon the Ottawa River, at the North-west angle of each of the said lots in the broken front respectively; then South, sixteen degrees East, one hundred and fifty-one chains, more or less, to the allowance for road between the rear of the said first concession, and the lot I. in the broken concession B, granted to Christian Wallaser; then North, sixty-six degrees East, twenty chains, more or less, to the easternmost limit of each lot; then North, sixteen degrees West, to the Ottawa or Grand River; then along the water's edge, following the several turnings and windings thereof, to the place of beginning in each parcel of land. Also, commencing in front of the said first concession upon the River Rideau, at the North-east angle of the said lot number eleven in the first concession; then South, sixty-six degrees West, one hundred and fifty-six chains, more or less, to the allowance for road between the second and third concessions; then South, sixteen degrees East, twenty chains, more or less, to the allowance for road between lots number eleven and ten in the second concession; then North, sixty-six degrees East, twenty-five chains; then South, sixteen degrees East, twenty chains, more or less, to the limit between lots number ten and nine; then North, sixty-six degrees East, one hundred chains, more or less, to the River Rideau; then northerly, along the water's edge with the stream, to the place of beginning. To have and to hold the said parcel or tract of land hereby given and granted to him, the said Robert Randall, his heirs and assigns for ever; saving, nevertheless, to Us, our heirs and successors, all mines of gold and silver that shall or may be hereafter found on any part of the said parcel or tract of land hereby given and granted as aforesaid; and saving and reserving to Us, our heirs and successors, all white pine trees that shall or may now or hereafter grow or be growing on any part of the said parcel or tract of land hereby granted as aforesaid.

Provided always, that no part of the parcel or tract of land hereby given and granted to the said Robert Randall and his heirs, be within any reservation heretofore made, and marked for Us, our heirs and successors, by our Surveyor General of Woods, or his lawful deputy, in which case, this our Grant for such part of

the land hereby given and granted to the said Robert Randall, shall, upon a survey thereof being made, be found within any such reservation, shall be null and void, and of none effect, any thing herein contained to the contrary notwithstanding.

Provided also, that the said Robert Randall, his heirs or assigns, shall and do within three years, erect and build, or cause to be erected and built, in and upon some part of the said parcel or tract of land, a good and sufficient dwelling-house. The said Robert Randall, or his assigns, not having built, or not being in his or their own right lawfully possessed of an house in our said Province, and be therein, or cause some person to be therein resident for and during the space of one year thence next ensuing the building of the same.

Provided also, that if at any time or times hereafter, the land so hereby given and granted to the said Robert Randall and his heirs, shall come into the possession and tenure of any person or persons whomsoever, either by virtue of any deed of sale, conveyance, enfeoffment, or exchange, or by gift, inheritance, descent, devise or marriage, such person or persons shall within twelve months next after his, her, or their entry into and possession of the same, take the oaths prescribed by law, before some one of the Magistrates of our said Province; and a certificate of such oaths having been so taken, shall cause to be recorded in the Secretary's office of the said Province.

In default of all or any of which conditions, limitations and restrictions, this said Grant and every thing herein contained, shall be, and We hereby declare the same to be null and void, to all intents and purposes whatsoever, and the land hereby granted, and every part and parcel thereof, shall revert to, and become vested in Us, our heirs and successors, in like manner as if the same had never been granted; any thing herein contained to the contrary in any wise notwithstanding.

And whereas, by an Act of the Parliament of Great Britain, passed in the thirty-first year of His Majesty's reign, intituled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's reign, intituled, "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," it is declared, "That no grant of lands hereafter made, shall be valid or effectual, unless the same shall contain a specification of the lands to be allotted and appropriated solely to the maintenance of a Protestant Clergy within the said Province," in respect of the lands to be thereby granted: Now know ye, that We have caused an allotment or appropriation of One hundred and thirty-five acres and five-sevenths to be made in lots numbers two and seven in the fourth concession from the River Rideau, in the said Township of Nepean.

Given under the Great Seal of Our Province of Upper Canada: Witness
Our trusty and well beloved Francis Gore, Esquire, our Lieutenant Governor of our said Province, this Twenty-fifth day of February, in the year of our Lord, One thousand eight hundred and nine, and forty-ninth of Our Reign.

FR. G.

By command of His Excellency in Council.
WILLIAM FIRTH, Attorney General.

Entered with the Auditor, 27th February, 1809:

D. SELBY,
Auditor General.

Patent Fee and Survey paid to the Acting Receiver General, 23rd February, 1809, under the Regulations acted upon the 6th July, 1804.

The interlined word "concession," being written before the Seal of the Province affixed.

W. J.

INDORSED.—Grant to Robert Randall, 950 acres, Nepean, District of Johnstown. Recorded in the Register's Office, 27th February, 1809. Wm. JARVIS, Registrar.

No. 2.

PROBATE OF MR. RANDALL'S WILL.

COURT OF PROBATE, } PROBATE of the last Will and Testament of the late
Upper Canada, } Robert Randall, of Willoughby, in the County of
City of Toronto, to wit: } Lincoln, District of Niagara, and Province of Upper
Canada, Esquire, deceased.

IN the name of God. Amen. I Robert Randall, of Willoughby, in the County of Lincoln, District of Niagara, and Province of Upper Canada, Esquire, being weak in body, but of sound and perfect mind and memory, blessed be Almighty God for the same, do make and publish this my last Will and Testament, in manner following, that is to say; First, I direct my body to be decently buried.—Item. I hereby appoint the Honorable John Walpole Willis, late one of His Majesty's Justices of the Court of King's Bench in this Province; William Lyon Mackenzie, of the Town of York, Printer; Thomas Hoornor, of Burford, County of Oxford, District of London, Esquire; and Jesse Ketchum, of the Town of York, Tanner, Executors of this my last Will and Testament. I hereby authorise my said Executors or the majority of them, or the survivor or survivors of them, to sell or convey by deed or otherwise, all my estate real and personal, for such considerations, upon such terms and in such manner as they may judge best, and to compromise upon such terms and in such manner as they may think best, any claim or claims for debts due to or from me, and to leave the same to arbitration, if they deem it advisable. And the moneys which they may receive on account of debts due to me or on account of the sale or sales of my said personal or real property, after deducting therefrom so much as shall be necessary to pay debts; I hereby give and bequeath, in the following manner, that is to say:—To Maria Stark, a widow, of Montreal, the sum of One hundred and fifty pounds, to remunerate her for her kindness and attention to me while I was in jail in Montreal; to a Canadian, by the name of ——— Bellonge, of Montreal, a shopkeeper, who also furnished me with money and necessaries, for which I gave him my note of hand, the amount of which note I cannot now recollect, but by way of payment for said note and in gratitude for his kindness, I give and bequeath to him the said ——— Bellonge, the sum of Two hundred pounds; the remainder of my estate, if any, I wish divided into ten equal parts, and disposed of in the following manner, that is to say:—To my daughter, (by Deborah Pettel) Lavinia Culp, the wife of Isaac Culp, of Stamford, in the District of Niagara, blacksmith, and her four sons, two-tenths shares of the whole, to be divided equal between her, my said daughter, and her four sons, share and share alike; to Frederick Smith of Willoughby, aforesaid, farmer, and his children, Thaddeus, Maria, Frederick and William, Edwin and George, three-tenths of the whole, to be equally divided between them, the said Frederick Smith and his said children, Thaddeus, Maria, Frederick, William, Edwin and George, share and share

alike; to my nephew, Gerard Gover Wilson, of Baltimore in Maryland; (the son of my half-brother Samuel Wilson,) and to his sisters that may be living at the time of my decease, two-tenths of the whole, to be equally divided between them the said Gerard Gover Wilson and his said sisters, share and share alike; to my nephew, Randal Wallace, one tenth of the whole; the remaining two-tenths to be divided between William Hewston, living somewhere in Nova Scotia, William Lyon Mackenzie, William B. Wilson, Thomas Hoornor, and Dorton John J. Jefferty, share and share alike. Hereby revoking all former wills by me made. In testimony whereof I have hereunto set my hand and seal, the second day of March, in the year of our Lord, One thousand eight hundred and twenty-nine.

ROBERT RANAL. [L.S.]

Scaled, signed, published, pronounced and declared by the Testator to be his last Will and Testament, in presence of us, who have hereunto subscribed our names in the presence of the Testator, and in the presence of each other.

Note.—The words "or the majority of them" first interlined.

(Signed,) JOHN CAWTHRA,
(Signed,) JOSEPH N. LOCKWOOD,
(Signed,) JNO. E. TIMS.

GRIMSBY BAY, PORT COLBORNE, May 1st, 1834.

I, Robert Randall, of the Township of Humberston, in the Niagara District, and Province of Upper Canada, do bequeath unto my daughter, Mrs. Louisa Culp, of the Township of Stamford, in the said District, and Maria Smith, daughter of Frederick Smith, all the property owned by me in the said Township of Humberston, after my expenses are paid; the said property with all my accounts coming to me from the Canal Company, to be divided equally between the two above mentioned Legatees. Eighty dollars of the above mentioned expenses is for a wagon that is to be paid ninety days after date, by the two mentioned Legatees, to Mr. Culp, and all the rest of my property subject to the will, being previously made to this one, to remain as it is. There has been also, a verbal agreement between Henry Hoornor and me, respecting a small tract of land, situated in the said Township of Humberston, between two and three acres, at twenty dollars per acre, to be paid by the 1st of March, one thousand eight hundred and thirty-five, for said land, which I wish said Legatees to have and pay for, if it is their wish; there is also a certain memorandum drawn off by Wm. Lawyer McKensy, for the sale of two lots of land, eleven and twelve, in the Township of Young, District of Young, and Province of Upper Canada, to Messrs. Hunts; Doctor Peter Howard is agent. The said memorandum to be given to the above mentioned Legatees, to be divided equally between them. The memorandum, when forward, will give a full explanation.

ROBT. RANDALL. [L.S.]

Scaled, signed, and delivered, in presence of

(Signed,) THOMAS H. WILDE, M.D.,
DAVID T. CARY, and
THADS. SMITH.

COURT OF PROBATE,
Upper Canada,
City of Toronto, to wit: } BY the tenor of these presents I, Grant Powell, Es-
quire, Official Principal of the Court of Probate, in
and for the Province of Upper Canada, do make known to

all People, that on the day of the date hereof, in the City of Toronto, in the Province aforesaid, before me was proved, approved and insinuated, the last Will and Testament, and Codicil thereto, of the late Robert Randall, of the Township of Willoughby, in the County of Lincoln, District of Niagara and Province aforesaid, Esquire, deceased, a true copy whereof is within written by me, and means whereof the the approbation and insinuation of the said last Will and Testament, and Codicil aforesaid, and committing the administration of all and singular, the goods and chattels, rights and credits which were of the said deceased at the time of his death; and also the auditing of the accounts, calculations and reckonings, and final admission of the same to me is manifestly known to belong: and administration of all and singular the goods and chattels, rights and credits of the said Robert Randall, deceased, mentioned in his said last Will and Testament and Codicil, is committed to William Lyon Mackenzie and Thomas Hornor, two of the Executors named in the said last Will and Testament of the said deceased; the said William Lyon Mackenzie and Thomas Hornor, well and truly administering the goods and chattels, rights and credits of the said Robert Randall, deceased, and making a true and perfect inventory thereof, and exhibiting the same into the Registrar's Office of the said Court of Probate, on or before the last Monday in March next ensuing the date hereof, and rendering a true account, calculation and reckoning thereof, when thereunto lawfully required; reserving to the Honorable John Walpole Willis and to Jesse Ketchum, the other Executors named in the said last Will and Testament, the right hereafter to come in and administer thereto according to law.

In testimony whereof I have hereunto set my hand and affixed the Seal of the the said Court of Probate, this seventh day of June, in the year of our Lord, One thousand eight hundred and thirty-four.

GRANT POWELL,
Official Principal.

JAS. FITZGIBBON,
Registrar, Court of Probate.

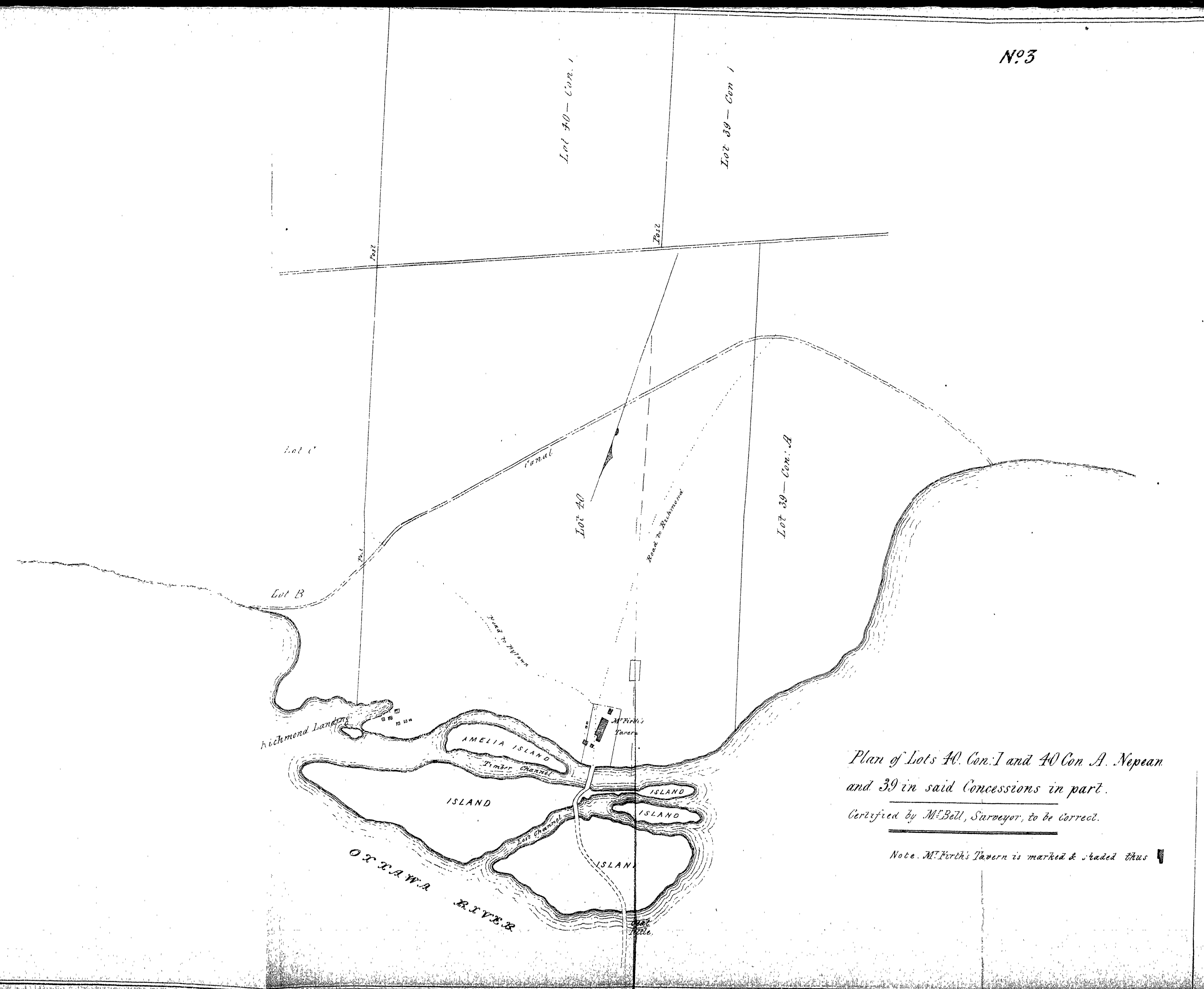
COUNTY OF CARLETON REGISTRY OFFICE.

I do hereby certify that a memorial of the within Probate of a Will, attested by John Edward Tims, of the City of Toronto, Physician, before J. H. Price, Commissioner in the King's Bench, as far as regards all real estate in the County of Carleton, hath been duly recorded in the Office of Registry for said County, at the hour of nine o'clock, forenoon of Monday, the eleventh day of January, in the year of our Lord, one thousand eight hundred and thirty-six, in Book No. 4 page 200. Number of Memorial, 919.

GEO. T. BROOKE,
Dep. Reg. County Carleton.

I do hereby certify to have received the within written documents, the eighth day of January, in the year of our Lord, one thousand eight hundred and thirty-six, at one of the clock in the forenoon, and the same is recorded at my Office in Hull, Book 3rd, pages 17, 28, 29, and documents 25, 26, 27.

JAMES F. TAYLOR,
Registrar, County of Ottawa, L.C.



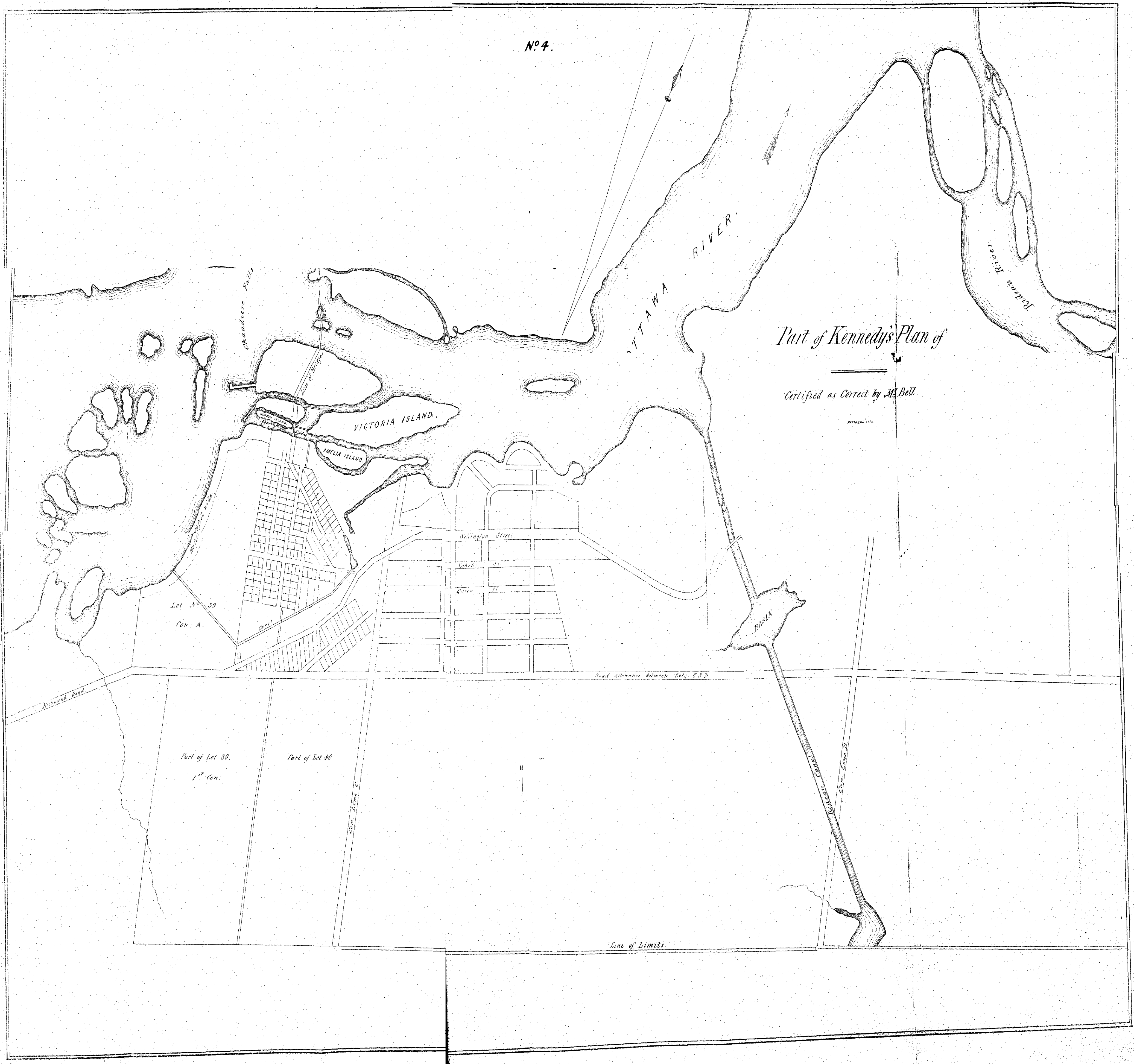
Plan of Lots 40. Con. I and 40 Con. A. Nepean
 and 39 in said Concessions in part.
 Certified by M^r. Bell, Surveyor, to be correct.

Note. M^r. Forth's Tavern is marked & shaded thus

N^o. 4.

Part of Kennedy's Plan of

Certified as Correct by M^r Bell.



INDORSED.—Probate of the Will of Robert Randall, Esquire, No. 10,411. A Memorial of the annexed Probate of Will and of Codicil is entered and registered in the Registry of the Counties of Lincoln and Haldimand, the 13th day of July, 1835, at 10 o'clock, A.M., in Book 2, folios 289, 290.

JOHN LYONS,
Registrar.

No. 3.

Plan of Lot 40, Concession 1, and 40, Concession A, Nepean; and 39 in said Concession in part. Certified by Mr. Bell, Surveyor, to be accurate. [*See accompanying Plan.*]

No. 4.

Part of Kennedy's Plan of Bytown. Certified to be correct, by Mr. Bell. [*See accompanying Plan.*]

Nos. 5 & 6.

[*Nothing appears under these numbers in the manuscript.*]

No. 7.

Mr. Randall to Judge Boulton.—Lots 39 and 40, 1st Concession and Concession A, Nepean.

[Journals of U.C. Assembly, 1836—Appendix.]

(Copy.)

CORNWALL, 8th October, 1807.

Dear Sir,—I enclose you two petitions, one for two hundred acres of land, agreeable to the regulations of the Province, providing for settlers; also one for a lease of Lot No. 39, in the first concession (or) front of the Ottawa River, opposite to the Falls, known by the name of the Chaudière, in the Township of Nepean, a short distance above the mouth of the River Rideau. The petition for two hundred acres, as a settler, I have left a blank for you to fill up, agreeable to the instructions hereby given. If No. 39 is a reserved Lot, as I presume it is, and if there be a broken front, which I also think there is, and likewise a broken front to Lot No. 38, lying adjoining No. 39, on the upper side, and should there also be a broken front on No. 40, adjoining No. 39 on the lower side—provided those fronts will be sufficient to fill my claim for two hundred acres, you will please to lay my petition upon the said broken fronts, comprehending all water privileges as far as the channel of the Ottawa or Grand River, including all lands between the channel of said river and the banks of the main, from the West line of Lot No. 39, running ten chains below the East line of Lot No. 40.

This, Sir, requires an explanation. There are four small islands at or near the Chaudière Falls, which lay so situated as to make them actually necessary to be procured for the purpose I have in view, which is to extend a dam, from the main bank to the upper islands, lying at the Falls, and taking the water between the main and said islands, for the purpose of a grist and saw mill. The Ottawa River is very narrow at the Chaudière Falls, therefore you will find the distance to be but short, from the main to the channel of the river, and the quantity of acres which those islands contain cannot exceed 20, but government not having it in their power to grant islands, makes it necessary to apply in this way, as government can make a grant in this way that will be as effectual as if the islands were expressed in the deeds, but should the broken fronts of Lots Nos. 38, 39 and 40 not be sufficient to fill my claim, you will please to lay the claim upon the broken front, let there be what quantity there may, and let my petition lay open for the deficiency to be laid in some other place. Provided that Lot No. 39 should not be reserved for the clergy, and that Lots Nos. 38 and 40 should not be granted; please to lay my claim upon as much of the fronts as the same will cover, comprehending the privileges of the waters of the river, and bound by the channel of the said river as already described, provided there should not be broken fronts to the aforesaid Lots, and that 38 and 40 have already been granted, and should No. 39 be reserved for the benefit of the Crown, endeavour to prevail on government to allow my claim to cover it; with the privilege of said waters and islands as described. But should government not allow my claim to cover No. 39, and should the said Nos. 38 and 40 be already granted, as likewise there may not be any broken fronts; in that case take out a lease for me for No. 39, and endeavor to get a grant from the bank of the West line of No. 39, running to the channel of the river, ten chains below the East line of Lot No. 40, to the main bank including all lands, which is those small islands. I have enclosed my bond together with my bondsmen, for the annual payment of the lease; you will also call upon Captain Farquharson for my letter directed to Thomas B. Gauf, Esquire, who, Mr. Chewitt says, was at New York, and had not returned when he left home. You will get Captain Farquharson to open my letter, favored by Mr. Burns to Mr. Gauf, in order that you may get my certificate as having taken the oaths required by Government. Should Captain Farquharson not be in possession of my letter to Mr. Gauf, please to call on Mr. Burns, (I think his christian name is William,) I had the pleasure to see him at Cornwall on his way from Quebec to York, on the 8th July last. I enclose you a guinea, and, as I am informed that most of the landed business sent to your care is conducted through the different offices by your son, and further reasonable charge he may make shall be cheerfully paid by a draft at sight, or otherwise, in favor of any person in Cornwall. As Government is knowing to my arduous undertaking at the Bridgewater Works, near the Falls of Niagara, and my perseverance in this kind of business, I flatter myself the Governor in Council will be disposed to encourage me all in their power in commencing business at the Chaudière Falls, on the Ottawa River; it will be the means of settling the wild lands on that river, that is at this present a perfect wilderness, not one settler inhabiting the country: it will be the means of settling the lands upon that line of the Province, which I conceive to be much required. The fees required in getting out my patent, if in your power to procure one, I shall pay to your order in Cornwall on demand. You will greatly oblige me to hasten the business as much as in your power, and forward the deed and lease by the first safe opportunity that may offer, as I am very anxious to get out my timber and build my dam before the freezing of the waters.

I fully expected my letter would have found my friend, Mr. Gauf, in York, on Mr. Burns' arrival, and expected at all events to have heard from my business by you when last down at Cornwall Court, at my return from Quebec. The acquaintance which I have had the honor to have with you, makes me trust you will use

your interest for me. You can observe to the Governor, that the Parish of Cornwall must also feel itself under a small compliment, for having built the Church.

Relying upon your usual goodness,

I subscribe myself,

Your most obedient and humble Servant,

(Signed,) ROBERT RANDALL.

D'ARCY BOULTON, Esquire.

No. 8.

Mr. Randall to Judge Boulton.—Lots in Nepean.

[From Appendix to Journals of Assembly, U.C., 1836.]

Dear Sir,—I enclose you a draft drawn by Mr. Chewitt, on the Receiver General, at York, for £2 9s. 6d., Halifax Currency, which you will please to apply towards the payment of the fees, should a grant for 200 acres of land be made to me by Government; but should Mr. Gauf have returned from New York, and has laid my memorial before the Governor in Council, you will please to give the enclosed draft to him for the aforesaid purpose. Mr. Chewitt leaves this place much later than I expected. Should my business be done through you or Mr. Gauf, you will be very obliging by writing me immediately what Government is likely to do; but should you obtain the lease and grant, I will acknowledge it a great favor to have them sent to me as quick as possible, as I am very desirous to build a house at the place before the winter sets in, in order that I may be preparing timber, and making necessary arrangements for my works.

I am, Sir, with great respect,

Your humble Servant,

(Signed,) ROBERT RANDALL.

D'ARCY BOULTON, Esquire.

P.S.—Should 38 and 40 be granted, please for to write me in whose name they are granted.

No. 9.

Hon. Henry J. Boulton to Mr. Randall.

[From Appendix to Journals of Assembly, U.C., 1836.]

YORK, July 2nd, 1808.

Dear Sir,—I am sorry to inform you that Lots Nos. 38 and 40, first Concession, on the Ottawa, were both taken up. No. 40 by Epr. Jones, Esquire, and 38 by Mrs. Jessup, four or five years ago. No. 39 is a reserve, and you are the first applicant. I this day endeavored to get it through the Council; but when it was referred to the Surveyor General to report what sort of timber was on it, they would not say, so you will be so good as to get some respectable man to look at the land and make oath before a Magistrate what the timber is, or get a Magistrate to certify it.

We wrote you before, but we supposed the letter miscarried, now we resume our old one.

I have the honor to be, Sir,
Your most obedient Servant,

H. J. BOULTON.

I suppose you do not wish now to have your Petition presented, as cannot get the Lots you wished. My father is of opinion you may run your dam across to the Island without any apprehension of being disturbed.

H. J. B.

No. 10.

Mr. Randall to Judge Boulton.

[From Appendix to Journals of Assembly, U.C., 1836.]

CORNWALL, July 23rd, 1808.

Sir,—I received a letter from your son, H. Boulton, dated July 2nd, informing me that Lots Nos. 38 and 40, first Concession, on the Ottawa River, in Township of Nepean, are granted, and that some requisites are required before a lease can be taken for No. 39. But his saying nothing respecting the broken fronts adjoining to those numbers, which was the land I wished you to apply for, and to cover them by my claim should they not be granted; makes me suppose you have not understood the tenor of my letter; I have therefore empowered my friend Mr. Rudsdell to act for me, in the business; any assistance you can give him, will greatly oblige me. You will please to furnish him with my writings committed to your care.

I am, your humble Servant,

ROBERT RANDALL.

D'ARCY BOULTON, Esquire.

No. 11.

Randall's Instructions to Mr. Rudsdell, relative to Lease and Grant in Nepean.

[From Journals of Assembly, U.C.—Appendix, 1836.]

Mr. Randall's instructions to Mr. Rudsdell, in behalf of the business committed to his care at York.

Mr. Rudsdell will please call at the Executive Council Office as soon as he may arrive at York, and inquire of the Clerks whether a Petition has been laid before the Council in behalf of Robert Randall, for 200 acres of land, agreeable to the regulations providing for settlers, and if so, whether the same has been acted upon, and what the decision was. Should Mr. Rudsdell find there has not been an application made to the Executive Council in behalf of Mr. Randall, in that case he will hand in the Petition which he holds, to the Clerk of the Council, and beg of the Clerk to immediately lay the Petition before the Council, and when the Council shall have granted the prayer of the Petition, Mr. Rudsdell will please to take the order from the Council Chamber to the Surveyor General's Office, then request the Surveyor General to lay the diagram of the Township of Nepean before him,

and examine the broken fronts adjoining Lots Nos. 38, 39 and 40, bounded by the waters of the Grand River at or near the Chaudière Falls, and mark the letter R on the said three broken fronts, then lay the order in Council on the said three broken fronts, producing his power of Attorney to the Executive Council as well as to the Surveyor General, as being legally authorized to act for and in behalf of Mr. Randall. Should the Surveyor General object to his laying the order on the said broken fronts, Mr. Rudsdell will inquire how long it has been since they were granted and in whose name,—should he be answered in the name of Ephraim Jones, the Clergy of Upper Canada, and Mrs. Jessup, Mr. Rudsdell in that case will please to call at the office of the Secretary of the Province, and there examine the lines of the grants made of Lots Nos. 38 and 40, and see whether the Government has granted the said broken fronts with the Lots Nos. 38 and 40, but should the said broken fronts be applied for by any other person, Mr. Rudsdell will please to know the date of the application, and if the application has been since the date of Mr. Randall's letter to Mr. Boulton, Mr. Rudsdell will then ascertain why Mr. Boulton has let my Petition lay over to be superseded by another claim, and should he discover that Mr. Boulton may have acted with interested views, he will then remonstrate to the Governor and show my instructions and Petitions committed to the care of Mr. Boulton. Mr. Rudsdell will explain to the Governor the suspense I have been kept in, and my object for wishing my claim to cover the said broken front, and that my views are to erect Water Works, such as Grist and Saw Mills, and a Forge for making Iron; that I have purchased from the Government of Lower Canada, lands opposite to the said broken fronts the distance of four miles, containing an extensive body of the best and richest Iron Ore; and as the said broken fronts are bounded by the waters at or near the Chaudière Falls, which admits of a situation for erecting such works, and that the lands lying between said Grand River to the River St. Lawrence, admit of settlement, which is not the case a distance of five miles in rear said River on the north side Province of Lower Canada, for which reason Mr. R. is desirous of erecting his works on the Upper Canada side, at the Chaudière Falls, which will be convenient in his getting his Ore to his works. Should those fronts not be granted, and the Surveyor General admits of my claim, covering the broken fronts adjoining Lots Nos. 38 and 40, but objects to the claim covering the broken front adjoining Lot No. 39, as being reserved for the benefit of the Clergy, Mr. Rudsdell will please to apply to the Governor and solicit the Governor to permit Mr. R.'s claim to cover the said broken front adjoining Lot No. 39, together with the grant of the small rocky clumps or islands lying in front of said Lots with a line beginning from the north-west corner line of Lot No. 39, and running to the channel of said River, and from thence down the River with the said channel 10 chains below the north-east corner line of Lot No. 40, including said bank and water, together with the said rocky clumps or islands lying within the said line; the timber growing on said broken fronts is mostly small cedar and spruce pine, commonly called a cedar thicket, and the soil scarcely to be cultivated, being extremely rocky;—the distance from the main to the rocky clumps or islands is about 60 feet, and except in the time of high water the passage is almost dry, the islands having the same growth of timber as the broken fronts, and the soil the same, and that the said rocky clumps or islands cannot contain more than twenty acres. By extending a dam from the main to one of the nearest rocky clumps and throwing a wing out into the main River, will command a sufficiency of water for Water Works, and except for building works of the aforesaid description, a grant of said broken fronts and islands would not be worth possessing; but by erecting such works it will bring on the settlement of the lands in that part of the Province which is totally uninhabited, which no doubt Government will be disposed to encourage, and as Government has granted to Messrs. Shuter and Mears, an island large enough to admit of a snug farm, and the soil of the best quality, lying at five times the distance from the main, and having a considerable depth of

water between the main and the island the dryest season of the year, Mr. R. therefore flatters himself Government will be equally disposed to give him as much accommodation ; and as the broken front of Lot No. 39 lays so near the place where Mr. R. wishes to build, he prays that Government may encourage him by taking off the reserve, so that he may have the fee simple of the land. When Mr. Rudsdell marks the letter R upon the said broken fronts, he will likewise mark the same letter on the rocky clumps or islands, and claim the same as broken fronts, as the passage between the main and said islands is dry a considerable part of the year, but should Mr. Rudsdell find it out of his power to procure the broken fronts adjoining Lots Nos. 38 and 40, he will in that case endeavor to get a grant of the broken front of Lot No. 39, including the said islands and water courses within a line, beginning at the north-west corner of Lot No. 39, running with the channel of the River 10 chains below the north-east corner of Lot No. 40, but should Government not allow my claim to cover the broken front adjoining Lot No. 39, endeavour to get a grant of the islands and water courses as described, and take out a lease for the reserve Lot No. 39, and lay the remainder of my claim on the broken fronts of Lots Nos. 20 and 21, laying on the River about 4 miles above the Chaudière Falls, in the said Township of Nepean. And should Mr. Rudsdell succeed in getting a grant of the said islands and broken fronts of Nos. 38, 39 and 40, and should there not be a sufficiency of land to fill up my claim of 200 acres, he will please to lay it upon as much of the broken fronts of Lots Nos. 20 and 21, bounded by the waters of the River as the deficiency may cover, covering also a small island opposite the north-west corner line of Lot No. 21 ; should Government persist in not giving a grant of those four rocky clumps or islands, in that case Mr. Rudsdell will take out a lease for the same, for as long a time as he can.

Cornwall, July 23rd, 1808.

No. 12.

Certificate of W. McGillivray, Esq., relative to Lands in Nepean.

[From Journals of Assembly, U.C.,—Appendix, 1836.]

To His Excellency FRANCIS GORE, Esq., Lieutenant Governor of Uper Canada, &c., &c., &c., in Council.

Having been applied to by Jonathan Rudsdell, late Attorney for Robert Randall, for our opinion whether the erecting a Mill Dam on the south side of the Grand or Ottawa River, Province of Upper Canada, in the Township of Nepean, and near the Falls of the Chaudière, will in anywise interfere or obstruct the passage of canoes or boats navigating the said river, the said dam to run from the main shore to an island in the river, a distance of about sixty feet.

We do hereby declare, for the information of His Excellency the Governor and the Council of Upper Canada, that the said Mill Dam will not, in any manner, interfere with, or obstruct the navigation of canoes or boats in the Grand or Ottawa River, the usual route for boats and canoes being on the north side.

Given under our hands, in the City of Montreal, this fifth day of October, in the year One thousand eight hundred and eight.

W. MCGILLIVRAY,
Agent, N. W. Co.

No. 13.

Judge Boulton to Mr. Randall.—Land in Nepean.

[From Journals of Assembly, U.C.,—Appendix, 1886.]

YORK, 30th January, 1809.

Dear Sir,—I acknowledge the receipt of your several letters, and am much mortified that you should think yourself neglected. Your affair has been repeatedly before the Council, so anxious have I been on your account, that I have personally attended the Governor, also the Chief Justice, out of Council, and exerted my personal interest in your favour. Though you are ordered personally to attend, I still hope to get through without; I am promised another hearing next Council. As to writing, I have once or twice written to you myself; and John Robinson whom you know to be with me, has also written to the care of Mr. Cozens—this will go under that address by a gentleman I can depend upon. You may rely on my exertions, and I think you will ultimately succeed. The certificates, &c., are very satisfactory. I was at the Council office yesterday. My son Henry also wrote to you on the reserve. The Council wanted an affidavit of the species of timber on the Lot—the reason of which is evident—that where, on the banks of our waters, we have either oak or pine, they reserve them for the navy, &c.

Yours most faithfully,

D'ARCY BOULTON.

ROBERT RANDALL, Esquire,
Ottawa River.

I shall have to advance the forty dollars before location, shall consequently draw on you the moment I have certainty of success.

No. 14.

Petition of R. Randall, for Lands in Nepean.

To His Excellency FRANCIS GORE, Esq., Lieutenant Governor of the Province of Upper Canada, &c., &c., &c.

IN COUNCIL.

The Petition of Robert Randall, of Cornwall, in the Eastern District of the Province of Upper Canada, Merchant;

HUMBLY SHEWETH:

That Your Petitioner has been an inhabitant of the Province of Upper Canada since the year 1799, has taken the Oath of allegiance, &c., and has never received any land or order for land from the Crown.

Wherefore Your Petitioner prays Your Excellency will be pleased to grant him two hundred acres of His Majesty's waste lands as a settler, and to permit D'Arcy Boulton, senior, of York, Esquire, to be his Attorney to locate said land in the Township of Nepean, and receive the Patent when the same shall be completed, who engages to attend to the same agreeably to the existing regulations.

And Your Petitioner will pray, &c.

(Signed,) ROBT. RANDALL.

Signed before me at Cornwall, this 23rd day of September, 1808.

(Signed,) J. G. COZENS, J.P.

I certify that Robert Randall, the above Petitioner, is the person he describes himself to be, has taken the Oath of allegiance as prescribed by Law, and to the best of my knowledge and belief has never received any land or Order for land from the Crown.

Given under my hand at Cornwall, this 23rd day of September, 1808.

(Signed,) J. G. COZENS, J.P.

ENDORSED.—The Petition of Robert Randall. Received 1st November, 1808, from Mr. John Robinson. (Signed,) John Small. Lt. Governor's Office, York, 8th November, 1808. Referred to the Executive Council by Order of the Lieut. Governor. (Signed,) Wm. Hatton, Secretary. Certified, Wm. H. Lee, Actg. C.E.C.

To His Excellency, FRANCIS GORE, Esquire, Lieutenant Governor of the Province of Upper Canada, &c., &c., &c.

IN COUNCIL.

Petition of Robert Randall, of the Town of Cornwall, in the Eastern District of the Province of Upper Canada, Merchant ;

HUMBLY SHEWETH :

That your Petitioner has been resident of this Province ten years or thereabouts ;

That he was the original Proprietor and Builder of the Bridgewater Mills, in the District of Niagara, being the first Mills in this Province that manufactured Flour for the European Markets.

That he was the Contractor for, and built the Church in the Town of Cornwall, whereby he sustained a considerable loss.

That your Petitioner took the oath of allegiance to his present Majesty on his becoming a resident of this Province.

Your Petitioner, therefore, prays Your Excellency, in Council, will be pleased to grant him such a proportion of His Majesty's waste Lands as Your Excellency, in Council, may think meet, and your Petitioner, as in duty bound, will ever pray.

(Signed,) ROBT. RANDALL.

YORK, 20th February, 1809.

RECEIVER GENERAL'S OFFICE,

23rd February, 1809.

Mr. Robert Randall has paid into this Office, Forty-five pounds, eleven shillings and seven pence half-penny, Halifax currency, equal to £41 0s. 5d., sterling, for Patent Fee on 1000 acres of Land, granted by Order of Council of this day, under the Regulations of the 9th January, 1804.

(Signed,) P. SELBY,
Acting Receiver General.

To JOHN SMALL, Esquire,
Clerk Executive Council.

READ IN COUNCIL, February 29th, 1809.

The Petitioner recommended for 1000 acres of land, under the Regulations of the 6th of July, 1804.

(Signed,) THOS. SCOTT, Chairman.

Approved.

(Signed,) FRANCIS GORE,
Lieutenant Governor.

Robert Randall: Referred to the Executive Council.

(Signed,) FRANCIS GORE,
Lieutenant Governor.

Certified.

WM. H. LEE,
Act. C.E.C.**No. 15.**

[From Journals of Assembly U.C., 1836.]

REGISTER OFFICE FOR THE COUNTIES OF LEEDS, GRENVILLE AND CARLETON.

Elizabethtown, 5th February, 1811.

I hereby certify that no memorial of any deed, conveyance, or other incumbrance from Robert Randall, to any person whatever, appears registered in the Books of this office affecting the following parcels of land, that is to say, Lots Nos. 10 and 11 in the sixth concession of Yonge; broken Lots, Nos. 10 and 11, in the first concession of Nepean; Lot No. 11 in the second, and the easternmost, or front, three-fourths of Lot No. 10 in the second concession of Nepean.

LEVIUS P. SHERWOOD,
Registrar.**No. 16.****Mr. Moor to Mr. Randall.**

[From Journals of Assembly, U.C., 1836.]

Sir,—I have been put in peaceable possession of the place at the foot of the Chaudière Falls, which belongs to you, Sir, by John Torry, late agent for you at this place; and he having absconded from this place to the United States, and I having some property in my care which belongs to you, as I am informed, I desire that you would inform me by letter or otherwise, how I am to dispose of it for your benefit. Providing I remain on your place, I will take the best possible care of such things belonging to you which are entrusted to my care; but if I should see cause to leave your place, I wish to know of you how I am to dispose of things in my hands, delivered to me as your property. I will likewise inform you that the greater part of your property here was deposited by Mr. Torry, in the care of Samuel Benedict, senior. Now, if you desire me to take charge of those things, I desire you to inform me and give me such credentials as will enable me to secure the same for you.

I am, Sir,
Your most obedient and very humble Servant,
ROGER MOOR.

Nepean, 12th March, 1813.

No. 17.

Petition of R. Randall to Lieutenant Governor Gore.—Lands in Nepean

[From Journals of Assembly, U. C., 1836.]

To His Excellency FRANCIS GORE, Esquire, Lieutenant Governor of Upper Canada, &c., &c., &c.

The Petition of ROBERT RANDALL,—Humbly Sheweth.

That in the month of February, eighteen hundred and nine, Your Excellency in Council issued your warrant for one thousand acres of land in favour of your Petitioner, the patent and survey fees being duly paid to the acting Receiver General, on the 23rd day of February, 1809. That your Petitioner only received a patent for 950 acres, reserving 50 acres of the warrant for a future location, which your Petitioner intended might cover some rocky chasms, which properly belong to the broken front of Lot No. 40, in the first Concession, on the Grand River, in the Township of Nepean, District of Johnstown, which said Lot bears a portion of your Petitioner's location, out of the nine hundred and fifty acres. That your Petitioner was directed to obtain a certificate from some sworn Surveyor, or neighbours near the Chaudière Falls, that he and they could walk, in the dry season, from Lot No. 40 to the rocky chasms and not wet their feet; in which case the said rocky chasms would be considered part of the broken front of said Lot, and the fifty acres unlocated were to cover the rocky chasms and the intermediate space therein contained. But at the return of your Petitioner from this place in March, 1809, to Montreal, he fell a victim to the sharpest persecution, and was unrighteously imprisoned for debt, and in close confinement to the 13th of last month, which not only prevented your Petitioner from obtaining a certificate relative to the rocky chasms, which he could have done with much ease, but also from prosecuting his establishment at the Chaudière Falls, in the Grand River, which as well as the property which your Petitioner had sent on, to the amount of five hundred pounds, as a commencement in his business, entirely perished as soon as the late War was declared by the American Government against Great Britain.

Your Petitioner would have proceeded to his place at the Chaudière Falls for the purpose to obtain the relative certificate after obtaining his enlargement, but his debilitated state, and the fast approach of winter, made it requisite for your Petitioner to proceed to this place, from thence to Niagara, in order to look after his property in that part of the Province; and your Petitioner now conceives that he has the tacit approbation of those who were his adversaries, to proceed in making his establishment at the Chaudière Falls, on the Grand River, by their granting him his enlargement, and offering him their friendly assistance. He also flatters himself that his long and sharp sufferings are considered by those whom he viewed as enemies, to be an ample atonement for their unenvied and friendly return of feelings. And as your Excellency may be well informed of the great utility your Petitioner's establishment of the Bridge Water Works, near the Falls of Niagara, were to the prosperity and growth of that part of the Province, he hesitates not, to say his establishment at the Chaudière Falls, on the Grand River, will be of equal, if not of superior importance to that section of the Province. Your Petitioner can with truth say, that his Bridge Water establishment at Niagara, gave a spring to the agricultural and mercantile interest, not only throughout the District of Niagara, but the Province at large; for your Petitioner was the first person who manufactured Flour for exportation in the Province of Upper Canada. Previous to your Petitioner's establishment at Niagara, both farmers and merchants were so circumscribed, as to be of little service to each other. His mercantile establishment at Cornwall, in the Eastern District of this Province, is also known to have been a growing benefit to that place; and had envy not overtaken your Petitioner,

he would have turned the trade and produce of the whole Eastern District to Cornwall, whereas it formerly entirely went to Montreal. The chasms which your Petitioner considers to be part of the broken front of Lot number forty, are not or cannot be of the least importance either to Government or individuals, except to accommodate your Petitioner in establishing himself in business at the Chaudière Falls. A young gentleman who is at this place unexpectedly, at this moment, says, he has himself stepped from Lot number forty to the chasms, in the dry season of the year, and did not wet his feet, that he thinks the chasms should be considered as part of the broken front of Lot number forty, and is willing to declare the same before Your Excellency; he is a young man of veracity, and his declaration is to be relied on, which your Petitioner trusts will be proof sufficient to satisfy Your Excellency of the propriety of his present request, and if it should be proof sufficient, your Petitioner most humbly solicits Your Excellency to order a deed to be issued in the name of your Petitioner, as follows:—

Beginning at a cedar tree or boundary mark near the edge of the bank at the side of the Grand River, in the line between Lots thirty-nine and forty, and to run to the upper extremity of the fourth chasm, according to the annexed draft of it, from thence to the extreme point or upper end of chasm number three at the Grand Fall, running with the margin of said chasm at the water's edge to the north side; thence down the stream to the lower end or extreme point of said chasm; thence to the extreme point or lower end of chasm number two; from thence in a straight line to a small oak tree or boundary mark, in the north end of the east side line of Lot number forty, at the water's edge of the Grand River; thence with the water's edge, following the several turnings and windings thereof, to the place of beginning, with all the intermediate space therein contained, containing fifty acres more or less.

And, as in duty bound, your Petitioner will ever pray.

R. RANDALL.

York, Upper Canada, November 2nd, 1815.

No. 18.

Mr. Randall's Suit at Law to recover Damages relative to Niagara Falls Estate.

HON. GEORGE S. BOULTON to Major RANDALL.

[From Journals of Assembly, U.C., 1836.]

BROCKVILLE, 7th September, 1816.

Dear Sir,—Your letter came to hand a day or two ago, but my father finds it totally impossible to attend the Assizes in the District of Niagara. In consequence, Mr. Jarvis has been written to on this subject, and I have no doubt he will pay due attention to it. In the mean time see Mr. Cameron and get him to prepare a brief for Mr. Jarvis. When Mr. Jarvis arrives you had better see him and give him two guineas as a retainer.

The business (if you think proper) Mr. Jarvis will try and put off until next year, when my father will attend. If that cannot be done, Mr. Jarvis, I am sure, will exert himself for you. In haste.

Yours truly,

G. S. BOULTON.

No. 19.

Lands in Nepean.

[From Journals of Assembly, U.C., 1836.]

PERTH, 14th December, 1816.

Sir,—Yours of the 25th November came to hand yesterday; I shall with pleasure attend to Mr. Randall's concern in the month of January, at which time I shall visit the lot in question, and ascertain the exact situation, and enclose you a sketch and certificate, and charge the same in account against you.

I have the honor to be, Sir,
Your most obedient Servant,

R. SHERWOOD,
Deputy Surveyor.

G. S. BOULTON, York.

No. 20.

Niagara Falls Estate.—Boulton; Attorney.

[ROBERT RANDALL vs. ELIJAH PHELPS.]

The arbitrators in this cause refuse to go into the consideration of the subject in dispute between the above parties upon the following grounds:—That Mr. Bearsdley, the Counsel for the Defendant, requires the evidence of a supposed contract between his client and the Plaintiff, for the conveyance of the premises mentioned in the pleadings of this cause to Mr. McCulloch, which Mr. Boulton, Counsel for Mr. Randall, objects to, and because they cannot appoint an umpire who is unobjectionable to either party.

H. J. BOULTON:

31st December, 1816.

No. 21.

Mr. Barrows to Mr. Randall.

[From Journals of Assembly, U.C., 1836.]

LONG-ASH ESTATE, NEPEAN, April, 27th 1818.

Sir,—Having lately arrived from England and settled on the Grand River, in the Township of Nepean, and being informed that the Lot adjoining to mine, which is No. 40, belongs to you, I have taken the liberty of troubling you to know if you are disposed to part with it, and on what terms: waiting an answer,

I remain, Sir,
Your very obedient servant,

J. BARROWS:

Major RANDALL,
Little York, or elsewhere, Canada.

No. 22.

Randall's 1000 Acre Grant.—Mr. Lee to Mr. Randall.

[From Journals of Assembly, U.C., 1836.]

Dear Sir,—The date of the order in Council to locate 50 acres, to complete your grant of 1000, is 5th September, 1818.

Yours,

WILLIAM H. LEE.

R. RANDALL, Esquire.

No. 23.

Mr. Downes to Mr. Randall.

[From Journals of Assembly, U.C., 1836.]

UPPER CANADA, Township of Longueuil, 7th February, 1819.

Mr. Randall: Sir,—I did myself the pleasure of writing to you last fall about your situation on the Grand Chaudière Falls, to which I have not had the pleasure of an answer; when I had the pleasure of seeing you, you spoke as if you intended to make speedy preparations to form a settlement and commence business, and expected you would have commenced previous to this,—hope your lawsuit you had depending, has terminated in your favor,—should be glad to learn if you have been successful, as I apprehend your attendance to that has prevented the visit you intended to make last fall,—I would be under obligation to you to inform me as quick as possible, if you would dispose of any part of your land above mentioned, if you are inclined, I would beg leave to offer to purchase a small portion, say an acre or two, immediately on the Point, leaving you the exclusive privilege of water. If you feel disposed, would thank you to inform me, with your conditions, hoping we may come to an understanding; I am in business now, where I have directed my letter from, but the situation does not suit me so well for business as one above. I have taken a large concern at the foot of the Long Sault Rapids, in the Grand River, which will be a place of considerable trade, and should like a situation on the Chaudière, in order to establish a communication with the Upper Country; if it is your intention to comply, please write me speedily, that I may not lose any time to erect a Store for the purpose of carrying on business next season, and would be glad you would give me the privilege so to do; if you have any commands relative to that place, you would wish to have executed, shall be happy to forward your designs by empowering me to act for you; should feel much obliged by your speedy information pro or con. As I wrote before on the subject, am fearful my letter miscarried, as I expected an answer.

I am, Sir,

Your very humble Servant,

SAMUEL DOWNES.

No. 24.

Capt. John LeBreton to Mr. Randall—Desiring to purchase part of Lot No. 40, Nepean.

[From Journals of Assembly, U.C., 1836.]

NEPEAN, 8th May, 1819.

Sir,—I had the honor of addressing you last Autumn, but not knowing your address correctly, I am doubtful of your having received it. The purport of that letter, as well as the present, was to know if you would dispose of a part of your Lot of land on the Falls of the Chaudière, as I should be glad to have one or two acres, either by sale or lease. I have not the honor of being known to you personally, but having served in the late war in various parts of Canada, and particularly in the part of the country where you at present reside, and although my military occupation prevented my having much communication with the gentlemen of your neighbourhood, I believe you will obtain information of me from Mr. Samuel Street, though but little acquainted with that gentleman. I was at that time Deputy Assistant Quartermaster General, and at present have retired on Captain's half-pay of the 60th Regiment, and having drawn some lands in this country, have taken up my residence at the Rapids des Chenes, five miles from your Lot, and as the whole of that distance is land carriage, I find a great inconvenience for want of a place to store my goods at the landing, and am now obliged to build a small store of round logs on your property, which, if not agreeable to you, I will immediately remove, but if you will either sell or lease one or two acres at the lower point, next to the Island, in the Bay, I shall be glad to know your terms by the earliest opportunity.

There is a person here by the name of *Barrows*, who pretends to be agent for that property, *alias Honey*, but as I could not believe that he was entrusted with any property, I have not applied to him. If you have no agent here, and that I can be in any way serviceable in that line, though not with the view of pecuniary motives, but merely for the advancement and settling of the country, I beg you will command me; I shall at all times feel happy to communicate with you on the subject. Should your business at any time lead you to York, please mention my name to Judge Campbell, with whom I have had the honor of being acquainted some years past.

I have the honor to be, Sir,

Your most obedient humble servant,

JNO. LEBRETON

ROBERT RANDALL, Esquire, Chippawa.

No. 25.

Mr. Randall to Hon. H. J. Boulton.—The Attorney threatens the Client with a Suit at Law.

[From Journals of Assembly, U.C., 1836.]

(Copy.)

HENRY J. BOULTON, Esquire,

CHIPPAWA, May 17th, 1819.

Sir,—Time, Mr. Boulton, will disclose all things. If your knowledge of the Cabinet secrets of my business is such, as to cause you to have recourse to the measure you wish me to adopt in your letter that has been just now handed to me,

by young Mr. Smith—I cannot perceive that your security need be better,—or that mine will be made much worse by not adopting the measure.

Probably, Mr. Boulton, I might be more alarmed at the situation of my business, had I the secret knowledge of its true situation that you may have. But if my want of that knowledge leaves me not alarmed, my ignorance must be my comforter, until time unveils to me the result of my business. You will greatly oblige me by sending to me, as early as you can, a copy of the Note which Clark sues on, as well a copy of the writings that you got from Montreal, relating to the business.

I am, Sir,

With respect, your humble servant,

R. RANDALL.

HENRY JOHN BOULTON, Esquire, Attorney at Law,
York, Upper Canada.

No. 26.

Hon. H. J. Boulton to Mr. Randall.—The Attorney asking new security from his Client.

[From Appendix to U.C. Assembly's Journals.]

To ROBERT RANDALL, Chippawa.

“YORK, 24th May, 1819. *sharp*

“Sir,—I received your most extraordinary letter of the 17th instant, by Mr. Smith, which, if there is any meaning at all to be given it, is a very impertinent one, and such an one as I will not permit you nor any other client to write to me with impunity. I would have you to understand, that I am not rendering you any professional assistance, from what you may fancy popular reasons: and therefore, any further than my duty to my client prompts me I do not care a farthing about you. You gave me what I expected at the time to be a security for £100, half for my own benefit and half for my father's. This security, I find not worth half a dollar per acre, as there are no inhabitants in the Township. In addition to which I have your note for £25, due on the first of this month, both which sums, with interest, amount to nearly £140. And the security I have, independent of your personal responsibility, is not sufficient to guarantee the payment of half that sum; and as I am not looking at the result of your business, as you call it, for my payment, I insist upon having the money long due to me for services already performed, paid or secured in a sufficient manner. Were you unable to do either, I should not perhaps expect or wish it, but in proportion as you oppose giving me what I have a right to, so in proportion shall I insist on it, as you can have no honorable or just reason for withholding it. If you will pay me down £50, so as to lessen the burthen upon the land, I will accept it, and let the remainder stand as it does. I return the cognovit for your signature, and patiently wait the return of the post. Mr. Jarvis I fancy will hand you this, who will give you a receipt for any money you may pay him. You may be certain I shall not retract one farthing.

“Your obedient Servant,

(Signed)

“H. J. BOULTON.”

No. 27.

Mr. Randall to Judge Boulton.—The Attorney prosecuting his Client.

[From Appendix to U.C. Assembly's Journals.]

CHIPPAWA, June 29, 1819:

Severe
Sir,—My motive in writing this letter to you, is not intended to palliate the high tone of your son Henry's procedure against me, for fees, including the sum of fifty pounds allowed for your management in the early state of my cause with Phelps, to amount of £125 currency, and the interest which he adds making the sum of £141 16s. 3d., currency—but purely for the respect I feel for you.

Your son Henry, is not satisfied with the Bond and Mortgage given him, dated 17th March, 1817, (for your and his fees in my suit against Phelps) for £100 currency, on a Lot of land in the township of Nepean, District of Johnstown. He is not satisfied with my Note of hand given him for Twenty-five pounds currency, at Niagara, on the 7th October, 1818, for his fee, which he insisted I should do, previous to his calling my cause against Phelps for trial at the then Assize, which cause, you, as presiding Judge, would not hear, from motives of delicacy, and ordered the cause to lay over as a Remanet of the Court for a future trial;—but he writes to me a letter, which I received on the 17th May last, wherein he says, "I have sent to my Clerk, Mr. William Smith, a Cognovit for the amount of £141 16s. 3d., currency, to be enabled, if so inclined, to take out an execution against you;" I refusing so to do.

He again writes to me, handed by Mr. Jarvis, 23rd instant, wherein he says, I am very impertinent (I suppose for not having signed the Cognovit); he also says the security I gave him is not worth half-a-dollar per acre, as there are no inhabitants in the Township. And Mr. Jarvis handed me a summons from Mr. Henry John Boulton, to appear on the first day of Trinity Term next, at York. Whether the land is worth half-a-dollar per acre or twenty dollars, it is not my motive at this present to make any comment. If the extreme scarcity of money does not preclude the interposition of my friends, I hope the land will not fall into his hands. It was through your instance that Mr. Henry Boulton became employed by me to manage my suit against Phelps. At the time he accepted the management of the cause, he was knowing that I was moneyless, and promised to wait for his fees until the termination of the cause: however, a few months after he made up an account of £50, currency against me, and required security for the same, upwards of six months too previous to his arguing the cause. I offered him security on land in Matilda, a Township thickly settled; his choice was Nepean; he knew the land in both Townships to be good. When you advised me to employ your son, I expected his assistance in recovering my property from the hands of a set of scoundrels; little did I expect that he would require of me a judgment bond for fees previous to the decision of the cause, or that I was to be ruined by the man employed to assist me. The steps of your son are so novel in the law practice of this Province, I consider it my duty, from the friendly understanding that has subsisted between you and me, to lay the business before you—not Sir, that I wish you to palliate the high tone and tenor of your son's speculative intentions. I may or shall endeavor to meet his wrath at every point, and neither of us may be the winner.

I am Sir, with respect,

Your humble Servant,

R. RANDALL.

Hon. Justice BOUTLON, York, Upper Canada.

No. 28.

Hon. H. J. Boulton to Mr. Randall.—Relative to the cause about to be tried.

[From Appendix to U.C. Assembly's Journals.]

“To ROBERT RANDALL, Chippawa.

“YORK, 8th July, 1819.

“From what has occurred I suppose you do not wish me to advocate your two causes at the next Assizes; if that is the case, I should wish to know it immediately, as it will save me some trouble. Indeed I am not very anxious to be the advocate of a person who is so very illiberal in his sentiments, because I should expect (from the specimen in your former letter) that, should all my efforts prove of no avail, you would accuse me of not sufficiently exerting myself, and allowing the other side, from improper motives, to obtain undue advantages.

“At all events, in order that I may not subject myself in future to the like treatment and similar observations, I shall expect the fee with my brief to be advanced, which will preclude all misunderstandings.

“If possible to be procured, you should have the original note upon which the judgment in Mr. Clark's suit was obtained. You had better write to some of your friends, in Montreal, to apply to the Officer of the Court for it who, perhaps, will give it up.

“Your obedient Servant,

(Signed,)

“H. J. BOULTON.”

No. 29.

Andrew Berrie to Mr. Randall.—A Tenant on Lot 40, Nepean.

[From Appendix to Assembly's Journals, 1836.]

POINT NEPEAN, 8th January, 1820.

Honored Sir,—Having wrote you on the 27th of October last, and not receiving an answer, I again take the liberty of troubling you on the same head.

Having been here ever since July last, and had every opportunity of seeing the necessity of a house of accommodation, I took the liberty of erecting one (as a tavern,) near the old house built by Mr. Torry.

It being the opinion of every one here, that nothing can be done on the Point in regard of cultivation, I mean, with your full approbation, to make a trial, by laying out a garden, having been gardener seven years in this country, during my service in the Royal Artillery, being employed chiefly by Generals Brock and Glasgow.

From what I have heard from several persons who have the honor of being acquainted with your character, I have every reason to hope for a favorable answer, or should not have gone thus far without hearing from you. I hope therefore, Sir, you will not think it too much trouble to send me an answer the first opportunity.

As to my character, I can no doubt fully satisfy you on that point; in compliance with the above, you will much oblige,

Sir, your humble servant,

ANDREW BERRIE.

No. 30.

Mr. Randall's Affidavit relative to Secret Judgment obtained by Boulton

[From Appendix to Assembly's Journals, 1836.]

Trinity Term, 2nd Geo. IV.

IN THE KING'S BENCH,
DISTRICT OF NIAGARA, TO WIT.

Henry John Boulton,

vs.

Robert Randall.

ROBERT Randall, of the Township of Stamford, in the District of Niagara, Esquire, the above named Defendant, maketh oath and saith, that during the Session of the Legislature of February last past, this Deponent in a conversation with Mr. Morris, of the County of Carleton, was informed that his land in the Township of Nepean, in the Johnstown District, was sold by the Sheriff of the said District, under and by virtue of a Writ of *fieri facias* in the above suit, and this Deponent further saith, that not until then did he know that the said Henry John Boulton had obtained a Judgment against him, and this Deponent further saith, that pecuniary embarrassments prevented this Deponent from applying before to set aside the said proceedings, which the Deponent could never expect to have been carried to such lengths from promises held out by the said Plaintiff, namely, that the bond was only taken, upon which part of this action is brought, as a security for his, the said Henry John Boulton's fees, and his father's, now the Honorable Justice Boulton.

(Signed,) ROBERT RANDALL.

Sworn before me, this 10th day of July, 1821.

(Signed,) J. MUIRHEAD,

Commissioner for taking affidavits in K.B.,
in and for the District of Niagara.

No. 31.

Mr. Stewart, Barrister at Law, to W. L. Mackenzie.—Statement of the Proceedings he took on Randall's behalf in 1821, to set aside Boulton's Judgment.

[NOTE.—The moment that Randall ascertained that Boulton had thus secretly sold his estate, he employed Alexander Stewart, Esquire, Barrister, then of Niagara, now of Brantford, to obtain a reversal of the proceedings upon proper affidavits. Mr. Stewart's letter to W. L. Mackenzie, dated Brantford, 2nd August, 1852, thus details the proceedings, so far as he (Mr. Stewart) was concerned in the suit.]

"I shall now endeavour to give you all the information that I can upon the motion which I made to set aside interlocutory judgment in the case of Boulton, vs. Randall: I think it was in Trinity Term, 1822, [it was November 7th, 1821,] the Statute at that time regulating the proceeding in the King's Bench, which was by summons and declaration, both being in one. The Statute required that the Defendant should be personally served with a copy, and afterwards with a demand of plea. The service of the demand of plea was not required to be personal, but leaving the same at the Defendant's place of abode would be sufficient. Major Randall was then living at Chippawa, and the Plaintiff had laid his venue in the Home District (Toronto). The Court of King's Bench had made a rule that

Teacher!

Rules of Court

“ where the Defendant resided in a different district than where the venue was laid, Plaintiff might stick the demand of plea up in the Crown Office (at Toronto) with an affidavit that the Defendant’s place of residence in the Home District was unknown to the Deponent. I made objection to the Court having any such power to make any rule of the kind. I contended that it was contravening the Statute; that by a common sense view of the same, it was clear that it was intended that the demand of plea should be at least left at the Defendant’s place of abode. I contended also, that the Statute giving the Court power to make rules, was only to regulate the practice where the Statute had omitted to do so, but here was no such omission, the Act required the Defendant to be served, eight days before interlocutory judgment could be signed; but it was all in vain, the Court ruled themselves the power; I took nothing by my motion. Boulton brought debt on his mortgage, and included a £25 note which he extorted out of the poor Major, and as an interlocutory judgment in debt is a final judgment, he immediately issued execution, and a more ***** proceeding never disgraced the administration of justice in any country. You only do me justice when you say I was a friend of the Major; he was the intimate friend of my father, and I shall be happy at all times to give you any information that I can, and I feel satisfied that if ever the decision of that day could be brought before the Court of Appeals, that the whole would be upset.”

No. 32.

The Earl of Dalhousie’s opinion of the sale of Randall’s Lot 40, to Sherwood and LeBreton.

[Lord Dalhousie’s reply, and declaring his belief that Sherwood and LeBreton’s purchase of Lot 40, was not lawful.]

I should not object to lease a Small Lot on the Clergy Reserve adjoining the Richmond Landing to the Petitioner Barry, but I am more than ever convinced that the purchase of Captain LeBreton is an illegal purchase of the Landing Lot, and I therefore advise Barry to avoid removal while he can, the more so as Government has in my opinion a strong claim upon it for Public Service.

(Signed,)

D.

QUEBEC, 10th December, 1822.

A true Copy.

JOHN PARKER.

No. 33.

[Appendix to Assembly’s Journals, 1836.]

Lot No. 40, in the first concession of the Township of Nepean, with its broken front, was sold by Sheriff’s sale, on the eleventh day of December, 1820, at the suit of Henry John Boulton, Esq., and purchased by John LeBreton, Esq., for the sum of £449 currency.

A. M’MILLAN,
Deputy Register.

H. J. 1853
 The Lots Nos. 38 and 40 on the Ottawa, and No. 10 on the River Rideau, were all sold by the Sheriff's order in the Court House, Brockville, and purchased by L. P. Sherwood, Esq.

R. SHERWOOD.

*Another in Law
 at one time collector of
 Customs at Brockville.*

PLAN.

Please call on Captain Collins, near the mouth of the Jock, on the Rideau, and he will shew Major Randall the front of Lot Nos. 10 and 11 drawn by him.

Major PATTON,

R. S.

Register Office, Prescott.

No. 34.

The Governor General's Reply to Mr. Randall's Petition for Justice, in the matter of Lot 40, Nepean.

[Appendix to Assembly's Journals, 1836.]

CASTLE OF ST. LEWIS, QUEBEC, 21st February, 1823.

Sir,—His Excellency the Governor in Chief (The Earl of Dalhousie) commands me to acquaint you, in answer to your letter of 20th instant, that he has had under his most serious consideration your memorial of last summer, setting forth various grievances and acts of injustice to you in your civil rights, on the part of different persons connected with the administration of the law in the Upper Province, and His Excellency directs me to add that as he does not possess the authority either to investigate or redress your alleged grievances, he can only refer you to the Governor of that Province who will, no doubt, pay all proper attention to your representation.

I have the honor to be, Sir,

Your most obedient servant,

A. W. COCHRAN,

Secretary.

R. RANDALL, Esq.,
 York, Upper Canada.

(Copy.)

Governor in Chief the Earl of Dalhousie's Decision on A. Berrie's Petition for an acre of the Clergy Reserve, Lot 39, Nepean, Ottawa Front.

"I should not object to lease a small Lot on the Clergy Reserve (meaning No. 39) adjoining the Richmond Landing, to the Petitioner Berry, but I am more than ever convinced that the purchase of Captain LeBreton is an illegal purchase of the Landing Lot [meaning Lot No. 40, granted to R. Randall], and therefore advise Berry to avoid removal [from Lot 40] while he can—the more so as Government has, in my opinion, a strong claim upon it, for public service.

(Signed),

"DALHOUSIE"

"Quebec, 10th Dec., 1822."

“ A True Copy.—This was the last decision given by His Lordship on this case.

“(Signed,) JOHN PARKER,
“ Capt. & D.A.Q.M.G.

“ 2nd Oct., 1823.”

No. 35.

Capt. Dickson authorizes Mrs. Firth to keep possession of Gov. House on Lot 40, Nepean.

DY. QUARTER MASTER GENERAL'S OFFICE,
Quebec, October 10, 1823.

This is to Certify that Mary Firth, residing on the Broken Front of Lot No. 40, in the 1st Concession of the Ottawa Front, Township of Nepean, is authorized to keep possession of the keys of the Government Store thereon; and any demand made by persons for rent, &c., to be made on His Majesty's Government.

By His Lordship's Command,
WM. R. DICKSON,
Capt. & Dy. A.Q.M.G.

ENDORSED.—Dy. Quarter M. General's Office, Quebec, 14th October, 1823. On H.M. Service, To Mr. Andrew Berry, late of the R. Artillery, Richmond Landing, Ottawa River. Post Paid. Wm. R. Dickson, Captain & Dy. Asst. Qr. Mr. Genl.

No. 36.

Mr. Randall to Lieut. Col. Dickson.—Wishes the Earl of Dalhousie not to employ Judge Jones to defend his (Randall's) Title to Lot 40 Nepean—or to associate the Hon. John Rolph with him.

[From U. C. House of Assembly's Journals (Appendix), 1836.]

(Copy.) YORK, 31st December, 1823.

Sir,—An application has been made to me by Mr. Jonas Jones, Barrister at Law, to furnish him with instructions to defend an action of ejection brought by Mr. L. Sherwood and Captain LeBreton, for the purpose of getting possession of lands and tenements which belong to me, and which are at present in the actual possession of Messrs. Berrie and Firth, &c.

As Colonel Burke, the gentleman who employs Mr. Jones, could not have been fully aware of the whole of the circumstances at the time he employed him, I beg leave to state to you, Sir, for His Excellency the Commander of the Forces information, that Mr. Jones is not only brother-in-law to Mr. Sherwood, but also a brother-in-law to Mr. Boulton, the person who, upon an *ex parte* proceeding, obtained judgment against me, issued execution, and sold this property for the sum of one hundred and twenty-five pounds, for fees accruing to him in his prosecuting a suit for me in the sum of ten thousand pounds, currency, wherein I

had obtained two verdicts for the aforesaid sum, which Mr. Boulton abandoned, and my suit thrown out of Court. His Excellency the Commander in Chief is in possession of the case in detail.

I also beg leave to communicate for the information of His Excellency, that I have employed Mr. John Rolph, Barrister at Law, to commence a process against Mr. Boulton, in order to set aside the Judgment obtained against me, and for which this property has been sold at Sheriff's sale, and as he is in possession of the whole proceedings and documents in the case, and being of the first respectability, and not long since from the Temple in London, and no way connected with the above gentleman, I humbly beg leave to suggest the propriety of associating Mr. Rolph with Mr. Jones, in defending Messrs. Berrie and Firth against the suits of ejections, not that I have any reason to suppose that Mr. Jones would in any wise be influenced by his connection with Messrs. Sherwood and Boulton, only that human nature is generally more or less influenced by family connection, which induces me to beg leave to recommend to His Excellency, that Mr. Rolph be associated with Mr. Jones in the defence of the said suits of ejections, and if His Excellency should think proper so to do, that he will please to order that Mr. Rolph have the earliest notice thereof, directed to him at Dundas, in the District of Gore, Upper Canada.

I have the honor to be, Sir,
Your most obedient and very humble Servant,

ROBERT RANDALL.

Lieutenant Colonel DICKSON,
Deputy Quarter Master General,
Quebec.

No. 37.

Lord Dalhousie's Decision.

[From U. C. House of Assembly's Journals, (Appendix), 1836.]

DEPUTY QUARTER MASTER GENERAL'S OFFICE,
Quebec, 24th January, 1824.

Sir,—I have the honor to acknowledge the receipt of your letter of the 31st ultimo, which having submitted to the Commander of the Forces, I have received His Lordship's Commands to thank you for the suggestion therein contained, but, at the same time to acquaint you, that His Lordship does not deem it necessary to employ further Counsel in the question.

I have the honor to be, Sir,
Your very obedient humble Servant,

WILL. R. DICKSON,
Capt. and Dep. Qr. Mr. General.

R. RANDALL, Esquire, M.P.P., York.

No. 38.

Randall's Affidavit as to value of his Lot, 40, Nepean,—that is, of a part of the Lot,—1823.

[Copy of Affidavit by R. Randall, in the handwriting of the Hon. John Rolph.]

“In the King's Bench.—Henry John Boulton vs. Robert Randall.—Robert Randall, of the Township of Stamford, in the Niagara District, Esquire, the above Defendant, maketh oath and saith, that the landed property of this Deponent sold under the execution issued in this suit, (as this Deponent was informed by Mr. Morris, Member for the County of Carleton), was not the Lot of Land mortgaged to the said Henry John Boulton, who was present at the sale, as mentioned in the condition of the bond on which the said action was in part brought, but certain other lands of this Deponent's, of very great value, and for a part of which this Deponent was offered £3000 lawful money of Upper Canada, being the Landing Place, adjacent to the proposed site for the military and civil establishments of His Majesty's North American possessions.”

No. 39.

Mr. Rolph endeavours to set aside the judgment obtained by Hon. H. J. Boulton against R. Randall.—Proceedings in the Court of King's Bench.

[From Campbell's Manuscript Reports.]

EASTER TERM, 5th Geo. IV., April 30th, 1824.

[Boulton vs. Randall.]

This Court fully recognizes the Rule of Hilary Term, 3rd James I., which orders that no cause once argued and determined, shall again be brought before the Court.

In this case, *Rolph* applied for a Rule to shew cause why the proceedings and judgment should not be set aside for irregularity; and why the writ of *feri facias*, issued upon the said judgment, against the lands and tenements of the Defendant, should not be superseded, with costs, and restitution made to the Defendants.

A judgment by default had been signed in this case, and execution issued, and the lands sold under it, several years ago; and an application, similar to the present, had been made by Stewart of Counsel for the Defendant, who, in Michaelmas Term, 1821, had obtained a Rule *Nisi*, but which, upon argument, had been discharged.

Various irregularities were, upon the present application, pointed out by Mr. Rolph, some of which had probably not been insisted upon by Mr. Stewart in the former motion.

The Counsel now went considerably at length into the supposed irregularities, and also read an affidavit (which was fyled) containing a statement of those irregularities, and of the facts and merits of the Applicant's case,—adverting also to the partial want of consideration of the debt upon which the judgment was obtained. He also cited many cases of new trials at law and re-hearings in equity, which he considered analogous.

ROBINSON, Attorney General, *contra*—read an affidavit rebutting those facts and

circumstances, but relied upon the universal practice of Courts of Law (to which no exception could be found) which does not permit a cause once determined, upon motion and argument, to be again brought forward, either upon the ground of the same or other irregularities, not before insisted upon. He cited and read the Rule of Hilary Term, 3rd James I., by which it is ordered, "That if any cause shall first be moved in Court, in the presence of the Counsel of both parties, and the Court shall thereupon order between those parties, if the same cause shall again be moved, contrary to that Rule given by the Court, then attachment shall go against him who shall procure that motion to be made contrary to the Rule of Court so first made; and that the Counsel who so moves, having notice of the said former Rule, shall not be heard here in Court in any cause in that Term, in which that cause shall be so moved, contrary to the Rule of Court in form aforesaid." The Counsel also cited authorities, to show that no motion can be made upon the ground of irregularities, not noticed upon a first motion.

CAMPBELL, JUSTICE.—Upon the opening of this matter, I thought it strange, and was indignant that the irregularities pointed out by the Defendant's Counsel should have taken place. Whatever were the grounds, it now appears that those irregularities have been discussed and decided upon for many Terms back. The Counsel has referred to a number of authorities which it was to be supposed he referred to, as upon a first application and discussion, but it appears that was not the case. If they are to be considered as furnishing authority for opening and re-considering matters already decided upon, they do not apply.

Upon reference to the order in Hilary Term, 3rd James 1st, it appears such second discussions cannot be permitted. Were it not for this salutary rule, nothing could be more uncertain than the proceedings and decisions of Courts of Justice. There is also a penalty attached to the breach of the rule, which, as this is the first time it has been attempted to be infringed in this Court, I should not wish to see enforced; but upon any future attempt of the kind I should.

CHIEF JUSTICE (Powell).—I concur with my brother Campbell, and for the reason given by him, I also consider that the penalty may be dispensed with.

Per Curiam—Application refused.

No. 40.

[From Manuscript Reports.]

In the King's Bench.—Boulton vs. Randall, 1824.

TRINITY TERM, 5th Geo. IV.

The proper style of this Court is "before His Majesty's Justices," not before the King himself, "*coram vobis*," not "*coram nobis*."

WASHBURN moved for an allowance of a Writ of error, *coram nobis*.

BOULTON, (Solicitor General)—objected that the writ should be *coram vobis*;—that all writs here should be returnable before His Majesty's Justices. In England the Court of King's Bench is ambulatory, following the person of the King, but here it is stationary. In England, the Parliament may sit in Westminster, and the Court of King's Bench where the King himself is, but in this Country the Court must sit where the Parliament sits.

The ATTORNEY GENERAL, (Robinson,) observed, that if the writ was defective it might be quashed in this Court, or in Chancery. To this observation the Chief Justice (Powell) assented, observing (with the Court), that the style of the Court

hitherto adopted in writs, was improper, but that they would not interfere with a practice which had obtained for such a length of time.

Per Curiam—Writ allowed.

No. 41.

Mr. Washburn to Mr. Randall, on setting aside the Boulton judgment.

[From Journals of Assembly, U.C., 1836.—Appendix.]

YORK, 23rd June, 1824.

Dear Sir,—I hasten to inform you, that yesterday morning, as soon as decency would permit, I addressed a note to Major Hillier, on the subject of the Writ of Error, stating Mr. Cameron's refusal to seal it. In the evening, I had the honor of receiving a note from the Major, a copy of which I enclose for your perusal. You will see, therefore, that thus far we go swimmingly, however we may succeed hereafter. I have been favoured with a letter from Mr. Rolph, stating that it will be impossible for him to attend here sooner than the latter end of the Term. I am sorry for it, as I wanted his assistance much; but, however, as I am fairly in for it, I must of course pursue it. Whatever lies within the compass of my small abilities, (and very small they are, I know,) you may rest assured will be done for you. But as there is no one thing under heaven more uncertain than the certainty of the law, I would not have you too sanguine. You know whom you have to contend with. Term begins on Monday, 5th July.

Faithfully yours,

S. WASHBURN.

ROBERT RANDALL, Esquire, Stamford.

(Copy.)

“Major Hillier has the honor to acquaint Mr. Washburn, that the necessary instructions have been given to the Provincial Secretary, to affix the Great Seal to the Writ of Error required by him.”

“Government House,

“York, 22nd June, 1824.”

No. 42.

Mr. Randall's Title to the Niagara Falls Estate.

[Copied from Fr. Collins's Stenographic Report of the Trial of R. RANDALL, at Niagara, Sept. 7, 1825.]

EVIDENCE OF THE HON. THOMAS CLARK.

“Witness held a Patent from the Crown for the Bridgewater Works. (The Patent was produced.) It was dated 2nd January, 1816—it included the whole item sworn to by Mr. Randall, and 10½ acres more.

“Cross-Examined by Mr. Rolph.—Witness visited Mr. Randall while in gaol in Lower Canada—saw him in Montreal Gaol—asked him to transfer to him (wit-

“ness) his Mr. Randall’s) interest in the Bridgewater Works. Mr. Randall had a claim on one-third of the Bridgewater Works, under a lease for 999 years, from General Simcoe. Witness visited Mr. Randall in Montreal Gaol for other purposes also.”

[Extract from Honorable JOHN ROLPH’s Address to the Jury during said Trial]:—

“Randall has tasted the bitterness of protracted imprisonment in a Foreign Gaol, and it is now proposed to make him suffer martyrdom in life pillory! For seven years he was immured in a dungeon in Lower Canada, where he suffered privations, the detail of which would make humanity shudder. Engaged as you are in the active and diversified pursuits of life, there is much to occupy your attention, and divert it from a thousand vexations which are attendant on the fate of the most fortunate of men; and even when business has lost its interest, or brought fatigue, nature opens her exhaustless stores, to invigorate the body, to delight the senses, and to regale the mind; but in a gaol, there is nothing to fill up a tedious existence—it is there almost worldless as the grave—no important trifles to incite desire—no prospects of success to animate with hope! Randall’s care-worn soul, vacant of employment, and harrowed up by thought, was there left to turn upon itself for years, to witness its own forlorn wretchedness, to mourn the prospect it had lost, and brood over the miseries to come. It was thought that the poverty and wretchedness brought upon him, would break down the spirit of the man; that nature, however buoyant, could not bear up against such complicated woes. Many, many a man, thus made a prey to accumulated sorrow, is doomed to hang the head of despondency, and when ushered into prison, every remnant of former vigour, that might promise a successful struggle, is soon exhausted by despair. But Randall survived the wreck of his property, and the miseries of a prison.”

[Remarks by the Petitioner.—Colonel Clark admits on oath that, although he kept Randall in prison, and sold valuable estates of his for a mere nominal price, through the Sheriff, Randall had a claim on the Falls Estate, withheld from him by Clark. Mr. Chief Justice Macaulay, when Boulton’s student had been directed to swear that he (Macaulay) did not know where Randall lived in the Home District, where Boulton knew he had never lived, and that his home was a hundred miles distant, at Chippawa. Through this oath Randall was prevented from knowing that Boulton had proposed to make a demand of plea from him, which was no demand, for a scrap of paper stuck by Boulton in an Office at Toronto, was no demand from Randall, who resided a hundred miles off. Under this pretended notice, however, Boulton secretly sold one of Randall’s most invaluable estates, on a claim of about £142, which he got, and Sheriff Stuart (his brother-in-law) probably kept the remainder, about £300. His heirs or assigns, under 7 Will. IV, c. 3 sec. 3, can plead the Statute of limitations; Randall got not a penny. Soon after, Mr. Macaulay, acting for the Crown under Boulton’s directions, vainly tried to convict Randall for perjury, because he had sworn that lands thus gambled or juggled from him were still his.]

No. 43.

Colonel By to Mrs. Firth, relative to part of Lot 40, Nepean.

MONTREAL, 4th January, 1827.

Dear Madam,—I have the pleasure to inform you, that His Lordship the Commander of the Forces has kindly complied with your request to build a good house

near the one you now occupy; I, therefore, hope to find you and Mr. Firth very busy at my next visit.

Believe me, dear Madam,

Yours faithfully,

JOHN BY.

To Mrs. FIRTH, at Point Nepean.

ENDORSED.—To Mrs. Firth, Point Nepean, near Hull, Upper Canada, Ottawa
Per.

No. 44.

Mr. Sheriff Sherwood to Mr. Randall.

BROCKVILLE, 6th April, 1827.

Sir,—At the desire of Mr. Charles Lemoine, I have enclosed you the within. Should you incline to sell, please write me your terms.

I am, Sir,

Your obedient servant,

ADIEL SHERWOOD.

ROBERT RANDALL, Esquire.

[For Mr. Charles Lemoine, of Augusta, Blacksmith.]

To write to Robert Randall, Esquire, M.P.P., Chippawa, above Niagara, stating that he (Lemoine) wants to purchase Lot No. 11, on the Rideau, 1st Concession of Nepean; also state that R. Sherwood bid the same off at auction some years since, but the Sheriff refuses to give a title, and, therefore, this Lot must be considered Mr. Randall's property as yet.

R. SHERWOOD.

24th March, 1827.

A. Sherwood, as agent, may send this if he chooses.

R. S.

No. 45.

[Journals of Assembly, Appendix, 1836.]

To the Honorable the Commons House of Assembly of Upper Canada,
in Provincial Parliament assembled:

The Petition of Robert Randall, of Stamford, in the County of Lincoln, Esquire,

HUMBLY SHEWETH:

That in the year of our Lord, one thousand eight hundred and sixteen or thereabouts, your Petitioner employed the present Mr. Justice Boulton, then Attorney General, as his legal adviser, in all his affairs relative to the disputed property between the Petitioner and Messrs. Clark and Street. That Mr. Justice Boulton continued such his legal adviser and Attorney until his elevation to the bench,

when he handed over the Petitioner's business and papers to his son, the present Solicitor General. That upon Mr. Justice Boulton's so giving up the business of the Petitioner to Henry John Boulton, Esquire, the latter required of the Petitioner a collateral security for the sum of fifty pounds, then due to his father, for his professional services, as also for fifty pounds, which were to accrue to himself. That your Petitioner accordingly on the seventeenth day of March, in the year of our Lord, one thousand eight hundred and seventeen, executed and delivered to the said Henry John Boulton, a mortgage on Lot No. eleven in the first Concession on the Rideau, in the Township of Nepean, in the District of Johnstown, containing two hundred acres, for one hundred pounds, payable with interest on the first day of January, in the year of our Lord one thousand eight hundred and nineteen, and on the seventh day of July, in the year of our Lord, one thousand eight hundred and eighteen, your Petitioner executed and delivered to the said Henry John Boulton, a bond in a penalty of two hundred pounds, with a condition reciting the said mortgage, and to pay to the said Henry John Boulton the sum of one hundred pounds as mentioned in the said mortgage. That the above described lot is a most valuable one, your Petitioner having many years ago been offered two pounds an acre for it, and another Lot in the said Township having been subsequently sold at Sheriff's sale, at Mr. Boulton's suit, for ready money, for four hundred and fifty pounds, or thereabouts, as your Petitioner has been informed and believes.

That subsequently, and after the execution and delivery of the bond and mortgage, the said Henry John Boulton proceeded in the business of your Petitioner, and obtained against one Elijah Phelps, a verdict for a large sum—which having been set aside, and a new trial granted, the cause again came on for trial, at the Niagara Assizes, for the year one thousand eight hundred and eighteen, where Mr. Justice Boulton presided, and where your Petitioner attended, with a great number of witnesses to go to trial. That the said Henry Boulton also attended as Counsel for your Petitioner, but who refused in the first instance going on with the trial, until the Petitioner had given him his note for twenty-five pounds, payable on the first day of May A.D. 1819; but which note was not given without a strong remonstrance from your Petitioner, as he considered he had already given him ample funds of security. That after giving the said note, Henry John Boulton promised to go on with the case immediately, when your Petitioner went in search of his witnesses; but on his return was not a little astonished to find, that the cause had been ordered to lie over to the next Assizes, in consequence of the Judge declining from motives of delicacy to try it. That your Petitioner strongly remonstrated against such a decision, both with his Counsel and his father the Judge, who admitted to the Petitioner that before he accepted the Circuit in which Niagara is, he knew this trial would come on, and had determined not to try it, as he had formerly been concerned in it. That the said Henry John Boulton must have been aware that this cause would not be tried; but had allowed your Petitioner to go to a considerable expense in gathering his witnesses; had obtained his note for twenty-five pounds, and then abandoned him, and has never since done any business for him.

That afterwards and immediately after the said note became due, your Petitioner was sued thereon, and upon the aforesaid bond by the said Henry John Boulton—he having got out his writ directed to the Sheriff of Niagara, on the twenty-first day of May, A.D. 1819—and the note being only due on the first day of that month. That on the twenty-fourth day of June, 1819, your Petitioner was served at his residence at Stamford, in the Niagara District, with the declaration and summons, at the suit of the said Henry John Boulton, returnable on the first of Trinity Term then next, and from that day, until about eighteen months afterwards, and never until he was accidentally informed whilst attending his duty in Parliament, in the winter of 1821, of the sale of his lands at the suit of Henry John Boulton,

did he hear verbally or by letter of its progress. That immediately after he was so served with the declaration and summons, your Petitioner wrote to the said Henry John Boulton upon the subject, requesting to be informed of the progress of the said suit, but receiving no answer, he imagined the same was dropped.

That on looking into the proceedings in the said suit, he finds the following to be the statement:—

The summons issued the thirty-first day of May, and was returnable on the first day of Trinity Term, 1819. That on the thirteenth day of July following, on the affidavit of service of the same, on this Deponent, the declaration and summons were fyled in the Crown Office, and on the same day an appearance entered in the same office by the said Henry John Boulton for your Petitioner. That on the same day an affidavit was fyled in the said office, made by a clerk of the said Henry John Boulton, that the place of residence of your Petitioner "in the Home District" was unknown to the person who made the affidavit. That on the same day a demand of plea was put up or fyled in the said office, and accompanied the said affidavit. That on the nineteenth day of June, four days afterwards, interlocutory and final judgment was signed against your Petitioner, and execution issued against the personal effects of your Petitioner to the Sheriff of the Home District for the amount of the bond, notes and costs. That in his declaration against your Petitioner, the said Henry John Boulton declared in debt on the bond and note together, signed judgment on the same together, and issued execution against your Petitioner for the same.

That the execution against your Petitioner's chattels (directed to the Sheriff of a District in which it was notorious to the Plaintiff, as well as to every other person who knew him, that he did not reside,) was returnable on the first of Michaelmas Term in the same year, and was fyled on the return day with the Sheriff's return of "no goods;" and on the same day, execution was issued against the lands of your Petitioner, directed to the Sheriff of the Johnstown District, and returnable last of Michaelmas Term, A.D. 1820, upon which your Petitioner is informed a most valuable Lot situated in the Township of Nepean, in the District of Bathurst, on the River Ottawa, and adjoining most important water privileges, and not the one mortgaged, has been sold to satisfy the said execution.

That by the tenth Section of the Act of the 34th of George the Third, regulating the practice of the Court of King's bench, and under which Act the process in the said cause was issued, it is expressly enacted, "That in all actions or suits where the Defendant or Defendants reside without the limits of the Home District, or District where the Court shall be holden, eight days shall be allowed after such demand of plea, as the ordinary time within which they shall be required to fyle their plea, &c." But that notwithstanding the said Act, the said Henry John Boulton, who perfectly knew the residence of your Petitioner to be within the District of Niagara, and not in the Home District, not only from having served him with the writ there, but also, from the letter which your Petitioner wrote to him after the action was commenced, proceeded to sign not only interlocutory but final judgment within four days after demand of plea, and that put up or fyled in a District where he well knew your Petitioner did not reside.

That your Petitioner is informed by professional gentlemen, that in no instance upon judgment by default, on a promissory note, can execution be issued, until the note has either been to a jury to assess the damages, or been sent by a rule of Court to the proper officer, to compute the principal and interest; but that notwithstanding this rule of law, execution after judgment by default was at once issued on the promissory note so given by your petitioner to the said Henry John Boulton.

That by a general rule of the Court of King's Bench, in the 40th year of the late King, it is expressly ordered, that in future, the note or bond is to be produced for

the inspection of the judges, "when a motion is made to refer them to the master," but that the said Henry John Boulton, not only did not produce either the note or bond to the judges, but did not even move the Court to have them referred to the master.

That by another general rule of the said Court made in the same year, it is expressly, "ordered, that from and after the end of this (Michaelmas) Term, the clerk give no writ of execution on default, without an order of the Court in Term time, or fiat of a judge in vacation." That notwithstanding this rule, then in full force, the said Henry John Boulton proceeded to sue out execution against your Petitioner, on a judgment by default without either an order from the Court or fiat from the Judge.

That by another Rule of the said Court made in Hilary Term, in the 47th year of the same King, it is also expressly "ordered, that in all cases of Judgment by default, on Bonds, conditioned for the payment of money, a rule *Nisi*, to refer the Bond to the master for taxation, shall not be necessary, but a notice of motion for the peremptory rule shall be given in writing to the Defendant, or his Attorney, at least thirty days before Hilary and Easter Terms, and twenty-one days before Trinity and Michaelmas Terms respectively," which rule shall accordingly be made absolute, in the first instance, on affidavit of such notice. That notwithstanding this rule was in full force at the time of signing the judgment against the Petitioner, he never received, nor did the said Henry John Boulton ever give the above required notice to your Petitioner, or to any Attorney for him.

Your Petitioner further represents, that as the said condition of the said Bond recited the said Mortgage, and professing therefore to be only collateral security, your Petitioner was entitled to the benefit of an Act of the Legislature of the Mother Country and in force in this Province, requiring in behalf of such Defendants, that the Plaintiff shall set forth on record, the condition of such Bond, assign breaches thereof, and assess damages before a jury, and your Petitioner is informed that according to law no execution can in such case issue till such assessment has taken place. But in the suit against your Petitioner, the condition of the Bond is wholly suppressed and does not appear on the record.

Your Petitioner found in the course of the applications made by him to the Court of King's Bench for relief, that the following rule was insisted upon as a vindication of the judgment secretly obtained as aforesaid.

Michaelmas Term, SCOTT, C. J. }
THORP, J. }

It is ordered, that from and after the first day of Hilary Term next, in all cases where the Defendant has not appeared either in person or by his Attorney, judgment for default shall not be signed, without an affidavit first made and fyled of a demand of plea having been served upon the Defendant personally, or by being left at his usual place of abode, if the same be in the District where the action is brought; and if the Defendant's place of abode be not in such district, that then the demand of Plea shall be entered in the office, accompanied by an affidavit, stating that the Defendant's place of abode within such district is not known to the Deponent, and that Judgment by default in such case shall not be signed till 4 days after such service or entry respectively:—By the Court.

(Signed,)

JOHN SMALL,
Clerk of the Crown.

Under this rule, persons are required to take an oath that must do violence to the conscience of the Deponent, inasmuch as it implies a belief that the Defendant's place of residence is in such District, but not known to the Deponent.

Your Petitioner also felt deeply aggrieved at the operation of the said Rule, not

only because it arbitrarily deprived your Petitioner of a service of the notice at his place of abode, and warranted a judgment in 4 instead of 8 days, in defiance of the laws of this Province, but also because it violated the common principles of justice, by requiring notice to be served upon the residents of the Home District, while it favored the Attorneys of this Town, by exempting them from the trouble of giving such notices to those Defendants, who from their remoter residence from the Crown Office in the outer districts, particularly needed a rule of the said Court to enforce, rather than to supersede, the just enactment of the Provincial Legislature, for their protection.

That on being informed as before mentioned, of the sale of your Petitioner's lands, at the suit of the said Henry John Boulton, (and which was the first intimation he ever had of the progress of the said suit), your Petitioner immediately caused the proceedings to be looked into, and finding the above gross irregularities in the proceedings, he caused an application as soon as Counsel could be heard, to be made to the Court of King's Bench for relief, in setting aside the judgment and execution which had been so manifestly obtained against every rule and order of the said Court: but after argument, the Court decided it came too late.

That your Petitioner subsequently caused another application to be made on the same and other grounds to set aside this judgment, conceiving that it had not been fully argued, but it was again decided against him, on the grounds of the former decision, although the Court expressed a strong wish to interfere, if it could consistently with its rules.

Your Petitioner also humbly states that on the second application made for relief against this judgment, the Judges of the said Court upheld the same on the ground that the matter had been before heard and determined by them, and that according to an ancient rule of Court in the reign, as your Petitioner believes, of one of the James's, no matter heard by Counsel on both sides and on which the opinion of the Court had been given could be re-opened, and that the Counsel attempting it was liable to be silenced for one year, and should the Court be again troubled a second time in like manner, they would desire to see the penalty inflicted; and your Petitioner cannot but feel and express the oppression which he suffers from the unjust adherence to one rule of court for the purpose of upholding against your Petitioner a judgment which had been obtained by the violation of three other rules of court equally solemn and binding, and even in violation of several legislative enactments in this Province and in England, the due and honorable observance of which by the said Henry John Boulton would have been an ample protection for your Petitioner against the ruin and injustice brought upon him.

That in the year 1824, immediately after the last decision, as a last resort to get rid of this extraordinary judgment, your Petitioner was advised to bring a writ of error *coram nobis* to reverse this said judgment, that being, in the opinion of his Counsel, his only chance; but the difficulty lay in procuring the writ, as it is an original one which issues out of Chancery, and there being no Court of that description in this Province. This difficulty was, however, at last surmounted, the writ obtained under the great seal of the Province, error assigned and pleaded to, and the matters argued in the vacation of Trinity Term, A.D., 1825, before two of the Judges, Mr. Justice Boulton being absent in England, and judgment was to be given in the following Term.

That on applying for judgment, so far as your Petitioner could judge, the Judges seemed divided in their opinions, and that therefore your Petitioner would have received nothing by a division of opinion—but without giving judgment, the decision was, that the matter must stand over till the Bench was full.

That this was to your Petitioner tantamount to a decision against him, inasmuch as Mr. Justice Boulton had on a former occasion, as before stated, refused to try a

cause in which he had been interested for your Petitioner, and could not now of course be expected to give an opinion either way, as the greater part of the money recovered by this very judgment had been received by him.

That strange as it may seem, the Sheriff of the Johnstown District, instead of selling the Lot, so mortgaged by your Petitioner to the said Henry John Boulton, and thus as it were foreclosing the same, sold another and still more valuable lot belonging to your Petitioner, and the same was purchased, as your Petitioner has been informed, by Levis P. Sherwood, Esq., who has since been elevated to the Bench.

That your Petitioner, under these circumstances, would not feel it proper, and has been advised not to apply to the Court for their judgment, which your Petitioner thinks, under the very peculiar circumstances of the case, could not be had for the same reason that the Honorable Mr. Justice Boulton once refused to try a case for him.

Your Petitioner humbly represents, that after submitting to many losses and afflictions which would break the heart of almost any man, he found that the most valuable remnant of his property had been most cruelly sacrificed, under this irregular and nefarious judgment, and unless relieved by the interposition of your Honorable House, he shall have to number himself among those who have fallen victims to injustice and oppression in this Province.

That there being no higher Court in this Province, to which your Petitioner can now resort, he has thus petitioned your Honorable House to interfere and grant him such relief as to your Honorable Body may appear just.

And as in duty bound will ever pray.

ROBERT RANDALL.

York, January 19, 1828.

Certified to be a true copy.

JAMES FITZGIBBON,
Clerk of Assembly.

No. 46.

Report of the Committee of the House of Assembly of Upper Canada, in 1828, upon the above Petition.

[Appendix to Journals of Assembly of U.C., year 1828.]

[NOTE.—The Special Committee appointed by the Legislative Assembly of Upper Canada, in 1828, to inquire into Mr. Randall's complaints, was composed of B. C. Beardsley, Esq., senior Member of the Law Society; Hon. John Rolph, now Crown Lands Commissioner; Hon. John B. Robinson, Chief Justice; Hon. M. S. Bidwell, Barrister, and Captain John Matthews, Royal Artillery. Their Report, taken from the Journals of that year, was as follows]:—

“The Committee to whom was referred the Petition of Robert Randall, Esquire, with power to send for persons and papers, and report thereon, have inquired into the same, and respectfully submit the following Report:—

“It is admitted that the demand of Mr. Boulton against Mr. Randall was for professional services, rendered by himself and the Honorable D'Arcy Boulton, late a Judge of the King's Bench. The principal charges are £50 for business

"alleged to be done by the Honorable D'Arcy Boulton, before his elevation to the Bench, and £50 to Henry J. Boulton, being principally a charge of five guineas a day, for eight days in attending an arbitration at Niagara, in the Niagara District, for the Petitioner, in a suit, Robert Randall *vs.* Elijah Phelps, in the Court of King's Bench, in which five guineas have been previously paid as a retaining fee, and not included in the account for which the bond was given. In security for the payment of the said sum of one hundred pounds, the Petitioner gave a mortgage to Mr. Boulton of Lot No. 11, in the 1st Concession on the Rideau, in the Township of Nepcan, and which mortgage is recited in the condition of the bond upon which the action was brought. The cause R. Randall *vs.* Elijah Phelps, came on for trial at the Niagara Assizes, in the year 1818, where Mr. Justice Boulton presided, and Mr. Henry J. Boulton attended, as Counsel for the Petitioner, the Plaintiff in the cause. On the day upon which the trial was to take place, and a short time before it was called on, the Petitioner, at the request of Mr. Boulton, gave him his note for twenty-five pounds, payable the first day of May following, as a Counsel fee for the expected trial. The Petitioner proceeded to collect his witnesses, and Mr. Boulton called on the cause, when the Judge refused to try it on the ground of his having formerly acted as Attorney in it for the Plaintiff. The case was therefore not tried. Upon this note, as well as upon the bond, Mr. Boulton recovered the judgment, against which the Petitioner complains.

"At the subsequent trial, Mr. Boulton did not attend, and it appears that taking offence at the want of confidence which he inferred from a letter written to him by the Petitioner, he did not feel himself bound, without a further request, and a further fee, to continue his professional aid in the suit. This will be seen from the copies of Mr. Boulton's letters annexed, one dated 24th May, 1819, and the other 8th July, 1819. The Petitioner complains, in the first place, that Mr. Boulton, at the time he took the note for twenty-five pounds, knew the cause would not be tried. This is denied before your Committee by Mr. Boulton. The Attorney General, (now Mr. Chief Justice Robinson,) states in his evidence that he expected the refusal of the Judge to try the cause, though unapprised of it. He also states that he has an indistinct recollection that the Judge, about the time of arranging the Circuits, expressed his reluctance to try the cause. The House can judge how far it would have been judicially correct for Mr. Justice Boulton to try the cause, in which he had been Attorney and Counsel; and therefore how far there was a reasonable presumption for Mr. Boulton, that the cause would not be tried, under such circumstances; and how far the note for twenty-five pounds should have been retained after the immediate failure of the consideration for which it was given.

"Mr. Boulton prosecuted Mr. Randall for the recovery of the one hundred and twenty-five pounds, upon the bond and note, and the following is an abstract of the proceedings in the suit:—

"IN THE KING'S BENCH.

"HENRY JOHN BOULTON, Plaintiff; *vs.* ROBERT RANDALL, Defendant.

"This action was commenced by a writ of summons in a plea of debt, issued from the Crown Office, at York, in the Home District, on the thirty-first day of May, 1819, returnable the first day of Trinity Term, 1819, being the fifth day of July of that year. This summons, with the declaration annexed, was filed in the said Crown Office on the thirteenth day of July, 1819, with an affidavit made by Samuel P. Jarvis, before Thomas Dickson, on the 24th day of June, 1819, stating that the same was served on the Defendant by the Deponent, on the twenty-second of June, of the same year. On the said 13th day of July, 1819, an appearance for said Defendant in said cause, was entered in the said office by said

" Plaintiff, and on the same day an affidavit made on the 13th day of July, 1819,
 " before John Small, Clerk of the Crown, by the present Honorable James B.
 " Macaulay, [now Chief Justice of the Common Pleas, U.C.,] then a student at
 " law with the said Henry John Boulton, stating that the place of residence of the
 " Defendant in the Home District was unknown to the Deponent, and also a de-
 " mand of plea, were fyled in the Crown Office. On the 13th day of July, 1819,
 " interlocutory judgment was signed, and final judgment entered for two hundred
 " and twenty-five pounds debt, and five pounds three shillings and eight pence,
 " damages and costs, amounting altogether to the sum of two hundred and thirty
 " pounds. On the 5th of October, 1819, a writ of *feri facias*, against the goods
 " and chattels of the Defendant, was issued upon a *præcipe* fyled by the Plaintiff,
 " directed to the Sheriff of the Home District, returnable on the first day of Mi-
 " chælmass Term following, being the first day of November, 1819. This execution,
 " with a return of *nulla bona*, by the Sheriff of the Home District, was fyled in the
 " said Crown Office on the return day, and on the same day a writ of *feri facias*
 " against the Defendant's lands and tenements was issued, (upon a *præcipe* fyled
 " by the Plaintiff,) directed to the Sheriff of the Johnstown District, and returna-
 " ble the last day of Michælmass Term, 1820, which writ was fyled in the said
 " office on the seventeenth day of March, 1825, with the following return by the
 " Sheriff of the Johnstown District:—

" " By virtue of this writ to me directed, I have caused to be made by the public
 " sale of the lands and tenements of the within named Defendant, Robert Randall,
 " (that is to say,) Lot No. Forty in the first Concession of Nepean, in the Johns-
 " town District, together with its broken front, in front thereof, on the Ottawa or
 " Grand River, the debt and damages within mentioned, which I have ready before
 " the Lord the King, to be rendered to the said Henry John Boulton, for his debt
 " and damages aforesaid, as within I am commanded.

(Signed,) " JOHN STUART,
 " Sheriff of the District of Johnstown."

" That on the 7th day of November, 1821, a motion was made to the Court, to
 " set aside the judgment and execution upon an affidavit of the Defendant, upon
 " which a rule was granted to show cause; and upon cause shewn, the rule was dis-
 " charged by the Court.

" And that on the twenty-third day of January, 1824, a similar application was
 " made to the Court, upon an affidavit of the Defendant; and upon cause shewn
 " and an affidavit fyled by Plaintiff, on the 30th April, 1824, the rule was
 " discharged.

" On the twenty-fourth day of June, 1824, a writ of error *coram nobis*, under the
 " great seal of the Province, was granted; error was assigned by the Defendant in
 " this case on the 13th day of December, 1824, and the Plaintiff in this case
 " pleaded thereto on the 25th day of January, 1825.

" The foregoing is a correct schedule of the proceedings in this cause, no other
 " proceedings in the case have been fyled or entered in the Crown Office. There
 " does not appear to have been any assessment of damages by the Court, or a Jury,
 " or any order of the Court or fiat of a Judge thereof, for judgment or for any exe-
 " cution. In obtaining this judgment, Your Committee notice the following viola-
 " tions of the then existing law. By the tenth Section of the Act of the 34th of
 " Geo. 3rd, regulating the practice of the Court of King's Bench, and under which
 " Act the process in the said cause was issued, it is expressly enacted, "That in all
 " actions or suits where the Defendant or Defendants reside without the limits of
 " the Home District, or the District where the Court shall be holden, eight days
 " shall be allowed after such demand of plea, as the ordinary time within which they
 " shall be required to fyle their plea, &c." But notwithstanding the said Act, the

“ said Henry John Boulton, who perfectly knew the residence of the Petitioner to be within the District of Niagara, and not in the Home District, proceeded to sign not only interlocutory but final judgment within four days after demand of plea, and that put up or fyled in a District where he well knew the Petitioner did not reside.

“ This prejudicial violation of the rules prescribed by the Statutes of the Province, made for the protection of Defendants, is attempted to be justified by a prevailing practice under the following rule of Court:—

“ SCOTT, C. J. } “ It is ordered, that from and after the first day of Hilary
 “ POWELL, J. } “ Term next, in all cases where the Defendant has not appear-
 “ CAMPBELL, J. } “ ed in person or by his Attorney, judgment by default shall
 “ Michælnas, } “ not be signed, without an affidavit being first made and fyled
 “ 54th Geo. III. } “ of a demand of plea having been served upon the Defendant
 “ or by being left at his usual place of abode, if the same be in the District where the
 “ action is brought, and if the Defendant’s place of abode be not in such District,
 “ that then the demand of plea shall be entered in the office, accompanied with an
 “ affidavit, stating that the Defendant’s place of abode within such District is not
 “ known to the Deponent, and that judgment by default in such cases shall not be
 “ signed till four days after such service or entry respectively.”

“ This rule if so construed as to warrant the practice contended for, carries
 “ injustice upon the face of it. If a Defendant lives in the Town of York, [now
 “ Toronto], within the precincts of the Home District, the demand of plea must be
 “ served upon him, or left at his usual place of abode; but if he lives in remoter
 “ settlements in the very Eastern and Western extremities of the Province, the
 “ eight days given by the Statute are arbitrarily reduced to four, and the notice,
 “ instead of being left at his abode, is fyled in an office to which, from his remote-
 “ ness, he cannot have access, and of the proceedings in which, from the inevitable
 “ difficulties of communication, he cannot be reasonably apprized.

“ The affidavit required by this rule of Court to consummate its object, is also of
 “ a most extraordinary nature. “ If the Defendant’s place of abode be not in such
 “ District, then the demand of plea shall be entered in the office, accompanied with
 “ an affidavit, stating that the Defendant’s place of abode, within such District, is
 “ not known to the Deponent.”

“ In the cause now the subject of complaint, the summons was served upon the
 “ Petitioner in the Niagara District, where he had resided for a number of years,
 “ and Mr. Boulton admits that the place of his [Robert Randall’s] abode was known
 “ to him, and to the Clerk under whose oath he was enabled to sign his judgment.
 “ It is implied that the Deponent believes the place of abode to be in the Home
 “ District, but not known to him.

“ It would require strong language to give a suitable reprobation of a rule of
 “ Court which is equally subversive of the rules of good conscience and statutory
 “ law.

“ The Committee desire to remark, that from the evidence, it appears that Mr.
 “ Boulton acted upon the rule in many other cases in which he had no personal
 “ interest, and the profession generally did the same.

“ The Judgment appears to have been in several other respects obtained contrary
 “ to the practice required by the Court, which practice had it been followed or en-
 “ forced, would have afforded some protection against undue advantages and sur-
 “ prise. The following rules were not observed:—

“ Michælnas, { ELMSLEY, C. J. } “ RULE 8. It is ordered, that in future,
 “ 48th Geo. III. { POWELL, J. } “ the note or bond is to be produced for the
 “ { ALCOCK, J. } “ inspection of the Judges when a motion
 “ is made to refer them to the master.”

“The Court require the note and bond to be produced for the inspection of the Judges, a rule which it is presumed was intended to prevent fraud and maintain unsullied the character of public justice. And when your Committee consider the irregularities disclosed in these proceedings, and an attempt to justify them by their frequency, they cannot but feel that the rule was as necessary as it was well intended.

“The following rule of Court was also obviously intended to prevent undue advantages and surprise, by the violation of which rule Mr. Boulton had an execution against the Petitioner's lands and tenements, before he could by a legal and regular course have obtained a rule absolute to sanction his proceedings.

“Hilary, 47 } SCOTT, C. J. } “RULE 21. It is ordered that in future in all
“Geo. III. } THORP, J. } “cases by judgment by default on bonds conditioned for the payment of money, a rule *Nisi* to refer the bond to the Master for taxation shall not be necessary; but in lieu thereof a notice of motion for the peremptory rule shall be given in writing to the Defendant or his Attorney, at least thirty-one days before Hilary and Easter Terms, and twenty-one days before Trinity and Michaelmas Terms, respectively, which rule shall accordingly be made absolute in the first instance, on an affidavit having been made of the service of such notice.”

“The execution was also obtained with the same irregularity, and in defiance of the known rules of Court, as appears from the following rule:—

“Easter, 40 } ELMSLEY, C. J. } “RULE 10. It is ordered that from and after
“Geo. III. } POWELL, J. } “the end of this Term, the Clerk give no writ of
“ALCOCK, J. } “execution on a judgment by default, on any bond, without an order of Court, in Term time, or the fiat of a Judge in vacation.”

“Mr. Boulton, however, dispensed with any order of Court in Term time, or fiat of Judge in vacation.

“The bond upon which the action was in part founded, was a mortgage bond, a copy of which is annexed. It appears on the face to be collateral security, and how far, therefore, Mr. Boulton was bound to suggest breaches according to the Statute, Your Committee have not inquired.

“It appears that several applications have been made to the Court of King's Bench for relief, without avail. The refusal of the Court to interfere, was not on the ground that the application had no merits, but on the principle that the objection came too late. Your Committee, however, think it right to observe, that from the course pursued by Mr. Boulton, the Petitioner was deprived of those notices to which he was entitled by the written law of the land, and the rules of the Court.

“Irregularities may be waived after notice of them by delay, or by taking a step in the defence; but it would be productive of incalculable injustice if all notices could be suppressed, and a suit be clandestinely carried through all its stages at the sacrifice of all law: and the ruined Defendant should be precluded from relief while the Plaintiff sheltered himself under his own wrong. If this can be law, Your Committee would recommend a Legislative provision against it, for no Defendant should be deemed guilty of irremedial neglect when the Plaintiff keeps him in the dark by his own wrong.

“Mr. Boulton has received his principle and interest upon the bond and note. The fee of the land mortgaged is also in him, and there is no Court of Chancery to interfere. The land sold at Sheriff's sale under this judgment is, undoubtedly, most valuable, and it appears to have been sold before the Petitioner knew there was a judgment against him. Part of the land sold under the judgment is owned by the present Hon. Mr. Justice Sherwood, brother-in-law to Mr. Boulton.

"There is, however, no evidence to shew that Mr. Boulton was concerned in the sale or the purchases.

"Your Committee have to remark that Mr. Boulton was conducting a cause for himself against his own client; and when they consider the nature of the debt, the great and multiplied irregularities by which the judgment and execution were obtained, the great value of the property sacrificed, and the expensive and fruitless endeavours of the Petitioner to obtain a reversal of the proceedings, they do not hesitate to recommend relief. Independent of the interest of one of the Judges, it appears that the Court of King's Bench, if they set the proceedings aside, could not afford adequate relief, and therefore Your Committee have reported a Bill enabling the Honorable Mr. Justice Willis to inquire into the matters alleged in the petition, and to do justice between all the persons interested. The Chief Justice is not included in the Bill, as it is publicly reported that he is about to visit England; and, under such circumstances, the object of the measure might be defeated, and the ends of public justice not be answered, if he were included. Mr. Boulton complains of Mr. Randall for having misrepresented the value and quantity of the land mortgaged to him; and the Committee have annexed the evidence and documents adduced in support of the charge.

"All which is respectfully submitted.

(Signed,)

"B. C. BEARDSLEY,

"Chairman."

No. 47.

Proceedings of the Select Committee.

[From U. C. House of Assembly's Journals, 1828.]

The Committee on the petition of Robert Randall, Esquire, met in the Joint Committee Room, February 13th, 1828.

PRESENT :

Messrs. Attorney General [now Chief Justice Robinson], Matthews, Rolph and Bidwell.

Dr. *Lefferty* attended, and was examined :—

He states that he was present at the Assizes for Niagara in 1818, where a cause of *Randall vs. Phelps* was stated to have been entered for trial—Mr. Justice Boulton presided—saw Mr. Randall there—does not know on what day of the sitting of the Court it was. He was going from the Court House to Town for his witnesses,—understanding that Mr. Boulton (the Solicitor General,) was going to call the cause on. While he was absent Mr. Boulton did call the cause on, and the Judge declined trying it, on the ground that he had been Attorney for the Plaintiff, and had instituted the action,—Dr. *Lefferty* then left the Court House and went to Town, and meeting Mr. Randall on the way, told him that his cause would not be tried; at which he appeared much dissatisfied, and said he had that morning given Mr. Boulton his note for 100 dollars for coming over to conduct his trial—Mr. Randall went into Court, and in his presence urged the trial of the cause, but the Judge positively declined. The Judge being pressed by Mr. Randall said he had objected to taking that Circuit, because he was unwilling to try that cause—knows that Mr. Randall paid something more than 40 dollars to an Innkeeper at Niagara for the expenses of some of his witnesses.

Mr. Randall produces a letter from Mr. Boulton, said to have been received 1st

May, 1819, (marked F.)—also a letter from Mr. Boulton, dated May, 1819, (marked G.)—also a letter from Mr. Boulton, of 8th July, (marked H.)—also a copy of a letter from himself to Mr. Boulton, dated June 29th, 1819, (marked I.)—this letter he states he sent by one Jacob Dawn, to York; also a paper marked K, certified by the Deputy Clerk of the Crown, as being a correct schedule of the original papers in the cause of Mr. Boulton vs. Randall—was served, with process, on 22nd June, 1819, and on the 29th June, wrote that letter marked L.—He saw Mr. Randall at the Assizes, in August, 1819, but did not speak to him respecting the suit.

February 21st.

The Committee met again.

The Petitioner attended.

Dr. *Lefferty* again called in and examined:—

Says, he remembers in 1816, Mr. Justice Boulton, then Attorney General, conducted the trial of the same cause of Randall vs. Phelps—A nominal verdict was given and the cause referred to arbitration—no award was made, and it was tried at the next Assizes for Niagara.

Mr. Randall states to the Committee that a different lot from that mortgaged to Mr. Boulton was sold in execution to satisfy his debt, which Mr. Boulton says he has no doubt might have been, for he gave no particular directions to the Sheriff on the subject.

William Morris, Esquire, called in and examined by Mr. Randall:—

Says, he has no acquaintance with Mr. LeBreton—knows Lot No. 40, in Nepean—called Point Nepean—heard it was sold either to Captain LeBreton, or Mr. Sherwood, now Judge Sherwood—Mr. Morris's brother attended the sale—it took place at the Court House in Brockville, Nepean, being then part of the District of Johnstown—does not remember how long he had heard of the sale before it took place.

He authorized his brother, being at Brockville, (Alexander Morris,) to bid as much as £300 for it; he afterwards found that his brother had gone as far as £449 for it, but not liking to go further, it was bid off to Captain LeBreton or Mr. Sherwood for £450.

Being asked by Mr. Randall whether he did not tell him, Mr. Randall, during the last Parliament, that he had only heard of the sale the night before it took place, answers that it was impossible, as he had himself walked to point Nepean (50 miles,) to see the Lot before the sale, and had in consequence sent the directions to his brother. A Sheriff's notice of the sale was put at his, Mr. Morris's shop door in Perth, which is as public a place as any merchant's shop in Perth—it was put up as notices always are, on the inside of the door; knew nothing of the intended sale till he saw that notice—he went down, in consequence of a conversation with Dr. Thom, who had received information from some person on the Ottawa that Point Nepean was a valuable situation, and they consequently both went on foot to see it; after his return he wrote to his brother, by post, the instructions spoken of, and he thinks that the sale took place a few days after, but he does not distinctly recollect the time.

Had he been present at the sale, he thinks he would have given as high as 700 or 800 pounds for it. If the property had been his, he thinks he would have been reluctant to have taken £2,000 for it.

Captain LeBreton was at the sale; and his impression has always been that

Sherwood either participated in the purchase or assisted Captain LeBreton in making it: but he knows not how the fact really was.

The Sheriff was John Stuart, Esquire, who is still Sheriff of the District of Johnstown; he is brother-in-law to Mr. Sherwood, and to the Solicitor General.

Thinks Mr. Sherwood knew nothing of the value of the Lot until he was applied to by Captain LeBreton to join or assist him in the purchase.

Neither saw nor heard of any other notice of the sale in Perth, or the neighborhood, or in the neighborhood of the Lot—has never conversed with any of the Messrs. Wrights, of Hull, about the Lot—thinks they had no knowledge of the intended sale—found at Morris's Run, about five miles from the Point, that they were ignorant of it. The notice of the sale was not likely to have attracted the attention of people in general, as the Country was then so little known.

He considered the place of great value, from its situation with respect to navigation and water privileges, but not from any idea or knowledge he had of any great expenditure being likely to be made there by the Government, further than building a store or two for the reception of emigrants.

He meant, if he had bought it, to have given two or three acres to the Government for such a purpose. Thinks the Lot not worth so much now as it was then, from an establishment which has been made on a neighboring Lot by the Government since; which has occurred, it is understood, from the refusal of Captain LeBreton to part, on reasonable terms, with the Lot or part of it, for the purposes of the Government.

—

Friday, February 22nd.

The Committee met again.

William Morris called again and examined:—

Asked, what sum he would have taken for allowing any person to select an acre from the Lot at Nepean Point, had it been his?—Says he would not have taken less than £500, and perhaps not that sum—because the best mill seat would probably be selected; there are several mill seats on the Lot.

Seven years ago, a village was laid out upon the Lot in question by the present proprietors—does not know what number of houses are built there, but thinks not more than three or four.

The Attorney General [Hon. John B. Robinson], examined:—

Was retained in 1817, to defend Elijah Phelps against Robert Randall, in which a verdict had been rendered in favor of Randall at the preceding Assizes, for £10,000—that verdict was set aside and a new trial granted in October, 1818. He was present as Counsel for Defendant at Niagara—he rode part of the way with Mr. Justice Boulton on his way to the Assizes—it was in October, 1818—cannot say where he staid at Niagara.

He knew no more than any stranger in Court that the Judge intended not to try the cause mentioned above—that he went as Counsel prepared for the defence, when the Judge refused to try it, The Solicitor General seemed annoyed at it, and so expressed himself to him, (the Attorney General), and thought it an unnecessary scruple on the part of the Judge; that he had been the Plaintiff's Attorney in the suit: but the Attorney General thought otherwise, and expected such refusal, though as unapprized of it as any stranger. In the course of conversation the Judge might have expressed his reluctance to try the cause, and he has an indistinct recollection of its being the case about the time of arranging the Circuits; but he has no reason to think that the Judge had positively made up his mind when he left York.

The Solicitor General said that Randall had come with the intention to have it tried—that he himself had come with that expectation, and only for that cause, and that it would be a vexation to Randall.

He was never retained by Mr. Boulton as his Counsel upon any of the applications made by Mr. Randall to set aside the proceedings in *Boulton vs. Randall*. That either on the application of Mr. Stuart or Mr. Rolph, or both, he did, at the request of the Solicitor General, the grounds of objection which he stated to be against the motion, and perhaps engaged in answering the rule *Nisi*. That the Solicitor General applied to the Attorney General, to oppose the Writ of Error, and he would have done so had he been present. He suggested to the Solicitor General not to object to the legality of the Writ in error, but to allow the irregularities to come into discussion in that shape before the Court, if the Court did not themselves object to it.

To this the Solicitor General assented.

But as the Attorney General then went to England, is not acquainted with the further progress of the matter.

The cause of *Randall vs. Phelps*, was tried at Niagara, in 1819, before Powell, C. J. and a special Jury. Randall in person pleaded his own cause, and not by the Solicitor General, who was not present. He heard Randall, in pleading his own cause, say that he was abandoned by his Counsel, the Solicitor General [Hon. Henry J. Boulton], and has no doubt Mr. Randall appealed to the indulgence of the Court upon matters of law, under the circumstances in which he was placed. The cause was called on at the request of Mr. Randall himself; that he thinks it likely the Judge told him, Randall, that every legal advantage should be afforded to him. The cause went off upon no legal objection; but it went to the Jury on the evidence; the Chief Justice charging strongly in favor of the Defendant.

Saturday, 23rd.

The Committee met.

Mr. Randall attended.

Mr. Morris again examined:—

There were but four or five inhabitants in the Township of Nepean at the time of the sale, and these, he thinks, were what are called squatters. The river Goodwood empties into the Rideau ten or twelve miles from the mouth of the Talter; thinks there was not an inhabitant on the river Goodwood nine or ten years ago. Had he never seen any particular Lot on the Rideau below the river Goodwood, which might have been advertised for sale, he would not have given much for it—it is good land, however, and thinks it would now be valuable. At the time spoken of, in 1819, thinks land so situated would have been worth about seven and six pence per acre, though now it is worth five or six dollars—would not have thought eighty acres in that situation a good security for £100; there is no mill seat on the Rideau; on the place spoken of it is dead water.

Mr. Boulton attended, and produced to the Committee a mortgage from Mr. Randall to him, dated March 17, 1817, which is the same referred to in the bond on which judgment was entered. The mortgage is upon Lot No 11, in the first Concession of Nepean, on the Rideau, for £100; to be paid 1st January, 1818. The Lot is said in the mortgage to contain 200 acres. Mr. Boulton produced a certificate from the Surveyor General, that the lot thus mortgaged contains only 78 acres; and that the patent to Mr. Randall described lots Nos. 10 and 11 in the first Concession as containing together only 100 acres, and Mr. Boulton calls the attention

of the Committee to the circumstance that in the mortgage, Lot No. 11 only was stated to contain 200 acres.

Mr. Boulton also produces an affidavit of Mr. Randall, sworn the 6th July, 1824, for the purpose of his qualification to be returned as a member, in which he describes the Lot in question, No. 11, as a broken Lot, whereas in his petition to the house, he states that he gave Mr. Boulton a mortgage on 200 acres of land. He also produces a certificate given by the Deputy Clerk of the Crown, setting forth various causes conducted to judgment by other Attorneys, viz. :—*Fothergill vs. Brice*; *Somers vs. Petit*; *Heron vs. DeWitt*; *McNider and Forsyth vs. Clarke*; in which the proceedings were precisely such against the Defendants residing out of the Home District as in the case against Mr. Randall.

And he remarks that, in the case of Mr. *Somers vs. Petit*, in which Mr. Baldwin was Plaintiff's Attorney, and judgment by default was obtained in the same manner, he (the Solicitor General) was Counsel for the Defendant, and did all he could to obtain relief against the judgment, but in vain; and the judgment was confirmed.

Mr. Beardsley, a member of the Committee, and also a Barrister and Attorney, states that it is perfectly notorious that the practice was so under the rule of Court, and that he heard many cases where the judgments were so obtained.

Mr. Boulton also produces his dockets, showing that his proceedings for clients in similar cases were precisely such as took place in his action against Mr. Randall.

In particular, he shows a cause in which he was Plaintiff's Attorney for James Samson, Esquire, against the Hon. William Dickson, a Member of the Legislative Council, whose residence in the Town of Niagara was known to every person, in which cause the proceedings were just such as those of which Mr. Randall complains.

Mr. Boulton also produced a writ, certified by the Clerk of the Crown, of judgments against Mr. Randall in other causes which were depending against him at the time he pressed the payment of his bond; among these is a case of *Thomas Clark vs. Robert Randall*, in which judgment was obtained for £415 13s. 0½d. In this case, the Attorney General was concerned for the Plaintiff, and as he states that Mr. Boulton had obtained judgment against Mr. Randall a short time before Mr. Clark's could be entered up—and that he looked into the proceedings with a desire to set them aside if he could, to prevent his obtaining precedence of Mr. Clark, but finding them in accordance with the ordinary practice of the Court, as it appeared to him, he concluded there was no ground.

Mr. *McDonald*, M.P.P., called in, and examined:—

Mr. Boulton related to him that Mr. Randall had informed the Committee, that he (Mr. McDonald) had stated to Mr. Randall, that the advertisement of the Sheriff's sale of Mr. Randall's Lot, was put up with the face to the wall, and on the back written "a watch to be raffled for," and Mr. Boulton asks Mr. McDonald if the fact was so, or if he ever stated such a thing to Mr. Randall.

Mr. McDonald states that he never saw, never heard of, or saw any thing of the kind, and never did state any such thing to Mr. Randall; at least, that he would swear that to the best of his recollection he never made any statement of the sort.

Mr. *Hornor*, M.P.P., called in by Mr. Randall:—

Says that he heard Mr. Randall say, four years ago, that Mr. McDonald had made the statement respecting the advertisement mentioned above; but he never heard Mr. McDonald say so.

Tuesday, Feb. 26, 1828.

Committee met again.

PRESENT:

Mr. Beardsley, Chairman; Messrs. Rolph, and Attorney General.

Mr. Justice *Sherwood* attended at the request of the Committee, and being examined in presence of the Petitioner, states he has been at the Falls on the Ottawa River; knows No. 40 in Nepean; it was sold at Sheriff's sale, at the suit of Mr. H. Boulton; Capt. LeBreton was purchaser at Sheriff's sale; soon afterwards, thinks within one or two days after, he, Mr. Sherwood, became purchaser from him of part: thinks the sale was in December, 1820. On the evening of the sale, as he thinks, Captain LeBreton came to him at Brockville, and stated, that a valuable Lot was to be sold at Sheriff's sale, situate on the Ottawa, where he, LeBreton, resided; that he wished to become the purchaser, but was not sure he had sufficient money, as other persons he understood had come in, intending to buy, and he proposed to Mr. Sherwood to join him in purchase, or to lend him money to enable him to buy. He stated to Capt. LeBreton, that he was not inclined to buy land at that time, but that he would inquire about the lot in question, that at any rate he would take part of the lot from him if he bought it, or would advance him the purchase money, if he would give him security.

Mr. Sherwood was present at the sale, but did not bid. Captain LeBreton bought it; there were other bids, and thinks lands of other persons were sold on the same day by the Sheriff in presence of the same bidders. Thinks between twenty and thirty persons attended; had seen the Sheriff's advertisement of the sale under Mr. Boulton's execution, before Captain LeBreton came to him, but knew nothing of the particular lot; and a day or two after the sale, he took from LeBreton a conveyance of half his interest in the lot, (an undivided moiety,) and became responsible to the Sheriff for the purchase money of which Captain LeBreton subsequently paid his half to Mr. Sherwood; the amount bid for the lot was £449, to the best of his recollection.

He does not know that any person united with Captain LeBreton in the purchase at Sheriff's sale, but thinks there was not; a partition was made some months after he took the deed from Captain LeBreton, as tenant in common.

Captain LeBreton has sold part of his moiety, as he thinks, to one Bellows. He (Mr. S.) has not yet sold any part of his portion, except that he made an exchange with Captain LeBreton of a small part after partition was made.

He has laid out the front of his proportion of the Lot into small lots, and Captain LeBreton, he has been told, has done the same; has never understood what price Captain LeBreton has put upon his share of the land. An application was made to him, from the Quarter Master General's Office, at the desire, as he understood, of the Commander in Chief, for a purchase of a part of the Lot; this was some time after the sale to him; has understood that a proposal was also made to Captain LeBreton, at Quebec, by the Commander in Chief, which, however, did not end in anything satisfactory.

Does not know what price was offered to Captain LeBreton; no specific offer was made to himself.

Considers the Lot valuable from its situation, affording a good landing place at the head of the navigation, and there is a good mill site, and perhaps several, on the Lot; the land is in general rough. There is a Town, he understands, laid out near it, called Bytown, and it is probable that that circumstance renders the Lot of less value than it has been supposed to be. When he was last at the Lot there were two government store-houses built of logs on the Lot, and a small dwelling house near that, kept there as an Inn. Has heard since, that a good house has been built by one Bellows, a Merchant, where he believes an Inn is now kept, and

there is also another house in which one Hollister lived, who likewise kept an Inn, and has heard that another house has also been built there; one Firth is living with Berry in the house first spoken of.

To questions put by Mr. Boulton, states that he never understood the sale was intended to be kept secret by the Sheriff: has heard the Sheriff say that he sent advertisements to Nepean and Perth, and to several parts of the District: has no idea that the Sheriff was at all aware of the value of the Lot No. 40; he (Mr. S.) knew nothing of it till informed of it by LeBreton.

In 1821, Mr. Randall came to him (Mr. Sherwood,) at York, and spoke to him respecting the sale, saying that he understood the land had been sold, and that he was aware that he, Mr. Sherwood, owned part of it. Mr. Randall appeared to be dissatisfied with the judgment which had been obtained against him, saying that Mr. Boulton had not treated him well; he said that he had no knowledge of the sale till he was told of it during the sitting of the Legislature then in Session, by Mr. Morris or some other person.

At a subsequent Sheriff's sale of Mr. Randall's lands, at the suit of Mr. Clark, he, Mr. Sherwood, bought No. 11, in Nepean, on the Rideau; does not recollect the price; it was, he thinks, under £20, nearer ten than twenty; the quantity of land was somewhere about 60 or 70 acres; had this Lot been offered to him in 1816 or 1817, he would not have given a dollar an acre for it, but it might have been worth much more.

When he understood a question had been made out about the land (No. 40) being properly advertised by the Sheriff, he took pains to inquire; and so far as he can depend on the statement of the Sheriff, his belief is, that the land was as well advertised as Sheriff's sales usually were then, which was before the passing of the Statute on that head in 1822, and more regularly than they sometimes were in other cases: no fact has come to his knowledge to lead him to think otherwise, but the reverse.

Robert Baldwin, Esquire, a Barrister and Attorney, attended.—Recollects the rule of Court under which it is stated in the interlocutory judgment in *Boulton vs. Randall* was signed; was a Clerk in his father's office at the time the rule spoken of was caused to be in force; the practice was then agreeable to the rule; whether such practice was consistent with the Statute or not, he could not then judge. Remembers the cause of *Sommers vs. Pettit*, in which his father (*W. W. Baldwin*, Esquire,) was Attorney for the Plaintiff, and Mr. Boulton for the Defendant: upon reference to his father's docket, he finds that interlocutory judgment was signed under the same rule of Court as in *Boulton vs. Randall*; knows Mr. Boulton exerted himself as much as possible for the Defendant, but the judgment was finally entered on the assessment. That cause was an important one as to value: the judgment was for about £500. The interlocutory judgment in *Sommers and Pettit* was signed 29th July, 1820; demand of plea was put up in the Crown Office on 26th July, and affidavit filed that Defendant's place of residence in the Home District, was not known to the Deponent. Upon questions put to Mr. Boulton by Mr. Randall, Mr. Boulton states, that he was retained by Mr. Randall in *Randall vs. Phelps*, and received five guineas, and that Mr. Justice Boulton claimed £50 for his services rendered to Mr. Randall when he was at the Bar, which formed part of the sum for which the bond was given.

Mr. Randall being asked by Mr. Boulton, whether an account, of which a copy appears published in the Colonial Advocate of June 26, 1825, was not furnished by him to the Printer; and whether he, Mr. Randall, did not receive such an account from Mr. Boulton; he says he has no doubt it is so. Being asked as to the services specified in that account, he does not deny they were rendered, and does not remember whether he ever objected or not to any of the charges made.

Mr. BOULTON to Mr. RANDALL.

YORK, 8th July, 1819.

Sir,—From what has occurred, I suppose you do not wish me to advocate your two causes at the next Assizes: if that is the case, I should wish to know it immediately, as it will save me some trouble. Indeed I am not very anxious to be the advocate of a person who is so very illiberal in his sentiments, because I should expect (from the specimen in your former letter,) that should all my efforts prove of no avail, you would accuse me of not sufficiently exerting myself, and allowing the other side, from improper motives, to obtain undue advantages.

At all events, in order that I may not subject myself in future to the like treatment and similar observations, I shall expect the fee with my brief, to be advanced which will preclude all misunderstandings.

If possible to be procured, you should have the original note upon which the judgment in Mr. Clark's suit was obtained. You had better write to some of your friends in Montreal, to apply to the officer of the Court for it, who perhaps will give it up.

Your obedient Servant,

H. J. BOULTON.

To ROBERT RANDALL, Chippawa.

YORK, May 24th, 1819.

Sir,—I received your most extraordinary letter of the 17th instant, by Mr. Smith, which if there is any meaning at all to be given to it, is a very impertinent one, and such a one as I will not permit you or any other client to write to me with impunity. I would have you to understand, that I am not rendering you any professional assistance from what you may fancy popular reasons, and therefore any further than my duty to my client prompts me, I do not care a farthing about you. You gave me what I expected at the time, to be a security for £100; half for my own benefit, and the other for my father's. This security I find not worth half a dollar per acre, as there are no inhabitants in the Township. In addition to which, I have your note for £25 due on the first of this month, both of which sums, with interest, amount to nearly £140, and the security I have, independent of your personal responsibility, is not sufficient to guarantee the payment of one half that sum: and as I am not looking to the result of your business, as you call it, for my payment, I insist upon having the money, long due to me for my services already performed, paid or secured in a sufficient manner. Were you unable to do either, I should not perhaps expect or wish it, but in proportion as you oppose giving me what I have a right to, so in proportion shall I insist on it, as you can have no honorable or just reason for withholding it. If you will pay me down £50, so as to lessen the burthen upon the land, I will accept it, and let the remainder stand as it does. I return the cognovit for your signature, and patiently wait the return of the post. Mr. Jarvis, I fancy, will hand you this, who will give you a receipt for any money you may pay him. You may be certain I shall not retract one farthing.

Your obedient Servant,

H. J. BOULTON.

Mr. RANDALL, Chippawa.

CHARLES FOTHERGILL, *vs.* PETER BICE, of the District of Newcastle.
 13th July, 1819.—Appearance entered, per Statute 60 Geo. III.
 13th July, do.—Affidavit of non-residence of debt fyled with a demand of plea.
 17th July, 1819.—Interlocutory Judgment fyled.

GEORGE S. BOULTON,
 for Plaintiff.

ABSALOM SOMMERS *vs.* THOMAS PETTIT.

19th July 1820.—Appearance per Statute, entered by Plaintiff for debt.
 26th July, 1820.—Affidavit of non-residence sworn, and demand of plea put up
 in the office.
 29th July, do.—Interlocutory Judgment signed, for want of a plea.
 Michælmass Term.—Motion for new trial on payment of costs refused.
 Verdict £490.

W. W. BALDWIN,
 for Plaintiff.

HERON *vs.* DEWITT.

10th January, 1820.—Appearance per Statute.
 25th January, do.—Demand of plea put up in the office.
 Affidavit of non-residence allowed in bill of costs.
 31st January, do.—Interlocutory Judgment signed.
 Notice of Assessment of Damages put up in the office.

W. W. BALDWIN,
 for said Plaintiff.

ADAM L. McNIDER and JOHN FORSYTH *vs.* JOHN CLARK, do. debt on bond,
 £150.

JOHN B. ROBINSON,
 for Plaintiff.

16th January, 1821.—Appearance per Statute.
 22nd January, do.—Interlocutory Judgment upon an affidavit of non-residence,
 and demand of plea, as appears by the bill of costs.
 24th March, 1821.—Final Judgment signed without any rule to refer bond to
 the master or assessment of damages.

I certify the above proceedings to be correct, as appears by the papers now in the
 Crown Office.

JAMES E. SMALL,
 Deputy Clerk of the Crown.

I certify that the broken Lots, Nos. 10 and 11, in the 1st Concession on the
 River Rideau, in the Township of Nepean, were given in the grant to Robert
 Randall, Esquire, containing 100 acres. By the plan, they appear to contain

somewhat more, that is to say, the broken Lot, No. 10, about 50, and the broken Lot No. 11, about 78 acres.

THOMAS RIDOUT,
Surveyor General.

Surveyor General's Office, York, 14th February, 1828.

TO WHOM IT MAY CONCERN.

I, Robert Randall, of the Township of Stamford, do swear that I truly and *bona fide* have such a freehold estate situated in the following places:—the place known by the Bridgewater Works in the waters of the Niagara River, between the mouth of the River Welland and the Great Falls in the Township of Stamford, District of Niagara; four frame dwelling houses, under two stories, with not more than two fire places; twelve hundred acres of land, being the North part of the Lots Nos. 15, 16, 17, 18, 19, and 20 on the South side of the River Welland, in the Township of Wainfleet, District of Niagara; compensation allowance for the destruction of the Bridgewater Works in the late war with the United States of America, detained in the hands of this Government by my order, (four thousand pounds); seven hundred and twenty six acres of land, Lots Nos. 38, 39, and 40, in the first Concession from the Grand or Ottawa River, and the broken fronts of said Lots, in the Township of Nepean, in the County of Carleton, District of Bathurst; 450 acres of land, broken Lots Nos. 10 and 11 in the 1st Concession; Lot No. 11, and the easternmost or front three-fourths of Lot No. 10, in the 2nd Concession, upon the River Rideau, Township of Nepean, County of Carleton, District of Bathurst; 400 acres of land, Lots Nos. 11 and 12, in the 8th Concession of the Township of Matilda in the County of Dundas, Eastern District; 400 acres of Land, Lots Nos. 10 and 11, in the 6th Concession of the Township of Young, County of Leeds, District of Johnstown, over and above all incumbrances that may effect the same; and am otherwise qualified according to the provisions of the law to be elected and returned a Member of the Commons House of Assembly, according to the tenor and true meaning of the Act of Parliament in that behalf; and that I have not obtained the same fraudulently for the purpose of enabling me to be returned Member to the Commons House of Assembly. So help me God.

(Signed), ROBERT RANDALL.

Sworn before me, at Stamford,
in the County of Lincoln, in the District of Niagara,
this 26th day of July, 1824.

(Signed), RICHARD LEONARD,
Returning Officer, District of Niagara.

I, Richard Leonard, Esq., Returning Officer for the County of Lincoln, in the District aforesaid, do certify, that on the 26th day of July inst., Robert Randall, of the Township of Stamford, did duly make and subscribe before me, Returning Officer as aforesaid, the within written oath of eligibility.

Given under my hand, at Stamford,
31st day of July, 1824.

(Signed), RICHARD LEONARD.
Returning Officer.

I certify that the foregoing are true copies of the oath of eligibility of Robert

Randall, Esq., and of the certificate of Richard Leonard, Esq., the Returning Officer, now fyled of record in the Crown Office.

In testimony whereof, I have hereto set my hand and affixed my seal of office, this 8th day of February, in the year of our Lord, 1828.

JAMES E. SMALL,
Deputy Clerk of the Crown.

Know all men, by these presents, that I, Robert Randall, of the Township of Stamford, in the District of Niagara, gentleman, am held and firmly bound to Henry John Boulton, of the Town of York, in the Home District, Esq., in two hundred pounds of lawful money of Upper Canada, to be paid to the said Henry John Boulton, or his certain Attorneys, executors, administrators or assigns, for which payment, to be well and truly made, I bind myself, my heirs, executors and administrators, firmly by these presents, sealed with my seal, and dated the 7th day of July, in the year of our Lord, one thousand eight hundred and eighteen.

Whereas, by an indenture bearing date the 17th March, 1817, the said Robert Randall, mortgaged unto the said Henry John Boulton, all that parcel or tract of land, situated, lying and being in the Township of Nepean, in the District of Johnstown, containing, by admeasurement, 200 acres, more or less, being Lot number 11, in the 1st Concession, (on the Rideau) of the said Township of Nepean which is more particularly described in the original grant from the Crown, of the said parcel or tract of land, to the said Robert Randall, and which said indenture of mortgage is meant as a security for the due payment of the sum of £100 of lawful money of Upper Canada, by the said Robert Randall, to the said Henry John Boulton, with lawful interest from the date hereof, and, whereas in the said indenture of mortgage, there is not contained any covenant for the due payment of the said sum of £100, as aforesaid, according to the true intent and meaning of the said parties, now the condition of this obligation is such, that if the above bounden Robert Randall, his heirs, executors, or administrators, do and shall, well and truly, pay or cause to be paid unto the above named Henry John Boulton, his heirs, executors, or administrators, the full sum of £100, of lawful money aforesaid, with lawful interest for the same, from the 17th March, 1817, on the 1st day of January, next ensuing the date of the above written obligation, then this obligation shall be void, otherwise the same shall remain in full force.

ROBERT RANDALL.

Sealed and delivered in the presence of

JAMES BOULTON.
G. S. BOULTON.

[*Copy of the Promissory Note.*]

For value received I promise to pay Henry John Boulton, Esq., or order, the sum of twenty-five pounds, seventeenth October, 1818—payable 1st May next,

R. RANDALL.

I certify that the preceding paper writing contains true copies of a bond and a promissory note, fyled of record in the Crown Office, in the cause of Henry J. Boulton, Esquire, against Robert Randall.

In testimony whereof, I have hereto set my Hand and affixed my Seal of Office, this seventh day of February, 1828.

JAMES. E. SMALL,
Deputy Clerk of the Crown.

No. 8.

A list of property on which Robert Randall declares his eligibility as a Candidate to be returned to the Commons House of Assembly as a Representative :—

The place known as Bridgewater Works, on the waters of the Niagara River, between the mouth of the River Welland and the great Falls, in the Township of Stamford, district of Niagara.

4 Frame dwelling houses, under two stories, with not more than two fire-places each £35.....	£ 140
1,200 acres of land, being the North part of the Lots, Numbers, 15, 16, 17, 18, 19 and 20, on the South side of the River Welland, in the Township of Wainfleet, District of Niagara.....	240
Compensation allowed for the destruction of the Bridgewater Works in the late War with the United States of America, detained in the hands of this Government, by my order.....	4,000
776 acres of land, Lots No. 38, 39, and 40, in the 1st Concession, from the Grand or Ottawa River, and the broken fronts of said Lots in the Township of Nepean, County of Carleton, District of Bathurst.....	155
450 acres of land, broken Lots, No. 10 and 11, 1st Concession Lot No. 11, and the Easternmost or front three-fourths of Lot No. 10, in the second concession upon the River Rideau, Township of Nepean, County of Carleton, District of Bathurst.....	90
400 acres of land, Lots No. 11 and 12, in the eighth Concession of the Township of Matilda, County of Dundas, Eastern District.....	80
400 acres of land, Lots No. 10 and 11, sixth Concession of the Township of Yonge, County of Leeds, District of Johnstown.....	80

Total, 3226 acres assessable property—amount of rates, £786

ROBERT RANDALL.

Chippawa, July 26, 1824.

I certify that the paper writing marked No. 1, hereto annexed, is a correct statement of the proceedings in the cause wherein Henry John Boulton, Esquire, is Plaintiff, and Robert Randall, Esquire, is Defendant; and also that the paper writing marked No. 2, also hereto annexed, contains true copies of the appearance paper, affidavit of non-residence, and demand of plea—and the interlocutory judgment paper, with their several indorsements fyled of record in the Crown Office in the abovesaid cause.

In testimony whereof, I have hereto set my Hand and affixed my Seal of Office, this first day of August, in the Year of our Lord one thousand eight hundred and twenty-eight.

JAMES E. SMALL, [G. R.]
Deputy Clerk of the Crown.

No. 1.

IN THE KING'S BENCH.

HENRY JOHN BOULTON, Plaintiff. } THIS action was commenced by a Writ of
 vs. } Summons in a plea of debt, issued from
 ROBERT RANDALL, Defendant. } the Crown Office at York, in the Home District, on the 31st day of May, 1819, returnable the first day of Trinity Term, 1819, being the fifth day of July of that year. This summons, with the declaration annexed, was fyled in the said Crown Office on the 13th day of July, 1819, with an affidavit made by Samuel P. Jarvis, before Thomas Dickson, on the 24th day of June, 1819, stating that the same was served on the Defendant by the Deponent, on the 22nd day of June, of the same year. On the said 13th day of June, 1819, an appearance for said Defendant in said cause was entered in said office by said Plaintiff, and on the same day an affidavit made, on the 13th day of July, 1819, before John Small, Clerk of the Crown, by the present Honorable James B. Macaulay, then a student at law with the said Henry John Boulton, stating that the place of residence of the Defendant, in the Home District, was unknown to the Deponent, and also a demand of plea were fyled in the Crown Office. On the 17th day of July, 1819, interlocutory judgment was signed, and final judgment entered for two hundred and twenty-five pounds debt, and five pounds three shillings and eight pence damages and costs, amounting altogether to the sum of two hundred and thirty pounds. On the fifth of October, 1819, a Writ of *feri facias*, against the goods and chattles of the Defendant was issued upon a *præcipe* fyled by the Plaintiff, directed to the Sheriff of the Home District, returnable on the first day of Michaelmas Term following, being the first day of November, 1819. This execution, with a return of *nulla bona*, by the Sheriff of the Home District, was fyled in the said Crown Office on the return day, and on the same day a Writ of *feri facias* against the Defendant's lands and tenements was issued, (upon a *præcipe* fyled by the Plaintiff,) directed to the sheriff of the Johnstown District, and returnable the last day of Michaelmas Term, 1820, which Writ was fyled in the said office, on the 17th day of March, 1825, with the following return by the Sheriff of the Johnstown District:—

By virtue of the Writ to me directed, I have caused to be made by the public sale of the lands and tenements of the within named Defendant, Robert Randall, that is to say, Lot number forty, in the first Concession of Nepean, in the Johnstown District, together with its broken front, in front thereof, on the Ottawa or Grand River, the debt and damages therein mentioned, which I have ready before the Lord the King, to be rendered to the said Henry John Boulton, for his debt and damages aforesaid, as within I am commanded.

(Signed,)

JOHN STUART,
 Sheriff, District of Johnstown.

No. 2.

IN THE KING'S BENCH.—Trinity, 59 Geo. III.

HENRY J. BOULTON one, &c., vs. ROBERT RANDALL.

The Plaintiff appears for the Defendant in this case according to the Statute.

H. J. BOULTON, In person.

INDORSED on the above.—In B. R.—BOULTON, vs. RANDALL.

Appeared.—Fyled 13th July, 1819.

J. SMALL, C. C.
 H. J. BOULTON

IN THE KING'S BENCH.—Trinity Term, 59, Geo. III.

H. J. BOULTON, one, &c., *vs.* ROBERT RANDALL.

The Plaintiff demands a plea in the cause from the Defendant by

Yours, &c.,

H. J. BOULTON,
Plaintiff in person.

—
To ROBERT RANDALL, the above Defendant.

James B. Macaulay, of the Town of York, gentleman, maketh oath and saith, that the above named Defendant, Robert Randall's place of residence, in the Home District, is not known to this Deponent.

J. B. MACAULAY.

Sworn before me this 13th day of July, 1819.

J. SMALL,
Clerk of the Crown.

Entered 13th July, 1819.

J. SMALL.

—
INDORSEMENT on the above.—H. J. BOULTON, *vs.* ROBERT RANDALL.

Affidavit of non-residence and demand of plea fyled 13th July, 1819.

J. SMALL, C. C.
H. J. BOULTON.

—
IN THE KING'S BENCH.—Trinity Term, 59 Geo. III.

HENRY JOHN BOULTON, *vs.* ROBERT RANDALL.

The Plaintiff signs Judgment in this cause by default for want of a plea.

H. J. BOULTON, Plaintiff.

17th July, 1819.

—
INDORSED on above.—In B. R.—Trinity Term, 59, Geo. III.

H. J. BOULTON, *vs.* ROBERT RANDALL.

Interlocutory Judgment, fyled 17th July, 1819.

J. SMALL, C. C.
H. J. BOULTON,
Plaintiff in person.

—
No. 10.

Upper Canada, }
Home District. } GEORGE THE THIRD, by the grace of God, of the United
To wit: } Kingdom of Great Britain and Ireland, King, Defender of
the Faith.

(L.S.)

To the Sheriff of the Home District,

GREETING:

We command you that you cause to be levied of the goods and chattels in your District, of Robert Randall, as well a certain debt of two hundred and twenty-five pounds, which Henry John Boulton, lately in our Court before us at York, re-

covered against him, as also five pounds three shillings and eight pence, which in our same Court before us were awarded to the said Henry John Boulton, for his damages, which he had sustained, as well by occasion of the detaining the said debt, as for his costs and charges by him laid out about his suit on that behalf, whereof the said Robert Randall convicted as appears to us of record, and have you that money before us at York, on the first day of Michaelmas Term next, to render to the said Henry John Boulton, for his debt and damages aforesaid, and have there and then this Writ. Witness the Honorable William Dummer Powell, C.J., the seventeenth day of July, in the fifty-ninth year of our Reign.

JOHN SMALL,
Clerk of the Crown.

H. J. BOULTON.—In person.

INDORSEMENT on the above.—H. J. BOULTON vs. ROBERT RANDALL, *Fi. Fa.*—

Nulla Bona.—The answer of

SAMUEL RIDOUT,
Sheriff.

Return and fyled 1st Nov. 1819.

J. SMALL, C.C.

Upper Canada,
Home District, &c.

{ GEORGE THE THIRD, by the grace of God, of the
United Kingdom of Great Britain and Ireland, King,
Defender of the Faith.

(L.S.)

To the Sheriff of the Johnstown District,

GREETING :

Whereas we lately commanded our Sheriff of the Home District, that of the goods and chattels of Robert Randall, in his District, he should cause to be made as well a certain debt of two hundred and twenty-five pounds which Henry John Boulton, lately in our Court before us at York, recovered against him, as also five pounds three shillings and eight pence which in our said Court before us, were awarded to the said Henry John Boulton for his damages which he had sustained, as well by occasion of the detaining of the said debt, as for his costs and charges by him laid out about his suit in that behalf, whereof the said Robert Randall was convicted as appeared to us of record, and that he should have that money before us at York, on the first day of Michaelmas Term then next, to render to the said Henry John Boulton for his debt and damages aforesaid. And that he should have then there that writ: And our said Sheriff of the Home District at that day returned to us, that the said Robert Randall had not any goods or chattels in his District whereof he could cause to be made the debt and damages aforesaid, or any part thereof, whereupon, on the behalf of the said Henry John Boulton, it is sufficiently testified in our said Court before us that the said Robert Randall hath sufficient lands and tenements in your District whereof you may cause to be made the debt and damages aforesaid and every part thereof, therefore we command you that of the lands and tenements of the said Robert Randall in your District, you cause to be made the said debt of two hundred and twenty-five pounds and the said five pounds three shillings and eight pence the damages aforesaid, and that you have that money before us at York on the last return day of Michaelmas Term next, to render to the said Henry John Boulton for his debt and damages aforesaid, and have then there this writ.

Witness the Honorable William Dummer Powell, Chief Justice, at York, this first day of November in the Sixtieth Year of our Reign.

JOHN SMALL,
Clerk of the Crown.

H. J. BOULTON.—In person.

INDORSEMENTS on the above.—By virtue of this writ to me directed, I have caused to be made by the public sale of the lands and tenements of the within named Defendant, Robert Randall, that it is to say, Lot number forty in the first concession of Nepean, in the Johnstown District, together with the broken front thereof on the Ottawa or Grand River, the debt and damages within mentioned, which I have ready before the Lord the King to be rendered to the said Henry John Boulton for his debt and damages aforesaid, as within I am commanded.

JOHN STUART, Sheriff,
District of Johnstown.

Levy one hundred and fifty-five pounds six shillings and four pence, together with execution, Sheriff's poundage, and all other expenses.

<i>Fi. Fa.</i>	£155 6 4	
	0 18 6	
	£156 4 10	

H. J. BOULTON, Plaintiff.

Received the amount of the within *fi. fa.* and my fees in full.

JOHN STUART, Sheriff,
District Johnstown.

BOULTON vs. RANDALL—*fi. fa.*—Lands and Tenements, fyled and returned, 17th March, 1825.

J. SMALL, C.C.

Received the 13th November, 1819.

JOHN STUART, Sheriff, Johnstown District.

2 Deeds	£2 6 8
Poundage	3 4 0
Returning Writ	0 3 8
	£5 13 4

I certify that the foregoing are true copies of the *feri facias* against the goods and chattels of Robert Randall, Esquire, and also of the *scrii facias* against the lands and tenements of the said Robert Randall, Esquire, with the several indorsements thereon, at the suit of Henry John Boulton, now filed of record in the Crown Office.

In testimony whereof I have hereunto set my hand and affixed my seal of office; the ninth day of August, one thousand eight hundred and twenty-eight, and in the ninth year of His Majesty's Reign.

CHARLES C. SMALL, [G.R.]

No. 11.

Sheriff's return on a writ of *fi. fa.* against the lands of Robert Randall, Esquire, at the suit of Thomas Clark.

Issued 15th February, 1821.—Returned and fyled in the Crown Office, 17th March, 1825.

By virtue of the within writ, I seized and took into my hands and possession on the first day of April, 1821, the lands and tenements of the within named Robert Randall, in Nepean and Yonge, in the District of Johnstown, and have exposed a part of that to public sale, and have sold a part thereof at such sale to the value of £32 10s., and the residue of said lands and tenements still remain in my hands for want of buyers.

JOHN STUART, Sheriff,
District Johnstown.

Levy indorsed on writ, £484 4s. 10d., besides Sheriff's fees, &c.

Sheriff's return on a writ of *fi. fa.* against the lands of Robert Randall, Esquire, at the suit of Thomas Clark, Esquire, issued 17th January, 1830, and fyled in the Crown Office, 7th September, 1825.

By virtue of the writ hereunto annexed, I have caused to be made of the lands and tenements of the within named Robert Randall, the sum of thirty-three pounds eleven shillings and four pence, which money I have ready before the Lord the King at the day and place within contained, to render to the within named Thomas Clark, in part of his damage within mentioned, and I further certify that the said Robert Randall has not any other or more lands and tenements in my District, whereof I can cause to be made the residue of the damages aforesaid.

The answer of

RICHARD LEONARD, Sheriff.
PETER T. PAWLING, Deputy Sheriff.

No. 48.

Bill No. 1, passed in Assembly for Randall's Relief.

The Committee also reported the following Bill, appointing the Hon. John Walpole Willis, then a Judge of the King's Bench, Chancellor, to afford relief to Mr. Randall from the injustice thus done him.

BILL.

“ WHEREAS Robert Randall has, by petition, complained that he has suffered great loss and injustice under a judgment obtained against him in the Court of King's Bench, in this Province, by Henry John Boulton, Esquire, His Majesty's Solicitor General, which judgment the Petitioner alleges was obtained against the rules of law and equity; and whereas adequate relief cannot be afforded by the said Court of King's Bench, and it is therefore expedient that an inquiry should be made into the wrongs alleged, and right be caused to be done, if, upon due inquiry, under oath, it shall be made to appear that such great injustice has been done: Be it therefore enacted, by the King's Most Excellent Majesty, &c., That

“ it shall and may be lawful for the Hon. John Walpole Willis, one of His Majesty’s Justices of the Court of King’s Bench, in and for the Province of Upper Canada, under and by virtue of this Act, at York, in the Home District, to inquire into the truth of the statements in the said Petition set forth, and for the purpose of that inquiry it shall and may be lawful for the said Hon. John Walpole Willis, in the presence of the parties or their Attorneys, or such of them as shall, after due notice, appear, to summon and examine, upon oath, all witnesses deemed necessary for the attainment of justice between the parties, and to enable the said Hon. John Walpole Willis to inform his judgment in making his decree or decrees as hereinafter mentioned; and any person convicted of wilful false swearing before the said Hon. John Walpole Willis, under this Act, shall be liable to the same punishment as is now inflicted by the laws of the Province upon persons guilty of perjury.

“ And be it, &c., That the aforesaid matter shall be heard and determined and the witnesses examined in an open Court whereunto all His Majesty’s subjects shall have free access: Provided always, that it shall and may be lawful for the said Hon. John Walpole Willis to commit any person for a contempt of the Court for a period not exceeding one month, and to fine such person a sum not exceeding fifty pounds.

“ And be it, &c., That it shall and may be lawful for the said Hon. John Walpole Willis, having heard the said Petitioner, and the said Henry John Boulton, and such other persons as he the said Hon. John Walpole Willis shall summon, or such of them as shall appear after due notice, to make such decree or decrees for either the confirmation or the reversal of the said judgment, and of the proceedings thereupon, and of any rules of law heretofore made under and by virtue of the said judgment, as he the said Hon. John Walpole Willis shall deem necessary for the doing of justice between all parties interested in the matter.

“ And be it, &c., That any decree made by the said Hon. John Walpole Willis, under and by virtue of this Act, shall be obligatory and binding upon the person against whom or in whose favour the same shall be made; and if any person against whom or in whose favour any decree shall be made, shall neglect or refuse to comply therewith, it shall and may be lawful for any person interested in such decree to have the same registered, which decree, so registered, shall have the same virtue and effect as if the said decree had been literally obeyed.

“ And be it, &c., That every decree made by the said Hon. John Walpole Willis, shall be under his hand and seal, attested by two witnesses, and made on or before the first day of January, one thousand eight hundred and twenty-nine.

“ And be it, &c., That upon the production of any decree aforesaid, and a copy thereof, to the Register of any County or Riding in this Province, in whose County or Riding the land in the said decree mentioned shall lie, and upon an affidavit made before such Register, or his Deputy, or any Commissioner of the King’s Bench for taking affidavits, of the due execution of the said decree or decrees before such Register, it shall and may be lawful for him to register the said decree in his office, and to file the copy thereof, and for such registry and filing to demand and receive the sum of one pound.

“ And be it, &c., That it shall and may be lawful for the said Hon. John Walpole Willis to award against either of the parties, such costs and charges as he shall deem right and just; for the recovery of which costs and charges, so awarded, it shall and may be lawful for the party interested to proceed by action of debt in any Court of record in this Province.”

The above Bill passed the Legislative Assembly, but the Legislative Council, as then constituted, refused either to amend or pass it—they threw it out.

No. 49.

Chief Justice Robinson to Mr. Randall.—Was defending Randall's Title against Sherwood's Action of Ejectment.

[From Appendix to Assembly's Journals, U.C., 1836.]

YORK, 19th July, 1828.

Sir,—An action of ejectment is brought by Mr. Sherwood against one Firth, who is in possession of part of the Lot at Point Nepean, on the Ottawa River, which you complain has been illegally sold under an execution against you. I am defending the action, and have instructed Mr. Radenhurst of Perth, to manage the defence at the trial. If the sale was illegal, for any cause stated by you, and more particularly for want of being fairly advertised, you have now an opportunity to take the opinion of the Court upon it, by enabling Firth to urge that objection against the Plaintiff's title.

The Assizes for Perth commence on the 18th August. Any evidence you can furnish on the subject, or any professional assistance which you may desire to engage, Mr. Radenhurst will willingly avail himself of.

I am, Sir,

Your obedient servant,

JOHN B. ROBINSON.

ROBERT RANDALL, Esquire.

No. 50.

Mr. Radenhurst to Mr. Randall.—Ejectment suit before Judge Hagerman.

[See Journals of Assembly, U.C.—Appendix, 1836.]

PERTH, 23rd August, 1828.

ROBERT RANDALL, Esquire.

Dear Sir,—I received your several letters with the documents enclosed, respecting the suit of *Doe ex dem Sherwood vs. Firth and Berrie*, for part of the land formerly your property at Nepean Point. Many of the papers you sent were entirely useless, as the Judge would not permit evidence to shew how the judgment in Boulton's suit was obtained. Nor could I, in addressing the Jury (as you wished,) allude to that circumstance, but was entirely confined to what was put in evidence by the Plaintiff, viz: the judgment, executions and sale, and even in this I was once or twice interrupted by the opposite Counsel, and censured by the Court for what they considered exceeding my bounds.

I objected, as you requested I should, to the trial proceeding at all, which the Judge paid no attention to, as he considered it was casting a censure on the conduct of the Court of King's Bench, which he could not listen to. The Plaintiff did not produce any notice of the sale whatever, nor show that any such was given previous to the sale taking place. Upon this and some other points, I moved for a non-suit, and the Judge reserved the points. We were also anxious to shew that Colonel By required the property for the Government use, for the purposes of the Rideau Canal; this evidence the Judge refused receiving. In fact, he seemed unwilling that any point that could operate in your's or the tenants' favour should go to the Jury; and as the jury at that Assize were persons little acquainted with their

duty or with Courts of Law, they implicitly followed the directions of the Court which in this case was for the Plaintiff, and gave a verdict accordingly.

I remain, your obedient Servant,

THOS. RADENHURST.

No. 51.

The Governor General to Mrs. Firth.—Lots 39 and 40, Sherwood's claim.

(Copy.)

Governor in Chief the Earl Dalhousie, to Mrs. Isaac Firth, relative to the Lots 39 and 40, Nepean, on the Ottawa.

“TO MRS. FIRTH.”

(Copy.)

“ At the desire of Mrs. Firth, at the Richmond Landing, near Bytown, I give her this note to certify, that, several years ago, I gave her and her husband, leave to establish themselves in a small house and store belonging to government at that place: it was originally placed there by the Duke of Richmond, to aid the passage of Emigrants, Military Settlers. Being no longer useful it fell to ruin, and in these circumstances these persons repaired it, and have been permitted to occupy it. I have been led to believe that it stands on the line of Government property, and a Clergy Reserve set aside by Sir P. Maitland for the service of Government. That Lot of Government property, being a broken front not included in Randall's Lot, has been claimed by Mr. Sherwood. I am convinced that he has no fair claim, nor legal right to it; and on the part of Government I have maintained the Firths in their possession, and I think they ought to be maintained in it against the pretensions set up by LeBreton and Mr. Sherwood.

“ DALHOUSIE.

“ Quebec, 8th August, 1828.

[NOTE.—Mr. Randall appealed to the Court of King's Bench, in banc, questioning the judgment of Mr. Hagerman at Perth, and there sat Mr. Hagerman, alone, the whole Court, and confirmed his own judgment below, the chief Judge being in London after a pension; his coadjutor, Willis, suspended from his functions; and the third Judge, Sherwood, a party in the cause.]

No. 52.

Mr. Justice Willis to the Secretary of State for the Colonies.

BATH, [England,] September, 23rd 1828.

“ It is evident that no Judge of the Court of King's Bench in Upper Canada can sue or be sued in that Court, while he is personally discharging his judicial functions, as he would be unlawfully Judge in his own cause. The difficulty contemplated by Mr. Sherwood, as arising from the Act being construed to insist upon the presence of all the three Judges, would be increased rather than obviated by a less strict interpretation of the law permitting the competency of the Bench when composed of less than three members. For example: in the action of Ejectment brought by Mr. Justice Sherwood himself, for land at Brockville,

“ arising out of the notorious cause of Mr. Solicitor Boulton *vs.* Randall ; (see the proceedings of the Provincial Parliament in this case ;) should the action have been tried at the last Assizes by Mr. Hagerman, now acting as a Judge of the Court of King’s Bench, and for any misdirection or impropriety on his part at the trial at *Nisi Prius*, a new trial be moved for, who is to decide ? Surely, Mr. Justice Sherwood (if a Judge) cannot, because he is a party ; and Mr. Hagerman ought not, because his own judgement is called in question. In such a case—a case probably at this moment pending—the construction of the Act contended for by Mr. J. Sherwood would, so far from obviating difficulties, increase them tenfold ; and place beyond the possibility of doubt the wisdom of the Legislature in providing that a Chief Justice, together with two Puisne Justices, should preside in the said Court. There always should and must be three Judges present, a Chief and two Puisne Judges, to act legally in the Court of King’s Bench in Upper Canada. If any one of them be a party in a cause, the only inconvenience thereby arising is, that until the obvious course I have mentioned be taken, the Court cannot proceed in that cause.”—[*Extract from Letter.*]

No. 53.

Ejectment Suit, 1828.—[*Extract from Mr. Randall’s Letter of Instructions to Mr. Firth.*]

MR. RANDALL thus instructed FIRTH:—

“ You will perceive that I have instructed Mr. Radenhurst to urge the illegality of the Court, as now constituted—the want of sufficient notice to purchasers, and on this last head you will do well to bring forward all the proof possible, particularly Mr. Wright, of Hull, as it is a strong point—the injustice of the proceedings here—the manner of obtaining the judgment—the view taken of the subject by the House of Assembly, as may be seen by the bill which passed that House. Mr. (William) Morris, the Member for your District, though he did not agree to the bill, bore testimony to the irregularity of the proceedings, and said that if a bill had been brought in to refer the whole case to the Court of King’s Bench, he would (under the circumstances) have given it the sanction of his vote. You can prove to the Court that one acre, if the property had been duly advertised, would have paid Mr. Boulton’s pretended claim, for which the 276 acres were unjustly sold. * * * * The Hon. J. B. Macaulay, engaged for Sherwood, was the person that swore he did not know my residence in the Home District, although he knew I lived in the Niagara District and not in the Home District.”

No. 54.

Captain LeBreton’s Estimate of the value of Lot 40, Nepean.

TOWN OF SHERWOOD.

In consequence of the decision of the Court of King’s Bench, held at Perth, on the 20th instant, proving the subscriber’s indisputable title to that valuable tract of land, in the Township of Nepean, formerly known by the name of the Richmond Landing (at present the Town of Sherwood) and adjoining to Bytown. Reports, prejudicial to the title of said land, having been maliciously circulated by a personage of high rank and responsibility, have heretofore prevented the subscriber

from disposing of said land. The situation is most beautiful and salubrious, being on the south side of the Chaudière Falls, with the Grand Union Bridge abutting on the centre of the front and leading through the main street. It is replete with mill sites, and for commerce no situation on the River Ottawa can equal it. The subscriber is determined as much as possible to confine his sales to persons of respectability.

JOHN LEBRETON.

Britannia, Ottawa River, 26th August, 1828.

UNION HOTEL, CHAUDIERE, UPPER TOWN.

Firth and Berrie beg to make their most grateful acknowledgments for the very liberal patronage and support they have received from their friends and the public, for the long period of nine years, of which it will be their earnest study to merit a continuation, by contributing to the utmost of their means and power, to the comfort and accommodation of those who favor them with their countenance and support.

The romantic and highly picturesque situation of the Union Hotel, which commands a most interesting view of the mountains and scenery in the vicinity of Hull—the islands and banks of the noble Ottawa—the magnificent Falls of the Chaudière, over which bridges are now about completed; and the works and improvements in Upper Bytown will render this place a delightful retreat either to the delicate, invalid, or scientific tourist.

The accommodations will be of a superior kind; the table will be furnished with the choicest viands that the season and the situation of the country will afford, and the wines and liquors will be of the best quality that can be procured, either at Bytown or from the most respectable dealers in Montreal.

Bytown, 1st September, 1828.

No. 55.

Unjust Conduct of the Upper Canada Judges.—Cruel Treatment of Robert Randall.—Removal of Mr. Justice Willis.—Address of the House of Assembly of Upper Canada laid before the House of Commons, England.

UPPER CANADA—ADMINISTRATION OF JUSTICE.

[From the Journals of the House of Commons, July 31, 1832—3 William IV, vol. 87, page 541.]

ADDRESS RESPECTING UPPER CANADA.

“Resolved, That an humble Address be presented to His Majesty, that He will be graciously pleased to give directions, that there be laid before this House, a copy of an Address to His Majesty, from the House of Assembly of Upper Canada, on the Administration of Justice, dated 14th March, 1829, which Address that House humbly prayed His Majesty to lay before the House of Commons of Great Britain and Ireland.”

“Ordered, That the said Address be presented to His Majesty by such Members of this House as are of His Majesty’s most Honorable Privy Council.”

[From same volume, page 554, August 3.]

ANSWER TO THE ADDRESS.

“Lord Viscount Althorp reported to the House, that their Address of the 31st day of July last, had been presented to His Majesty; and that His Majesty had commanded him to acquaint this House, that he will give directions accordingly.”

[From same volume, page 589, August 16th.]

“Mr. Rice presented”—“Return, to an Address to His Majesty, dated 31st July last, for copy of an Address to His Majesty, from the House of Assembly of Upper Canada, on the Administration of Justice, dated 14 March, 1829.”

“Ordered, That the said papers do lie upon the table; and be printed.”

[From the Sessions' Papers of the House of Commons, 1831-32, No. 740.]

Return to an Address to His Majesty, dated 31st July, 1832, for copy of an Address, &c.

(Signed,) R. W. HAY.

Colonial Department, Downing Street.
15TH AUGUST, 1832.

(MR. HUME.)

UPPER CANADA.

[From Journals of the House of Assembly of Upper Canada, 1829.]

Copy of an Address to HIS MAJESTY, from the House of Assembly of Upper Canada, dated 14th March, 1829.

TO THE KING'S MOST EXCELLENT MAJESTY.

MOST GRACIOUS SOVEREIGN,

We, Your Majesty's dutiful and loyal Subjects, the Commons of Upper Canada, in Provincial Parliament assembled, humbly request Your Royal attention to the dependent and very unsatisfactory state of the Judiciary in this Country; and we further pray that our earnest wishes and solicitude expressed in this Address to Your Majesty, may in our behalf be laid before Your Majesty's faithful Commons in Imperial Parliament assembled.

In former Sessions of the Provincial Legislature, we pressed this painful and now alarming subject upon Your Royal consideration, representing the expediency of exempting the Chief Justice in this Province from the duties imposed upon him in the Executive Council, and of rendering the Judges independent of the Crown and of the people.

During the present Session, we have received from His Excellency the Lieutenant Governor, a Message, from which it appears, that on the subject of the Judges being commissioned to hold office during good behaviour, Your Majesty's Government find there are many difficulties to which, it is apprehended, this House may not have adverted, and that it is with a view solely to the welfare of the Province, and to the impartial Administration of Justice, that Your Majesty's Government hesitate to remove from the Judges in this Province their direct responsibility to the Crown.

Upon so important a subject, involving the interests, the rights, the liberties, and the very lives of the people of this Province, it becomes us with earnestness to repeat our humble remonstrances against the present state of things.

We regard with grateful recollection the memorable declaration of His late Most Gracious Majesty from the Throne, "that he looked upon the independence and uprightness of the Judges as essential to the impartial administration of Justice, as one of the best securities of the rights and liberties of his Subjects, and as most conducive to the honor of the Crown." In this respect we rejoice at the unparalleled happiness of the people of England; we cannot, however, but feel that as a portion of Your Majesty's free and glorious Empire, we also are equally interested and entitled to have justice administered amongst us by independent Judges, equally able to appreciate the value of so great a blessing, and disposed with constitutional jealousy to watch over the judicial character, to preserve it unsullied by unjust reproach, and unawed by the vindictive exercise of the Royal Prerogative by the Provincial Authorities.

In this Province, it is exceedingly desirable and even necessary that the Court of King's Bench should, for many years to come, be wholly composed of Judges selected from the English Bar; Judges who would in that case be as free as possible from the entanglements of family connexions, the influence of local jealousies, and the contamination of provincial politics: without such a change, Justice never can in this Country be administered with purity, or rise above suspicion.

We duly value the assurance of Your Majesty, conveyed in the Message of His Excellency, "that the direct responsibility of our Judges to the Crown is enforced by Your Majesty only on the most serious occasions, and never in respect to any act which can be properly considered judicial." But although Your Majesty is thus graciously pleased to declare, that your Majesty, in the exercise of Your Royal Prerogative, will be governed by a maxim so consonant to British Justice, yet that assurance, while it is grounded upon the continual dependency of our Judges, can afford no sufficient and practical remedy against the abuse of Your Majesty's Royal Prerogative by the Provincial Administration. This abuse of Your Majesty's Royal Prerogative has been flagrantly manifested by the late violent, precipitate and unjustifiable removal of the Honorable Mr. Justice Willis from the Court of King's Bench in this Province.

The pretence for this almost irreparable wound to the Constitution appears to have been the declaration of an opinion by that learned and upright Judge, upon the constitution of the Provincial Court of King's Bench, which opinion was evidently expressed to explain and justify his submission to a conscientious conviction of the impropriety of knowingly proceeding in the administration of the law in a Court not organized as the law requires.

By the Provincial Act erecting that Court, it is wisely provided, "that a Chief Justice, together with two Puisné Judges, shall preside therein." No explanation can add to the clearness of that provision, so obviously conducive to the safety and liberty of the subject; and it has become our urgent duty humbly to declare to Your Majesty, that our duty forbids us to yield to the attempts of the local Administration, to entail upon us the dangerous encroachments made in years of past misrule, by establishing such a construction of that law as would place the rights and liberties, the property and lives of the people of this Province, at the disposal of one, while a liberal salary is provided for three Judges.

The opinion of the learned Judge became officially known to the local Government some weeks before the commencement of the Term in which it was expressed.

Finding that no step was taken to organize the Court according to law, and avert the consequences inevitably following pertinacity in the error, Mr. Justice Willis honorably withdrew from a scene, by a continuance in which he must have com-

promised his judicial character. Under these circumstances, it appears that the Executive availed itself of the dependency of the Judiciary, and Mr. Justice Willis was unnecessarily and violently removed from his office, because, educated in no school of subservient principles, he would not yield to doubtful expediency and unlawful usage.

We are not insensible of the advantages of the provision against granting offices in Your Majesty's Colonies in America to persons resident or intending to reside in Great Britain; a provision manifestly intended to apply particularly (perhaps exclusively) to offices which could be exercised by Deputy, and therefore farmed out to the best bidder; but it is with concern and dismay that the people of this Province have witnessed the perversion of law and power, for the dangerous purpose of removing a Judge, whose only offence we believe to be a scrupulous and conscientious discharge of his judicial duty.

The same power which authorized the removal of Mr. Justice Willis, supposing it to be lawful, and the appointment of Mr. Justice Hagerman in his place, might with greater facility have created a Chief Justice to organize the Court according to law. But we feel that the magnitude of the outrage itself against the justice of the Country is so great, as to forbid our descending to those particulars of which we can be only partially informed, from the policy of the local Administration in withholding from us that information which might more fully expose the enormity of the transaction. We humbly desire, however, to declare to Your Majesty, that had the law not placed it in the power of the local Government to avert the evils, the apprehension of which they affect to have influenced their conduct, we would esteem those evils very subordinate to this intimidation of our Judges, by the cruel aspersion of the character and unjust ruin of the prospects of one of their number, by the bold and daring exercise of arbitrary power.

Although the defective constitution of the Court, and the consequent illegality of its proceedings, have been known to the Provincial Government since Trinity Term last, yet the administration of Justice has not been relieved from this serious embarrassment, by the due organization of that Court, nor has His Excellency been advised to bring this all-important state of the Country under the notice, or to recommend it to the consideration of the Provincial Legislature. We therefore cannot too earnestly express to Your Majesty our deep sense of the injustice, inexpediency and illegality of persisting in the maintenance of the present defective state of the Court; and to represent to Your Majesty the sacred duty which we feel to be imposed upon us, firmly to protect the interest of those suitors who have been prejudiced, either because they abstained from a Court which was violating law, or because they were driven by their necessities to yield to this assumption of judicial power.

In Michaelmas Term last, Mr. Justice Hagerman alone constituted our Court of King's Bench, wherein he confirmed his own questioned judgment at the preceding Assizes, in a trial in which Mr. Justice Sherwood was interested; the result of which trial involved a property of very great value, acquired through those extraordinary judicial proceedings in the case of Mr. Randall, whose injustice has long been unavailingly an object of legislative relief and public sympathy. It is from such proceedings, such Courts, and such Judges, that the people desire to be relieved.

We had hoped that the appointment of Judges from England would redeem the character of the Provincial Judiciary; but that hope has been greatly impaired, by finding that such men have been esteemed by those in power too conscientious for Colonial rule. We feel that no gentleman of the English Bar, gifted with learning and character, will come to administer justice amongst us, if he is subject to an ignominious removal, and obliged to meet in England charges unknown to

him, got up against him without regard to the laws of honor, or justice of the country.

We humbly express to Your Majesty our serious apprehension that the learned Judge who has thus far been a victim of Provincial persecution may be elevated to some higher place in Your Royal consideration, instead of being restored to his seat upon our Bench, as the most effectual method of wiping away the stain attempted to be affixed to his character, and of healing the wound inflicted upon the Justice and Constitution of the Country. His reinstatement in office as our Judge, is most desirable for the peace and happiness of the Province, and for the restoration of public confidence in the administration of the law.

In the name of equal justice, we further humbly pray Your Majesty to cause a strict inquiry to be made into the conduct of all persons directly and indirectly concerned in this overbearing and despotic proceeding; and, as the only means of assuring our future security, to expose them to whatever punishment may be due to their respective crimes, as advisers, abettors, and approvers of the same.

Should Your Majesty be advised to disregard these our just and earnest prayers against grievances which have increased under the patience with which we have hitherto endured them, we shall be constrained to feel, that while we form a part of the British Empire, we are excluded from sharing its equal and exalted justice.

We again humbly pray Your Majesty to lay the whole matter and prayer of this Address before the British House of Commons, and to communicate to them our earnest hope that they will be pleased most favorably to regard our wishes, and promote by their wisdom and counsel the redress of our wrongs.

Signed,) MARSHALL S. BIDWELL,
Speaker.

Commons House of Assembly, 14th March, 1829.

No. 56.

Mr. Randall's Services to the Province.—Address of the House of Assembly of U.C., to His Excellency Sir John Colborne.

[From Journals of Assembly, U.C., 1829.]

Resolution Moved by Mr. JOHN ROLPH :

We, His Majesty's dutiful and loyal subjects, &c. &c., humbly represent to Your Excellency, that Robert Randall, Esquire, at a time when the people of this Province justly felt themselves profoundly interested in a measure likely to be consummated into a law, did, at the solicitation of a large number of the inhabitants, proceed to England with a petition numerously signed, for the purpose of laying the anxious wishes of the petitioners before His Majesty's Government, by whom he was recognized as an agent. For his patriotic, disinterested and successful services, the people have, through their representatives, attempted to remunerate him out of the moneys raised from them for their happiness and welfare. The provision made by this province for that purpose, by bill, has failed in the Legislative Council, and we therefore are constrained to appeal to Your Excellency to pay Robert Randall, Esquire, the sum of £500, out of any moneys at the disposal of your Excellency, and which sum we will never cease to exert ourselves to redeem.

MARSHALL S. BIDWELL, Speaker.

Commons House of Assembly, March 19th, 1829.

This Address was presented to the Lieutenant Governor by Messrs. Rolph and Matthews, the Members for Middlesex, on the day of the prorogation, and His Excellency's answer is as follows:—

“GENTLEMEN:—The bills which are now before me for my assent prevent my giving a due consideration to the subject of this Address at present, but I shall direct my attention to it during the recess.”

No. 57.

Bill No. 2, passed in Assembly for Randall's Relief.

In the next Legislature Honorable Doctor Baldwin and William L. Mackenzie introduced the following Bill, appointing the Honorable Louis Joseph Papineau, (then Speaker of the Lower Canada Assembly,) Chancellor, to afford relief to Mr. Randall. (Judge Willis had gone to Europe.)

BILL.

“WHEREAS Robert Randall has, by petition complained, that he has suffered great loss and injustice, under a judgment obtained against him in the Court of King's Bench, in this Province, by Henry John Boulton, Esquire, His Majesty's then Solicitor General, which judgment, the Petitioner alleges, was obtained against the rules of law and equity; And whereas adequate relief cannot be afforded by the said Court of King's Bench, it is therefore expedient, that an inquiry should be made into the wrongs alleged, and right be caused to be done, if, upon due inquiry under oath, it shall be made to appear that such great injustice has been done; Be it therefore, &c., That it shall and may be lawful for the Honorable Louis Joseph Papineau, Speaker of the House of Assembly of Lower Canada, under and by virtue of this Act, at York, in the Home District, to inquire into the truth of the statements in the said petition set forth; and for the purpose of that inquiry, it shall and may be lawful for the said Louis Joseph Papineau, in the presence of the parties or their Attorneys, or such of them as shall, after due notice, appear, to summon and examine, upon oath all witnesses deemed necessary for the attainment of justice between the parties, and to enable the said Louis Joseph Papineau to inform his judgment in making his decree or decrees, as hereinafter mentioned; and any person convicted of wilful false swearing before the said Louis Joseph Papineau, under this Act, shall be liable to the same punishment as is now inflicted by the laws of this Province upon persons guilty of perjury.

“And be it, &c., That the aforesaid matter shall be heard and determined, and the witnesses examined, in open Court whereunto all His Majesty's subjects shall have free access: Provided always, that it shall and may be lawful for the said Louis Joseph Papineau to commit any person for a contempt of the Court, for a period not exceeding one month, and to fine such person a sum not exceeding fifty pounds.

“And be it, &c., That it shall and may be lawful for the said Louis Joseph Papineau, having heard the said Petitioner, and the said Henry John Boulton, and such other persons as he the said Louis Joseph Papineau shall summon, or such of them as shall appear after due notice, to make such decree or decrees, for either the confirmation, or the reversal of the said judgment and of the proceedings had thereupon, and of any sales of land heretofore made, under and by virtue of the said judgment, as he the said Louis Joseph Papineau shall deem necessary for the doing of justice between all parties interested in the matter.

“ And be it, &c., That any decree made by the said Louis Joseph Papineau, under and by virtue of this Act, shall be obligatory and binding upon the person against whom, or in whose favor, the same shall be made; and if any person against whom, and in whose favor, any decree shall be made, shall neglect or refuse to comply therewith, it shall and may be lawful for any person interested in such decree to have the same registered, which decree, so registered, shall have the same virtue and effect as if the said decree had been literally obeyed.

“ And be it, &c., That every decree made by the said Louis Joseph Papineau, shall be under his hand and seal, attested by two witnesses, and made on or before the first day of September, in the year one thousand eight hundred and thirty-one.

“ And be it, &c., That upon the production of any decree aforesaid, and a copy thereof, to the Register of any County or Riding in this Province, in whose County or Riding the land in the said decree mentioned shall be, and upon an affidavit made before such Register, or his deputy, or any Commissioner of the King's Bench for taking affidavits, of the due execution of the said decree or decrees before such Register, it shall and may be lawful for him to register the said decree in his office, and to file the copy thereof, and for such registry and filing to demand and receive the sum of one pound.

“ And be it, &c., That it shall and may be lawful for the said Louis Joseph Papineau to award against either of the parties such costs and charges as he shall deem right and just, and for the recovery of which costs and charges so awarded; it shall and may be lawful for the party interested to proceed by action of debt in any Court of Record in this Province.” *

No. 58.

VOTES.

* On the question of its passage in Assembly, the Yeas were, Messrs. François Baby, Doctor Baldwin, Blacklock, Brouse, Buell, Cawthra, Dalton, Dickson (of Niagara), Fraser, George Hamilton, Henderson, Hopkins, Hornor, Ketchum, Lefferty, Longley, Lyons, McCall, Mackenzie, Malcolm, William Morris, Perry, Radenhurst, John Rolph, Shaver, Smith of Durham, Terry, Thompson, Wilkinson, James Wilson, and Woodruff,—31. The Nays were only two, Messrs. Bethune and John Wilson.†

In the Legislative Council the Bill was not amended, nor passed—it was rejected.‡

No. 59.

Mr. Randall to Mr. Secretary Mudge, complains of delay in the Administration of Justice.

(Copy.)

YORK, March 4, 1830.

Sir,—I have the honor of transmitting to you, for the information of His Excel-

† See Journals of Assembly, 1830, U.C.

‡ See Journals of Legislative Council, 1830, U.C.

lency the Lieutenant Governor, a copy of the Report made by the House of Assembly upon my petition of grievous loss of property from the undue administration of public justice.

That others may have suffered from the same cause I cannot doubt, but I humbly hope that the patient suffering of injustice by many will not be prejudicial to my seeking relief against the magnitude of my loss.

The enclosed Report was the result of an investigation by a Committee composed of the present Speaker of the House of Assembly, the present Chief Justice, Captain Matthews, Mr. John Rolph, and Mr. Beardsley.

On the Report of that Committee a Bill was passed by the last Parliament to enable Mr. Justice Willis to try the case over again, and thus supply the want of a Court of Equitable Jurisdiction, a means of redress which exists in England in ordinary cases.

The Bill was lost in the Legislative Council.

A Bill for the same purpose passed the representative branch of the Legislature during its present Session, to enable the Speaker of the House of Assembly of Lower Canada to try the cause. It was agreed to with only two opposing voices, and that too after the case had had the fullest consideration both in and out of Parliament. But the Bill was lost in the Legislative Council, and I am still without redress.

That it is His Excellency's anxious and earnest wish that speedy and impartial justice should be administered to all His Majesty's subjects, without distinction, I firmly believe. And whether the obstruction in my case arises out of the composition of the Legislative Council, or from any other cause to me unknown, I trust that His Excellency will exert his powerful influence to remove that bar, so that I may be enabled to have my case fairly tried and determined in a Court of Law.

I have the honor to be, with profound respect,

Your most obedient and humble Servant,

(Signed,) ROBERT RANDALL.

Z. MUDGE, Esquire, Civil Secretary.

No. 60.

Sir John Colborne's Reply.

GOVERNMENT HOUSE,

York, 25th March, 1830.

Sir,—With reference to your statement transmitted to the Lieutenant Governor on the 4th of March, with the copy of the Report made by the Committee of House of Assembly, I am directed to acquaint you that these documents have been sent to Mr. Boulton for his observations and reply; but as it appears that before Mr. Boulton can be called on to enter fully into an investigation of any of the charges that you may now think proper to allege against him, and which it is understood you have on several occasions brought forward, His Excellency requests that you will transmit to me, for his information, such a statement of your case as may exhibit distinctly whether the grounds of your complaint are against Mr. Boulton as

conductor of your suit, or against the Judges for an illegal decision, or against the Sheriff, or the purchaser of your property.

I have the honor to be, Sir,

Your most obedient, humble servant,

Z. MUDGE.

ROBERT RANDALL, Esquire, M.P.P.

No. 61.

Hon. M. S. Bidwell to W. L. Mackenzie.

TORONTO, 18th July, 1835.

My dear Sir,—Respect for the memory of Major Randall will induce me to do cheerfully and cordially whatever I can for his devisees, without a fee; and I, therefore, with many thanks for your liberality and kindness, return the note which you sent to me.

Yours, truly,

MARSHALL S. BIDWELL.

W. L. MACKENZIE, York Street.

No. 62.

Bill No. 3.—Agreed to and Reported by a Committee of the Legislative Assembly, U.C., for Randall's Relief.

[NOTE.—In 1835, W. L. Mackenzie gave notice, in the Upper Canada Gazette, of an application for a third Bill for the relief of Randall's devisees; the Legislative Assembly appointed Messrs. Thorburn, Mackmicking, and Waters, of Ottawa, a Select Committee on Mackenzie's petition, and Mr. Thorburn introduced a (third) Bill, unanimously agreed to by the Committee, for relief of said devisees, (March 6, 1835), but the Gazette notice was deemed defective.]

No. 63.

Major General Rowan to Mr. Mackenzie.

GOVERNMENT HOUSE,

Toronto, 25th August, 1835.

Sir,—I am directed by the Lieutenant Governor to transmit to you, with reference to your application of the 19th instant, the accompanying copy of a statement from Mr. Stanton—and the form of notice which he has been authorized to adopt, in communicating your intention of petitioning the Legislature as an Executor of late Mr. Randall.

I am, Sir,

Your obedient Servant,

W. ROWAN.

W. L. MACKENZIE, Esquire, St. Catherines.

No. 64.

Mr. Stanton, King's Printer, to General Rowan.

(Copy.)

TORONTO, 25th August, 1835.

Sir,—On the subject of the notice desired to be given by Mr. Mackenzie, referred to in your letter of yesterday's date, I beg that His Excellency may be informed that in conversation with Mr. Mackenzie after my note No. 1, I did endeavour to point out to him as plainly as I thought would convey in ordinary and usual terms the information he was desirous of notifying to the public and which would have been much to the following purport:—

“ TO ALL WHOM IT MAY CONCERN :

“ Public notice is hereby given that application will be made to the Legislature at its next ensuing Session by petition from the Executor to the estate of the late Robert Randall, Esquire, for the enactment of a law establishing a special tribunal for the revision of certain proceedings in the Court of King's Bench, by which Lots (enumerating the lands as described) granted by the Crown to the said late Robert Randall in 1809, were adjudged to be sold, or were sold by the Sheriff and conveyed to others; and until the issue of such application shall be determined, all persons are warned against purchasing or leasing any part of the said property.”

If Mr. Mackenzie had felt at all disposed to meet such a suggestion, or had chosen to adopt any other form of words of his own, conveying in substance such a notification to the public, the insertion in the Gazette would not have been made a matter of question.

If the notice, which is above suggested, should appear to be sufficient for the proposed object, and is approved of, His Excellency's desire for its insertion in the next Gazette shall not fail to be duly attended to.

I have, &c.,

ROBT. STANTON.

No. 65.

THE NOTICES.

NOTICE.—The Subscriber, acting Executor under the last Will of the late Robert Randall, Esquire, intends to apply to the Legislature, next Session, to take into consideration the merits of the Petition of the said Robert Randall, dated in 1830, and ordered by the House of Assembly to be entered on its Journals, praying for the creation of an equitable jurisdiction to enable him to try his right and title to the Bridgewater Estate, on the Rapids above the Falls of Niagara, and the compensation for War Losses sustained on said Estate; or that such other relief may be extended to the heirs, as upon a full investigation may be found to be just and right.

W. L. MACKENZIE.

The Notice, previous to the meeting of the Legislature, in 1836, as published for a series of months in the Upper Canada Gazette, was in these words:—

“ TO ALL WHOM IT MAY CONCERN :

“ **PUBLIC** notice is hereby given, that application will be made to the Legislature, at its next ensuing Session, by petition from the Executor to the Estate of the

“ late Robert Randall, Esquire, for the enactment of a law establishing a special
 “ Tribunal for the revision of certain proceedings in the Court of King’s Bench, by
 “ which 950 acres of land in the Township of Nepean, in the County of Carleton,
 “ consisting of Lots Nos. 38 and 40 in the first Concession from the Ottawa River,
 “ and the broken fronts of the said Lots, with the broken Lots, Nos. 10 and 11,
 “ first Concession on the Rideau; also, Lot No. 11 in second Concession, and the
 “ front three-fourths of Lot No. 10, granted by the Crown to the said Robert
 “ Randall, Esquire, in 1809, were adjudged to be sold, and were sold, by the Sheriff,
 “ and conveyed to others; and until the issue of such application shall be determin-
 “ ed, all persons are warned against purchasing or leasing any part of the said pro-
 “ perty.”

No. 66.

Report of Select Committee of U. C. Assembly, Sess. 1836.

[NOTE.—In the Session of 1836, after ample notice to all whose interests might be affected, a Special Committee was appointed by a third Upper Canada Legislative Assembly, consisting of David Thorburn, Esquire, (now Indian Agent, Grand River,) Chairman; Mr. Small, County Judge, Middlesex, late Mr. Mackmicking, late Mr. James Wilson of Prince Edward, and Mr. Gibson of South York, who unanimously reported as follows, (and their Report, and the Report of the Special Committee of 1828, with the evidence taken on both occasions, are embraced in No. 76 of Sessions papers appended to the Upper Canada Journals of Assembly in 1836.)]

No. 76.

[From Journals of Assembly, U.C. 1836.—Appendix.]

FIRST REPORT,

From the Select Committee to which was referred the petition of William L. Mackenzie, Esquire, acting Executor to the estate of the late Robert Randall, of Chippawa, in the County of Lincoln, Esquire, or so much of the said petition as relates to the Nepean and Chaudière Estate, County of Carleton.

MEMBERS OF COMMITTEE :

David Thorburn, Esquire, Chairman; Mr. Macmicking, Mr. Small, Mr. James Wilson, and Mr. Gibson.

“ To the Honorable the House of Assembly, &c., &c., &c.

“ The Select Committee to which was referred the petition of W. L. Mackenzie, Esquire, acting Executor of the Estate of the late Robert Randall, in his life time of Chippawa, in the County of Lincoln, Esquire, have inquired into the matters referred to them, so far as concerns the estate at the Nepean and Chaudière, and beg leave to submit the following as a first Report :—

“ In the year 1809, Mr. Randall obtained a grant from the Crown of one thousand acres of land, and a deed for 950 acres in the County of Carleton, part of which included water privileges of extraordinary value. His agents in obtaining this property were the late Honorable Mr. Justice Boulton, and his son Mr. H. J. Boulton, late Attorney General of this Province, who thus possessed the means of acquiring a knowledge of the worth of the grants.

“ The remarkable circumstances under which Mr. Randall’s lands were sacrificed—the unusual hardships of his case, and the renewed efforts he made to obtain justice, are well known to the Country.

“In 1828 he applied, by petition, to the House of Assembly for such redress as it was in the power of the House to afford, and a Special Committee was appointed, consisting of the Honorable M. S. Bidwell, now the Speaker of this House, the Honorable John Beverly Robinson, Chief Justice of Upper Canada, the Honorable John Rolph, B. C. Beardsley, Esquire, now of New Brunswick, and the late Capt. John Matthews.

“An attested copy of this Petition, with the interesting Report of that Committee, and the evidence on which it was founded, are hereto annexed, also a copy of the Bill which its Chairman reported, appointing a Court of Equitable Jurisdiction to do justice in the case, the Honorable Justice Willis to be the Judge. The House of Assembly passed the Bill, but the Legislative Council, being opposed, it is presumed, to its principle, declined to amend it,—they threw it out. Mr. Randall had previously applied to the Court of King’s Bench, but from that institution he obtained no redress.

“On the 14th of March, 1829, the House of Assembly addressed His Majesty in the state of the administration of justice. We quote two paragraphs:—

“By the Provincial Act erecting that Court (The King’s Bench) it is wisely provided ‘that a Chief Justice, together with two puisne Judges shall preside therein.’ No explanation can add to the clearness of that provision, so obviously conducive to the safety and liberty of the subject, and it has become our urgent duty, humbly to declare to Your Majesty, that our duty forbids us to yield to the attempts of the local administration, to entail upon us the dangerous encroachments made in years of past misrule, by establishing such a construction of that law as would place the rights and liberties, the property and lives of the people of this Province, at the disposal of one, while a liberal salary is provided for three Judges.

“In Michaelmas Term last, Mr. Justice Hagerman alone constituted our Court of King’s Bench, wherein he confirmed his own questioned judgment. At the preceding Assizes, in a trial in which Mr. Justice Sherwood was interested, the result of which trial involved a property of very great value, acquired through those extraordinary judicial proceedings in the case of Mr. Randall, whose injustice has long been unavailingly an object of Legislative relief and public sympathy. It is from such proceedings, such Courts, and such Judges, that the people desire to be relieved.”

“In 1832 the House of Commons of the United Kingdom addressed His Majesty, requesting that a copy of the above-mentioned Address from Upper Canada might be laid before it. His Majesty sent it down, and the House ordered it to be printed and placed among its records, but Mr. Randall obtained no relief.

“In 1830 he again petitioned the House of Assembly for redress, and a bill was introduced, ordered to a third reading by a vote of 33 to 2, and passed by a vote of thirty-one to two, appointing the Honorable Louis Joseph Papineau, Speaker of the House of Assembly of Lower Canada, a Judge in Equity, to try the case and do justice, but the Legislative Council, being as before, it is presumed, opposed to the principle of the Bill, it was found on an examination of their Journals, on the motion of Mr. Perry, that they had ordered its further consideration to be deferred three months.

“In 1830 Mr. Randall applied, by petition, to His Excellency Sir John Colborne, stating his case and exhibiting the proceedings had by Mr. Boulton, but his application was productive of no beneficial results; his petition and reply are hereto appended.

“In 1833 he applied to the Governor in Chief on the subject; we annex hereto the Correspondence.

“ In 1834, Mr. Randall died, having spent nearly seven years of his life in a Prison, and the last thirteen years of it in a series of vain and fruitless efforts, to obtain in Upper Canada, that tardy justice which the defective organization of our Judicial Institutions, the personally interested situation of some of our Judges, and the character and composition of the Legislative Council, denied him. His Executors under the Will, the late Colonel Thomas Hornor and the present petitioner, took, it is presumed, such steps as they believed to be the best, on behalf of his estate, when the cholera carried off the former, and nothing further was done in the matter of the Chaudière property until last Session, when Mr. Mackenzie applied for the interposition of the House, which appointed a Committee, and a Bill was a third time reported in a third Parliament for the adjudication of the claim according to equity. But as it had been omitted to give a notice in the Gazette, in the matter, which affected private rights, further proceedings were deferred till the present Session.

“ After some difficulties as to the style and tenor of the notice, an advertisement was placed in the Upper Canada Gazette, and the matter is now brought for the fourth time before the Legislature by petition.

“ The correspondence between the late Mr. Justice Boulton, Mr. H. J. Boulton, and Mr. Randall, at the time the former acted as Agents in obtaining the property from the Crown, a letter to Lieutenant Governor Gore, from Mr. McGilivray, of the North West Company; and a letter from Captain LeBreton and others, who wished to buy the Chaudière property or parts of it, are reported herewith. Mr. Waters, a Member of the House for the District of Ottawa, was desired last summer to make inquiry as to the worth of the Chaudière property, and in whose possession it was; and your Committee have examined that gentleman, who is of opinion that it is worth about £20,000, and will greatly increase in value.

“ In the concluding paragraph to the Report of 1828, we find the following passage:—

“ Your Committee have to remark that Mr. Boulton was conducting a cause for himself against his own client, and when they consider the nature of the debt, the great and multiplied irregularities by which the judgment and execution were obtained—the great value of the property sacrificed; and the expensive and fruitless endeavors of the Petitioner to obtain a reversal of the proceedings, they do not hesitate to recommend relief. Independent of the interest of one of the Judges, it appears that the Court of King’s Bench, if they set the proceedings aside, could not afford adequate relief, and therefore your Committee have reported a bill enabling the Honorable Mr. Justice Willis to inquire into the matter alleged in the petition, and to do justice between all the persons interested.

“ Eight years have elapsed since the bill mentioned in the above extract was reported—the veto of another branch of the Legislature continued to withhold redress from the complainant, until the grave closed upon his importunities.

“ For the relief of his heirs this Committee do now report a similar bill to those passed in 1828 and 1830, and its Members unite in the expression of a wish that a judicial inquiry will no longer be deferred, but that justice will be speedily done between all the persons concerned.

“ DAVID THORBURN, Chairman.

“ Committee Room, House of Assembly,

“ 30th March, 1836.”

No. 67.

Proceedings of the Committee.

THURSDAY, 21st March, 1836.

The Committee met.

Charles Waters, Esquire, M.P., Ottawa District, called in, and examined:—

Question 1. What do you consider the fair value of the property in Nepean claimed by Mr. Randall's heirs, and for which he has a Grant and Deed from the Crown, dated in 1809?—Answer. The value of the property on the Ottawa River, embracing, as it does, water privileges of the first magnitude, and an extensive quarry of first rate stone for building, and lying in the immediate vicinity of Bytown and over which Bytown would shortly extend if Plots were exposed for sale, is immense at the present moment, and from the commanding position of Bytown the increase in the value of this property must be very rapid and very great; and which, together with the valuable property at the confluence of the River Jacques with the River Rideau, embracing as it does a most valuable Mill site and other important advantages, I should consider the whole, were I the owner, worth about £20,000.

Question 2. Have you personally inspected and examined this property?—Answer I have.

Question 3. The statements by you, and now shown you [No. 42, above], are they not the results of personal inquiry by yourself on the property?—Answer. They are the results of personal inquiry, made by myself on the property.

No. 68.

Mr. Waters to Mr. Mackenzie.

BYTOWN, 21st July, 1835.

W. L. MACKENZIE, Esquire.

Sir,—I have been here about three days looking after the Chaudière property, and examining maps, &c. I find Captain LeBreton owns Lot No. 40, covering the Falls. It is, or rather will be, Bytown itself, and is very valuable. A gentleman tells me that he will give £1000 for the sole privilege of making a slide down the Falls to run timber over, and the lot will be a Town plot.

No. 38 belonged to Judge Sherwood, and he sold it to one Peter Aylwin for £350 cash, and it is worth double that.

No. 39, Clergy Reserve, Government holds as I am told, it meets the Union Bridge at the Ottawa, there are good buildings on it, occupied, as I believe, by one Firth.

Yours, &c.,

C. WATERS.

No. 69.

Mr. Waters to Mr. Mackenzie.—Mr. Randall's Nepean Estate.

LONGUEUIL, 28th July, 1835.

W. L. MACKENZIE, Esquire.

I have been at Richmond, in the County of Carleton, and at Perth, in the County

of Lanark, and have examined the Office of Registry at Richmond, in going and returning; at Perth I examined the Treasurer's Office, and also the Registry of that County; I find that from the Sheriff's deeds of sale of Major Randall's lands in Nepean, John LeBreton purchased Lot No. 40, first Concession on the Ottawa, and the broken front of said Lot, &c.; that Levius P. Sherwood, a Judge in the King's Bench, purchased broken Lots Nos. 10 and 11, first Concession, and Lot No. 10, second Concession, on the River Rideau; and that afterwards, to John LeBreton, by deed and release made by L. P. Sherwood, Esquire, a joint proprietor of the Lot No. 40, first Concession, and broken front of said Lot on the Ottawa, that is to say, one undivided half of said Lot and broken front thereof; and that L. P. Sherwood, Esquire, by deed conveyed to John LeBreton, the one undivided half of Lots Nos. 10 and 11, first Concession, No. 10, second Concession, on the River Rideau, and that exchange deed or deeds of separation and division were passed and exchanged between them, and thereby L. P. Sherwood owns east half of Lot No. 40, in the first Concession, and broken front of said Lot on the Ottawa, together with an equal privilege of four islands in front thereof, and that John LeBreton owns the west half of said Lot and broken front thereof, islands, &c. These conveyances appear to be of the nature of lease and release from one to the other, firstly, to make them co-partners, and then a division of Lot No. 40, in first Concession, and broken front of the said Lot, &c., on the Ottawa, which plainly shews what I had always understood, that they purchased those lands in partnership, at Sheriff's sale; the Lot No. 40, &c., on the Ottawa, is in reality, and there might easily be made of it, in my opinion, £10,000. It covers water privileges worth half that sum. The Union Bridge across the Ottawa, abutting on the Lot. For sales out of the broken front of the said Lot, you will notice the annexed memorandum; there are two parcels or privileges, one of which, (an acre), was conveyed by L. P. Sherwood, Esquire, and Charlotte his wife, to His Majesty King George IV., on which stands a block of buildings at the end of the Bridge, built by Government, but now unoccupied. These are the buildings I formerly mentioned that were supposed to be on the other Lot: this Lot and privilege are certainly the most valuable property in all this part of Upper Canada.

Lot No. 10, in the second Concession, River Rideau, comprises a valuable Mill site on the River Jacques, emptying into the Rideau; broken lots 10 and 11 cover the mouth of that River, and front on the Rideau River. These Lots, together with No. 11 in the second Concession, are in my opinion, worth 40s. to 50s. per acre; the lands are good, and privileges great. Lot No. 40, first Concession, &c., on the Ottawa, might, and in fact will, and must be a continuation of Bytown, which will in a few years, be the most important Town in Upper Canada.

There is no one on the lands on the Rideau. There are squatters on No. 40, on the Ottawa, but I cannot find out that there are any on No. 39 or 38, (Ottawa.)

N.B.—The second parcel of land sold out of the broken front of Lot No. 40, on the Ottawa, is as follows,—Firstly, from John LeBreton, out of the east half a water and land privilege, &c., to Samuel Stacey and George Lyman Bellows, both Foreigners. Samuel Stacey then sold out his right to the said George L. Bellows, then George L. Bellows sold to Henry Stacy, then Henry Stacy sold out to Henry Church, Henry Church then sold out to Matthew Cormell of Bytown, since dead; this is as far as I can trace any sales or titles in the Bathurst District; it has been a most extraordinary as well as intricate transaction. The conveyances appear to be quit claims, which shews a doubt of the title. L. P. Sherwood and wife, sold the acre to the King, in 1829, February 24th.

Mr. Henry Sherwood professed to sell Lot No. 30, first Concession, Ottawa, and received a sum of money and gave a receipt, but gave no deed. Afterwards the Honorable L. P. Sherwood sold the same Lot, as I am informed, to Peter

Aylwin, for \$1,400, but I can find no record or deed. In this sale there is a mystery; this lot will soon be worth £10,000, if not now.

Your's &c.,

C. WATERS.

No. 70.

Bill No. 4, Passed by the House of Assembly of U.C., for Randall's Relief.

[NOTE.—Mr. Thorburn, for the Committee, then introduced a (fourth) bill for the relief of Randall's heirs, which passed through a Committee of the Whole, 28 Ayes to 10 Noes; and at its third reading unanimously. This bill was similar to the three bills preceding it, except that it appointed the Honorable R. A. Tucker, who had been Chief Justice of Newfoundland, and was afterwards a member of Sir George Arthur's Executive Council, as the Chancellor, to do justice in the cause.

The Legislative Council, as then constituted, sought not to amend the bill—they threw it out—would give no relief, and offered no reasons for their refusal. The Assembly placed the Report and evidence as a record on their Journals, of which they occupy 31 folio pages. Next year (1837) came the political difficulties, the result of which exiled many Members of the Legislatures of the Canadas, and prevented this Petitioner from taking further steps in fulfilment of the trust reposed in him. Colonel Thomas Horner, M.P.P. for Oxford, the other acting Executor, died, of cholera, a few months after Mr. Randall's decease.]

No. 71.

Devises residing in the United States.

Messrs. FILLMORE, HALL and HAVEN, to W. L. MACKENZIE.

(Copy.)

BUFFALO, Feby. 9th., 1838.

“ Hon. W. L. MACKENZIE,

“ Sir,—We understand you are one of the Executors of Robert Randall, late of “ Chippawa, Upper Canada, deceased. We have been requested by Gerard Wil- “ son and his sister, of Baltimore, and the representative of Randall Wallis, to “ make some inquiry as to the situation of the estate and its prospects. We un- “ derstand you are the only Executor who has acted under the will. May we “ trouble you to write us immediately upon the receipt of this, and give us such “ information in relation to the estate and its settlement, as you can communicate “ from recollection, and such papers as you have under your control. From what “ we have been able to learn, we are led to think that Mr. Randall was greatly in- “ jured by the Government Party when living.

“ Please direct your answer to Mr. Fillmore, M.C., Buffalo.

“ We are, respectfully,

“ FILLMORE, HALL & HAVEN.”

[William L. Mackenzie made such a statement as his then situation permitted, and on the 14th of April, promised further information.]

Mr. FILLMORE replied:—

Honorable MILLARD FILLMORE (late President of the U.S.) to W. L. MACKENZIE.

(Copy.)

“ WASHINGTON, April 20th, 1838.

“ Honorable W. L. MACKENZIE.

“ Sir,—Yours of the 14th is received. I hope it may be convenient for you to give my partners the desired information soon. You can address it to me at Buffalo, and if I am not there it will go into their hands.

“ I am, respectfully yours,

“ MILLARD FILLMORE.”

No. 72.

Opinion of Hon. Robert Baldwin.

Hon. R. Baldwin to Mr. J. H. Culp.

TORONTO, 13th July, 1838.

Dear Sir,—I should be happy to afford Mr. Randall's family any professional assistance in my power in pursuit of any rights that may be found to be unjustly withheld from them.

It would, however, be impossible for me, consistently with my other engagements, to leave the city at this moment, and, indeed, from the little I do remember of the subject matter of the business to which your letter refers, it would require a much more lengthened investigation, preparatory to submitting it to the consideration of any one, than I could at this time appropriate to the purpose. It was, I believe, the subject of some Parliamentary report—if so, this might be made the foundation of an application to Lord Durham. But if the matter is to be gone into fully, with the view of any judicial action upon it, you will, I am satisfied, find that it cannot be done but at the expense of much time and labour.

Lord Durham, of course, cannot alter the legal relation of parties. An application to him for such purpose, would, therefore, be inoperative. And for any other, the Parliamentary Report, which I have not, however, at present by me, would, I should think, answer every purpose; at least, if the subject was, as I presume it was, fully gone into.

I remain, dear Sir,

Your obedient Servant,

ROBT. BALDWIN.

Mr. J. H. CULP, Drummondville.

No. 73.

Judge Sherwood's application for part of Amelia Island.

(Copy.)

TORONTO, 21st May, 1840.

Sir,—I have the honor to acknowledge the receipt of your letter of the 14th

instant, on the subject of my application for a part of Amelia Island, at the Falls of the Chaudière, on the River Ottawa.

I would like to receive a license of occupation of the lower half of the Island (about five-eighths of an acre) till I can obtain a grant of it from the Government, or a purchase conformably to the copy of the Minute of the Executive Council referred to by you, and which you were so kind as to enclose to me.

I have the honor to be, Sir,

Your obedient humble Servant,

L. P. SHERWOOD.

The Hon. R. A. TUCKER, Provincial Secretary.

No. 74.

Judge Small to Mr. Culp.—As to the management of the Randall Estate.

TORONTO, 27th October, 1840.

Dear Sir,—Yours of the 20th came duly to hand; and I have to inform you in answer, that nothing has yet been done in consequence of a difficulty having presented itself, in respect to Mr. McKenzie, who altho' outlawed, is not thereby deprived of his right to exercise the office of Executor.—The Court of Probate therefore refuses to interfere unless he will consent to relinquish his Executorship. I am however not without hopes that I shall be able to convince the Court that there can be no objection to your being appointed during McKenzie's absence, should I succeed every purpose will be answered. I shall communicate with you as soon as a decision is come to, and should have written sooner, but was in hopes of being able to acquaint you with the result.

I remain your obedient Servant,

JAS. E. SMALL.

INDORSED.—Letter of James E. Small, Esq., relative to the Randall Estate, dated 27th October, 1840.

No. 75.

Judge Small to Mr. Culp.—As to the Administration of the Randall Estate.

TORONTO, 20th May, 1841.

Sir,—Your letter of the 17th is before me, and I regret to find that you have not been made acquainted with the decision of the Court of Chancery in your case. I gave instructions to the young gentleman in my office some three months ago to write to you upon the subject, and was led to believe that it had been done. I have now to inform you that the Court of Probate, as also the Court of Chancery, will not interfere by appointing another Executor, or rather, an Administrator with the will annexed, in the life time of Wm. L. Mackenzie, without his relinquishment of his Executorship. The only prospect of succeeding will be by filing a bill in Chancery to compel Mr. Mackenzie either to proceed with the Executorship or to relinquish,

when of course, he will be obliged to do the latter. Should you determine upon this course, let me know immediately.

Your's &c.,

JAS. E. SMALL.

Mr. ISAAC H. CULP.

No. 76.

Messrs. Turner, Gwyne and Bacon, to Mr. Culp.

Mr. ISAAC CULP, Drummondville.

Dear Sir,—Enclosed you will receive the Letters of Administration of the late Robert Randall. You will observe that the Court of Probate have not required Bonds as in ordinary cases of Administration.

With respect to the last clause in your letter, stating that E. C. Campbell, Esquire, at Niagara, is your man of business through whom your affairs will be transacted with us hereafter, we are at a loss to understand precisely what you intend to convey. You were pleased to retain us and especially inform us we were to act as principals in the contemplated proceedings; and if after this your intention should be that we are only to act as Agents we must beg to decline doing so. If, however, you merely intend that we are to act as principals, but refer to Mr. Campbell for such information as may be required, we shall be glad to use our best exertions in your behalf.

We are, dear Sir,

Yours, very obediently,

TURNER, GWYNNE & BACON.

Toronto, Feby. 6., 1844.

INDORSED.—Mr. Isaac Culp, Drummondville, Canada.

No. 77.

The Executor's Warning to the Public, relative to the Nepean Estate.

BYTOWN, (CANADA WEST), September 28, 1850.

Estate of the late ROBERT RANDALL in HULL and NEPEAN.

HAVING observed Advertisements in the Bytown Papers, and received copies of Handbills concerning the Estate of the late Robert Randall, Esquire, M.P., relative to proposed sales, or to the management of said Estate, I hereby give notice that no person is or has been authorized by me to interfere in or transact any business relative to said Estate, and that agreements made without my concurrence will be found to be null and void.

WILLIAM L. MACKENZIE,

Toronto, 23rd September, 1850.

Executor.

No. 78.

Lot No. 40, Nepean.—Its value.—How advertised for sale.—George Malloch, Esquire.—His Evidence.

The Petitioner, in a suit tried last Fall Assizes, at Bytown, made inquiry after one of the Hon. James Morris's brothers, who was at the sale of the Chaudière Estate, at Brockville, but found he had died. While George Malloch, Esquire, was under examination, as a witness for Judge Sherwood's heirs and devisees, Petitioner suggested to Mr. Lyon, M.P.P., then of Counsel in the suit, to ask him whether he knew of the advertising of Lot No. 40, Nepean, Ottawa Front, or was present at the sale. He replied, that he did not recollect being present at any sale, though he might have been; that Judge Sherwood, previous to the sale of Lot 40, had sent him out to Point Nepean, to ascertain its real value; that he supposed, though he did not know, that the Lot had been advertised in the U. C. Gazette, but had no recollection of the fact; the Brockville Recorder was established about the time; he (Mr. Malloch) did not remember that any notice of the sale of Randall's land was inserted in it, though it might have been.

No. 79.

Letter from Randall's Attorney in 1821, as to the proper remedy in the case.

BRANTFORD, 24th January, 1853.

Dear Sir,—On Friday last Mr. Thaddeus Smith called on me, and stated that you requested to know if I could make any suggestions that would be of service in the Randall affair. I have read your Petition which you sent me, and I feel that if you can only get the Legislative Assembly to act with the firmness and justice which our Upper Canada House of Assembly did on the occasion, there will be little doubt that justice will yet reach this iniquitous transaction. If it has not yet occurred to you to put a clause in the Bill that the Statute of Limitations shall not be a bar to the action that the Estate may bring, it is highly necessary that it should, for any relief that the Legislature may afford, should not be defeated by the Statute of Limitations. This is all I can think of at present.

I remain your obedient Servant,

ALEX. STEWART.

W. L. MACKENZIE, Esquire, M.P.P., Toronto.

(B.)

DOCUMENTARY EVIDENCE, laid before the Select Committee on the Affairs of ROBERT RANDALL, Esquire, deceased, as far as relates to the Clergy Reserve Lot No. 39, Concession A, in Nepean.

No.	DATE.	SUBJECT.
1	October 5, 1807..	Randall's Petition for Lease of 39 in 1st Concession, and 39 in Concession A, of Nepean.....
2	February 25, 1809..	Randall's Lease for 39 in 1st Concession A, Nepean.....
3	May 19, 1821..	Heward to Randall intimates Arrears of Rent
4	July 23, do ..	Attorney General Robinson to D. Cameron, to prepare Commission respecting Arrears of Rent
5	.....	Randall's Petition, to be allowed to pay Rent.....
6	November 13, 1823..	Burke to Col. Cockburn, transmitting and recommending Berrie's Petition for Acre of Lot 39, adjoining Richmond Landing ..
7	April 15, 1824..	Burke certifies that Firth obtained through him the Governor's permission to occupy 39 in 1st Concession
8	do 21, do ..	Burke to Firth enclosing Extracts as below
9	.....	In above, 1st Extract, Hillier to Burke, desires Firth to send Petition for 39 ; in the meantime may occupy.....
10	.....	In above, 2nd Extract, Hillier to Burke, thinks there can be no objection to Firth entering on possession.....
11	February 6, 1830..	Lieutenant Governor, per Secretary Mudge, thinks there will be no objection to renewal of Randall's Lease if the Land should not be required for the Public Service
12	January 3, 1833..	Randall's Petition for renewal of Lease
13	April 24, do ..	Order in Council, refusing renewal, the Land being "indispensably necessary to the Public Service"
14	do 2, do ..	H. J. Boulton to Captain Bolton, R.E., Commanding at Bytown, treats Lease from Colonel By to Mr. Firth as a mere nullity...
15	August 21, do ..	Commissioner P. Robinson, on a Petition of Firth's, that the Lot is required for "Public purposes"
16	do 22, do ..	Secretary Rowan to Firth, transmitting copy of the above
17	do do do ..	James Talbot to Isaac Firth, respecting his Petition and unsatisfactory reply
18	November 8, do ..	Colonel Elliot certifies that Firth had Lord Dalhousie's permission to occupy a part of Clergy No. 39, in the 1st Concession, Nepean
19	do —, do ..	Firth's Petition for Lease of Lot 39, in 1st Concession, Nepean, (part of Lot?)
20	February 6, 1834..	John Beikie to Firth, communicating Order in Council, Petition not granted (implies only part of Lot was asked).....
21	October 11, 1838..	Report by Sullivan, on another Petition of Firth's for 39, in 1st Concession, that Petitioner has no claim
22	December 11, 1839..	T. McKay to Rochester, that nothing can be done till reserve question be settled.....
23	do 28, 1840..	Andrew Tod to Firth, respecting his Petition.—Claims of Randall and Berrie to be first disposed of
24	November 2, 1844..	Clergy Reserve Inspection Return of Roberts and Chitty, shews Rochester in possession of 39, in 1st Concession, and three Occupants on 39, Concession A, of whom McLachlin is returned, with recommendation that he pay Banning and Dorin for their two shanties
25	do —, do ..	Roberts, by letter, gives reasons why he thinks Rochester should be returned for 39, Concession A

(B.)—(Continued.)

No.	DATE.	SUBJECT.
26) & 27)	November 29, 1844..	William Stewart transmits Rochester's Petition for both Lots, states his purchase from Firth
28	October 21, 1845..	T. Durie transmits Affidavits, &c., filed by Rochester and McLachlin
29	June 20, 1844..	In above, 1st. Francis Laduceres Assignment to McLachlin
30	April 28, 1838..	In above, 2nd. Firth's Bond to Rochester to transfer Deed if he can get it
31	September 3, 1845..	In above, 3rd. Charles Henry, Affidavit that he leased house from Rochester
32	do 6, do ..	In above, 4th. James Johnson, that Rochester has exercised ownership
33	do 12, do ..	In above, 5th. Duncan Stewart, that Rochester made no improvements on 39, Concession A, Nepean
34	do 16, do ..	In above, 6th. Donald McGregor, that Rochester made no improvements on 39, Concession A
35	do do do ..	In above, 7th. James Skead, that Rochester made no improvements on 39, Concession A
36	do 19, do ..	In above, 8th. George Rochester, that Laducere was Rochester's tenant
37	do 26, do ..	In above, 9th. C. Waugh, that he got permission from Rochester to take stones of 39, Concession A, &c
38	do do do ..	In above, 10th. F. Sparkes, same purport as preceding, but does not specify, 39, Concession A, separately
39	do 27, do ..	In above, 11th. T. Burns, has had Rochester's permission to take Timber off the Broken Front
40	October 3, do ..	In above, 12th. William McLachlin, retails sundry conversations with his brother
41	do do do ..	In above, 13th. B. Rathwell, stating details which he considered to establish Rochester's claim
42	do 4, do ..	In above, 14th. P. McGauvern, knew of Rochester giving permission to take Stones, &c
43	do 6, do ..	In above, 15th. J. Perkins, states what he has heard
44	do 9, do ..	In above, 16th. James Rochester, that Laducere built by Rochester's permission, &c., and paid Rent
45	do do do ..	In above, 17th. C. T. Baines, employed by Rochester to prosecute his claim
46	do —, 1841..	In above, 18th. Lease from Rochester to Banning
47	February 12, 1846..	Report, Bouthillier's, recommends that Rochester be allowed to purchase Lot 39, in the 1st Concession, and that 39, Concession A, be sold at Auction
48	do 4, do ..	Strong's Petition to reserve these Lots to endow Church of England, at Bytown
49	do 12, do ..	Report, Bouthillier, on Strong's Petition, adverse
50	do 17, do ..	Order in Council, directs that both Lots be sold separately to Rochester—39, in the 1st Concession, under the Clergy Reserve Regulations, and 39, in Concession A, under 25 Sec. Land Act
51	March 24, do ..	McLachlin's Petition to be allowed to purchase 39, Concession A, at £10 per acre
52	do 27, do ..	Lyman Perkins, Petition to purchase 39, Concession A, at £15 per acre
53	May 21, do ..	O. R. Gowan, urging completion of sale to Rochester
54	do 22, do ..	Report, Bouthillier's, that sale, under Order in Council 7th February, to Rochester, was withheld, on account of Strong's Memorial of 23rd March, (wanting), and proceedings in Legislative Assembly, but opposition being now withdrawn, as he is informed by Mr. Gowan, sale may be carried out

(B.)—(Continued.)

No.	DATE.	SUBJECT.
55	June 20-22, 1846..	Order in Council, rescinds previous Order of 17th February,—denies that any right accrues through Firth,—orders 39, in 1st Concession to be sold at auction, Rochester to get value of his improvements thereon,—and that 39, Concession A, be surveyed into Town Lots, to suit the convenience of the inhabitants of Bytown, and also sold at auction.....
56	do 24, do ..	Rochester's Petition, praying for a re-consideration, and stating amount of improvements
57	July 1, do ..	Order in Council, that on account of extent of improvements thereon, Rochester be allowed to purchase 39, in 1st Concession, at new valuation by District Agent, and that survey and sale of 39, Concession A, be carried out as directed by Order in Council, 20-22 June
58	do 13, do ..	J. Durie, District Agent, reports former valuation of 39, 1st Concession by the inspectors to be sufficient
59	do 15, do ..	Instructions to R. Bell to Survey 39, Concession A, Nepcan, into Town Lots, &c
60	August 19, do ..	Robert Bell, reports preliminary survey
61	do 24, do ..	Further instructions to Bell to complete survey
62	September 16, do ..	Robert Bell, reports having completed survey
63	July 13, do ..	Isaac Firth, that he sold both Lots to Rochester in 1834
64	.....	Isaac Firth certifies that he sold both Lots to Rochester in 1836, (no date
65	September 25, 1846..	Order in Council states grounds of Order in Council of 1st July,—recapitulates Firth's claim, and denies it in toto, to either Lot, but finds no objection to permitting Rochester to purchase, at full value, of the Town Lots when reported
66	December 8, 1847..	Order in Council, directs Town Lots, as valued by District Agent, to be advertised for sale
67	January 4, 1848..	Sale advertised of Town Lots (from Canada Gazette of 8th January, 1848)
68	do 17, do ..	Rochester's Petition, complains of Lots being advertised without intimation to him under Order in Council of 25th September, 1846—urges that the sale be suspended, &c
69	do 22, do ..	Report, Bouthillier's, refers to Order in Council of 25th September, 1846
70	do 28, do ..	Order in Council, directs sale to be stayed till 1st May, following, permitting Rochester to purchase within that period, at the advertised prices of the Town Lots; failing which on his part, sale to proceed.....
71	February 8, do ..	William Stewart to J. A MacDonal, Commissioner, on behalf of Rochester
72	do do do ..	Rochester's Petition, complaining of valuation of Town Lots being excessive, &c
73	do do do ..	In above—Philip Roberts, accuses his Co-Inspector Chitty, of corrupt conduct
74	April 20, do ..	J. H. Price to Rochester, intimates that sale to him, is suspended in consequence of Sparks claim & O. C. thereon.....
75	January 5, 1850..	A. J. Russell to John Durie, calls attention to deterioration of Lot 39, Concession A, by its remaining open to trespass
76	February 20, do ..	J. Durie calls Commissioners' attention to the subject
77	March 11, do ..	J. H. Price, Commissioner, to Durie, that O. C. of 28th January, 1848, may be carried out in favor of Rochester, for the part not claimed by Sparks.....
78	April 29, do ..	J. Durie to Rochester offering as above
79	June 20, do ..	Rochester to Durie, urges consideration of his former Petition.....
80	do 28, do ..	Durie to Commissioner, submits above reply and refers to value of the Lot as a farm being less than that of the Town Lots....

(B.)—(Continued.)

No.	DATE.	SUBJECT.
81	February 3, 1852..	Malloch to Rochester, thinks case quite clear and offers assistance ..
82	do 21, do ..	Rochester again urging his case on the Commissioner, (with copy of reply, same No.)
83	July 23, do ..	Rochester's Petition, presented personally by himself and Malloch, again stating his case
84	do 28, do ..	Aumond and Egan, certify that 39, in Concession A, is occupied by Rochester with a House built, and ten or twelve acres of land cleared
85	.....	J. C. Tarbutt, Mem., shewing Departmental action on Lot 39, in the first Concession, and 39 in Concession A, to be the same as on Lots in any other Concessions lying contiguous
86	August 4, 1852..	Report Commissioner on Rochester's Petition, gives brief history of case, shewing the utmost conceded to this date, to be permission to purchase the Town Lots at their full value
87	do 5-7, do ..	Order in Council, allowing Rochester to purchase the whole Lot at 50s. per acre, with interest from 1848
88	do 4, do ..	Rochester assigns joint interest to Malloch
89	do 9, do ..	Commissioner to Public Works Department, inquiring what reserves are necessary
90	do 11, do ..	Secretary P. W. replies, that no grant should be made, improvements being in contemplation
91	do 13, do ..	Malloch and Rochester, urging issue of Patent
92	do 18, do ..	Robert Bell, describing reservations indispensable for Public purposes.
93	do do do ..	Daniel McLachlin, M.P., that reservations are indispensable
94	do 19, do ..	Andrew Russell, Mem., on importance of Ottawa Navigation
95	do —, do ..	Imperial Order in Council, extract shewing that pre-emption could only be extended to Clergy Reserve occupants of the standing of five years previous to 1841
96	do 24, do ..	Report by Commissioner, shews that no claim to pre-emption exists, that the Lot is required for public purposes and should be reserved
97	do 26, do ..	Petition of thirteen inhabitants of places on the Ottawa in favor of Rochester
98	do 30, do ..	Mr. Lee to Mr. Spragg, inquiring how certain Lots in Concession A, Nepean, are granted
99	do do do ..	Mr. Spragg in reply showing that Lots in Concession A, are described separate and distinct
100	September 4, do ..	Petition of thirty-two Merchants of Bytown, in support of the Public Interests, that Reserves are indispensable, being themselves engaged in the lumber trade
101	do do do ..	Petition, Magistrates of Bytown, (ten) deprecating sale of the Lot at about £110, as a public wrong, the real value being not less than £5000, and urging indispensable reservations for public purposes
102	do 6, do ..	Petition, Corporation of Bytown, deprecating sale, and describing reservations indispensable for Public purposes
103	do 14, do ..	Rochester to Provincial Secretary, urging his claim
104	October 12, do ..	Malloch to Honorable Malcolm Cameron, urging claim and stating position of the case, and his suspicions, with inclosures
105	do 11, do ..	In above, 1st. E. Hawkins Affidavit, that he fenced, ploughed, and planted for Rochester, &c.
106	do do do ..	In above, 2nd. Charles Henry, Affidavit that he occupied a house built by Rochester, &c.
107	Feb. 4 & Feb. 27, '24	In above, 3rd. G. Hillier to Major Burke, two letters—Firth permitted to occupy

(B.)—(Continued.)

No.	DATE.	SUBJECT.
108	April 9, 1824..	In above, 4th. Sir P. Maitland to Lord Dalhousie—Firth to occupy Clergy Reserve adjoining Richmond Landing.....
109	October 25, 1852..	(Afterwards sent), 5th. Hugh Hamilton's Affidavit of what he heard Mr. Carmichael say
110	November 2, do ..	Petition of William Lyon Mackenzie on behalf of the Estate of late Robert Randall (no copy kept, but 2nd Petition, 12th November, gives his case fully)
111	do 9, do ..	Report, Supplementary on the further documents, in the Malloch and Rochester case
112	.....	Report, Extract Registry Office, Bytown, sale Rochester to Malloch, shewing the legal distinction between 1st Concession and Concession A, of Nepean
113	November 9, 1852..	Report on Mackenzie's Petition, contrasting his Claim with Rochester and Malloch's
114	do do do ..	Report on Squatters' Petition, with Petition of 16th June, (the Report having been made out but not sent to Council at that time)
115	do 12, do ..	Petition of W. L. Mackenzie, entering more fully into details of Randall's case, referred immediately to Executive Council without further Report, (first Petition not copied, but his case is fully given in the above)
116	do do do ..	Petition, Mackenzie to be heard before the Executive Council
117	do 13, do ..	Report, on last Petition, suggesting the propriety of hearing Mr. Mackenzie
118	do 24, do ..	Order in Council, amending Order of 5th and 7th of August, and making reservations
119	December 6, do ..	Memorial (second) of Town Council of Bytown, expressing surprise at the Claims put forward being entertained, and praying for a part of the Lot for Public purposes of the Town, and shewing the Streets to be vested in the Corporation
120	do 15, do ..	Report on above, shewing that no sale had yet been made on Order in Council of 24th November, on account of a doubt of its legality
121	do 13-14, do ..	Order in Council amending former Order (received 16th)
122	do 20, do ..	Order in Council amending the above by suspending issue of Patent till arrangements are made to prevent recourse being had upon the Government, in case of decision hereafter that the Streets are vested in the Corporation
123	do 24, do ..	Commissioner to Rochester intimating foregoing decision
124	do do do ..	Commissioner to R. W. Scott, Mayor of Bytown, intimating same ..
125	do do do ..	Commissioner to Sparks, intimating same
126	.....	Commissioner to R. Cleary and others, intimating same
127	January 7, 1853..	Malloch and Rochester, (Mr. Aumond endorsing,) assenting to the terms respecting Streets, but objecting to the chain and a half reservation
128	do do do ..	John Egan, M.P., thinks Mr. Rochester an honest man
129	do —, do ..	Report, refers to the above documents, and, against reopening the case for further concessions, quotes O. C. of 17th November, 1847, in the case of N. Macpherson
130	.....	..... (Blank.)
131	Jan. 29-31, 1853..	Order in Council, that Patent issue in accordance with Orders in Council of 24th November, and 20th December, 1852.....
132	February 5, do ..	Malloch and Rochester, accepting terms of Order in Council, of 20th December, 1852
133	do 5, do ..	Attorney General Richards, that acceptance is in accordance with the Order in Council.....

(B.)—(Continued.)

No.	DATE.	SUBJECT.
134	February 7, 1853.	Malloch and Rochester protest against their acceptance of the 5th, as having been extorted from them, and accuse the Government of studied fraud, &c
135	April 5, do ..	Russell and Merrill Report, as directed by the Commissioner, whether reservations are necessary, and describe what they believe to be indispensable
136	do 25, do ..	E. Malloch, respecting trespass on the reservation, desires that Commission issue to County Judge to stop it

No. 1.

To His Excellency FRANCIS GORE, Esquire, Lieutenant Governor of the Province of Upper Canada, &c., &c., &c.

IN COUNCIL.

The Petition of ROBERT RANDALL, of Cornwall, in the Eastern District of the Province of Upper Canada, Merchant;

HUMBLY SHEWETH:

That your Petitioner is desirous of Leasing Lot No. 39, in the first Concession or front of the Ottawa River, opposite to the Falls, known by the Shawyees, in the Township of Nepean, a short distance above the mouth of the River Reddau.

Your Petitioner therefore prays your Excellency will be pleased to order a Lease to be made out for said Lot, in the name of your Petitioner, agreeable to the existing regulations, and permit Darcy Boulton, of York, Esqr., to be his Attorney to receive said Lease, when the same shall be completed.

And your Petitioner will ever pray, &c.

INDORSED.—Copy, Robert Randall's Petition for a Lease for Lot No. 39, in the Town of Nepean, Oct. 5, 1807.

No. 2.

Copy—Randall's Lease, Lot 39 in 1st Concession, and 39 Concession A, Nepean.

LEASE to ROBERT RANDALL, of the Town of Cornwall, in the County of Stormont, in the Eastern District, Merchant; all that parcel of Land in the Township of Nepean, in the County of Carleton, in the District of Johnstown, being the Clergy Reserve Lot Number 39, in the 1st Concession, with the Broken Lot No. 39, in front thereof, upon the Ottawa or, that is to say, Grand River; commencing in front upon the Ottawa or Grand River, at the North East angle of the said broken Lot No. 39; then South 16 degrees East 151 chains, more or less, to the allowance for Road between the rear of the said 1st Concession and Lot I

in the Concession B, granted to Christian Wallaser; then South 66 degrees West, 20 chains, more or less, to the limit between Lots Nos. 39 and 38; then North 16 degrees West, 125 chains, more or less, to the Grand or Ottawa River; then Easterly and Northerly along the water's edge with the stream to the place of beginning; containing 276 acres, more or less, with the allowance for Road between the broken front and 1st Concession: for which the sum of Thirteen shillings and nine pence of lawful money or 4 bushels and one-eighth of a bushel of wheat is the annual rent for the first seven years; Twenty-seven shillings and six pence or 8 bushels and one quarter of a bushel of wheat for the 2d 7 years, and 41s. 3d. or 12 bushels and three-eighths of a bushel of wheat for the residue of said term.

S.G.N. Fiat No. 669. Description. No. 682 Lease.

(Signed,) CHEWETT & RIDOUT,
A. & S.

Order in Council, 23 Feby., 1809, under the administration of Lt. Gov. Gore.
The Rent to commence from the next Qr. day after the date of the O.C.

S.G.O. 25 Feb. 1809.

C.O. No. 788. A.G.O. No. 669. 25 Feby. 1809.

No. 3.

Mr. Heward to Mr. Randall, about Reserve Rent.

(Copy.)

YORK, 19th May, 1821.

Sir,—It does not appear that any rent has been paid on Clergy Reserve Lot No. 39, in the first Concession, and broken 39, in front upon the Ottawa or Grand River in the Township of Nepean, containing together about 276 acres leased to you in February, 1809. The rent thereon on the 25th March last, amounted to £11 13s. 10½d.

The Corporation for superintending and managing the Clergy Reserves have therefore directed me to request you to pay or cause to be paid to me forthwith, that amount as rent aforesaid, in order that the same may be entered in account, otherwise measures will immediately be taken to recover the same.

I have &c., &c.

(Signed,) S. HEWARD,
Secretary and Receiver to the Corporation.

ROBERT RANDALL, Esq., &c., &c., &c.,
Chippawa, N.D.

No. 4.

Chief Justice Robinson to Mr. Secretary Cameron. *Fiat* for a Commission—Randall's Reserves Rent.

YORK, July 23rd, 1821.

Sir,—I have the honour to request that you will prepare a Commission under the Great Sale, in the usual form, to inquire whether the rents have been duly paid upon a Lease of Lot Number thirty-nine in the first Concession, and broken lot number

thirty-nine in front upon the Ottawa or Grand River in the Township of Nepean, containing 276 acres, a Clergy Reserve granted to Robert Randall in February, 1809. The said Commission to be directed to Hamilton Walker, and Adiel Sherwood, Esquires.

I have the honor, to be, Sir,

Your most obedient humble Servant,

JOHN B. ROBINSON,

Attorney General.

To the Hon. D. CAMERON, Esq.,
Secretary, &c., &c., &c.

Secretary's Office, York, U.C., 4th February, 1830.

I certify the foregoing to be a true copy of the Original *Fiat*, received at this office from the Attorney General, John Beverly Robinson, Esquire.

D. CAMERON,

Secretary.

No. 5.

Mr. Randall's Petition for a Renewal of his Lease of 39—1st Concession and 39, Concession A, Nepean.

(Copy.)

To His Excellency Sir JOHN COLBORNE, K.C.B., Lieutenant Governor of Upper Canada, and Major General of, in, and over His Majesty's Forces therein, &c. &c. &c.

The Petition of ROBERT RANDALL, humbly sheweth, that he received a Lease of Lot No. 39, being a Clergy Reserve in the 1st Concession, with the Broken Lot No. 39 in the front thereof, upon the Ottawa or Grand River, in Township of Nepean, in the County of Carlton, in the District of Johnstown, from the 25th day of March, 1809, for 21 years then next ensuing, paying the yearly rent in such Lease reserved.

Your Petitioner has lately applied to pay the rent due on the said Lease, and was then informed that the Clergy Corporation had made an entry that the said Lease was forfeited, and that the said Lot should be otherwise disposed of. That your Petitioner has reason to believe that no fiat has issued for any such fresh disposal of the Lot to the prejudice of your Petitioner, wherefore your Petitioner humbly prays that upon paying the Rent now due, he may have his lease renewed.

And your Petitioner, as in duty bound, will ever pray.

No. 6.

(Copy.)

RICHMOND, 13th Nov., 1823.

Sir,—I have the honor to transmit the Petition of Andrew Berrie, late of the Royal Artillery, praying that an Acre of Land be granted him off Clergy Reserve Lot No. 39, adjoining the Richmond Landing, for the purpose of erecting a House of accommodation thereon. I beg to observe that this is one of the Lots

which His Lordship the Commander of the Forces had decided on reserving for public purposes, as appears by Captain Parker's letter of the 15th August last.

The Petitioner, since his settlement under this superintendance, has conducted himself in a highly respectable and industrious manner, and given most general satisfaction as an Inn-holder at the Landing; and should it be compatible with the views of His Lordship the Governor in Chief, I would beg to recommend favorable consideration of his prayer, holding in view that the place assigned him be situated on a road to be laid out in continuation of that at present in use across Lot No. 40.

I have, &c.,

(Signed,)

G. T. BURKE,

Secretary and Stk.

Colonel COCKBURN, &c. &c. &c.

A true Copy.

JOHN PARKER,

Capt. and Dy. A. Q.M.G.

Dy. Q.M. Gen.'s Office,
Quebec, 3rd October.

No. 7.

I certify that Mr. Isaac Firth has obtained thro' me the permission of His Excellency the Lieutenant Governor to take possession of and occupy Clergy Reserve Lot No. 39, 1st Concession from the Ottawa in the Township of Nepean.

(Signed,)

GEORGE T. BURKE.

Richmond, 15th April, 1824.

No. 8.

RICHMOND, 21st April, 1824.

Dear Sir,—In compliance with your desire, I enclose extracts from 2 letters which I have received from the Provincial Secretary at York relative to Clergy Lot No. 39, retained for Government purposes.

I also transmit a Certificate of your having Government permission to occupy the lot. I take this opportunity of enclosing one of my Addresses to the Freeholders, and beg to solicit Mr. Berrie's and your interest on the occasion. Your exertions will be the more necessary in order to meet those of a party in March, who seem desirous of dictating to the freeholders in the choice of your representation.

Very faithfully and obediently yours,

G. T. BURKE.

P.S.—I have heard by the last post from Major Hillier, who says he shall answer me finally respecting the reserve, when he hears again from Quebec. Adding the latter extract, March 27.

We have now on hand, a supply of very choice Ale, but I fear the roads will be unfit to travel for some time.

G. T. B.

Major Hillier to Capt. Whitmarsh, relative to a petition of Berrie's partner (Firth), concerning R. Randall's reserve, No. 39, Nepean. I shall not be able to give him a final reply on the subject of the Lease of the Clergy Reserve in Nepean until Major Elliot's report has been received and considered; but that I will not lose sight of it.

S. H.

Sir,—I have just received the enclosed note from Major Hillier in reply to the Petition I forwarded for you.

And remain,

Your obedient Servant,

H. WHITMARSH.

Mr. ISAAC FIRTH, Nepean, U.C.

ADDRESSED.—Mr. Isaac Firth, Nepean.

No. 9.

Extracts from Letters addressed by Major Hillier to the Subscriber.

GOVERNMENT HOUSE,

York, February 5th, 1824.

“If Mr. Firth will forward to me a Petition for the lease of Clergy Reserve Lot No. 39, I will give immediate attention to it; in the meantime, His Excellency allows Mr. Firth to take possession of and occupy that Lot.”

(Signed,) H. HILLIER.

No. 10.

GOVERNMENT HOUSE,

York, March 27th, 1824.

In the meantime, I think there can be no objection to Mr. Firth's entering on possession of the Reserve, which may be important to him.

(Signed,) H. HILLIER.

Richmond, 21st April, 1824.

(Signed,) G. T. BURKE.

No. 11.

Sir John Colborne's Reply to Mr. Randall's Petition.

GOVERNMENT HOUSE, (YORK,) 6th February, 1830.

Sir,—I am directed by the Lieutenant Governor to acquaint you, in reply to your Memorial, that he finds that a Fiat did issue for the disposition of the Lot in

question, and also that you were informed of the arrangement. Copies of the Fiat and the notification transmitted to you on that subject are inclosed. I am also to observe that I have been desired to ascertain from the officer, said to be in charge of the Lot 39, 1st Concession, Nepean, at Bytown, by whose authority it was directed to be taken out of the hands of the Clergy Corporation; and if it should not be required for the public service, His Excellency thinks that there will be no objection to your lease being renewed for the usual term.

I have the honor to be, Sir,

Your most obedient humble Servant,

Z. MUDGE.

ROBERT RANDALL, Esq., M.P.P.

No. 12.

Randall's Petition of 1833.—Reserve wanted for Public Purposes.

To His Excellency Sir JOHN COLBORNE, K.C.B., Lieutenant Governor of the Province of Upper Canada, Major General Commanding His Majesty's Forces therein, &c., &c., &c.

IN COUNCIL.

The Petition of ROBERT RANDALL, of the Town of York;

HUMBLY SHEWETH:

That the Clergy Reserve Lot No. 39 in the 1st Concession, with the broken Lot No 39 in front thereof, upon the Ottawa or Grand River, in the Township of Nepean, was leased to your Petitioner by Letters Patent, in the year 1809. The lease having expired, your Petitioner prays your Excellency will be pleased to grant him a renewal thereof, on payment of the arrears of rent.

And your Petitioner will ever pray.

(Signed,) ROBERT RANDALL.

YORK, 3d January, 1833.

No. 13.

INDORSED.—In Council, 24th April, 1833.—Not recommended, as the land in question was regularly forfeited under a commission, and is now indispensably necessary to the public service.

(Signed,) JOHN STRACHAN,
P.C.S.C.

GOVERNMENT HOUSE, 7th January, 1833.

Referred to the Honorable the Executive Council.

By command.

(Signed,) WM. ROWAN.

Communicated 30th April, 1833.

See Petition of Isaac Firth, read in Council, 3d February, 1834.

IN COUNCIL, 24th April, 1833.

Read the Petition of Robert Randall, Esquire, for a renewal of a Lease of the Clergy Reserve Lot No. 39, in the 1st Concession, with the broken front, in the Township of Nepean.

Not granted, as the Land in question was regularly forfeited under a Commission, and is now indispensably necessary to the public service.

JOHN BEIKIE,
Clerk Executive Council.

No. 14.

Col. G. T. Burke to Col. Cockburn.—Atty. Gen. Boulton to Capt. Bolton.

(Copy.)

ATTORNEY GENERAL'S OFFICE,
York, 2nd April, 1833.

Sir,—In compliance with the request made in your letter of the 18th ultimo, I have the honor to enclose you the accompanying statement, which, I hope, will afford you all the information you require. The Lease from Colonel By to Mr. Firth is a mere nullity.

I have, &c. &c. &c.

(Signed,) H. S. BOULTON,
Attorney General.

Captain BOLTON,
Senior Royal Engineer, Rideau Canal.

—
A true Copy.

WILLIAM CLEGG,
Clerk Rideau Canal.

No. 15.

(Copy.)

COMMISSIONER OF CROWN LANDS OFFICE,
York, 21st August, 1833.

I beg to refer you to Colonel By's letter of the 16th February, 1830, on the Report of the Honorable the Executive Council, herewith transmitted, by which you will observe that the Lot the Petitioner is desirous of obtaining is required for public purposes.

(Signed,) PETER ROBINSON.

No. 16.

GOVERNMENT HOUSE, York, 22nd August, 1833.

Sir,—With reference to your Petition of the —, I am directed by the Lieut.

Governor to transmit to you the annexed copy of the Report from the Commissioner of Crown Lands.

The Certificate which accompanied your Petition is returned herewith.

I am, Sir,

Your obedient Servant,

WM. ROWAN.

Mr. ISAAC FIRTH, at Mr. Talbot's, Land Agent, York.

No. 17.

Mr. Talbot's (Land Agent) Explanation of Refusal of Lease to Firth.

YORK, 22nd August, 1833.

Sir,—Your Petition obtained an early consideration, and reply, though not satisfactory as we could wish, as will be seen by the annexed Report, which states, that in consequence, or rather upon reference, to a Letter from Colonel By in February, 1830, and the Report of the Executive Council, the Lot was required for public purposes, and, in all probability, will be withheld from sale or lease until such time as a Certificate or Declaration to the contrary be made by those whose province it is to decide.

Colonel By, I suppose, is not within reach. Should you feel disposed to apply to him upon the subject,—that is, to procure from him a written Certificate, addressed to the Commissioner of Crown Lands, stating that the Lot in question would not now be required for public purposes—if you were satisfied from its situation it would not be required, and that it was important that you should have it—you might apply for a lease of occupation for the time when such declaration would be made, or for the period when it is required for public services.

And am, Sir,

Your obedient humble Servant,

JOS. TALBOT.

Mr. ISAAC FIRTH, Bytown.

No. 18.

BYTOWN, 8th November, 1833.

I hereby certify that I was authorized by the Earl of Dalhousie, in the year 1823, to inform Mr. Isaac Firth that he had His Excellency's permission to occupy a part of the Clergy Reserve No. 39, 1st Concession, Nepean.

(Signed,) G. A. ELIOT,

Lt. Col., M.B.

No. 19.

To His Excellency Sir JOHN COLBORNE, Knight Commander of the most Honorable Military Order of the Bath, &c. &c. &c.

The Petition of ISAAC FIRTH, most

HUMBLY SHEWETH :

That Petitioner was put in possession of part of Clergy Lot No. 39, first Concession on the Ottawa in the Township of Nepean, in the autumn of 1823, by Major Elliot (he being here at that time), but Petitioner not having obtained any document to that effect, wrote to Mr. Secretary Hillier on the subject and received for answer, that "if he would forward a Petition he would give immediate attention to it, and at the same time His Excellency allows Mr. Firth to take possession of, and occupy that Lot."

That Petitioner having forwarded the Petition, and had for answer that a final answer could not be given until Major Elliot's report had been received.

That untoward circumstances have driven your Petitioner from his home, near the Union Bridge. He therefore prays your Excellency to grant him so long a lease of said Lot as may indemnify him for building a house and barn, and other necessary buildings; having already made fourteen acres of excellent improvement.

And Petitioner, as in duty bound, will ever pray.

ISAAC FIRTH.

Bytown, November, 1833.

ADDRESSED.—To His Excellency Sir John Colborne.

No. 20.

EXECUTIVE COUNCIL OFFICE,

YORK, 6 February, 1834.

Sir,—Your petition for a Lease of part of Clergy Reserve Lot No. 39, in the First Concession on the Ottawa River in the Township of Nepean, was read in Council on the 3rd instant, and the prayer not granted.

I have the honor to be, Sir,

Your obedient Servant,

(Signed,)

JOHN BEAKIE,*

Clerk Executive Council.

Mr. ISAAC FIRTH, Bytown.

No. 21.

Copy of a Report on a Petition of Isaac Firth, to lease or purchase 39, in the First Concession Nepean.

CROWN LAND OFFICE,

11th October, 1838.

The Petitioner, Isaac Firth, has no legal title to occupy the lot of land prayed for, he seems, however, to have settled upon it by the authority of the Governor

General and the Lieut. Governor, Sir P. Maitland; he has not ever had grant of the land or right of pre-emption, and if the lot being a Clergy Reserve should be wanting for ecclesiastical purposes, his claim cannot be considered as standing in the way of its appropriation further than his occupation may have improved the value of the land which does not seem probable, as he is represented to have cut timber of considerable value from the lot; the utmost extent of his title seems to be a verbal permission to occupy, which, even, if it had been formal was liable to be determined at the will of the Crown. In the year 1809, a Lease appears to have been granted to Robert Randall which has, however, expired, and the Lease contained no clause of renewal, there seems therefore no difficulty in the way of disposal of the Lot according to your Excellency's pleasure.

(Signed,)

R. B. SULLIVAN.

No. 22.

HOUSE OF ASSEMBLY, 11th December, 1839.

Mr. J. ROCHESTER.

Dear Sir,—On my arrival here, I put in your claim to the Clergy Reserve that you are in possession of.

This morning I called at the Council Office; they shewed me the Rev. Mr. Strong's Petition for the said Lot, sent in on 38. I was informed that there would not be anything farther done in the matter until the Clergy Reserve question was settled.

Yours truly,

(Signed,)

T. MCKAY.

No. 23.

TORONTO, 28th December, 1840.

Sir,—I duly received yours of 2nd current, and regret the delay that has taken place in search of your Petition. After making every inquiry in the Executive Council, and other Offices without success, I wrote to the Government, to which they state in reply "That the Petition of Isaac Firth, concerning which you make inquiry, does not appear to have been received at this Office." Upon the reference given me to Messrs. Baines and Lee, they both appear to have some faint recollection of such a petition, but on a diligent search being made by these gentlemen, no trace can be found of such a document having been filed in any of the public Offices, and of course not reported on.

I do not see you can do otherwise than Petition again, stating fully the facts, and producing affidavits of the clearing and improvements made on the lands, as also Major Bolton's certificate of the said lot not being required for canal purposes. It may be well that no time is lost in bringing your claim before the Council, to await the result, depending on the future instructions (as to the sale of Clergy Reserves) that may be received from the Home Government, the Council having at present no power vested in them to decide on claims against Clergy Reserves. I find Mr. Strong, as you mention, petitions for said Lot for a Glebe, but his request was not entertained. Pray who are Randall and Barrie, whose names are noted on the Books of the Commissioner of Crown Lands as having, or having had some

claims on the Lot. This must be clearly shewn to insure you of your claim being granted.

Upon my being furnished with the necessary documents information I shall exert more for your interest

Torn off the Original.

I am Sir, your most ob
(Signed,) ANDREW TOD

Mr. JAMES FIRTH, Nepean.

N.B.—The Hon. R. B. Sullivan, is Commissioner of Crown and Clergy Reserves.
(Signed,) A. T.

No. 24.

Extract from Return of Inspection by Messrs. John Chitty and Philip Roberts, on Oath, 1844.

No. of Lot.	Concession.	No. of Acres.	If occupied, and by Whom.	No. of Acres cleared.	Quality of Soil.	Will occupant purchase, and at what price?	Nearest Mill.	No. of Families in Concession.	What would the Lot be now worth per Acre, if it had never been improved?	Remarks.
39	A Ottawa	76	Daniel McLachlan.	3	Good..	£ 35	1	....	£ 40	Recommend that D. McLachlan do pay to Oziah Banning £25, and to Louis Dorin £5, for two Shanties on Lot 39, A.
39	1st Ottawa	200	John Rochester ..	30	Good..	30	1	....	50	.....

No. 25.

(Copy.) BYTOWN, 22nd November, 1844.

Sir,—Having differed in opinion with my Colleague, Mr. John Chitty, on one point, in the course of our inspection of Clergy Reserves, and in obedience with our instructions, I have the honor to annex for your information, my reasons for so doing. It appeared to me by document laid before us that Lot 39, in the 1st Concession, and Lot 39 on the broken front of the Ottawa, in the Township of Nepean, had been occupied for many years by a man of the name of Isaac Firth, with the sanction of the Government,—said Firth, in the year 1838, sold his improvements in said Lot to a Mr. John Rochester, for the sum of sixty pounds Currency; and on the faith of that agreement said Rochester built a handsome stone dwelling

house, and made other improvements—it also appears by receipts he produced, that he had regularly paid the District Taxes on both Lots.

Those with other facts which have come to my knowledge, are the reasons on which I ground my opinion that Mr. Rochester has a prior right to have his name registered for Lot 39, on the Broken Front, on the Ottawa, 76 acres; and not that of a Mr. Daniel McLachlin, who alleges he purchased a house from a Frenchman on the 17th last June, for the sum of fifteen pounds Currency; the said house and premises, I am credibly informed, was not the property of the said Frenchman, but merely rented to him by said Rochester, of which I believe most satisfactory proof can be given.

(Signed,)

PHILIP ROBERTS,

Late I.C.R.

Honorable Commissioner of Crown Lands.

No. 26.

LEGISLATIVE ASSEMBLY,

November 29th, 1844.

Dear Sir,—Accompanying this I beg to place in your hands a memorial from Mr. John Rochester, of Bytown, in reference to Lot 39 and Broken Front, near Bytown, in the Township of Nepean.

I can vouch for the fact, that Mr. Rochester always had possession of both since his purchase from Isaac Firth, and that he is in possession of a regular Bond and assignment of it, which will be forthcoming, if any attempt to doubt or disturb his possession.

I have the honor to be, Sir,

Your most obedient Servant,

(Signed,)

WILLIAM STEWART, M.P.P.

The Honorable D. B. PAPINEAU,

Commissioner Crown Lands, &c. &c. &c.

No. 27.

4th December, 1844:

To the Honorable DENIS B. PAPINEAU, Commissioner of Crown Lands,
&c. &c. &c.

The Petition of JOHN ROCHESTER, of Bytown, in the District of Dalhousie, most
HUMBLY SHEWETH:

That your Petitioner, in the year 1836, purchased from Mr. Isaac Firth, of Bytown, Lot No. 39 1st Concession, and 39 on the Broken Front, in the Township of Nepean, for which he paid £60 Currency, which are Clergy Reserves. The said Lots were granted by his Excellency Sir P. Maitland to Mr. Firth, in 1824, who was from time to time assured by Major Hillier, the Secretary to the then Governor, that a patent might be expected for the same.

That the said Isaac Firth made repeated subsequent applications to the Crown Land Department, accompanied by the necessary documents for a Patent, who was on every occasion encouraged to believe he would receive one, but from the

difficulties which arose respecting the settlement of the Clergy Reserves, it was deferred.

That your Petitioner, on the faith of those assurances from the Government, has incurred a great expense in erecting dwelling houses, and other buildings, both upon the broken front, and on the lot where he now resides with his family,—and had never for a moment entertained a single doubt of his remaining in the peaceable possession thereof.

That your Petitioner has reason to believe that one of the Commissioners who inspected the Lots, from a personal and sinister motive, wishes to have the Broken Front detached from the other part of the land, of which it constitutes an integral part. Your Petitioner will be able to prove the assertions above alluded to, by the clearest testimony. In the event of your Petitioner losing the Broken Front, he would be completely cut off from his Water Privileges, thus rendering the remainder of comparatively little value, there being on the whole not more than 25 acres of good land.

Your Petitioner, therefore, most humbly begs that Your Honor will be graciously pleased not to sanction the dissevering of said Broken Front from the lot which it originally formed and still continues to form an integral part, until a fair and open investigation takes place.

Your Petitioner makes this application to Your Honor, knowing from universal report that Your motives are just and equitable, wishing to see justice done in all cases that come before you.

All which is respectfully submitted,

(Signed,)

JOHN ROCHESTER.

No. 28.

DALHOUSIE DISTRICT AGENCY, 21st October, 1845.

Sir,—I beg to inclose Affidavits, &c., &c., in support of Mr. John Rochester's claim to Broken Front 39, in Concession A, on the Ottawa, and others in support of Mr. Dan. McLaughlin's.

Of the two, I consider Mr. Rochester's to be the most substantial.

Mr. McLaughlin has, since he lodged these papers in this office, given up all claim to the right of pre-emption; but stated to me his intention of proving that Mr. Rochester neither has a claim to this right; and, at the same time, offered £10 per acre for the Lot.

I have to inform you that since the opening day of sale, the Rev. S. S. Strong, of Bytown, has made application for and forbid the sale of this Lot, in behalf of the Church of England, and Thos. Keefer on behalf of the Board of Works.

Mr. Rochester is willing to give up any part of the Lot that may be required for the Government Slide, presuming that the whole will not be deemed necessary for that purpose.

I have the honor to be, Sir,

Your most obedient Servant,

(Signed,)

J. DURIE.

T. BOUTHILLIER, Esquire, &c., &c., &c.

No. 29.

THIS Indenture, made the seventeenth day of June, in the year of our Lord, One thousand eight hundred and forty-four, at Bytown, in the District of Dalhousie, in the Province of Canada, between Francis Laducer, of the Township of Nepean, in the District and Province aforesaid, labourer, of the one part; and Daniel McLachlin, of Bytown aforesaid, Gentleman, of the other part; witnesseth: That the said Francis Laducer, for and in consideration of the sum of fifteen pounds of lawful money of the said Province to him in hand paid by the said Daniel McLachlin, the receipt whereof is hereby acknowledged, hath granted, bargained, sold, remised, released and for ever quitted claim, and by these presents doth grant, bargain, sell, remise, release and for ever quit claim unto the said Daniel McLachlin, his heirs and assigns for ever, all the estate, right, title, interests, claim, property, and demand whatsoever, either at law or in equity, of him the said Francis Laducer of, in, to, or out of all and singular that certain parcel or tract of land and premises, situated and being in the Township of Nepean aforesaid, and commonly known as Lot number Thirty-nine in Concession A, Ottawa, front of the said Township of Nepean. Together with all houses, out-houses, woods and waters thereon erected, lying and being, and all and singular the appurtenances thereunto belonging.

To have and to hold the same unto the said Daniel McLachlin, his heirs and assigns, to the sole and proper use, benefit and behoof of the said Daniel McLachlin, his heirs and assigns for ever.

In witness whereof, the parties have hereunto set their hands and seals the day and year first herein written, and in the seventh year of Her Majesty's Reign.

(Signed,) FRANCIS ^{his} LADUCER, [L.S.]
mark.

(Signed,) DANIEL McLACHLIN, [L.S.]

Signed, sealed and delivered in presence of

(Signed,) JOHN SCOTT.

No. 30.

KNOW all men by these presents, that I, Isaac Firth, of the Town of Bytown, in the Province of Upper Canada, Gentleman, am held and firmly bound unto John Rochester, of the Township of Nepean, in the Province aforesaid, in the sum of one hundred pounds of good and lawful money of the said Province, to be paid to the said John Rochester, or to his certain Attorney, Executors, Administrators, or Assigns, for which payment well and truly to be made, I bind myself, my Heirs, Executors, and Administrators, for the whole and every part thereof firmly by these presents, sealed with my seal, dated this twenty-eighth day of April, in the year of our Lord, one thousand eight hundred and thirty-eight.

The condition of this obligation is such,—That if the above bounden Isaac Firth do appoint and continue John Rochester, of the Township of Nepean, in the Province of Upper Canada, his true and lawful Attorney, to manage the Estate of him, the said Isaac Firth, consisting of Lot number thirty-nine and the Broken Front, in the first Concession of Nepean, on the Ottawa front, and to give him possession of the same, and all the right, title and interest which he, the said Isaac Firth, has, or may have, to the said premises, and to give and allow to the said John Rochester all the profits and emoluments arising therefrom; and further, the

said Isaac Firth binds himself to use all due diligence, at the costs and charges of the said John Rochester, to procure a Deed from the Government of the said Lot, and to execute a transfer Deed of the same, if the original Deed from the Crown can be obtained, and to do and execute any reasonable act or thing for the better selling of the said Lot to the said John Rochester that he or his Counsel learned in the Law may think necessary and proper. If the aforesaid Isaac Firth do well and truly keep and perform the aforesaid several undertakings, then this obligation to be null and void, otherwise to remain in full force and effect.

(Signed,) ISAAC FIRTH. [L.S.]

Signed, sealed and delivered in presence of

(Signed,) JOHN McGRANES.

DISTRICT OF DALHOUSIE, } JOHN McGRANES, of Bytown, Township of
to wit : } Nepean, County of Carleton, Dalhousie District, and
Province of Canada, Merchant, maketh oath, and saith; That he, this Deponent, was personally present and did see Isaac Firth, of the place aforesaid, Gentleman, duly assign, transfer, make over unto John Rochester, of the place last aforesaid, Gentleman, all his right, title, claim and interest of the within mentioned land and premises, and that he, this Deponent, is a subscribing witness thereto.

(Signed,) JOHN McGRANES.

Sworn before me at Bytown, in said District of Dalhousie, this third day of September, 1845.

(Signed,) CHARLES T. BAINES,
Commissioner for taking Affidavits
in Q.B., Dalhousie District.

No. 31.

DISTRICT OF DALHOUSIE, } CHARLES HENEY, of Bytown, Township of Na-
to wit : } pean, County of Carleton, Dalhousie District,
maketh oath and saith; That he, this deponent, about seven years since from last May, leased a house from John Rochester, of the Township, County, District and aforesaid Province, Gentleman, situate in the aforesaid place, on the rear of the broken front of Clergy lot number thirty-nine, then and still in the possession of the said John Rochester.

This deponent further saith, that about the same period he was going over Poo-ley's Bridge, close to the aforesaid premises, he heard a conversation between the said John Rochester and one Francis Ladusare, to this effect: the said Rochester inquired of Ladusare what he would allow him as landlord for the house he then was living in? his "Ladusare's" answer was, that he did not know, but that they finally agreed for twenty-five shillings yearly.

This deponent further saith, that about two years back, he, this deponent, asked the said Ladusare for a few loads of manure, who answered that the said John Rochester was to have the same instead of rent.

(Signed,) CHARLES HENEY.

Sworn before me, at Bytown, in the said District, this 3rd day of September, 1845:

(Signed,) CHARLES T. BAINES,
Commissioner for obtaining affidavits
in Q.B., Dalhousie District.

No. 32.

DISTRICT OF DALHOUSIE, } JAMES JOHNSTON, of Bytown, Esq., M.P.P. for
to wit: } the County of Carleton, maketh oath, and saith;
That he has been a resident of Bytown since the fall of 1827, (unless his absence
on business, not exceeding three months at any one time,) and is aware that John
Rochester, now in possession of Lot No. 39, in the first Concession of Nepean,
has exercised the ownership over said Lot and broken front; and this deponent
further saith, that he had permission many years back to cut some small cedars for
fencing from the said John Rochester; and this deponent is of opinion that Mr.
Daniel McLachlin is actuated by bad feelings, and prompted by one more design-
ing than himself.

(Signed,) JAMES JOHNSTON.

Sworn before me, this sixth day of September, in the year 1845.

(Signed,) E. J. HUFLULE,
A Commissioner for taking affidavits in
Q.B. in said District.

No. 33.

DUNCAN STEWART, of Bytown, in the District of Dalhousie, Carpenter,
maketh oath and saith; That about nine years ago he assisted Daniel
McLachlin, of Bytown, aforesaid, Miller and Lumber Merchant, to build a Lime
Kiln upon Clergy Reserve Lot No. thirty-nine, in Concession A, of the Township
of Nepean, Ottawa Front. This Deponent further saith that he has for about nine
years resided in the vicinity of the said Lot, and that he is not aware, nor does he
know that John Rochester of Nepean aforesaid, Yeoman, has made any improve-
ments upon the said Lot.

(Signed,) DUNCAN STEWART.

Sworn before me at Bytown aforesaid, in the District of Dalhousie aforesaid, this
12th September, 1845.

(Signed,) JOHN CHITTY, J.P.

No. 34.

DISTRICT OF DALHOUSIE, } DONALD MCGREGOR, of Bytown, in the said
to wit: } District, Miller, maketh oath and saith; That he has
been in the employ of Daniel McLachlin, of Bytown aforesaid, Miller and Lumber
Merchant, for the last seven years, and that he knows that the said Daniel McLach-

lin has, during that time, from time to time, burnt lime upon Clergy Reserve Lot, No. thirty-nine, in Concession A, Ottawa front, of the Township of Nepean, in the said District; and that the said Daniel McLachlin has generally, during that period, occupied the said Lot by placing Lumber on it. This Deponent further saith, that he is not aware nor does he know that John Rochester, of Nepean aforesaid, Yeoman, has made any improvements upon the said Lot or ever was in the possession of the same. This Deponent further saith, that the said Daniel McLachlin erected some Buildings upon the said Lot for the use of his Mill; but finding them rather inconveniently distant from his Mill, he removed the same nearer to it.

(Signed,) DONALD MCGREGOR.

Sworn before me at Bytown, in the District of Dalhousie, this 6th September, 1845.

(Signed,) JOHN CHITTY, J.P.

No. 35.

DISTRICT OF DALHOUSIE, } JAMES SKEAD, of Bytown, in the said District,
to wit : } Yeoman, maketh oath and saith; That he is acquaint-
ed with the Clergy Lot Number thirty-nine, in Concession A, in the Township of
Nepean, Ottawa Front, in the said District, for the last seven years. That he
knows that Daniel McLachlin, of Bytown aforesaid, Miller and Lumber Merchant,
has burnt lime on the said Lot, and used the same for the purpose of placing
Timber thereon for some years back. This Deponent further says, that he does not
know, nor does he believe, that John Rochester, of Nepean aforesaid, Yeoman, has
made any improvements whatever upon the said Lot, or ever was in the actual
occupation thereof.

(Signed,) J. SKEAD.

Sworn before me, at Bytown, in the District of Dalhousie, this 16th September, 1845.

(Signed,) JOHN CHITTY, J.P.

No. 36.

DISTRICT OF DALHOUSIE, } GEORGE ROCHESTER, of the Township of
to wit : } McNab, in the Bathurst District, and Province of
Canada, Merchant, maketh oath and saith, that Francis Ladusare, of the Township
of Nepean, Dalhousie District, and aforesaid Province, Yeoman, late in the Fall
in the year of our Lord one thousand eight hundred and forty, worked for this
Deponent; that wages to the amount of between fifteen and twenty shillings,
Halifax currency, became due to the said Francis Ladusare from the said George
Rochester for said work; that the said Francis Ladusare agreed that the said sum
should be placed to his credit for Rent due to John Rochester, the elder, of the said
Township of Nepean, District of Dalhousie, and aforesaid Province, Gentleman, for
House and Premises erected upon the Broken Front of Lot thirty-nine in the first
Concession of the Township of Nepean, Dalhousie District, and Province aforesaid,
then, and long before, and ever since, in the possession of the said John Rochester,
the elder.

(Signed,) GEORGE ROCHESTER.

Sworn before me, at Bytown, in said District of Dalhousie, this 19th day of September, 1845.

(Signed,) CHARLES T. BAINES,
Commissioner for taking Affidavits,
in the Queen's Bench, Dalhousie District.

No. 37.

DISTRICT OF DALHOUSIE, } CALDWELL WAUGH, of Bytown, maketh
to wit: } oath, and saith; That he is and has been Clerk
and Broker for N. Sparks upwards of nine years, and in course of business had
frequent opportunities of knowing much of Mr. John Rochester's affairs respecting
his locality on Lot number 39 and the broken front on the first Concession of Ne-
pean, in the County of Carleton; and from documents seen in the possession of the
said John Rochester, (and some years back) deponent saith, that by his request
he did once if not oftener write to some person officially connected with the Crown
Timber Office in Toronto, (the name now disremembered,) respecting the said
property, and to know when he might expect a patent for the same; and for fur-
ther information how he was to proceed to secure his title; and furthermore, depo-
nent saith, that he knew of N. Sparks' men having taken stone frequently off the
said broken front by the alone permission of the said John Rochester, and deponent
never knew of any other person or persons attempting to work or to take any
property off said lot or broken front, without permission of the said John Roches-
ter, but has lately heard that a plan has been concocted to defeat the said Rochester
of his just claim by pre-emption, and that one Daniel McLachlin is the officiating
organ in this unprincipled transaction.

(Signed,) CALDWELL WAUGH.

Sworn before me, at Bytown, in said District, this 26th day of September, 1845.

(Signed,) CHARLES T. BAINES,
Commissioner for taking Affidavits,
Q.B., Dalhousie District.

No. 38.

DISTRICT OF DALHOUSIE, } FREDERICK SPARKS, of Bytown, Foreman
to wit: } to N. Sparks, Esquire, maketh oath, and saith;
That he has been in the employ of said N. Sparks these 17 years, and understood
that a number of years since, John Rochester did purchase from Isaac Firth his
interest and claim to Lot number 39 and the broken front on the first Concession
of Nepean, in the County of Carleton, and has still since that period considered
that the said John Rochester was the only person in possession of the same; and
furthermore, deponent saith, that at numerous times was desired by his employer
to ask permission from the said John Rochester to take timber and stone of the
same, and did often get permission, and at other times was refused, as the said Ro-
chester was careful the ground should not be too much broken into; and deponent
furthermore saith, that until lately he never heard of any person putting in a claim
for the same; and deponent furthermore saith, that never for himself or his em-
ployer did he ask permission for any privilege there but from the said John Ro-

chester, considering he was the only person authorised to give or refuse, he having made buildings and improvements thereon, and has frequently been on the one he built for Charles Heney, on the broken front.

(Signed,) FREDERICK SPARKS.

Sworn before me, at Bytown, in said District of Dalhousie, this 26th day of September, 1845.

(Signed,) CHARLES T. BAINES,
Commissioner for taking Affidavits,
Q.B., Dalhousie District.

No. 39.

DISTRICT OF DALHOUSIE, } PERSONALLY appeared John Burns, who maketh
to wit: } oath, and saith, that Deponent has been residing in
Bytown and its vicinity these eighteen years, and is intimately acquainted with Mr.
John Rochester, and also knew Mr. Isaac Firth when in possession of Lot No. 39
and the Broken Front in the first Concession of Nepean, and did afterwards under-
stand that the said John Rochester bought his right and title to the same for the sum
of £60 currency; and Deponent furthermore saith, that he has asked and received
permission from the said John Rochester to take Timber off the said Broken Front,
and to Deponent's knowledge knows of others obtaining the like liberty, and
unhesitatingly declares he considered he was the only person having possession of
the same Broken Front, nor did Deponent ever hear until lately that any other
person did presume to have the least claim on the same, as it was generally called
and known by the name of Rochester's Lot.

(Signed,) JOHN BURNS.

Sworn before me, at Bytown, in the said District of Dalhousie, the 27th day of September, 1845.

(Signed,) CHARLES T. BAINES,
Commissioner for taking Affidavits,
the Queen's Bench, Dalhousie District.

No. 40.

[Nothing appears under this number in the manuscript.]

No. 41.

DISTRICT OF DALHOUSIE, } BENJAMIN RATHWELL, of Gloucester, maketh
to wit: } oath and saith; That late in the fall of the year 1835,
or early in 1836, he was requested by Mr. John Rochester (who had then purchased
Mr. Isaac Firth's interest on lot No. 39, and the Broken front on the first Conces-
sion of Nepean) to accompany him to the house of one Francis Hardy, to bargain

with him for the surrender of a lease that he had previously obtained for said lot and Broken front from the said Isaac Firth, and that the said John Rochester did pay the said Francis Hardy the sum of Ten pounds currency, to the best of Deponent's recollection, for the surrendering up the lease and any further claim he might have on said premises; and Deponent furthermore saith that he got permission from the said John Rochester, at an after period, to take some pieces of Timber and Stone off the said lot and Broken front, and knows of John Burrous, of Bytown, to get permission from said John Rochester, and did get timber also; and Deponent furthermore saith, that since the time of John Rochester's purchasing from Isaac Firth, he never entertained the least idea that any person or persons (the Government excepted) had or could claim any right or title to the said lot or Broken front, but Deponent furthermore saith that it was with amazement and astonishment he heard lately that Mr. Daniel McLaughlin, of Bytown, has put in a claim in opposition to the said John Rochester, and from Deponent's knowledge of all the circumstances connected with this transaction, verily believes and is of opinion that the said Daniel McLaughlin's claim is founded on impure and ambitious motives, and ought not to receive any notice from impartial and upright men.

(Signed,) BENJAMIN RATHWELL.

Sworn before me at Bytown, in the District of Dalhousie, this 3rd day of October, in the year of our Lord, 1845.

(Signed,) E. BILLINGS,
A Commissioner for taking Affidavits in the
Queen's Bench, in the Dalhousie District.

No. 42.

DISTRICT OF DALHOUSIE, } ROBERT McGOVERN, of Bytown, maketh oath
to wit: and saith; That he is a resident of Bytown these last
8 years, and is aware of Mr. John Rochester being in possession of Lot No. 39, and
the Broken Front in the first Concession of Nepean, and this Deponent furthermore
saith, that to his own knowledge numerous individuals got permission from the said
John Rochester to take timber, also flags and stone off the same, and to use owner-
ship over said lot and Broken Front, and at times complained heavily on some who
made holes and done the land injury contrary to his instructions; and Deponent
furthermore saith that he is well acquainted with one François Laduceure, who built
a house on said Broken Front, and always since then understood he was a tenant of
John Rochester's; and Deponent furthermore saith, that not more than 4 or 5 weeks
since, the said François Laduceure told Deponent that he got permission to build
from said Rochester, and that he had paid him rent for it, and this Deponent further
saith, that he knew of the said John Rochester to build a house for one Charles
Heaney in said Broken Front, and at a little time after his leaving said premises,
said Charles Heaney told Deponent that he had settled up all his rent, and that his
last payment made to John Rochester was either four dollars or four pounds, De-
ponent cannot recollect which sum; and furthermore, Deponent saith, that he never
understood or heard of any other person or persons having any claim to said lot or
Broken Front until after the inspectors had valued the Clergy Reserves.

(Signed,) ROBERT McGOVERN.

Sworn before me at Bytown, in said District, this 4th day of October, 1845.

(Signed,)

CHARLES T. BAINES,
Commissioner for taking Affidavits in the
Queen's Bench, Dalhousie District.

No. 43.

DISTRICT OF DALHOUSIE, } JOHN PERKINS, of Bytown, maketh oath and
to wit: } saith; That many years back, he was informed by Mr.
Isaac Firth, that he had sold all his interest in Lot No. 39, and the Broken Front
in the first Concession of Nepean, to Mr. John Rochester; and Deponent further-
more saith, that Mr. Daniel McLaughlin, often in course of conversation told him,
said Deponent, that he got permission from John Rochester to repair a limekiln and
to burn lime for his own use, and that he had purchased from said Rochester sundry
pieces of timber and stone whilst erecting his Grist and Saw Mills; and Deponent
furthermore saith, that he is well acquainted with Francois Laduceure, who built a
house and stable on the said Broken Front, and that the said Laduceure told De-
ponent many times he paid five dollars per year to said John Rochester, for
permission to build, and that he had paid his rent in making hay, hoeing potatoes
and drawing timber from the Bay, and did then, and does now consider Laduceure
to be Rochester's tenant.

And Deponent furthermore saith, that he knows of his own knowledge that Ozias
Banning got a Lease from said Rochester for another part of said Broken Front,
and that he Deponent did pay John Rochester rent for the same by orders of said
Ozias Banning, and that he, the said Ozias Banning, had potatoes growing on said
Broken Front in virtue of John Rochester's grant and permission, and (until some
months back) he Deponent considered that the said John Rochester was the occu-
pier of said lot and Broken Front, with the exception of the privileges above granted,
when he heard that Daniel McLaughlin was about to lay claim to it, and by what
right said Daniel McLaughlin pretends to the same your Deponent is utterly at a
loss to conjecture, as he the Deponent or any of the neighbours residing contiguous
thereto has equally as well founded a claim as the said Daniel McLaughlin.

(Signed,) JOHN PERKINS.

Sworn before me at Bytown, said District, this 6th day of October, 1845.

(Signed,)

CHARLES T. BAINES,
Commissioner for taking Affidavits,
Q.B., Bathurst District.

No. 44.

DISTRICT OF DALHOUSIE, } JOHN ROCHESTER, of Bytown, maketh oath,
to wit: } and saith; That his father, John Rochester, did, in
the latter part of the year 1835, purchase from Mr. Isaac Firth his interest in Lot
No. 39, with the broken front of the same, in the first Concession of Nepean, and
County of Carlton; and furthermore, Deponent saith, that in the fall of 1837,
he was present, and did know of his father giving permission to Francis Laduceure,
to erect a small Log house on the said Broken Front, for the consideration of five

dollars per acre; and that in the year 1844, he had occasion to call on the said Laduceure on business, and in course of conversation Deponent asked him if it was true that he had sold his good will of the house. He answered, and told Deponent it was false, and said "Do you think I would do such a mean trick?" when Deponent replied, I should hope not; but some time after Deponent met Laduceure, and said, you have now done as I was telling you of, (meaning selling his good will of the house) to which he gave a grovelling answer, and said he would not have done so if there had not been so many lies told about it. Deponent furthermore saith, that he knew of the said Laduceure to work for his father in lieu or part payment of his rent, and at one time Deponent made hay with Laduceure when his labor was to go for the rent of said house, &c. &c.

(Signed,) JAMES ROCHESTER.

Sworn before me, at Bytown, in said District, the 9th day of October, 1845.

(Signed,) CHARLES T. BAINES,
Commissioner for taking Affidavits,
Dalhousie District.

No. 45.

DISTRICT OF } CHARLES T. BAINES, of Bytown, in the said District,
DALHOUSIE. } Solicitor, maketh oath and saith; That on the eighth day of December, one thousand eight hundred and thirty-seven, one Isaac Firth of the place aforesaid, Gentleman, employed this Deponent to draw out and Petition His then Excellency, Sir F. B. Head, for to cause a Patent Deed to be issued for Lot No. 39, and Broken Front, in the said Lot, in the Township of Nepean, the same being a Clergy Lot. This Deponent further saith that such a Petition was transmitted to Thomas Baines, of Toronto, in order to forward the same to His Excellency, and also at the same time, were enclosed certain Documents, in order to strengthen the title of the said Firth to the said premises, including a certificate from Col. Burke, to the effect that the said Isaac Firth had obtained possession, or had been put into possession by the late Earl of Dalhousie, besides a copy of a letter was also forwarded at the same period, from the then Secretary of the said Earl, allowing Mr. Firth to take possession and to occupy the same, besides several other memorandums and documents concerning the claim to the same.

This Deponent further saith, that he has repeatedly written, and employed persons to search for said papers, but that no tidings or any discovery of the said Petition or said papers can be found, and has repeatedly received in answer from the said Thomas Baines, that the same must have been forwarded and been mislaid, and that he has frequently searched for the same, but without effect.

(Signed,) CHARLES T. BAINES.

Sworn before me, at Bytown, in said District, this 9th day of October, 1845.

(Signed,) E. BILLINGS,
A Commissioner in the Court of Queen's Bench,
In the Dalhousie District,
For taking affidavits.

No. 46.

KNOW all men by these presents, that I, John Rochester, of the Township of Nepean, County of Carleton, and District of Bathurst, of the Province of Canada, of the one part; and Ozias Banning, of the same place, of the other part: Witnesseth that the said John Rochester, for the considerations and stipulations hereinafter mentioned, do hereby by these presents lease, demise and let unto the said Ozias Banning, a certain lot of land, to be one chain in front by one and a half chain in depth, forming an oblong square, situate, lying and being on the broken front of Lot No. 39 in the first Concession of Nepean, on the Ottawa front, commencing at the North corner where a house is erected, and running S.W. 24° along Captain L. Briton's side line, distance 99 feet; thence S.W. 66° distance 66 feet; thence N.E. 24° distance 99 feet; thence N.E. 66° distance 66 feet, to the place of beginning along a common road, which said lot of land is to be possessed and enjoyed by the said Ozias Banning, or his legal representatives.

The said Ozias Banning hereby does, by these presents, agree to pay unto said John Rochester, his heirs or legal representatives, the sum of One pound ten shillings per annum, payable semi-annually, that is to say; the sum of Fifteen shillings on the 1st day of May, and the like sum on the 1st day of November, each and every year, until such time as a deed of sale shall be perfected and delivered over to the said Ozias Banning by the aforesaid John Rochester; and be it furthermore understood, that upon and at the time of perfecting and delivery of said deed or bargain of sale, the further sum of Twenty-five pounds, currency of Canada, (£25 currency,) be paid down, being the consideration money in full from the then period for said lot, and the yearly rent of One pound ten shillings to then cease for ever.

And it is furthermore agreed upon on the part of the said Banning, that should the rent of the before mentioned parcel or tract of land remain unpaid Fourteen days after the time specified in this Indenture, this instrument to be null and void, and the premises and possession be given up to said John Rochester, his agent or assigns.

In witness whereof, the said parties have hereunto set their hands and seals, this Indenture being dated in the year One thousand eight hundred and forty-one, and on the

day of October, in presence of the undersigned,

(Signed,) OZIAS BANNING, [L.S.]
JOHN ROCHESTER. [L.S.]

Witnesses.—(Signed,)

C. WAUGH,
DAVID BROWN.

No. 47.

CROWN LAND DEPARTMENT,

Montreal, 12th February, 1846.

As regards Lot No. 39 in 1st Concession, Nepean, reference is requested to the Memorial of the Rev. S. S. Strong, reported on this day, as well as to the proceedings in Council, 3rd February, 1834, on the Petition of Isaac Firth.

The lot, by the recent inspection, is reported to be in the occupation of John Rochester, with 30 acres improved, and should your Excellency consider the claim advanced by the Reverend Mr. Strong invalid, I would recommend that Mr. Rochester be allowed to purchase at the valuation, 50s. per acre under the present regulations, upon paying back rent since the occupation of Isaac Firth (in 1823),

from whom he purchased the possession, with the exception of the South part (44 acres), required by the Ordnance Department for the Rideau Canal.

The broken front intervening between the above and the River Ottawa, is also a Clergy Reserve, containing about 76 acres, reported to have but 3 acres improved thereon, and having been in dispute between Daniel McLachlin and John Rochester, as well as other applications for the purchase, and as it immediately adjoins Bytown, I would suggest that it be offered at auction, at the upset price of 40s. per acre, with the exception of one or two acres, required for public purposes, by letter of 22nd ultimo, from the Board of Works.

It is presumed that as the land is set apart for the Clergy, both the Ordnance Department and Board of Works will be required to pay for the quantity reserved by them.

(Signed,)

T. BOUTHILLIER.

No. 48.

BYTOWN, 4th February, 1846.

Sir,—I beg to transmit a Memorial accompanied by Correspondence, &c., which I pray may be laid before His Excellency in Council at the earliest convenient moment.

I have the honor to be, Sir,

Your most obedient Servant,

(Signed,)

S. S. STRONG.

To the Clerk of the Executive Council, Montreal.

To His Excellency the Lieutenant General the Right Honorable the Earl of CATHCART, Administrator of the Government of the Province of Canada, and Commander of Her Majesty's Forces in British North America,
IN COUNCIL.

The Memorial of the Rev. S. S. Strong,

HUMBLY SHEWETH:

That Your Excellency's Memorialist, in the year 1837, was appointed to the Rectory of Bytown, with the sanction of the Lieutenant Governor of the Province of Upper Canada, Sir Francis Bond Head, Baronet.

That at the time Your Excellency's Memorialist was so appointed, there was a Glebe set apart for the use of the said Rectory, as appears by the Reports of the House of Assembly in 1836, which consisted of Lots No. 17 and 18 in the Township of Gloucester.

That, in 1838, Your Memorialist, in reply to a letter received from the Clergy Reserve Agent, asking Your Memorialist if it was necessary that any change should be made in the above mentioned Glebe Lots, replied, that it was necessary, inasmuch as Lot No. 17 appeared to be leased; and Your Memorialist, therefore, prayed that Lot No. 39, first Concession of Nepean, Ottawa front, might be substituted for it, the Scotch Church having been endowed with 200 acres equally near the Town.

That on a visit of the late Lieutenant Governor, Sir George Arthur, to Bytown a short time afterwards, Your Memorialist laid before His Excellency the destitution of the Church of England in consequence of its Endowment having been withheld

whilst other denominations had been so favored, and prayed the interference of the Executive in its behalf.

That His Excellency Sir George Arthur admitted the hardship of the case, and requested that a letter, with a statement of the circumstances, might be addressed to him through the Secretary, which letter gave rise to the correspondence, copies of which are enclosed.

That it will be seen by the said correspondence that the justice of those claims were admitted, and would have been remedied by the Executive had the Clergy Reserve question been settled.

That Your Memorialist has learned with great regret that the Lot 18, first Concession of Gloucester, on the Ottawa, claimed by a person named Hopkins or Rathwell, which claims were set aside by Minutes of Council, copy of which is annexed,—and that Lot 39, first Concession Nepean, Ottawa front, which Your Memorialist prayed for in exchange for Lot No. 17 in Gloucester, and to which exchange the annexed correspondence shews no objection on the part of the Executive but for the unsettled state of the Clergy Reserves, the Squatter on it having been held to possess no claim,—are now offered for sale, and Your Memorialist, therefore, prays that the claims of the Church at Bytown to these Lots may again be considered, and have full and impartial justice rendered them before the Executive sanctions their alienation.

That Your Memorialist cannot but think the Church at Bytown possesses the strongest possible claims to the indulgence of the Government as it regards those Glebe Lots, inasmuch as in the year 1836 a Clergy Lot H, in Concession C, Township of Nepean, consisting of about 200 acres, was exchanged, as Your Memorialist is informed, for 25 acres of Crown Land (utterly worthless) in order that the said Clergy Reserve might be bestowed on the Scotch Church at Bytown.

That Her Majesty's Board of Ordnance having endowed the Roman Catholic Church with a very valuable piece of land, and the Methodists also, whilst such a favor was withheld from the Church of England. Your Memorialist believes these Endowments were made in consequence of its being felt that the Glebes set apart were secured to her by every principle of good faith, and would become her property.

That Your Memorialist, therefore, lays before Your Excellency in Council his claims for redress, and prays that if the question be not considered one in which the Executive in this country can interfere, that the sale of these Glebe Lots may be stayed until the pleasure of Her Majesty can be ascertained upon the subject.

(Signed,) S. S. STRONG.

Bytown, February 4, 1846.

Transferred to the Crown Land Office, 7th February, 1846.

(Signed,) E. PARANT.

INDORSED.—Read in Council, 18th February, 1846.—*Vide* John Rochester's Petition.

CROWN LANDS DEPARTMENT,

February 13, 1846.

Referred to a Committee of the Honorable the Executive Council.

By Command.

(Signed,) D. B. PAPINEAU.

No. 49.

CROWN LAND DEPARTMENT,
Montreal, 12th February, 1846.

As regards Lot No. 18, in first Concession of Gloucester, reference is requested to the Petition of Wm. Hopkins and the Order in Council of the 18th of November last, under which Order a sale of the Lot has been made.

No. 17 was in like manner described as a Glebe, together with No. 18, and stayed by the Attorney General; and the Department is not aware that an exchange for No. 39, in the first Concession of Nepean, had been authorized, as stated by the Reverend Petitioner, with regard to which Lot reference is requested to the accompanying application of John Rochester, with report thereon, of this date, No. 54.

(Signed,) T. BOUTHILLIER.

No. 50.

EXTRACT from a Report of a Committee of the Honorable the Executive Council, dated 17th February, 1846, approved by His Excellency the Administrator of the Government, in Council, on the 18th of the same month.

On the respective Petitions of John Rochester, claiming the right of pre-emption of Lots No. 39, in the 1st and Broken Front Concessions, in the Township of Nepean, Clergy Reserves, of which he is in occupation, with 30 acres improved; and

The Reverend S. S. Strong, of Bytown, that the Glebe Lots, Nos. 17 and 18, in the 1st Concession, Ottawa Front, in the Township of Gloucester, and Lot No. 39, in the 1st Concession of the Township of Nepean, may be stayed, until the pleasure of Her Majesty can be ascertained on the subject.

The Committee recommend that John Rochester be allowed to purchase, under the present regulations, Clergy Reserve Lot No. 39, (with the exception of what has been taken by the Board of Ordnance) upon payment of the back rent, since 1823, and that Crown Land of an equal value to the quantity taken by the Ordnance be set apart and sold on account of the Clergy Fund. Further, that the Broken Front be also sold to John Rochester, at the valuation of 40s. per acre, according to the 25th Section of the Land Act; and lastly, that if any vacant Crown Land exists in the neighborhood of Bytown, (excepting Lot letter O) a free grant of ten acres thereof be made to the Episcopal Church of Bytown, if desirable, for the erection of a New Church, Parsonage House, Burial Ground, &c.

Certified.

(Signed,) E. PARANT.

To the Commissioner of Crown Lands.

No. 51.

BYTOWN, (CANADA WEST), March 24, 1846.

To the Honorable the Commissioner of Crown Lands.

The Petition of DANIEL McLACHLIN, of Bytown, Yeoman;

MOST RESPECTFULLY SHEWETH:

That your Petitioner has heard, with surprise, that it is in contemplation to grant

to John Rochester, the Glebe Lot (understood) as set aside for the purpose of the Church of England in Bytown, of which said John Rochester is now occupant.

That moreover, it is further in contemplation to grant to said John Rochester the broken front on the Ottawa, as a part of said Lot, whereas the latter is in reality a lot on a different Concession, and your Petitioner is led to believe no squatter can claim pre-emption for more than one Lot.

That your Petitioner has further understood said lots are about to be granted for the paltry sum of Two pounds per acre, whereas your Petitioner did, in the presence of many credible witnesses, offer the Crown Land Agent here, the sum of Ten pounds per acre.

That your Petitioner fears the latter circumstance has been overlooked, and that your Honorable Department has not been made acquainted therewith.

That your Petitioner is still willing to pay the sum of Ten pounds per acre for the broken front, and to which said John Rochester has no claim whatever either in law or equity.

Your Petitioner therefore prays, that the Patent of said broken front may be withheld from said John Rochester until the question has met with a full and more particular investigation.

And your Petitioner, as in duty bound, will ever pray.

(Signed,) DANIEL McLACHLIN.

In addition to the above, your Petitioner would most respectfully inform your Honorable Department, that he was returned by Messrs. Chitty and Roberts as occupant of said broken front, but finding the period of limitation was too short on his part, he withdrew his claim of pre-emption, but as your Petitioner's occupation fell short by only a few months, he respectfully calls the attention of your Honorable Board to the fact of no other person having occupied said broken front previous to himself.

That your Petitioner can adduce the most satisfactory evidence of the truth of this Petition by numerous credible witnesses.

And as, &c., &c., &c.

(Signed,) DANIEL McLACHLIN.

To Honorable DENIS B. PAPINEAU, &c., &c., &c.

CROWN LAND OFFICE, March 30, 1846.

Transmitted for the consideration of a Committee of the Honorable Executive Council, with reference to a report from this Office, of the 12th ultimo, on the Petition of John Rochester, and also the Memorial of the Rev. S. Strong, forwarded on the 23d inst.

(Signed,) T. BOUTHILLIER.

Vide Minute, 17-18 February, 1846. 20-22 June, 1846, on the Petition of John Rochester.

No. 52.

Sir,—I beg leave to state that about the middle of September last, I offered Mr. Durie, the Crown Land Agent here, fifteen pounds an acre for the Broken Lot,

39, in Concession A, Nepean, on the Ottawa, and requested him to make a note of the same. I have heard, with great surprise, that the Government have it in contemplation to sell the said lot for two pounds an acre. I cannot conceive that my offer has been transmitted from the office, and wish to know whether or not it would not be proper for me, in justice to the Clergy Reserve Fund, to see this Lot so sacrificed without bringing the matter under the notice of the Crown Lands Commissioner; and I hope this will be a sufficient apology for my letter,—at the same time to beg to say that my offer of £15 per acre is still open for the acceptance of the Government.

(Signed,)

LYMAN PERKINS.

Bytown, 27th March, 1846.

D. B. PAPINEAU, Esq.,
Commissioner of Crown Lands, Montreal.

No. 53.

MONTREAL, 21st May, 1846.

Dear Sir,—I yesterday spoke to you upon the subject of the sale of Lot No. 39, with the Broken Front, in the Township of Nepean, to John Rochester, when you informed me that you saw no obstacle to the sale, but invited me to put my application in writing.

This I now do, and I beg to add my earnest wish that no further delay be made in completing the sale to Mr. Rochester, who has, in my opinion, been too long put off upon pretexts not quite justifiable.

I am, dear Sir, yours truly,

(Signed,)

OGLE R. GOWAN.

T. BOUTHILLIER, Esquire.

No. 54.

CROWN LANDS DEPARTMENT,

Montreal, 22nd May, 1846.

By Order in Council of the 18th February last, Mr. Rochester is permitted to purchase Clergy Reserve Lot No. 39, Broken Front, in the Township of Nepean; but the Department has suspended further action on the Order in consequence of the Petition of the Rev. Mr. Strong, sent to Council on the 23rd March last, and the proceedings in the Legislative Assembly on the matter.

I am informed by Mr. Gowan, M.P.P., that all opposition to the sale has been withdrawn. If so, I see no objection to carrying out the sale ordered in favor of Mr. Rochester.

(Signed,)

T. BOUTHILLIER.

No. 55.

Copy of a Report of a Committee of the Honorable the Executive Council, dated June 20th, 1846; approved by His Excellency the Governor General in Council on the 22nd.

On re-consideration of the application of John Rochester for permission to purchase Lot No. 39, in the first Concession of Nepean, together with the Broken Front on the Ottawa,

The Committee respectfully advise Your Excellency to cancel the approved Minute of the 17th of February last.

The Committee agree in opinion with the Commissioner of Crown Lands as expressed by that officer in his Report, dated 11th October, 1838, on the Petition of Isaac Firth, that the Petitioner had no legal claim to Clergy Lot No. 39, in the first Concession of Nepean. He had, it seems, verbal authority from Lord Dalhousie to occupy that Lot, and when he afterwards applied by Petition to the Government of Upper Canada to be allowed to lease or purchase it, the Executive Council of that Province, on the 3rd of February, 1834, reported against the prayer of the Petition.

The Committee observes that Mr. Firth certifies that he "sold to John Rochester, of Nepean, in April, 1836, all his privileges on Lot 39 and its Broken Front in the first Concession." Even if Firth had authority to sell his claim to the Lot in the first Concession, which he occupied by verbal authority, he never pretended, in any of his applications to the Government, that he possessed or desired to obtain the Broken Front; therefore, the claim to pre-emption to the Broken Front set up by Rochester falls to the ground.

With respect to Lot 39 in the first Concession, the Committee humbly advise Your Excellency that it be sold at public auction to the highest bidder, and that Rochester be paid the value of his improvements, to be ascertained by the District Agent.

The arrears of Rent due on the Lot since 1833, when Firth applied for a lease, to be deducted from the said valuation. The part of the Lot taken by the Ordnance Department to be paid for to the Government at the rate at which the residue of the Lot may sell. [By Order in Council, 18th February, (2348) other Land was substituted in lieu.]

Your Committee also advise Your Excellency that it is proper to sell, in like manner, Broken Lot No. 39, in front of the said mentioned Lot, and in order to suit the convenience of the inhabitants of Bytown, that a survey of the same be made, and Lots, not exceeding one acre each, be offered for sale by public competition.

Certified.

(Signed,) E. PARENT.

No. 56.

To the Right Honorable Charles Murray, Earl Cathcart, Governor General of Canada, &c., &c., &c.

The Petition of JOHN ROCHESTER, of the Township of Nepean, Yeoman;

HUMBLY SHEWETH:

That for the ten years last past he has been in the occupation and undisturbed

possession of the Clergy Reserve Lot No. 39, in 1st Concession Ottawa front, in the Township of Nepean. That he has erected thereon a good stone house, 30 by 26 feet; also a good frame house, 20 by 28 feet; a tannery, which is in successful operation, 30 by 40 feet or upwards, with two log barns, a log stable and other offices, and that he has cleared about forty acres on the said Lot. That he made application some time ago to the Honorable the Executive Council, praying to be allowed to purchase the said lot and the broken front thereof on the Ottawa. That this application was granted, at the valuation of the Inspectors of Clergy Reserves; but your Petitioner has now been informed that, on a reconsideration of the case, the order in his favor has been rescinded, and that both lots are to be sold at public auction. Should this last order be carried into effect, your Petitioner will be almost, if not altogether, totally ruined, and will lose the fruit of many years' hard labor, besides that the arrangements for the future support of himself and family will be broken up, and he himself compelled, at an advanced period of life, to seek some other mode of subsistence. Your Petitioner has made the improvements before mentioned, in the assumed hope that the same privilege of purchasing the land whenever it might be for sale, would be given to him that others have obtained who have occupied and improved Clergy Reserves under similar circumstances. He now humbly throws himself on the mercy of your Excellency and your Honorable Council, and prays that he may not be compelled to endure the disastrous consequences to which he will be subjected, if the land he has occupied and improved shall be sold at public auction, but that your Excellency will cause his case to be re-considered, and to order that he be allowed to purchase, at a fair valuation, the said Lot No. 39 in the 1st Concession of Nepean.

And your Petitioner will ever pray.

(Signed,)

JOHN ROCHESTER.

Montreal, 24th June, 1846.

No. 57.

Extract of a Report of a Committee of the Honorable the Executive Council, dated 1st July, 1846, approved by His Excellency the Governor General on the same day.

On the Petition of John Rochester, that his case may be re-considered, and that he be allowed to purchase, at a fair valuation, the Clergy Reserve Lot No. 39, in the first Concession of the Township of Nepean, Ottawa Front, of which he has been in occupation for the last ten years and made large improvements.

The Committee were not informed of the extent and value of the improvements made by the Petitioner when the minute of the 20-22 June last was submitted to Your Excellency, and therefore they recommend, that that part of Lot 39 in the first Concession which was ordered to be sold by public auction, be sold to Petitioner at the valuation of the District Agent, so soon as the arrears of rent as stated in the said minute, are paid up. The broken front to be disposed of as formerly proposed, when the survey is made.

Certified.

(Signed,)

Wm. H. LEE.

No. 58.

DALHOUSIE DISTRICT AGENCY, 13th July, 1846.

Sir,—I have now the honor to reply to your letter of the 6th instant, respecting the valuation of Lot 39 in the first Concession Ottawa Front, Nepean, a Clergy Reserve.

On going over the lot, which I deemed advisable, before expressing an opinion upon the value placed on it by the Inspectors, I found it, as regards the quality of the soil generally, to be quite inferior. The only really good land for cultivation upon it consisting of about 25 or 30 acres, is to be found within the extent of what has been cleared and improved, chiefly in front, adjoining the main road which runs between it and the broken front, with a part on the rear or South side of the clearance. The residue or rear part of the lot improved is swampy, partially dried, owing to a great part of the timber having been taken off, and rocky; the principal part then, you will remark, which is valuable for tillage is that which may be reckoned valuable from situation, viz: that which adjoins the main road, for I do not see that the rear part can be considered valuable apart from its fitness for cultivation, which it does not seem to possess.

I may also state, that I am led to believe that were the lot surveyed it would be found to fall considerably short in quantity.

With the above may be taken into consideration the amount of back rent which the present occupant will be required to pay, and which is likely to extend many years beyond the actual period of his occupancy.

Apert however from this, I am of opinion that the price placed upon it by the Inspectors may be considered as quite sufficient.

I have, &c., &c., &c.

(Signed,)

JOHN DURIE.

T. BOUTILLIER, Esq.

No. 59.

INSTRUCTIONS to Provincial Land Surveyor Robert Bell, to survey the outlines of Broken Lot No. 39, in Concession A, fronting on the River Ottawa, Township of Nepean.

Sir,—Having been directed by Order in Council, of the 22nd June last, to cause the above mentioned lot to be surveyed and sub-divided into Lots, not exceeding one acre each, I have chosen you to perform the service.

You will, therefore, as soon as you have completed the survey of Lot letter O, proceed to survey the outlines of Lot 39, and prepare a plan thereof on the scale of four chains to an inch, shewing the natural features of the ground, and mark on it, in pencil, a projected sub-division of the Lot into acre lots, prolonging the streets already laid out in the adjoining Lot, No. 40, and transmit it to this Department, with a Report of Survey.

Instructions for the sub-division of the lot will be sent to you when your projected plan has been approved.

If the division lines between Lot No. 39 and the lots adjoining have not already been surveyed, you will notify the proprietors of these lots previously to tracing the division lines.

The ground colored yellow, on the accompanying sketch of the lot, is reserved by the Department of Public Works.

I have, &c.

(Signed,)

T. BOUTHILLIER.

Crown Lands Department,
Montreal, 15th July, 1846.

No. 60.

(Copy.)

To the Honorable Commissioner of Crown Lands, &c.

Sir,—Having completed the Survey of the Outlines of Broken Lot No. 39, in Concession A, fronting on the River Ottawa, Township of Nepean, in accordance with your instructions, dated 15th ult., I have the honor of submitting the following Report thereon.

As required by the Instructions, I notified the proprietors of the adjoining lots, before proceeding with the Survey.

The line between Lots Nos. 39 and 40 had been established by me, in September, 1845, in accordance with the Statute of 59th Geo. III, Cap. 14. At that time I went to the governing boundary line of the Concession, and took the correct bearing of a straight line, between the front and rear angles of the Concession on that boundary, and ran this line parallel to it.

The original post, between No. 39 and 40 being lost, I procured the best evidence that could be had to prove where it had originally stood, having taken the depositions of three persons respecting it. I planted a stone monument, accordingly, at the bank of the River, as the boundary of the said lots 39 and 40. These depositions I have now procured, and they are herewith submitted. The post planted between lots 38 and 39 was also lost, but I could get no evidence whatever respecting it, neither by a careful examination of the premises, nor by inquiry, although I applied to the oldest settlers and residents in the place. I have searched for the nearest undisputed post on that side, and found it between Lots No. 36 and 37, it is a soft Maple tree standing near the River edge; to all appearance, at least, it is an originally marked monument, and as far as I can learn has never been disputed. I next proceeded to scale the River from the boundary between 39 and 40, to that between 36 and 37, and having ascertained the true distance between these points, I divided it equally between Nos. 37, 38 and 39, and then ran the line between 38 and 39 in the manner which the statute requires, and ascertained the situation of the water's edge by intersections which ended the operations.

Respecting the natural features of Lot No. 39, I would beg to state that the greater part of it is nearly level, near the rear end of the lot there is a gently elevated ridge running almost parallel with the Concession line, and next the River on the Westerly side is another ridge running parallel to the shore—but little elevated, and forming a long regular slope to the water edge. The front part of the Lot is dry and although level, presents a rocky surface. The only swamp on the lot is a small tract that lies along the South shore of the Bay, and extends easterly across it.

The most of the Lot is very closely covered with a second growth of green Timber, chiefly Pine and Cedar.

I would also beg to state, that as directed, I have drawn a plan of the lot on the

scale of four chains to an inch, shewing the features described, and marked on it a projected subdivision into acre lots.

In doing so, I have prolonged the streets already laid out on Lot No. 40. The size of the Lots, the situation of the boundaries, and the positions of the streets preclude the possibility of carrying out the regularity which is so very desirable in such a plan, but I have endeavoured to make it as little irregular as possible.

I would beg leave to suggest, that if the lots were laid out smaller, that a much greater profit could be realized than can be if they are laid out and sold in acre lots. As respects the sale of building lots, the situation of this lot is equally as eligible as that of Lot, Letter O, and as it is not of much use for other purposes, being rocky and the soil of inferior quality, there is no doubt but the acre lots would be purchased by speculators only, (as others for building purposes could be suited at a less expense) and then subdivided by them and offered for sale; I mention this, because, being aware of its situation in these respects, I thought it my duty to do so; and I hope that it may not be looked upon as improper. I have therefore projected a Sub-division of the Lot into quarter acre lots, in order to shew the effect of carrying out the above suggestion, should the Department think proper to give it their consideration, it is drawn on the scale of four chains to an inch.

Respectfully submitted,

I have the honor to be, Sir,

Your most obedient Servant,

(Signed) ROBERT BELL.

Bytown, 19th August, 1846.

Honorable Commissioner Crown Lands,
Montreal.

No. 61.

Instructions to Provincial Land Surveyor Robert Bell, to sub-divide Broken Lot No. 39, in Concession A, Ottawa Front of the Township of Nepean, into Building Lots.

Sir,—Having examined and approved of your Survey of the Outlines of the above-mentioned Lot, and of your projected sub-division thereof into quarter acre lots, one chain in front by two chains fifty links in depth. I have to instruct you to proceed with the Survey thereof accordingly, by planting stone monuments at the ends of the streets, and substantial posts of durable wood at the front angles of the lots duly numbered with a marking iron.

The streets are to be one chain, and the reserve for a thoroughfare along the water's edge one chain and a half in width.

On completing your survey, you will prepare a plan thereof on the scale of two chains to an inch, marking on it the bearings and lengths of the outlines of the irregular lots, and their contents in decimals of an acre, also any buildings and other improvements, with the names of the occupants, and the total contents of the plot, and transmit it to this Department with your Field Book, Report and Diary, and your account and Pay List (in duplicate) must be duly attested on oath. The Pay

and allowances of yourself and Party to be at the usual rates. Mount your drawing paper on thin Linen or Cotton previous to drawing your plan.

I have the honor to be, Sir,

Your most obedient Servant,

(Signed,) T. BOUTHILLIER.

Crown Lands Department,
Montreal, 24th August, 1846.

No. 62.

(Copy.)

Bytown, 16th September, 1846.

Sir,—I have the honor to inform you that I have completed the survey of the sub-division of Lot No. 39, in Concession A, on the Ottawa River, in the Township of Nepean, in accordance with your instructions of the 24th ult. I have prepared a plan thereof as directed on the scale of two chains to an inch shewing the buildings and improvements.

The shore along Water street being so situated that the water advances and recedes on a distance of from three to four chains. I measured out to what I had reason to believe was about the edge of the medium height of water.

Owing to the Lot being closely covered with a small growth of Cedar and Pine, the operations were slowly got on with.

I have the honor to be, Sir,

Your most obedient Servant,

(Signed,) ROBERT BELL.

Honorable Commissioner of Crown Lands,
Montreal.

No. 63.

DISTRICT OF DALHOUSIE, } ISAAC FIRTH, of Bytown, in the said District,
to wit: } Gentleman, maketh oath and saith; That he, this Deponent, was in possession of Lot No. 39, in the first Concession of the Township of Nepean, County of Carleton, and aforesaid District, and also the Broken Front of the said Lot; that he, this Deponent, always considered the said Broken Front as belonging to the said Lot; that he was in possession of the same for ten or eleven years previous to the year One thousand eight hundred and thirty-four; that he then sold all his right, title and interest of the same, together with the Broken Front, to John Rochester, senior, and that he believes the said John Rochester has been in possession of the same ever since, and greatly improved the same.

(Signed,) ISAAC FIRTH.

Sworn before me at Bytown, in said District, this 13th day of July, 1846.

(Signed,) CHARLES T. BAINES,

Commissioner for taking Affidavits,
Dalhousie District.

No. 64.

This is to certify that I sold to John Rochester, of Nepean, in April, 1836, all my privileges in Lot No. 39, and its Broken Front, in the first Concession, Ottawa Front, in Nepean, for the sum of Sixty pounds, which amount he paid me duly.

Said Lot was given me possession of, by Sir Perigrine Maitland, in the beginning of 1824, through Major Hillier, which Lot and Broken Front I enjoyed uninterrupted possession of until I let Mr. Rochester have it.

(Signed,)

ISAAC FIRTH.

No. 65.

ORDER IN COUNCIL, 25th September, 1846.

On reconsideration of the application of John Rochester.

The Committee advised Your Excellency on the 1st July last, to allow the Petitioner, John Rochester, to purchase Clergy Lot No. 39, 1st Concession of Nepean, on the Ottawa, at the valuation of the District Agent.

The Committee were induced to recommend this disposition of the Lot, on account of the extensive improvements made by him on the land, and not because of any right of pre-emption which he could set up to the Lot, as Isaac Firth, from whom he obtained occupation, was repeatedly informed by the Government that the Lot would not be sold to him, but would be sold for public purposes.

With respect to the Broken Front, it does not appear that Firth ever made any application for it, and this portion of ground is not even mentioned in any of the papers or correspondence, until he assigned his interest to John Rochester, when the Broken Front is mentioned for the first time.

In the minute of the 22nd June, Your Excellency was pleased to direct that the Broken Front be surveyed and divided into Lots not exceeding one acre each, and sold in the usual manner, at the valuation of the District Agent.

The survey has taken place, and when the value is established the Lots will be ready for sale. Rochester conceives he has a claim to consideration in the disposal of this Lot, as some part of his improvements have been made on it, and as there can be no objection to his purchasing the whole if he is inclined to pay the full value of the lot, the Committee respectfully advise Your Excellency to allow him to do so, after the Agent has reported what that value is.

In giving this advice, the Committee deny any claim of right on the part of Mr. Rochester.

Approved in Council same day.

Who were the Council then?

No. 66.

[Nothing appears under this head in the manuscript.]

No. 67.

From Canada Gazette of 8th January, 1848.

"CROWN LANDS DEPARTMENT,

"Montreal, 4th January, 1848;

"NOTICE is hereby given, that the under mentioned Town Lots, adjoining
 "Bytown, (being situated on the Clergy Reserves No. 39, broken front on
 "the River Ottawa, in the Township of Nepean), will be open for sale, at the prices
 "stated, upon application to John Durie, Esq., the Resident Agent, on and after
 "the Ninth day of February next."

The purchase money to be paid in cash; one-tenth at the time of sale, and the remainder in nine equal annual instalments, payable on the first of January in each year, with interest from the date of sale:—

Broad Street, West side.—No. 1, (£15); 2 to 9, inclusive, (£10 each); 10, (£12 10s.); 11 to 20, inclusive, (£10 each); 21, (£12 10s.); 22, (£25.)

Lyon Street, East side.—Nos. 15 to 21, inclusive, (£10 each); 22, (£12 10s.); 23, (£17 10s.)

Lyon Street, West side.—Nos. 15 to 21, inclusive, (£10 each); 22, (£12 10s.); 23, (£25.)

Richmond Street, East side.—No. 15, (£12 10s.); 16 to 22, inclusive, (£10 each); 23, (£12 10s.); 24 (£17 10.)

Richmond Street, West side.—No. 16, (£12 10s.); 17 to 22, inclusive, (£10 each); 23, (£12 10s.); 24, (£22 10.)

West Street, East side.—No. 17, (£17 10s.); 18 to 23, inclusive, (£10 each); 24, (£12 10s.); 25, (£17 10s.)

West Street, West side.—No. 17, (£15); 18, 19, 20, (£12 10s. each); 21, (£17 10.)

Water Street, East side.—No. 1, (£25); 2 to 9, inclusive, (£20 each); 10, (£25); 11, 12, 13, 14, (£20 each.)

Ottawa Street, South side.—Nos. 1 to 6, inclusive, (£10 each); 7, (£20.)

Ottawa Street, North side.—Nos. 3, 4, 5, (£10 each.)

Queen Street, South side.—No. 3, (£12 10s.)

Queen Street, North side.—No. 3, (£12 10s.)

Lewis Street, South side.—No. 3, (£12 10s.)

Lewis Street, North side.—No. 3, (£15.)

Oregon Street, South side.—No. 3, (£17 10s.)

The Bytown Gazette will insert the above once a week until the day of sale.

No. 68.

To His Excellency the Right Honorable the Earl of Elgin and Kincardine, Governor General of British North America, &c., &c., &c.

The Petition of JOHN ROCHESTER, of Bytown;

MOST HUMBLY REPRESENTS:

That your Petitioner, after a great deal of expense, delay and vexation, has

been allowed to purchase Clergy Lot No. 39, 1st Concession, Nepean, under the Order in Council of date 17th February, 1846.

That in the very Order in Council referred to, it was also sanctioned that your Petitioner would be allowed to purchase the broken front of lot 39, in the following words, viz :—" Further, that the broken front be also sold to John Rochester, " at the valuation of 40s. per acre, according to the 25th section of the Land Act, " and lastly, that if any vacant Crown Land exists in the neighbourhood of By- " town (except lot O), a free grant of 10 acres thereof be made to the Episcopal " Church of Bytown, if desirable, for the erection of a new Church, Parsonage " House, Burial Ground," &c. Approved in Council, February 18th, 1846.

That owing to the interference and misrepresentation of the Reverend S. S. Strong and others, this Order was not carried into effect; but under another Minute in Council, of 22nd of June, 1846, quoted in the Order of Council, of 25th September, 1846, it was ordered, with a view to enhance the value of the land upon him (your Petitioner believes), that it be surveyed into Town Lots, which was accordingly done, and the value of the land increased to about £34 per acre; in which Order it was decided to give your Petitioner the opportunity of purchasing the land still, at the increased valuation.

That since the survey no communication has been made to your Petitioner; and to his loss, surprise, and astonishment the said broken front of Lot 39 is to be offered for sale by public competition, on the 9th day of February next, as advertized in the Official Gazette, by order of the Crown Land Department, under date of January 4th instant.

Wherefore your Petitioner most earnestly prays that your Excellency will, from a sense of justice and right, order that the case be re-heard and investigated, and that no sale shall take place until the matter be more fully and better understood.

And, as in duty bound, your Petitioner will ever pray.

(Signed,) JOHN ROCHESTER.

Bytown, January 17, 1848.

No. 69.

CROWN LAND DEPARTMENT,
Montreal, January 22nd, 1848.

The Lots to which the Petitioner alludes are those which have been advertized for sale, as directed by Order in Council of the 8th of December, with reference to which lands applications from the Petitioner were under the consideration of the Governor General in Council on the 18th of February, 22nd June, 1st July, and 25th of September, 1846.

Mr. Bell, in his report of survey, does not mention any improvements on the lot as made by Mr. Rochester, and states that the lot is almost entirely covered with a second growth of green timber, chiefly pine and cedar.

I beg to add, that from information received by the Department, considerable competition is expected to take place in the sale of these lots.

I would, however, request attention to the last paragraph of the Order of the 25th September, 1846, under which it would seem that the Petitioner conceives himself entitled to a right of pre-emption of the whole of the lots at the upset price.

(Signed,) T. BOUTHILLIER.

No. 70.

Extract from a Report of a Committee of the Honorable the Executive Council on Land Applications, dated 28th January, 1848, approved by His Excellency the Governor General in Council on the same day.

On the application dated 17th January, 1848, of John Rochester, remonstrating against the order in Council of 8th December, 1847, directing the sale by Public Auction of Broken Front Lot 39, in 1st Concession of Nepean, and praying that the sale be stayed until his claim to be allowed to purchase the same be fully investigated.

The facts of the case are as follows:—John Rochester acquired from John Firth in 1836 Lot No. 39 and its Broken Front in 1st Concession of Nepean. By order in Council of 18th February, 1846, the Lot (with the exception of the portion required by the Ordnance Department) was directed to be sold to him at 50s. per acre, and the Broken Front at 40s. paying back rent since 1823. By Order in Council of 22nd June, 1846, the previous decision was reversed and the whole Block ordered to be disposed of at Public Sale. The Executive, however, in consequence of the extensive improvements made by Petitioner on the Lot, subsequently (1st July 1846) directed that Lot 39 should be sold to him as originally intended, but that the Broken Front should be divided into acre Lots, and sold at Public Auction. Petitioner then renewed his claim to be also allowed to purchase the Broken Front and the Order in Council of 25th September, 1846, directed that he should be "allowed to do so, if he were inclined to pay the full value of it, after the Agent had reported what that value was."

The valuation by the District Agent of the Lots on the Broken Front was subsequently submitted for the consideration of the Committee of Council by the Commissioner of Crown Lands, without any reference being made in the letter of that Officer, forwarding the valuation to the right of purchase given to John Rochester, consequently the Order in Council of 8th December, 1847, approving of the valuation, again directed the sale of the Lots at Public Auction.

Petitioner now remonstrates against the proposed public sale as being at variance with the above quoted Orders in Council in his favor.

The error originated in the omission of the Commissioner of Crown Lands to mention in his letter transmitting the valuation of the Lots, the right given to John Rochester to purchase them, the Committee therefore recommend that the sale be stayed until the 1st May next, during which time Petitioner be allowed to purchase under the present Clergy Reserve regulations at the valuation now placed on the Lot by the District Agent, as directed by Order in Council of 25th September, 1846. Should he, however, neglect by that time to complete the purchase, the Committee humbly advise Your Excellency that the Lots be then sold at Public Auction.

Certified.

(Signed), J. JOSEPH, C.E.C.

To the Commissioner of Crown Lands.

No. 71.

BYTOWN, February 8th, 1848.

Sir,—On behalf of Mr. John Rochester, I beg herewith to forward his Petition

about a vexatious claim he has had for years before the Government, which I beg leave to request you will be pleased immediately to lay before His Excellency in Council.

The conspiracy and intrigues with which he has been beset by individuals in this matter, and the delay, misconception, and misconstruction of his case before the Government, and particularly the Crown Land Department, is enough to disgust and vex any person.

The facts alleged in his Petition cannot be controverted, and I beg you will be pleased to look into all the references, and report the same accordingly.

I have the honor, to be Sir,

Your most obedient Servant,

(Signed,) WILLIAM STEWART.

The Honorable JNO. A. McDONALD,
Commissioner of Crown Lands, &c., Montreal.

No. 72.

To His Excellency the Right Honorable the Earl of Elgin and Kincardine, Governor General of British North America, &c., &c., &c.

IN COUNCIL.

The Petition of JOHN ROCHESTER, of Bytown,

MOST HUMBLY REPRESENTS :

That your Petitioner gratefully acknowledges, in reply to his Petition of the 17th ultimo, the stopping of the sale, and the delay sanctioned to him till the first day of May next, for the purchase of the Broken Front of Lot No. 39, Nepean, a Clergy Reserve. But your Petitioner conceives he has just and valid grounds for appealing from the manner in which the excessive valuation of said Lot was established.

Your Petitioner, without being desirous of confirming the value of the said Broken Front to two pounds per acre as valued by the Inspectors, when by connivance and fraud one of the Inspectors attempted to possess himself of it, to the loss and injury of your Petitioner, and being ten shillings an acre less than the portion of the Lot in rear purchased by your Petitioner, and although the right to purchase at that reduced rate is sanctioned to your Petitioner under an order in Council of 17th February, 1846. And although the vexation, delay, and immense expense to which your Petitioner has been subjected from the intrigue, interference, and misrepresentation of certain parties, would, in strict justice, entitle your Petitioner to it at that valuation, yet if the Government insists upon it, your Petitioner will forego his right to that valuation.

Your Petitioner however cannot but dissent and appeal from the arbitrary and oppressive manner in which the District Agent of Crown Lands had been instructed to survey the said Broken Front in small Town Lots, with the streets and conveniences required for a Town, and to value the same accordingly with the criterion which a fictitious and enhanced value of property in Bytown in prosperous times and under peculiar circumstances placed before him.

Your Petitioner would beg to direct attention to the circumstance mentioned in the Order of Council of date 25th September, 1846, viz, :—"With respect to the Broken Front it does not appear that Firth ever made any application for it, and this portion of ground is not even mentioned in any of the papers or correspondence until he assigns his interest to John Rochester, when the Broken Front is

“mentioned for the first time.” This fact is notorious, that no distinction was ever made between and Broken Fronts, and invariably understood, known, and called by the first settlers, to be but the same lots, and continued so until the Inspector of Clergy Reserves made the distinction, when he attempted fraudulently to possess himself of it, as the accompanying paper from Philip Roberts, one of the Inspectors, will prove. But to put this fact beyond doubt, your Petitioner only begs reference to the words, designation, and description in the original grant from the Crown of the Lots on each side of it, viz. :—38 and 40 a copy of which is in the possession of your Petitioner.

Wherefore your Petitioner most humbly but earnestly prays, that if your Excellency in Council conceives that the reduced valuation of the Inspectors should be departed from, your Petitioner most distinctly but respectfully persists in his right to it at the valuation set and paid for the other portion of the Lot, viz. :—£2 10s per acre, both in justice and in accordance with the 25th Section of the Act 4 & 5 Vic., cap. 100—and with the spirit of the general instructions with regard to all Clergy Lands in the Province. Should it however be decided that your Petitioner must be inflicted with farther delay, vexation, and expense, he most humbly and respectfully conceives, that the most that could be desired would be to cause another valuation to be made by disinterested respectable farmers as to its value as farming land at the time your Petitioner purchased it from Isaac Firth in 1835.

Your Petitioner however bases his hope on the justice and clemency of Your Excellency in Council, that this plain statement of facts will induce your Excellency to relieve your Petitioner from farther trouble and annoyance, and order that his right be confirmed at the the price alluded to.

And as in duty bound, Your Petitioner will ever pray.

(Signed,) JOHN ROCHESTER.

Bytown, February, 8th, 1848.

No. 73.

The Inspector of Clergy Reserves in the Dalhousie District during the inspection in the year 1844, found Mr. John Rochester, Senior, in possession of Lots 39, in the 1st Concession, and 39 on the Broken Front of the Ottawa, in the Township of Nepean, in the said district, held by him under a deed from one Isaac Firth, for and in consideration of the sum of sixty pounds currency, paid by three instalments.

The said Isaac Firth was in the occupation of the aforesaid Lots for the term of 15 years previous to 1842 with consent and approbation of Government.

On the above facts, Mr. Roberts, one of the Inspectors, arrived at the conclusion that Mr. Rochester's name had the best to be returned for said Lots; John Chitty, his colleague, having a sinister object in view, persisted in returning the name of one Daniel McLaughlin, who never occupied any part of the said Lands. Mr. Roberts consequently made a written Report to the Crown Land Office in favor of Mr. Rochester's claim, which was admitted by the Government, and that of Mr. McLaughlin expunged.

The following facts, if necessary, can be testified to; John Chitty, the Inspector above alluded to, being desirous to obtain the Broken Front for his own use and benefit, procured a deed from a Frenchman, a tenant of Mr. Rochester's, of a small log house on the Broken Front, which he supposed would entitle him to a claim, but on more consideration he deemed it advisable, being one of the Inspectors, to cancel the deed in his own name, and get one executed in that of above named

Daniel McLaughlin, who stipulated for licenses of the lands if he succeeded in the object in view.

It can be further proved that Chitty offered his colleague the choice of a Building Lot on said lands (of course to carry out more easily his nefarious intention), but it was indignantly refused.

The Report made and lodged in the Crown Land Office, by Mr. Roberts, can be seen at any time on proper application.

There exists many other circumstances to corroborate the foregoing statements, if required, that can be brought forward.

Little doubt can remain in the minds of any unprejudiced person that a deep rooted conspiracy sprung out of the disappointed hopes of Chitty, who, there is good reason to believe, induced the Rev. S. S. Strong, and after his unsuccessful attempt, then the Board of Works, to lay claim to the Broken Front, with the obvious intention of depriving Mr. Rochester of his just right of pre-emption conceded to him in common with all other occupants of Clergy Lands, that had been in possession for a certain prescribed term of years; this opinion is fully borne out by the fact, that the foregoing applications were not brought forward until the final rejection of the one made by McLaughlin.

(Signed), PHILLIP ROBERTS.

No. 74.

CROWN LAND DEPARTMENT,

Montreal, 20th April, 1848.

Sir,—Your letter of the 8th instant, addressed to the Provincial Secretary, having been transferred to this Office, I have to inform you, that it appears that your Petition of the 8th February, was under the consideration of the Executive together with one from Mr. Nicholas Sparks, who claimed a part of the land in question as being the broken front of Lot No. 38; in consequence of which it was ordered that the sale to you should be suspended, it being proposed to Mr. Sparks to agree to a special case involving the question in dispute to be submitted to the Judges of the Queen's Bench for their opinion.

(Signed) J. H. PRICE.

Mr. JOHN ROCHESTER, Bytown.

No. 75.

Bytown, 5th January, 1850.

Dear Sir,—Should you find it suitable to do so, I would be glad that you would submit, for the consideration of the Honorable the Commissioner of Crown Lands, the necessity of efficient measures being taken to put a stop to the occupation of Lot No. 39, in the broken front, by squatters; which is a nuisance which will not only depreciate the value of the remainder of that Lot, but will also, if allowed to continue, inflict serious wrong and injury on the neighbouring proprietors.

If squatters be allowed to go on occupying this lot in a lawless manner, their presence and the character which they will give to the neighbourhood, will greatly reduce the value of property at this end of the Town; and I, and others, who have had to pay at the rate of £400 an acre for the ground we have built upon, will find

our properties irremediably depreciated, and suffer every other inconvenience arising from a bad neighbourhood.

From its position, Lot 39 was well adapted for a Villa Ground, particularly from being beautifully wooded, but the squatters are cutting the wood which gave it its principal value as villa ground, and no respectable person will buy land there to build upon among a low class of squatters. It was subdivided into village lots at considerable expense to the public, but the squatters are rendering the survey valueless by removing the boundary stones.

If something be not done in this matter, the land will soon become of very little value to the public, and will fall into the hands of the squatters at little more than a nominal price, to the exclusion of respectable people who would willingly give its value for it; whereby considerable loss will be entailed on the public, besides serious injury to the owners of property in the neighbourhood and inconvenience to persons residing there. I was informed by Mr. Rochester that a man was nearly killed not long ago, on the road in front of No. 39, not far from my dwelling, by some worthless people frequenting some of the squatters' houses.

I remain, &c., &c.

(Signed),

A. J. RUSSELL.

JOHN DURIE, Esquire,
Crown Land Agent, Bytown.

No. 76.

COUNTY OF CARLETON AGENCY,
Bytown, 28th February, 1850.

Sir,—I beg leave to place before you the enclosed letter from Mr. Russell, of the Crown Timber Office here, having reference to Lot 39 in Concession A, Ottawa, Nepean.

The occupation of the lot by squatters, to which Mr. R. refers, is not recent, the last case which occurred was, I believe, in the spring of 1849; but the season of the year is again near, when there is danger of its being again repeated. From the character of the buildings, which under these circumstances are erected, they can generally be put up, and inhabited before even the settlers on adjoining lots are aware of their presence; so that there is scarcely a possibility of my being able to do more, than inform the parties, after they have taken possession, that this will give them no claim to pre-emption. I have repeatedly visited the lot, and whenever made aware of trespass, done all in my power to prevent it. I would here refer to my letter of the 26th November, 1847, in reply to one from the Department, dated the 19th of the same month.

The lot was advertised to be sold on the 9th February, 1848, having been subdivided into Town Lots, but the sale was subsequently stayed in consequence of a claim which Mr. John Rochester had laid before the Government. The last notice I have respecting it, is dated 1st February, 1848, ordering that the sale be stayed until the 1st May of that year, during which time Mr. Rochester is allowed to purchase at the valuation placed on the lot by me.

I am aware that the character of those who have squatted on the lot is very bad and no doubt their presence, besides proving a source of great annoyance to the respectable inhabitants residing in the vicinity, must tend to depreciate the value of property in the neighbourhood. So long as it remains unsold it will be exposed to trespass, and particularly so from its situation being so near the Town, and the

only effectual remedy for the evil, I beg to submit, would be its immediate disposal by the Government.

I have the honor, &c., &c.

(Signed,)

J. DURIE.

The Honorable the Commissioner of Crown Lands,
&c., &c., &c., Toronto.

No. 77.

CROWN LAND DEPARTMENT,
Toronto, 11th March, 1850.

Sir,—With reference to your letter of the 28th ultimo, I have to state, that as only a portion of the lot is claimed by Mr. Nicholas Sparks, there appears to be no reason why the remainder should not be sold to Mr. John Rochester, in accordance with the Order in Council of the 28th January, to be effected immediately.

Previous, however, to making the offer to Mr. Rochester, you will place yourself in communication with Mr. Sparks, with the view of ascertaining whether he has an objection to offer. The lots to be withheld from sale being all those lying West of Richmond Street.

(Signed,)

J. H. PRICE.

J. DURIE, Esq., &c., &c., &c.

No. 78.

COUNTY OF CARLETON AGENCY,
Bytown, 29th April, 1850.

Sir,—I have been instructed by the Honorable the Commissioner of Crown Lands to offer for sale to you, on condition that the purchase be effected immediately, that part (reserving the portion marked for the Board of Works) of Lot No. 39, broken front Ottawa, Nepean, lying East of Richmond Street, according to the valuation placed upon it as subdivided into Town Lots.

I am, Sir,

Your obedient Servant,

(Signed,)

J. DURIE.

To Mr. JOHN ROCHESTER, Bytown.

No. 79.

NEPEAN, June 20th, 1850.

Sir,—Temporary absence from home, and other circumstances prevented my replying to your letter of the 29th April last, until now, and with reference to Broken Front of Lot No. 39, Nepean, Clergy Reserve, I have merely to say in reply, that my two petitions in January and February, 1848, on that subject, with other subsequent communications, are in the hands of the Government, without any action having been taken upon them.

The Petitions and communications referred to, set forth and explain every fact and circumstance connected with the subject. To attempt here to enter into every particular again would only mistify and multiply what is in itself simple and plain; and what has (from what I very humbly conceive to be a misconception of the case,) been swelled into a matter of undeserving importance.

I cannot however refrain from remarking, that with respect to Mr. Sparks' pretensions about the Broken Front, and the survey thereof, the Government are unnecessarily interfering in a matter over which they have no control; you cannot be ignorant of the fact that there is in the Field, a Broken Front to Lots 38, & 39, therefore the arrangement of the survey must be determined by surveyors, and the law of the Province. So upon that score Mr. Sparks' pretensions need be no barrier to the final closing of my claim to the Broken Front of Lot No. 39, which I can determine by law, neither do the Government incur any responsibility by conveying their right to it, as there is such a space in the field.

From the cruel injustice, expense and delay to which I have been subjected from one cause or another, if I received the land for nothing it would not compensate for the annoyance and expense to which I have been subjected.

I now beg leave to state, that until my representations are submitted and decided upon by the Governor in Council, I am not in a position to make any other distinct proposition.

I am Sir,

Your most obedient Servant,

(Signed,) JOHN ROCHESTER.

JOHN DURIE, Esq.,
Crown Land Agent, Bytown.

No. 80.

COUNTY OF CARLETON AGENCY.

Bytown, 28th June, 1850.

Sir,—Referring to your letter of the 11th March last, I beg to state that agreeable to your instructions, I placed myself in communication with Mr. Sparks, in order to ascertain what portion of the Broken Front of Lot 39, on the Ottawa, Nepean, he claimed as being covered by a deed which he holds, and received in reply his letter of the 20th April, which I now enclose. I may here mention that Mr. Sparks has since taken possession of the land by removing his fence to the West corner of Richmond Street. I took the precaution however of forbidding him until the matter could be finally disposed of.

On receipt of Mr. Sparks' letter I offered, as directed, the residue of the Lot to Mr. Rochester (see my letter herewith) to which the enclosed answer, received a few days since, has been given, and which I now submit to you.

The difficulties in the way of a settlement of this case appear to be to determine what portion of land belongs to Lot 39 in the Broken Front; without offering any opinion of my own, I may state that according to that of Surveyors here, with whom I have conversed on the subject, Mr. Sparks appears to be claiming land in this instance to which he has no title; the other difficulty concerns the price at which the land is now offered to Mr. Rochester, were it offered in building lots (into which it has been sub-divided) separately at public sale as was contemplated when my valuation was made, it might still realize that amount, although property in Bytown is not at present worth what it was then, but offered in a Block, I have no expectation that anything like the amount could be obtained; viewed as a farm

Lot, it was originally valued by the Government Inspectors at £2 per acre, this was much too low.

I do not believe there would be any difficulty in disposing of it at £5 per acre.

I have the honor to be, Sir,

Your most obedient Servant,

(Signed,) J. DURIE.

The Honorable Commissioner of Crown Lands.

No. 81.

BYTOWN, 3rd February, 1852.

Dear Sir,—I duly received your Note, which you left in my absence, and regret you had the trouble of calling so often without finding me; I have perused the documents you left with considerable attention with respect to Lot No. 39, Nepean, and I must say your case appears to me quite plain, and I am surprised it has not been long ago settled. I have visited the premises for my own satisfaction, and it is an act of injustice to you and the neighbourhood to allow such a swarm of such characters to plunder the premises, and infest the vicinity of Bytown. I would advise you to bring the matter again under the consideration of the Government. I understand you are admitted as in occupation, and entitled to purchase by the Act of Parliament, and that an Order in Council has passed confirming your right to purchase at two pounds per acre.

In answer to your inquiry of course, I will be happy to render any assistance to you in my power.

(Signed,)

EDWARD MALLOCH.

JOHN ROCHESTER, Esq.,
Bytown.

No. 82.

NEPEAN, February 16th, 1852.

Sir,—I beg leave most respectfully to bring under your consideration, a very singular circumstance, that I have a claim which has been before three of your predecessors in Office, for the last four or five years, with two petitions to the Governor in Council, and several letters relative to the same, and it has baffled every effort that I could make, and other parties on my behalf, to get a hearing and decision before His Excellency in Council on the subject; the whole matter is to me inexplicable, except that it may have been much easier to allow a poor obscure individual like me to suffer a grievous injury and loss, rather than be at the trouble of investigating the facts set forth in my petition and correspondence.

I will not in this letter trouble you with a review of the case, as it only tends to multiply reference to what is already amply explained.

I therefore most respectfully but urgently crave reference to the documents hereafter mentioned, in their order and date, which must be all on file either in the Crown Land Office, or the Executive Council Office, viz.:—

- No. 1. My petition of date..... 17th January, 1848.
 2. Do. do. do..... 8th February, 1848.
 3. My letter to Mr. Sullivan..... 8th April, 1848.
 4. Do. to Mr. Price..... 15th May, 1848.
 5. Do. do. do..... 14th June, 1848.
 6. Do. do. do..... 28th October, 1848.

I shall only add that the Broken Lot in front is literally ruined, and very much reduced in value, as it is occupied by near a score of squatters of the worst description of character, who have robbed it of all the timber, and are now making holes and quarries, carrying off the stones, which constitutes another part of its value. Having submitted the case to Mr. Malloch, M.P.P., with the request he would personally visit the place, I take the liberty of annexing his letter in reply thereto, hoping that you will be pleased to favor me with a reply at your earliest convenience.

I have, &c.,

(Signed,) JOHN ROCHESTER.

The Honorable JOHN ROLPH,
 Commissioner Crown Lands.

CROWN LAND DEPARTMENT, 21st February, 1852.

Sir,—I have to acknowledge the receipt of your letter of the 16th instant, and upon inquiry find, that although you state that your two petitions to the Governor in Council have not received attention, I find that Orders in Council adopted thereon were communicated to you by letters from this Department, on the 1st and 18th February, 1848, and that your letter of the 8th April, addressed to The Hon. Mr. Sullivan, as Provincial Secretary, was answered also from this Office, on the 20th April, since which time Mr. Durie, under instructions from the Department, has offered to sell the lots to you under Order in Council of the 28th January, 1848, excepting such (being those west of Richmond street) claimed by Mr. Sparks, which offer, it appears, you declined. You will have the goodness now to state distinctly whether or not you are prepared to purchase, otherwise notice will be given that the lots are open for public sale, under the advertisement of the 4th January, 1848.

(Signed,) JOHN ROLPH.

Mr. JOHN ROCHESTER, Nepean.

No. 83.

Bytown, 23rd July, 1852.

Sir,—With reference to my several applications to the Government for the purchase of Broken Lot No. 39, fronting on the Ottawa or Grand River, a Clergy Reserve: I beg leave respectfully to lay before you, for the information of His Excellency the Governor General in Council, the following simple facts:—

I emigrated from England, and purchased about 19 or 20 years ago from Mr. Isaac Firth, the improvements he had made on Clergy Reserve Lot No. 39, in the 1st Concession of Nepean, and Broken Front in front thereof; for which I paid him a large sum of money in cash. I immediately went into possession and have been in possession ever since, until last year, when Nicholas Sparks forcibly fenced a small part of the Lot in question, asserting that he had a claim to the same. A House was built on the Broken Front when I entered into possession, which was

subsequently burned. I built another house on the Broken Front, which is at present occupied by me, and in front of which I have a tenant.

The Lot 39, in the 1st Concession, was valued under the 25th Section of the land Act, and 4th & 7th Sections of the Regulations of the Department, under Royal proclamation, dated at Windsor, 21st October, 1841, at 50s. per acre, and the Broken Front at 40s. per acre. An Order in Council passed, approved on the 18th February, 1846, allowing Petitioner to purchase at these prices, after being valued on personal inspection by the Government Inspectors appointed in this case: as in every instance in the Province.

Petitioner purchased 39, in the 1st, and paid for it at the valuation in pursuance of the Order in Council. But at this time an application was made by the Rev. S. S. Strong, for the Broken Front as a Glebe or Rectory for the Church of England. The order in Council was rescinded in favor of Petitioner who is a poor man with a large family, and the Lot was ordered, through the influence of designing parties, to be surveyed in Town Lots, valued by the District Agent, and then offered to Petitioner at those prices, and if refused by him, to be sold by public Auction. An absurd and preposterous valuation was put on the Lots in question by the Agent, who obtains a per-centage on sales, and no doubt he was guided in his valuation by the prices obtained in scrip for a piece of land, about a mile and a half distant, called Lot letter O. These Lots were run up by parties who never paid for them, and those unpaid for, were sold again at less than one half what they were bid off at. The Government having, as Petitioner humbly conceives, improperly interfered with the established line of policy pursued in every instance with reference to Clergy Reserves, the right of Petitioner was set at defiance by the most abandoned of characters, who squatted on different parts of the Lot, in defiance of Petitioner and Mr. Durie the Agent, and whose presence in that locality during the resort of the numerous lumber-men, has become so alarming to the surrounding country, that they are not only a perfect nuisance, but a dread to that section. They have cut down all the trees and hacked and destroyed the ground in every direction.

With respect to the Broken Front itself, there are about 22 acres of good land. A great part of the centre of the Lot is flooded every spring by the high water, say about 15 acres; and the remaining part of the Lot is a barren rock; and parties have been this some time past, and are at present quarrying stone in every direction, without reference to the Lots or streets or anything else; and are really, in fact, destroying the whole Lot. All which Petitioner has reason to believe has been represented to your Department long ago. There is not a single post or monument of the survey to be seen.

Petitioner respectfully refers to the Imperial Act 3rd & 4th Victoria, cap. 78; to the Regulations for the Reserves of the 13th July, 1841, and to the respective proclamations of Her Most Gracious Majesty, of the 21st October, 1841, and 10th December, 1842.

With reference to the pretended claim of Mr. Sparks, it really, to say the very least, is unworthy of any remark. If he was to obtain a part of 39, he would not only have his own Lot No. 38, in breadth, but this in addition. The different concessions and Lots in the Townships of the Province never correspond, caused by the unevenness of the ground, &c. His patent to 38 in the 1st, points out the course and bounds of the Lot, and with reference to 38 in the Broken Front, which any surveyor can easily explain. There is not a single Lot in the Township of Nepean, 22 miles in length, that corresponds with the same number in the adjoining Concession, and other Townships are alike.

Petitioner claims his Lot at 40s. per acre, with back rent since occupation or such other reasonable sum as you in Council may see fit, as he has been harrassed long

enough, and will take it with all the disadvantages respecting the squatters and Mr. Sparks, &c., and will be at the expense of ejecting or settling with them.

All which is respectfully submitted by your obedient Servant.

(Signed,) JOHN ROCHESTER.

Honorable JOHN ROLPH,
Commissioner of Crown Lands.

No. 84.

QUEBEC, 28th July, 1852.

We hereby certify that we have been personally acquainted, for many years, with the situation of Clergy Reserve Number Thirty-nine, Broken Front, on the Ottawa River, in the Township of Nepean; that the Lot is in the occupation of Mr. John Rochester, with a house built on the same, and about ten or twelve acres cleared and cultivated. That part of the lot has been squatted on by other parties, we believe, in defiance of Mr. Rochester. That the greater part of the Lot is rocky; a great part is overflowed in the spring of the year, and very little good land for agricultural purposes on the Richmond Road; and we consider that the valuation put upon the same by the Government Inspectors, namely forty shillings per acre, was a fair valuation, which we understand and believe was done under oath under the instructions of the department.

(Signed,) JOSEPH AUMOND.
" JOHN EGAN, M.P.P.

No. 85.

MEMORANDUM.—No 38, in 1st Concession, and the Broken Front, Nepean, owned by Mr. Sparks, were patented to Robert Randall, as such, with a reservation for a road between them.

No. 9, in the 1st Concession, and No. 9, in Concession A, were described as separate Lots when granted to Captain LeBreton.

(Signed,) T. C. TARBUTT.

C.L.O., August 5th, 1852.

No. 86.

Report on claim of John Rochester.

Mr. John Rochester renews his claim to purchase lot 39, in the broken front of Nepean, (Ottawa Front), as having a right to pre-emption under the Orders of the Queen in Council, 21st October, 1841, and 10th December, 1842, at 40s. per acre, instead of at the valuation as Town Lots, under order in Council of 25th September, 1845.

Reference is requested to minutes in Council of 20th June, and 25th September, 1846, in which the particulars of Mr. Rochester's claim are stated; he having, it

appears, been placed in possession, in 1838, by Isaac Firth, who, on the 28th April of that year, bound himself to give a transfer deed, "if the original deed can be procured from the Crown;" at which time it would seem that Firth had no pretensions to the broken front, his application to the Government to be allowed to lease or purchase, and which had been refused, having been confined to lot 39, in first Concession.

In recommending, in the Report of 12th February, 1846, that the broken front should be sold at auction, the Department was influenced by the Inspection of 1844, when three acres were reported as cleared and occupied by Daniel McLachlin, but claimed by Mr. Rochester, while other persons had applied to purchase; Lyman Perkins offering £15 per acre.

With regard to Mr. Rochester's claim to pre-emption on account of improvements, it may be remarked that when surveyed by Mr. R. Bell in 1846, it was reported that most of the lot is very closely covered with a second growth of green timber, chiefly pine and cedar, and the only improvements being the land cleared and claimed by Nicholas Sparks, Esquire, of Bytown, and some buildings on the front part reserved for the Department of Public Works; in opposition to which Mr. Malloch now fyles the certificate of Joseph Aumond and John Egan, Esquires. With reference to the claim of Nicholas Sparks, Esquire, notice is requested to the minute in Council of 14th February, 1848, based on the opinion of the Honorable Attorney General.

However, as Mr. Sparks' claim only covered a portion of the land, that is, the Town Lots which were surveyed West of Richmond Street, the remainder has on several occasions been offered to Mr. Rochester, on the terms sanctioned by the minute in Council of 26th September, 1846.

It is to be borne in mind that the lot in question, usually called a broken front, is a distinct lot (consisting of about 40 acres) with a road allowance between it and the lot in rear, purchased by Mr. Rochester, under the order in Council of 1st July, 1846.

Upon looking over all the papers, it does not appear that either Firth or Rochester had any claim to pre-emption, excepting the recognition in favor of the latter, under orders in Council of 25th September, 1846, and 28th January, 1848, to purchase at private sale, at the valuation of the Agent, as Town Lots.

As the case has so often been under the consideration of the Government, some of the Members of which, it may be presumed, are familiar with the particulars of it, the undersigned, as Commissioner of Crown Lands, hesitates to adopt any particular recommendation.

(Signed,) JOHN ROLPH.

Crown Land Department,
Quebec, 4th August, 1852.

No. 87.

Extract from a Report of a Committee of the Honorable the Executive Council on Land applications, dated 5th August, 1852, approved by His Excellency the Governor General in Council on the 7th.

On the application of John Rochester, renewing his claim to purchase the Clergy Reserve Lot No. 39, in the broken front of the Township of Nepean, containing about 40 acres, he having been in possession about 20 years, built a house thereon, of which he is at present in occupation, and is proprietor of the lot in rear.

The Committee recommend that the order in Council of the 28th January, 1848, in favor of the applicant be carried into effect, and that he be permitted to purchase at the rate of 50s. (fifty shillings) per acre, with interest from that period.

It being expressly understood, however, that in the event of Nicholas Sparks, Esquire, or others, claiming through the same title, substantiating his claim to the lot or any part of it, Rochester is not to have any claim against the Government on account thereof.

Certified.

(Signed,)

WM. H. LEE.

To the Honorable

the Commissioner of Crown Lands, &c., &c., &c.

Order in Council, 5-7 August, 1852.

“ In Committee, 5th August, 1852.

The Committee recommend that the order in Council of the 28th January, 1848, in favor of the applicant [Rochester] be carried into effect, and that he be permitted to purchase at the rate of 50s. per acre, with interest from that period.

It being expressly understood, however, that in the event of Nicholas Sparks, Esq., or others claiming through the same title, substantiating his claim to the Lot, or any part of it, Rochester is not to have any claim against the Government on account thereof.

Approved in Council, 7th August, 1852.

No. 88.

KNOW all men by these presents, that I, John Rochester, Senior, of the town of Bytown, in the County of Carleton, in the Province of Canada, Yeoman, do hereby by these presents, for a valuable consideration, assign all my right, title, interest, claim, property and demand in and to Clergy Reserve Lot, Broken Front, No. 39, in Concession A, fronting on the Grand or Ottawa River, in the Township of Nepean, in the County of Carleton, in the said Province, to the said John Rochester, Senior, of the town of Bytown, in the said County and Province, Yeoman, and Edward Malloch, of the town of Bytown, in the said County and Province, Esquire, as witness my hand and seal at the City of Quebec, in the District of Quebec, this fourth day of August, in the year of our Lord one thousand eight hundred and fifty-two.

(Signed,)

JOHN ROCHESTER.

Signed, sealed and delivered in presence of

(Signed,)

JOHN DRYSDALE.

DISTRICT OF QUEBEC, } JOHN DRYSDALE, of the City of Quebec, in the Dis-
to wit: } trict of Quebec, in the Province of Canada, Gentleman,
maketh oath and saith; That he was present and saw the within named John Ro-
chester, duly sign, seal, and deliver the within assignment on the other side for the
purposes therein contained, that it was executed on the day on which it bears date,
namely, the 4th day of August, in the year of our Lord one thousand eight hundred

and fifty-two, and that the name of this deponent, set and subscribed to the said assignment as a witness thereto, is of the proper handwriting of this deponent.

(Signed,) JOHN DRYSDALE.

Sworn before me at the City of Quebec, in the District of Quebec, this fourth day of August, A.D., 1852.

(Signed,) J. MAGUIRE, J.P.

No. 89.

CROWN LAND DEPARTMENT, QUEBEC, 9th August, 1852.

Sir,—As Lot No. 39, in Concession A, on the Ottawa, in the Township of Nepean, has been disposed of by sale, I beg to submit for the Commissioners, before issuing the Patent, whether any further portion of the land may be required for public purposes than that part (3 a. 3 r. 1 p.) marked on the accompanying Plan.

I have, &c.,

(Signed,) JOHN ROLPH.

The Secretary of the Department of Public Works.

No. 90.

Mr. Commissioner Young's Opinion.

PUBLIC WORKS, QUEBEC, 14th August, 1852.

Sir,—I am directed to acknowledge the receipt of your letter of the 9th instant, inquiring, respecting the disposal of a lot in the Township of Nepean, and to inform you that as improvements will probably be made in the vicinity referred to, it is of the utmost importance that no grant should at present be made there.

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

(Signed,) THOMAS A. BEGLY, Secretary.

To the Honorable JOHN ROLPH,
Commissioner of Crown Lands.

No. 91.

QUEBEC, 13th August, 1852.

Sir,—Adverting to the letter of John Rochester, of the 23rd of July last, relative to the much vexed question respecting his right to Clergy Reserve Lot number 39 in Broken Concession A, in Nepean, and upon which an Order in Council issued, approved by His Excellency the Governor General in Council, directing that the lot should be sold to him, at 50s. per acre, with interest from 28th January, 1848.

The undersigned begs respectfully, for the information of His Excellency the Governor General, to make the following statement:—It appears His Excellency

in Council was graciously pleased, after mature consideration, and upon investigating the various correspondence, to recognize the right of Mr. Rochester to the purchase of the lot in question, in pursuance of the established regulations of your Department, under the Queen's proclamation of the 21st October, 1841, and 10th December, 1842.

Mr. Rochester has been for many years put to very great inconvenience and expense, having expended upwards of £250, which he is prepared to prove upon oath; in consequence of which he became greatly embarrassed in his circumstances.

In pursuance, therefore, of the Order in Council, and in faith of the Government, Mr. Rochester sold to Edward Malloch a part of his interest in the premises, which assignment was duly registered in the Department. That the money was all paid for the lot, and the sale carried out and duly entered in the reference book for patent; that the lot is at present described; all which is matter of Record.

The undersigned was extremely anxious to obtain the patent, inasmuch as various parties had entered forcibly in defiance of Mr. Rochester and the Government upon the lot, and were committing great injury to the property, besides being a perfect nuisance in that section of the country.

That when the description was completed, it was stayed by direction of Dr. Ford, by a simple dash of a pencil writing "Stayed," and on being asked by Mr. Malloch by whose authority this was done? he simply stated—and it must be admitted not in an offensive style—that he did not know that he was obliged to say by what authority. On reference to you, however, a letter was forwarded to the Honorable Commissioner of Public Works, stating that the lot was sold, and writing to be informed officially what was required by that Department. That on the subject being brought before the Honorable Mr. Killaly, the Engineer, he informed the undersigned that it would be all settled to our entire satisfaction, so soon as Mr. Young returned from Montreal, as he had written him a letter to the effect that he had arranged, that if a clause was inserted that if the Government should decide within six months to construct a Canal up the Ottawa, that the land for the cut through the lot should be obtained for the original cost.

That in pursuance of such statement and on the faith of the Government, the undersigned went home last Monday evening, but on arriving at Bytown, found that the damage that is still being done to the premises is so very great, that they resolved to return for the Patent, to prevent the trespassers, in a legal manner, from doing further damage.

That they arrived here this morning, and found, to their utter mortification, that the Honorable the Commissioner of Public Works had replied to your letter, as we understand, recommending that the lot should not be parted with, notwithstanding his being informed that the lot had been sold.

It is, we think, deeply to be regretted, that you considered it necessary to address the Board of Works on the subject; for the matter had been referred by your Department before, and an official reply obtained that all that they required was 3 acres, 3 roods, 1 perch, which was set apart and marked on the office plan. The undersigned do not desire to presume to make any comment on the facts connected with the above simple statement of the case; that is for the Government to do. But they desire not only in the most solemn manner, but in the most respectful manner, to enter their protest against the course that is being pursued in the premises.

They desire therefore protection.

They cannot however refrain from respectfully stating that, from the very first, some hellish back-stairs influence appears to have been used; for, adverting to the survey of this man's premises it did not originate with your Department, and was

never known until ordered; and, step by step, in defiance of the undersigned, and in defiance of the Government, opposition has been met with.

The undersigned was here from the 24th July to last Monday evening, the 9th instant, and are now here waiting your pleasure.

All which is respectfully submitted, by your obedient Servants,

(Signed,)

JOHN ROCHESTER,
EDWARD MALLOCH.

The Honorable JOHN ROLPH,
Commissioner of Crown Lands.

No. 92.

Mr. McLachlin, M.P., and Mr. Bell, Surveyor, Bytown, to Crown Lands
Commissioner.—39, Concession A, required for Public Works.

RUSSELL'S HOTEL, QUEBEC, 18th August, 1852.

Sir,—With respect to Broken Lot No. 39, Concession A, on the Ottawa, in Nepean, I would most respectfully beg to draw your attention to the necessity of reserving ample space on the entire water frontage thereof, for the use of Rafts, this space being on a Bay of the River, at the head of the Bytown slides, is indispensable to the Lumberers, who bring their rafts here to pass down the slides, and in my opinion there would be no great difference in effect, between excluding rafts from the Bay, and excluding them from these slides altogether. Rafts are made fast in this Bay for safety and convenience, till they can be passed in single cribs through the slides, and if they were not allowed to land here, the Lumberers would be put to the expense of running their timber in single cribs from the Chaudière Lake to the foot of the slides, and in case of a South or South-East winds, their being obliged to go below this Bay, would incur extreme risk of life and property, as the timber would be carried over the Falls. During the whole of the season for passing timber, this Bay is filled with rafts, and if excluded from the free use of it, the Lumberers would meet the deprivation with loud and bitter complaint, and would they not have great cause of complaint? After paying heavy charges for slidage and dues, are they not fairly entitled to the facilities essential to the use of the slides? You will pardon me for thus urging the matter on your consideration. Respecting the grounds of grievance, I speak from personal knowledge, and the right of the Lumber trade, to claim fair protection from the Government, to whom they pay heavy imposts, will not be questioned.

I would also beg to point out the probability of a Canal being carried around the Chaudière Falls, at some time, to connect the navigable part of the Ottawa, below Bytown, with the navigable waters of the Ottawa, above these Falls, and to state that the only favorable site for such Canal, is that afforded by the low ravine crossing this Lot, and No. 40, adjoining it, and ending at the Bay referred to.

I have the honor to be, Sir,

Your most obedient Servant,

(Signed,) ROBERT BELL.

Honorable JOHN ROLPH,
Commissioner of Crown Lands,
Quebec.

No. 93.

QUEBEC, 18th August, 1852.

Sir,—I have heard it rumoured that Lot No. 39, in Concession A, of Nepean, is about to be sold to Mr. Rochester, without the necessary reserve for public purposes, I was very much surprised at this, and cannot believe it possible that the Government would, unless under some very great misapprehension dispose of that which would immediately have to be bought back for Public purposes, at any price :—

The timber passing through the Government slide, must lay in a great body along the shore of said Lot, waiting its turn to enter the slide, and at least ten thousand Raftsmen, in the course of the season, must attach their Timber in the Bay of said Lot, awaiting their turn to pass the slide; and they must use the beach for the purpose of landing their oars, which they have to cast to the head of Rapid above the slides; it will also be required for camping ground, and several other purposes connected with the trade. Neither is there any other landing place for any lumber, &c., coming down the River for the use of the Town; also, in the event of a Canal ever being constructed to pass the falls at Bytown, must necessarily pass through this Lot. Better reserve it now, than have to purchase it at some enormous price hereafter.

Your's respectfully,

(Signed,)

DANIEL McLACHLIN.

To Honorable J. ROLPH,
Crown Land Office, C.W.

No. 94.

The River Ottawa is between seven and eight hundred miles in length, discharging the waters of an area of nearly eighty thousand square miles. It now admits of an uninterrupted Steamboat Navigation from Lachine to Bytown, 114 milés. The obstructions presented by the rapids, being overcome by the Lock at St. Anne, and the Carillon, Chute à Blondeau, and Grenville Canals. Between Bytown and Aylmer, a distance of eight miles, the Chaudière Falls, and DaChere rapids intervene, interrupting the navigation. A Steamboat plies from Aylmer to the Chats rapids, about twenty-two miles, where there is a portage of three miles, and from thence there is a Steamboat navigation to Portage du Fort, a distance of about thirty-two miles. Above Bytown, the Ottawa has a course of over six hundred miles, draining an area of fifty-four thousand square miles, on which, by the lowest calculation, there are now standing three hundred millions of tons of marketable timber, for the transport of which the Ottawa and its principal tributaries in this part of its valley, afford two thousand five hundred miles in length of water fit to carry timber. It now contains a population of one hundred and thirty-six thousand, which, if it doubles every fifteen years, (a reasonable expectation,) will in forty-two years, exceed one million of souls.

The settlement of the valley of the Ottawa above Bytown, where the operations of the lumberer and the farmer, mutually aid each other, would proceed much more rapidly, if, by the construction of Canals, a continuous Steamboat navigation, without transhipment, was obtained.

About two miles and a half of Canal would be required between Bytown and the head of the DaChere rapids, with a rise of sixty-three feet, three miles at the Chats rapids, where a natural ravine would materially aid in the construction, the rise is

here about fifty feet, the construction of these Canals, would extend the uninterrupted navigation of the Ottawa 65 miles, making a total distance of 180 miles from Lachine.

When the increase of the expenditure warranted the expenditure, the improvement of the navigation might be extended from Portage du Fort to the Joachim Falls, a distance of about 80 miles. A large portion of the first ten miles, where there is a rise of sixty-five feet, would require to be canalised; on the remaining seventy miles, passing through Allumettes Lake and Deep River, with the exception of one, or perhaps two Locks, at Allumettes Island, no improvement would be necessary.

From the Joachim Falls to the bend of the Long Sault, a distance of about eighty-seven miles, the navigation is impeded by several rapids, which would require from 15 to 20 miles of Canal; the rise on the parts requiring improvement being about 180 feet.

From the head of the Long Sault to the head of Lake Temiscamang, a distance of sixty-seven miles, the navigation is without obstruction.

The greater part of the information contained in this memorandum, is taken from the Report of the Provincial Geologist, W. E. Logan, Esquire, for the year 1846, to which I beg leave to refer for details.

(Signed,) ANDREW RUSSELL.

QUEBEC, 19th August, 1852,

No. 95.

(Copy.)

EXTRACT.—Order of the Queen in Council, 21st October, 1841, as amended 10th December, 1842, based on Imperial Statute, 3 & 4 Vic. cap. 78, sec. 1. Ninth clause, authorising pre-emption of occupants to purchase Clergy Lands when offered for sale, on certain conditions.

That when any of the said Clergy Reserve Lands shall be offered for sale, which have been leased, and when any of the said lands offered for sale, shall have been improved without authority, for the space of five years, next before the first day of January, in the year of our Lord one thousand eight hundred and forty-one, the Agent for the sale of the said Clergy Reserves, shall allow privilege of pre-emption to the lessees, or their assignees for, or in case there shall have been no lease to the occupant, for the space of twelve calendar months after such lands have been offered for sale; and that in case of any sale to such lessees or occupants, interest upon the purchase money, at the rate of six per cent. per annum, shall be added thereto, from the time the lease of such lands expired; or if there shall have been no lease, from the time of such occupation as aforesaid, as the same may be reported by the inspectors, and that the value of the improvements made upon such lands, shall not be charged or demanded as any part of the purchase money.

See Canada Gazette, of 15th July, 1843.

No. 96.

REPORT on Mr. ROCHESTER's Petition to purchase Lot No. 39 in Concession A, Ottawa front of the Township of Nepean.

As the claim to this Lot has been so much urged in connexion with Lot No. 39

in the first Concession, it may be proper to give a brief review of the circumstances connected with both of these lots.

Both lots were first leased to Robert Randall, in 1809, and upon expiration of his lease, renewal thereof was refused, on the ground that these lots were required for public purposes.

Lot No. 39, in the First Concession, was occupied for a long period by Isaac Firth, not as a squatter, but as a temporary occupant, by permission, of a lot required for public purposes; he frequently applied to purchase, but was uniformly refused, on the ground that the lot was required for public purposes.

Mr. Rochester purchased Mr. Firth's claim in 1838, and finally, by Order in Council of 1st July, 1846, after what was required of that lot had been set apart for the public service, he was allowed to purchase the residue; not in virtue of Firth's pre-emptive claim being admitted, but because he, Rochester, had made valuable improvements: this is not the lot for which he now makes application, being wholly distinct and situated in a different concession: to this lot he has obtained a title already.

Lot No. 39 in Concession A, for which Mr. Rochester now makes application, was included in Robert Randall's application for renewal of lease, and was refused; on the ground that it was required for public purposes.

It was not included in the permission to Firth to occupy, neither was it ever petitioned for by him.

It was included in Rochester's Petition, in 1844, and this was the first time it had been claimed in any way, since, by Order in Council of 24th April, 1833, it was finally refused to Robert Randall, as being "indispensably necessary for the public service." The Department reported against the application on this occasion, but the Council granted it, by Minute dated 17th February, 1846; this Order was, however rescinded, on the ground that Rochester had no claim, and the lot was surveyed into Town Lots, and advertised for sale by auction.

Finally, Mr. Rochester was allowed, by Order in Council of 28th January, 1848, to purchase at the actual valuation of the Town Lots, on condition of completing the purchase within a given time. There do not appear to have been sufficient grounds for withdrawing the lot from public sale, no pre-emptive claim having either then, or at any previous period been recognized on the part of Messrs. Rochester or Firth. This Order was suspended in regard to a part of the lot claimed by Mr. Sparks, but repeatedly offered to be carried out in respect to the residue. It was not, however, accepted by Mr. Rochester, who has petitioned to purchase on the terms of the Order in Council of 17th February, 1846, which has been repeatedly shewn, by subsequent Orders in Council, to have been erroneously made in his favor. By this course, Mr. Rochester has placed himself in a position which defeats any claim based on the Order he has rejected, and places the lot again at the disposal of the Government.

It may here be remarked, that no evidence of any valuable improvements has ever been submitted; in fact there are none of any importance; the lot has not therefore, attained its present value through any exertion or expenditure on the part of Rochester or Firth: it has grown in value by the growth of Bytown, of which it forms a part; and, instead of there being any improvement upon it to enhance its value, it has been in a state to operate as a serious draw back to the value of property in its vicinity; it is now being again enhanced in value by the sale of the valuable water privileges adjoining it, by the Department of Public Works. Although Mr. Egan and Mr. Aumond, in a certificate, not under oath, state that they believe that forty shillings per acre was a fair valuation at the time of the Clergy Reserve inspection, and that Mr. Rochester has a house, and ten or twelve acres of clearing upon the lot; yet this is wholly opposed to the testimony of the

sworn Surveyor who laid it out into Town Lots, and the valuation of the Local Agent; it is also opposed to the general testimony afforded to the Department, and to the offer of Fifteen pounds per acre, actually tendered to the Department about that period.

It is also to be observed that, by the regular Clergy Reserve Inspection, Mr. McLachlin was returned as the occupant, with three acres cleared. One of the Inspectors, indeed, sent in a note, dissenting from their joint report in this particular, but the grounds of dissent are wholly unsatisfactory and insufficient. By the laws, regulations and proclamations to which the Petitioner has appealed, not he, therefore, but Mr. McLachlin, would be entitled to pre-emption. There was no occupation, however, as would entitle any one to be ranked as a settler. A further document from the dissenting Inspector, Mr. Roberts, accompanies Rochester's Petition of 11th February, 1848, in support of most injurious insinuations made against his colleague, Mr. Chitty, who appears to have taken no part, one way or the other, in the matter beyond the joint official return by himself and colleague. It is much to be regretted that these libellous documents, less calculated as they are to convince, than to excite suspicion in their motive, against the character of a person of respectable standing in the community, who is in the dark as to their existence, and was never expected to have an opportunity to rebut them, were ever resorted to or permitted to be filed or recorded in the Department.

Mr. Rochester's claim has been chiefly based, however, on the assumption that the Lots in Concession A, are merely broken fronts of the Lots in the first Concession; this, however, is untenable, as the first Concession and Concession A are as distinct as any two concessions in the Province, with a full allowance for a concession road between them, which is now, between these lots, used as the main road leading West from Bytown. The lots are not even directly opposite each other. This part of the subject cannot be better disposed of than by reference to Mr. Rochester's own remarks upon Mr. Spark's claim, in his communication of 23rd July, wherein he utterly repudiates the pretence of the two concessions having any identity or connexion with each other. Thus it seems Mr. Rochester has set forth, as his main plea to establish his pre-emption that these concessions are one, while he sets forth as his sole plea against Mr. Sparks, that they are two.

Messrs. Rochester and Malloch's communication of the 13th instant, now remains to be considered.

The Order in Council of 5th August, 1852, has reached this Department, but has never been communicated to Mr. Rochester; and if its contents have become known to him, it must have been in some unofficial way. Mr. Rochester, by the hands of Mr. Malloch, sent in to the Accountant the sum of £92 12s. 6d. on the purchase money; the description was commenced, but has been stayed, and the amount is still subject to Mr. Rochester's order. It is a frequent occurrence in this Department, that matters are stayed under these circumstances; an incidental knowledge of such an Order in Council, and a payment to the Accountant, in anticipation of a deed, cannot, and in this Department, never has been regarded as constituting a claim, when further deliberation and information have indicated sufficient grounds for a contrary decision: (instance the case of Campbell and Armstrong, in which the claim of the former to purchase, by Order in Council, was recently reversed in favor of the latter.)

In the present instance, the matter was urged on with undue haste, at a moment when the Commissioner was fully occupied with other matter of an important nature; and it was only when it was nearly consummated that he became aware that no sufficient reservation had been made for public purposes of an indispensable character. He therefore felt it incumbent upon him to stay further action, until the Report of the Commissioners of Public Works on the reservations necessary to be made for public purposes, could be obtained.

The Report now received from the Department of Public Works, states that, with a view to probable public improvements, "it is of the utmost importance that no grant should at present be made." This is further corroborated by the general testimony afforded to the Department, in evidence whereof a letter is herewith submitted, from D. McLachlin, Esquire, Member of Parliament for the Town of Bytown; and one from Robert Bell, one of the ablest Surveyors in the Province, and a resident upon the adjoining lot. Herewith also, is a memorandum from Mr. Surveyor Russell, shewing the extent and importance of the navigation on the Ottawa which a few small links of canal would open up, one of the smallest but most important of which would cross this lot. It is evident that a sufficient reservation round the bay for rafts entering the Government slides, absolutely cannot for a moment be dispensed with; and if there be a present, or even a comparatively remote probability of a canal passing through the lot, the expediency of which is so forcibly maintained, it would be a short-sighted policy that would deprive the public of the means now at the disposal of the Government for effecting it.

The Commissioner of Crown Lands, therefore, feels it to be his duty, however reluctantly, to recommend that all past Orders in Council, in reference thereto, be cancelled, and the lot reserved, as originally intended, for public purposes.

The public interest would seem to require this under any circumstances, and in the present instance, it entails no individual hardship, as no such improvements or occupation of any kind have ever been proved as would, even if the lot had not been reserved for public purposes, have constituted a title to pre-emption.

All which is, nevertheless, respectfully submitted.

(Signed,) JOHN ROLPH.

Crown Lands Department,
Quebec, 24th August, 1852.

No. 97.

Petition of W. Thompson and others.—Iniquitous Expedients to the Injury of Mr. John Rochester.

To His Excellency the Earl of Elgin and Kincardine, Governor General of British North America, &c. &c. &c.

The Petition of the undersigned inhabitants of the Township of Nepean and other places on the Ottawa River, now in the City of Quebec;

Humbly beg leave to represent :

That they have been acquainted with John Rochester for a period of about twenty years, and that they are aware of the circumstances under which the said John Rochester purchased the possession and right of Isaac Firth, of Lot No. 39, Clergy Reserve, with its Broken Front in the Township of Nepean, and of his having possession of the same, and of his having built and improved on the said Broken Front.

That the undersigned do not affect to be ignorant of the most extraordinary and iniquitous expedients which have been resorted to by those who attempted to instigate the Government to deprive him of his right of pre-emption; the circumstances connected with which were notorious at the time they transpired.

Your Petitioners recently heard with much satisfaction, that Your Excellency in Council recognized the claims of the said John Rochester, and confirmed them by an Order in Council. Whereupon, the purchase money of the Broken Front in question was paid into the Crown Land Department, and the description issued.

It is with deep regret that they now understand that the efforts of his enemies seems to have so far succeeded as to induce the Board of Works to allege that the said lot may at some future unknown period be required.

On this point, your Petitioners would only remark, that the Board of Works have heretofore reserved of this lot what they deemed might be necessary for future uses, and they merely believe that the present objections are raised through the instrumentality of certain individuals, in order to favor the views of those who wish to deprive him of his just claims.

Your Petitioners can most truthfully aver, that they verily believe, that obtaining the lot in question gratis would not compensate the said John Rochester for the delay, trouble, vexation and expense to which he has been subjected.

And further, they have reason to believe, that the said John Rochester, upon the faith of Your Excellency's Order in Council, was obliged, in order to relieve him from pecuniary embarrassment occasioned by the disappointments he experienced, to encumber the said claim; and which, if attempted to be cancelled, would involve him in ruinous difficulties.

Wherefore, your Petitioners most humbly pray Your Excellency to interpose your authority, and be graciously pleased to carry out the Order in Council referred to, by directing the Patent to issue.

And, as in duty bound, your Petitioners will ever pray.

Quebec, August 26th, 1852.

(Signed,)

JOHN THOMSON,
JOHN SUPPLE,
WILLIAM STEWART,
RICHARD McCONNELL,
WILLIAM BYERS,
DAVID J. BROWNE,
E. P. WILLIAMS,

(Signed,)

JOHN EGAN, M.P.P.,
JOSEPH AUMOND,
PETER MORRIS,
JOHN MORRIS,
GERRARD McCOEN,
T. McKAY, L.C.,

No. 98.

Petitions—Messrs. Gilmour & Co., and others, Bytown, and of the Magistrates of Bytown, remonstrating against grant to Mr. Rochester, Lot 39, A, wanted for public service.

E.C.O. 30th August, 1852.

MEMORANDUM.—How does No. 33, Broken Front, Concession A, Township of Nepean, stand? and how was No. 35 and 36 granted to Jennett Strothers, and what grounds of claim, No. 37 to Thomas Reid, of the same concession and Townships.

(Signed,) WM. H. LEE.

WM. SPRAGGE, Esquire,
Crown Land Department.

No. 99.

Lot No. 33, Concession A, is a Clergy Reserve, and was reported by the Inspectors in the year 1814 in occupation by James Swain, with 20 cleared: the land

good; value 15s. per acre. No sale has been made, and the occupant was willing to pay but 4s. 2d. per acre, the lot is $2\frac{1}{2}$ miles from Mills.

Lots No. 35 and 36, in the Broken Front, Concession A, on the Ottawa, were described for Patent, about the year 1798 to Janet Strothers on her own U.E. claim. The grant is bounded by the shore of the Ottawa River.

Lot No. 37, in Concession A, was described for Patent, 17th April, 1824, to Lieutenant Thomas Reed of the Royal Marines, under order in Council of 4th February, 1824. The grant is bounded by the water's edge of the Stream; reserving "free access to the Beach for all vessels, boats or persons."

No. 100.

To His Excellency the Right Honorable James, Earl of Elgin and Kincardine, Knight of the Most Ancient and Most Noble Order of the Thistle, Governor General of British North America, &c. &c. &c.

IN COUNCIL.

The Memorial of the undersigned, Merchants of Bytown, engaged in the Lumber trade;

HUMBLY SHEWETH:

That Your Memorialists are informed that proposals are being entertained for the sale of the Clergy lot within the limits of Bytown, known as Lot No. 39, in the Broken Front, Concession A, on the Ottawa, in Nepean.

That Your Memorialists beg most respectfully to draw attention to the necessity of reserving ample space on the entire water frontage of the said lot for the use of the Slides, and the rafts which come here for passage through those Slides, as in case of a sale without such reserves, the hindrance of the free use of the Bay in front of the said lot and of the Slide would be almost the same in effect as closing the Slide from use altogether; and to obtain the requisite space by re-purchase as would be absolutely necessary, would in all probability be attended with trouble and great expense. During the season of passing timber, this Bay is constantly filled with rafts waiting to be passed, crib by crib, through the Slides.

Your Memorialists humbly conceive, that in view of the heavy charges to which the Lumber trade is subjected for Slidage and other dues, those engaged in that trade should be protected so far as to be allowed the facilities essential for the use of the Slides. And they therefore humbly pray that Your Excellency will hinder any sale of the said lot in which the said Reserves are not made.

And your Memorialists, as in duty bound, will ever pray.

Dated at Bytown this 4th day of September, A.D., 1852.

(Signed,)

GILMOUR & Co.,
JOHN WM. HAMILTON,
DONALD M. GRANT,
JOHN O'MEARA,
H. V. NOEL,
P. ROBERTSON,
WM. H. ROBINSON,
J. MACKINNON,
JAMES FRASER,

(Signed,)

N. BURWASH,
HORACE MERRILL,
THOMAS M. BLASDEE,
EDWARD MCGILLVRAY,
JAMES READ, per
G. KING,
N. SPAITS,
JOSEPH AUMOND, per
EDWARD MOSSE,

EDWARD GRIFFIN,
COL. McDONELL,
RODERICK McDONALD,
RICHARD ROBINSON,
JAMES WADSWORTH,
WILLIAM MACKAY,
ROBERT FARLEY,
EDWARD DUFTON,

B. GORDON,
JOHN CHITTY.
W. B. LEWIS,
WADDELL & MACNEE,
JOHN McCARTHY,
ROBINSON LYON,
ROBERT SKEAD,
WILLIAM REID.

No. 101.

To His Excellency the Right Honorable James, Earl of Elgin and Kincardine,
Knight of the Most Ancient and Most Noble Order of the Thistle, Govern-
nor General of British North America, &c. &c. &c.

IN COUNCIL.

The Memorial of the Undersigned Magistrates of Bytown;

HUMBLY SHEWETH:

That Your Memorialists are informed that it is proposed to make sale of the Clergy Reserves Lot within the limits of Bytown, known as Lot No. 39, Broken Front, Concession, A, on the Ottawa, in Nepean, at 40s. per acre, and as the said lot contains nearly forty acres, the said price with charges for rent, it is believed will not much exceed one hundred and ten pounds currency.

That Your Memorialists know the premises in question, and they consider that the actual value of the said lot No. 39, is not less than five thousand pounds currency; and they respectfully beg to draw attention to the public wrong which would be done by granting the said land at a price which is so disproportionate to its real value.

That in case of sale under any circumstances, your Memorialists would beg to urge the necessity of reserving ample space on the entire water frontage of the said lot for the use of the public works, and for the use of the rafts which come to this place to pass through the Slides. The free use of the Lot in front of the Bay is indispensable to the Lumberers who use the Bytown Timber Slides; and they would also beg to state, that a reserve should be made of the piece of land crossing the said Lot, which affords a favorable site for a Canal to pass the great Chaudiere Falls. Which improvement your memorialists hope to see sooner or later carried into effect, to connect the navigable waters of the Ottawa, below Bytown, with those above it, and this being the only place practicable for that purpose; if this site be now granted the repurchase when required will incur an immense sacrifice.

Your memorialists therefore humbly pray that your Excellency will be pleased to hinder any sale of the said Lot, at a price below its actual value, unless the party claiming establishes a good right to the said land at such low price. And they also beg to request that any sale of the said land may be by public competition, and that under any circumstances ample reserve be made for the purposes above stated.

And your memorialists, as in duty bound, will ever pray.

Dated at Bytown this 4th day of September, 1852.

(Signed,)

JOHN PORTER, J.P.,
R. H. THOMPSON, J.P.,

(Signed,)

ARCHIBALD FOSTER, J.P.,
ALEXANDER WORKMAN, J.P.,

GEORGE PATTERSON, J.P.,
R. W. SCOTT, J.P.,
DONALD M. GRANT, J.P.,

ROBERT BELL, J.P.,
HAMNETT HILL, J.P.,
ISAAC SMITH, J.P.

No. 102.

1st Petition of City of Bytown.—Lot 39, A, in part, required for public uses.

To His Excellency the Right Honorable James, Earl of Elgin and Kincardine, Knight of the most ancient and most noble order of the Thistle, Governor General of British North America, &c. &c. &c.

IN COUNCIL:

The Memorial of the Town Council of the Town of Bytown;

HUMBLY SHEWETH:

That your Memorialists are informed that proposals are being entertained for the sale of the Clergy Reserve Lot within the limits of Bytown, commonly known as lot Broken Front, No. 39, in Concession A, on the Ottawa, in the Township of Nepean, and they would respectfully beg to draw attention to the absolute necessity of retaining in the hands of the Government ample space around the Bay of the Ottawa River in front of the said lot, as such space is indispensable for the use of the rafts coming here to pass through the slide immediately adjoining, part of which slides is also on the front of this lot. In this Bay, rafts are made for security and convenience, and during the season of passing timber, it is constantly filled with rafts, waiting till they are taken off in single cribs to be passed, and to deprive the Lumberers of the free use of this Bay and Slide, would be almost the same in effect as closing the Slide altogether.

And your Memorialists humbly conceive that inasmuch as the Lumber trade is subjected to heavy charges for timber dues and slidage, it is fairly entitled to claim protection in the enjoyment of the facilities essential to the use of these slides. That free access to the River, at the front of this lot, is absolutely necessary for the convenience and wants of a great portion of the population of Bytown, as it is the only place where the water is easily approached, and in consequence is the place where water from the river is now obtained for the use of Upper Town, and a sale without reserving such access would subject nearly one half of Bytown to a deprivation which would be quite intolerable.

That this part of the river edge is the only place where Lumber for the use of the town can be conveniently landed from the Ottawa River, and in that respect it is a matter of importance to the town, that ample space be reserved on the entire water frontage of the said Lot.

That in the event of a Canal being made to connect the Navigable Waters of the Ottawa below Bytown, with the Upper Ottawa Navigation—an improvement which your Memorialists hope to see at no distant day effected—the only practicable site for that purpose is the one which crosses this lot, and it is exceedingly favorable.

That the granting of the said lot without such reserves being made would be severely felt and greatly complained of by the Lumber trade, and be deeply injurious to this town.

Your Memorialists, therefore, humbly pray, that Your Excellency will be pleased to hinder any sale of the said lot, unless there be reserved therein a large space on the entire Water Frontage, for the purposes above stated, and also sufficient space at the proper place for canal purposes.

Dated at Bytown, in Council, this 6th September, 1852.

(Signed,) R. W. SCOTT, Mayor.

Certified.

(Signed,) E. BURKE, Town Clerk.

No. 103.

Mr. Rochester to Mr. Secretary Morin, casting foregoing "Remonstrances with contempt to the winds."

QUEBEC, 14th September, 1852.

Honorable A. N. MORIN.

Understanding that three Petitions have lately been forwarded to His Excellency the Governor General, remonstrating against the sale that has been made to me of Lot number 39 in Broken Concession A, Township of Nepean, I beg respectfully to inform you, for the information of His Excellency the Governor General in Council, that, although I have no means of finding out the purport of the three Petitions, I understand they are, one from the Town Council of Bytown, one from the Magistrates of Bytown, and one from the Lumbermen.

I beg leave to remark, that with respect to the one from the Lumbermen, the principal Gentlemen concerned in the lumber trade are now in Quebec, and have signed a Memorial in my favor; with respect to the one from the Magistrates of Bytown, and the one from the Town Council, I may remark, that when the County was set apart from the District of Bathurst, the Magistrates certified to the Governor General in Council, about 1842, that the Jail and Court House was finished, and in a fit state to receive prisoners; and this was done before the foundation was dug.

With respect to the one from the Town Council, I may observe, that shortly before the last 12th July, the Government was induced to send up troops, to preserve order; and on the 11th the Town Council met, and passed, unanimously, a Resolution, condemnatory of the Government, for sending the troops, which some of the Council themselves were instrumental in obtaining.

I cast these remonstrances with contempt to the winds. I would respectfully ask: Have I right? Am I to be robbed? If I am entitled to rights as a British subject; I have confidence, and trust that I am dealing with a Government who are both just and upright, and who will defend every subject in his just rights, no matter however humble he may be.

All which is respectfully submitted by your obedient Servant,

(Signed,) JOHN ROCHESTER.

No. 104.

QUEBEC, 12th October, 1852.

Honorable MALCOLM CAMERON.

Sir,—I hope you will pardon me for intruding on your valuable time; but I am urged to do so by the man Rochester, who is still here, and who has remained upwards of two months, in hopes of obtaining a favorable decision on his long pending

case, respecting the broken front No. 39, on the Ottawa River, in Nepean. I am induced to do so, from the circumstance of a Memorial which was handed to His Excellency in Rochester's favor, having been laid aside or mislaid, and which was signed by several respectable parties.

I beg leave respectfully to inform you, for the information of the Honorable the Executive Council, that Rochester is now peculiarly situated; for, after the Order in Council passed, he bargained and sold to me a part of his interest in the lot, and which was done with the knowledge of the Department. An assignment given me of a part of the interest for a very valuable consideration in cash, and which was duly registered in the Crown Land Department, in pursuance of the Land Act. After the Order in Council passed, and after the Order was entered in the books, the price of the lot ascertained, the interest calculated by the Accountant, the money paid as directed into the Bank of Upper Canada, the receipt deposited by me personally, and entered in the account-book by the Accountant, the sale carried out, the lot for description entered in the reference book, and the description issued for Patent; all which could not have been done till the sale was completed.

I may remark here, that when I saw the Order in Council after it was entered, I informed the Accountant that there were about three acres that should not be paid for, belonging to the Board of Works, so that there was no intention to mislead the Government.

Now, if you would allow me to speak plain, which I desire to do respectfully, I cannot understand for the life of me why there should be such hesitation in doing this man justice, or such a seeming determination to pursue a different course in this instance, contrary to the established rule or custom of the Department under similar circumstances. The principal lots of the said Township, both on the Rideau and Ottawa Front, are described from the River, including the broken fronts, and running into the next Concession, which I can point out in fifty different instances; and I may name the lot itself, and lots 38 and 40, which were described as lots 38, 39 and 40 in the first Concession, with the broken fronts thereof.

This lot was at first reserved for public purposes, but not in connexion with the local Government, but for the use of the Rideau Canal; but on inspection and survey, it was found impracticable to construct the Canal through the rapids of the Chaudière, it was consequently constructed, commencing below Bytown, into the Rideau River. Before this decision was come to, Firth made application, through Lord Dalhousie, and was permitted to enter into possession and occupy the Clergy Reserve adjoining the Richmond Landing, as will be seen by his application of 20th March, 1824; Major Hillier's letters to Major Burke, 4th February and 27th March, 1824; and Despatch, Sir P. Maitland to Lord Dalhousie, dated 9th April, 1824, of which several communications the Department ought to have been aware of before the Honorable the Commissioner came to such a positive decision, that Mr. Rochester had no right of pre-emption, or that Mr. Firth had no authority to occupy and enter into possession, in the first instance.

I have no fault to find with any member of the Government; but I regret to say, that underlings seem to have the power to do as they please, in direct opposition to the views of the Government, deliberately sanctioned by His Excellency the Governor General. When the Patent was stayed, I have reason to believe that a hint was given to the Honorable Mr. Young, to request the lot to be retained, and I have heard that the Honorable Mr. Young requested Mr. Bell, the Surveyor, to write him a letter on the subject, who was at the time at Russell's Hotel. This information I have from Bytown; and also, that a young man by the name of Dawson, of the Crown Lands Department, was seen closetted repeatedly with Bell, Russell, Sparks, and McLachlin, who, immediately on their return to Bytown, set to work in getting up Petitions, which were referred to in Rochester's letter, of the 14th September, before the Petitions arrived.

I am aware that the Government, at this time, must be very busy; that in fact, they have hardly time to breathe, but it would be really an act of charity to take up this case and let the man home.

May I, therefore, request you to speak to Dr. Rolph, and endeavour to get the matter brought up. In a conversation I had with Mr. Commissioner Rolph, after the Patent was stayed, he remarked, that he had nothing to report, but the mere simple fact of the lot having been disposed of, and the patent stayed; that he would request Mr. Tarbutt to draw up a short report, which I understood he did. But I have heard from Bytown, that several parties have been boasting that the whole papers had been handed Mr. Dawson, to frame a Report, and that such a coloring had been put on the case as would ensure further difficulties.

I trust, however, that further difficulties will not be thrown in the way, and that the case may be soon favorably entertained.

I beg respectfully to refer to the accompanying copies of Major Hillier's letters to Major Burke, of 4th February and 27th March, 1824; and Despatch, Sir P. Maitland to Lord Dalhousie, dated 9th April, 1824, and also, to the former affidavits and certificates, and the accompanying affidavits of Heney, McLachlin, Sparks, &c., which were filed before.

I have the honor to be, Sir,

Your obedient Servant,

(Signed,) EDWD. MALLOCH.

No. 105.

I, EDWARD HAWKINS, of the Town of Bytown, in the County of Carleton, Laborer, maketh Oath and saith; That several years ago, whilst in the employ of Mr. Rochester, I cleared, fenced, ploughed and planted a portion of the Broken Front of Lot Number thirty-nine, Clergy Reserve, in the Township of Nepean; and further, this Deponent saith, That he knows that John Rochester was in possession of the said Broken Front for several years before the period alluded to, and that he erected buildings on the premises, and has had a continuous possession up to this period.

(Signed,) EDWARD ^{his} ~~X~~ HAWKINS.
mark.

Sworn before me at Bytown, this 11th day of October, A.D., 1852.

(Signed,) DANIEL O'CONNOR, J.P.,
County of Carleton.

No. 106.

I, CHARLES HENEY, of the Town of Bytown, in the County of Carleton, maketh Oath and saith; That in the Spring of the year, 1838, Mr. John Rochester built a house on the Broken Front of Lot Number thirty-nine, Clergy Reserve, Township of Nepean, That I was then in the employ of the said John Rochester, and occupied the said House so built, for a period of about three years, and paid him rent for the same; and further, that he built another house upon the same Broken Front, which was for a considerable period occupied by his son-in-

law, Malcolm McKinnon, and is now occupied by another person, under the said John Rochester; and furthermore, I know that upon my arrival in the Province in the year 1836, the said John Rochester was then in possession of the said Broken Front, and understood he was so, in possession, for several years before that period, under a purchase from Isaac Firth, and has had a continuous possession up to this period.

(Signed,) CHARLES HENEY.

Sworn before me, at Bytown, this 11th day of October, A.D., 1852.

(Signed,) DANIEL O'CONNOR, J.P.,
County of Carleton.

No. 107.

(Copy.)

GOVERNMENT HOUSE, YORK, 4th February, 1824.

My Dear Sir,—Sir P. Maitland has received a communication from Lord Dalhousie on the part of Mr. Firth, now occupying the Government Store at the Richmond Landing. If Mr. F. will forward to me a Petition for a Lease of the Clergy Reserve, (Lot No. 39) I will give immediate attention to it. In the meantime His Excellency allows Mr. F. to take possession of and occupy that Lot.

My Dear Sir, &c, &c., &c.

(Signed,) G. HILLIER.

Major BURKE, Richmond.

(Copy.)

GOVERNMENT HOUSE, YORK, 27th March, 1824.

Dear Sir,—The Patent officers here are laboring with all possible diligence to complete the deeds for all persons returned as entitled thereto, and I hope that long before the period of the General Election, all such will be in possession of their titles.

I shall be able to answer you finally about the Richmond Landing and adjoining Clergy Reserve, on hearing further from Head Quarters; it is by desire from thence that the step in Mr. Firth's favor has been taken here; should the Military Government finally resolve on not requiring the Lot, Firth may, I should think, have the Lot at once, or if otherwise perhaps a lease at a nominal rent might issue to the Deputy Quarter Master General who could grant Firth a license of occupation during pleasure.

Dear Sir, &c., &c.

(Signed,) G. HILLIER.

Major BURKE, Richmond.

No. 108.

(Copy.)

STAMFORD, 9th April, 1824.

My LORD,

Dear Lord Dalhousie.—On receipt of Your Lordship's letter of 21st January last, I directed that Mr. Sherwood should be written to in order to ascertain on

what terms he was willing to part with a proportion of his land in the Township of Nepean; in the meantime permission to occupy the Clergy Reserve adjoining the Landing was signified to Mr. Firth through Major Burke.

A lease of this reserve for 99 years at a nominal rent may be granted to the Commander of the Forces if your Lordship thinks it desirable, in which case Mr. Firth can become the sub-tenant either of the whole or of a part of it, upon such terms your Lordship may see fit. By this arrangement such part of it as may be hereafter required for public purposes will be permanently secured; the enclosed letter and diagram have been lately received from Mr. Sherwood. I confess I shall not be sorry if it be found unnecessary to conclude any negotiation with that gentleman, as his demand appears to me to be very exorbitant, especially as he declines to guarantee the title.

I remain, &c.,

(Signed,) P. MAITLAND.

His Excellency Lieutenant General,
The EARL OF DALHOUSIE,
&c. &c., &c.

No. 109.

COUNTY OF QUEBEC, } HUGH HAMILTON, of the Township of Westmeath,
to wit: } in the County of Renfrew, in the Province of Canada,
Lumber Merchant, maketh oath and saith; That he was present a few days ago, when a conversation took place between Mr. John Rochester and Hugh Carmichael, Agent for the House of Messrs. Gilmour & Co., and residing at the Mills of Messrs. Gilmour, relative to the Clergy Reserve Lot No. 39, in the Township of Nepean.

That he, this deponent, saith, that he heard Mr. Carmichael admit that the part he took in soliciting signatures in Bytown, to a petition or remonstrance against the sale; that he had no idea it was for the purpose of injuring Mr. Rochester, and that the document was drawn up by Mr. A. J. Russell, of the Crown Land Department, residing at Bytown.

(Signed,) HUGH HAMILTON.

Sworn before me, at Quebec, this 25th October, A.D., 1852.

(Signed,) DE SALES LA LEMARD, J.P.

No. 110.

[Petition of William Lyon Mackenzie, on behalf of the Estate of the late Robert Randall.—No copy kept, but second Petition, 12th November, gives his case fully.]

Mr. Commissioner Rolph to Mr. Mackenzie.

CROWN LAND DEPARTMENT,

Quebec, 22nd October, 1852.

Sir,—I duly received your letter having reference to Lot 39, in Concession A, of Nepean, with enclosures.

The Claims set up to the Lot in question have long been under the consideration of the Government, and much conflicting action has been taken thereon at various times. The papers connected therewith are consequently voluminous.

The case having thus become of importance, I am desirous that it should be thoroughly investigated, and justice done upon its merits, and I have no objection to communicate any papers calculated to throw light upon the subject to any one interested.

The papers desired by you are now being copied, and will very shortly be handed to you.

I have the honor to be, Sir,
Your most obedient humble Servant,

JOHN ROLPH.

W. L. MACKENZIE, Esquire, M.P.P.,
&c. &c. &c., Quebec.

Mr. Meredith to Mr. Mackenzie.

SECRETARY'S OFFICE, QUEBEC, 2nd November, 1852.

Sir,—I have the honor to acknowledge the receipt of your letter, without date, and its accompanying Memorial, with reference to the Claim of the Estate of the late Robert Randall to Lot No. 39, Nepean, and broken front, and to inform you in reply that it has been transferred to the Commissioner of Crown Lands, through whose Department all matters connected with Public Lands are brought under the notice of His Excellency the Governor General.

I have the honor to be, Sir,
Your obedient Servant,

E. A. MEREDITH, Assistant Secretary.

W. L. MACKENZIE, Esquire, M.P.P.,
&c., &c., &c.

Mr. Meredith to Mr. Mackenzie.

SECRETARY'S OFFICE, QUEBEC, 11th November, 1852.

Sir,—I have the honor to acknowledge the receipt of your letter, of the 10th instant, requesting to be heard by Counsel before the Governor General in Council, in reference to the claim of the Devises of the late Robert Randall, to Lot 39, Front Concession of Nepean, and am to inform you, that your letter has been transferred to the Honorable Commissioner of Crown Lands, to whom all your previous communications upon the same subject have also been transmitted.

I have the honor to be, Sir,
Your obedient Servant,

E. A. MEREDITH, Assistant Secretary.

W. L. MACKENZIE, Esq., M.P.P.

No. 111.

Report on Messrs. Malloch and Rochester's Petitions, for Lot 39, Concession A, Nepean.

The Commissioner of Crown Lands has the honor to make a supplementary Report upon the documents submitted in the case of Rochester and Malloch, since the Report of 24th August last.

“ On the 26th August, a Memorial was addressed on behalf of the claimants, to His Excellency, to which the signatures of some gentlemen from the Ottawa, then in Quebec, were procured, of which the following is an extract:—

“ ‘ The undersigned do not affect to be ignorant of the most extraordinary and iniquitous expedients which have been resorted to, by those who attempted to instigate the Government to deprive him [Rochester] of his right of pre-emption.’

“ The bold allegations of iniquity and injustice in this case, to rob the claimant of a just right, has formed a part of the measures of the Petitioners to push forward untenable pretensions. While on the one hand, no admissible evidence has ever been submitted to shew that such a right on the part of Rochester and Malloch exists, there is, on the other hand, among the documents, both evidence and Orders in Council negating any such claim.

“ In Mr. Malloch's letter to the President of the Council, there is nothing new to be noted, as the facts have all been dealt with in the report of the 24th of August, except the inference drawn from the expression in the permission to Firth to occupy the Clergy Reserve ‘ adjoining the Richmond landing,’ which is sought to be made to imply that the ‘ landing’ was on the Clergy Reserve alluded to, which must therefore have been a front lot touching the water.

“ The fact, however, is that the landing was on neither lot, but on lot No. 40, and the Clergy Reserve, 39, in the first concession, was as much ‘ adjoining the Richmond landing’ as 39 in concession A, as may be seen by the sketches herewith submitted.

“ That lot No. 39 in concession A, does not constitute a part of lot 39, in the first concession, is well known to Messrs. Rochester and Malloch, (though they base their claim on the contrary assertion,) and they have, in making a legal transaction between themselves, acknowledged the distinction; in evidence whereof a certified copy of a memorial of a sale [of 10½ acres in 39, concession A] by Rochester to Malloch, registered by them in the registry office at Bytown, on the 11th August last, is herewith submitted, wherein the position of the lots is described in a correct and legal manner, to which particular reference is requested.

“ The allegations in Mr. Malloch's letter have been sufficiently noticed in the report already submitted, to which the Commissioner has nothing to add, but the unwilling expression of the fact that the alleged advantages were the result of obtrusive and precipitate conduct practised upon the Department in the absence of the Commissioner, in the course of an hour, in a way wholly inconsistent with its proper moral government. The lot thus pushed for is estimated at £5000 by the Bytown Magistrates. See their memorial.

“ Special attention is requested to the Petition of the squatters upon lot 39, concession A, and the report thereon prepared in the ordinary course of Departmental business, prior to the time when Mr. Malloch acquired an interest in Rochester's claim.

“ The Commissioner of Crown Lands has nothing further to state, in addition to his former report, touching the merits of the case, except to call attention to

“ the memorials of the Town Council of Bytown, of the Magistrates of Bytown,
“ and of the Lumber Merchants, which have been since referred.

“ Respectfully submitted.

“ JOHN ROLPH.

“ Crown Land Department,

“ Quebec, 9th November, 1852.”

No. 112.

(Copy.)

A Memorial to be registered of an Indenture of Bargain and Sale, tripartite, made the eleventh day of August, in the year of our Lord one thousand eight hundred and fifty-two, in pursuance of the Act to facilitate the conveyance of real property, between John Rochester, senior, of the Town of Bytown, in the County of Carleton, in the Province of Canada, Yeoman, of the first part; Barbara Rochester of the same place, wife of the said party of the first part, of the second part; and Edward Malloch, of the Town of Bytown, in the County of Carleton, in the said Province, Esquire, of the third part; whereby the said party of the first part, in consideration of the sum of five shillings of lawful money of the Province of Canada, paid by the said party of the third part, to the said party of the first part; the receipt whereof is acknowledged, did grant unto the said party of the third part, his heirs and assigns for ever, all and singular, that certain parcel or tract of land, and premises situated, lying, and being in the Township of Nepean, in the County of Carleton, in the said Province, containing by admeasurement, ten and a half acres, be the same more or less, being composed of the west part of Lot 39, in Concession A, fronting on the Ottawa or Grand River, which said piece or parcel of land is described as follows: that is to say, commencing at the water's edge of the River Ottawa, in the limit between Lot No. 38 and 39; then South sixteen degrees East, ten chains seventy links more or less, to the allowance for road in rear of said Concession, and in front of the first Concession; then North sixty-six degrees thirty minutes East, along the Concession line, eight chains eighty-two links; then North sixteen degrees West, twelve chains seventy links more or less, to the water's edge of the River Ottawa aforesaid; then Southwesterly along the same to the place of beginning. To have and to hold unto the said party of the third part, his heirs and assigns, to, and for his, and their sole and only use for ever; and by the same Indenture it is witnessed, that the said party of the second part, the wife of the said party of the first part, hath thereby barred her dower on the said land; which said Indenture is witnessed by John Rochester of the Town of Bytown, Junior, Yeoman, and James Rochester of the same place, Yeoman, and this Memorial thereof is hereby required to be registered by me, the said grantor therein named.

Witness my hand and Seal, the Eleventh day of August, in the year of our Lord one thousand eight hundred and fifty-two.

(Signed,) JOHN ROCHESTER, [L.S.]

Signed and Sealed in presence of

(Signed,) JOHN ROCHESTER,
“ JAMES ROCHESTER.

COUNTY OF CARLETON REGISTRY OFFICE.

I do hereby certify that the foregoing is a true and faithful copy of Memorial number five thousand eight hundred and sixty-nine, recorded in this office, at the

hour of ten o'clock forenoon, of Wednesday the Eleventh day of August, in the year of our Lord one thousand eight hundred and fifty-two, in Book G, page 194.

(Signed,) JAMES H. BURKE, Dy. R.,
County of Carleton.

COPY OF AFFIDAVIT.

COUNTY OF CARLETON, }
to wit: } JOHN ROCHESTER, Junior, of Bytown, in the
said County, Yeoman, in the within Memorial named,
maketh Oath, and saith; That he was present, and did see the indenture to which
the said Memorial relates, duly signed, executed, sealed, and delivered by the said
named John Rochester, and Barbara Rochester, his wife, the Grantors, and also by
Edward Malloch the Grantee, and that he is a subscribing witness to the execution
of the said Indenture; and that he, this Deponent, also saw the said Memorial duly
signed and sealed by the therein named John Rochester, Senior, for Registry
thereof, which said Memorial was attested by him, this Deponent, and another
subscribing witness, and that both said instruments were executed.

(Signed,) JOHN ROCHESTER, Junr.

Sworn before me at Bytown, in the said County, this Eleventh day of August, 1852.

(Signed,) J. B. MONK,
A Commissioner in B. R.

No. 113.

Mr. Commissioner Rolph's Report on W. L. Mackenzie's Petition, for
39, Concession A, Nepean.

REPORT on Petition of the Executor of the Estate of ROBERT RANDALL, for Lot
39, Concession A, of Nepean.

“ REPORT.

“ The Commissioner of Crown Lands has the honor to Report, for the informa-
“ tion of His Excellency the Governor General, in Council, upon the Memorial of
“ W. L. Mackenzie, Esquire, M.P., as Executor to the estate of the late Robert
“ Randall, and accompanying documents.

“ The right of pre-emption is claimed, on behalf of Randall's Estate, to Lot 39 in
“ Concession A, of the township of Nepean, Ottawa Front, and within the Town
“ of Bytown, which was leased to the said Randall in 1809, and which is now
“ under claim by Messrs. Rochester and Malloch, before the Executive Council.

“ The claim put forward further includes 39 in the first Concession (which had
“ also been leased to him) but which has heretofore been sold to Rochester.

“ From the document submitted with the Memorial, and from other information
“ in the Department, filed in Rochester's case, it appears that Mr. Randall's lease
“ was (before its expiration) declared forfeited for non-payment of £11 13s. 10d.
“ of rent.

“ This was a rigorous course, very seldom indeed, if ever, resorted to, and the
“ reason assigned for it in the official documents submitted, and in possession of
“ the Government, is,—that the land was “ required for public purposes.”*

* Term of Lease from 1809 to 1880. Declared forfeited 1821.

“ Mr. Randall appears to have submitted numerous petitions to be allowed to pay the back rent, and have the lease renewed, both before and after the term to which his first lease extended, which, however, uniformly met with a refusal, on the same ground, up to the date of his last petition, in 1833, viz. : that the land was required for public purposes.

“ There is, however, a letter from Mr. Secretary Mudge, to Mr. Randall, of 6th of February, 1830, which so far promises him a renewal of the Lease as to state, by direction of the Governor, † that if it should not be required for public purposes, “ His Excellency thinks that there will be no objection to your Lease being renewed for the usual term.”

“ It appears that Mr. Firth, who was then occupying an old Government building on the “ Richmond Landing ” Lot (No. 40), where he then, or afterwards kept a Tavern,—as indicated on the accompanying sketch, No. 1,—obtained permission about the year 1823 (being immediately after Randall’s Lease had been cancelled, but before the term of it would otherwise have expired) to occupy, without Lease, 39 in the first Concession, but was uniformly refused a Lease on the same grounds, viz. : the requirements of the public service.

“ Mr. Firth, under his permission to occupy, afterwards disposed of his interest in Lot 39, in the first concession to Mr. Rochester, and took upon himself also to include Concession A, to which he, for the first time, made any pretension. Mr. Rochester having improved Lot 39 in the first Concession, was finally allowed to purchase so much of it as was not required for the public purposes : But any claim to Lot 39 in Concession A, now under consideration, was at that time denied by the Government.

“ It may be necessary here to remark, that the documents now submitted in support of the claim of Randall’s Estate, indicate that the permission given to Firth to occupy the Government Building at the Richmond Landing (on Lot No. 40) was separate and distinct from the permission to occupy 39 in the first Concession. The position of the various points adverted to in the correspondence, and the separate Lots, are exhibited in the accompanying sketch, No. 1, being a copy of a plan by one of the Ordnance Officers at Bytown. Any reference, therefore, to contiguity to the Richmond Landing can have no bearing on Lot 39, Concession A.

“ It appears, indeed, by a Departmental Report by Mr. Bouthillier, that it was recommended that Rochester should be allowed to purchase 39 in the first Concession, but that 39 in Concession A, should be sold at Public Auction. Contrary to this recommendation, an Order in Council was passed, 17th February, 1846, allowing him to purchase both Lots. But this Order in Council was rescinded by another Order in Council on the 20th June, 1846,—and both Lots were ordered for sale at Public Auction, which Order in Council was communicated to Mr. Rochester, who petitioned against it ; which was followed by another Order in Council of first July, 1846, which ordered 39 in the first Concession to be sold to Rochester at the valuation of the District Agent, but ordering Lot 39 in Concession A to be sold at Auction,—thereby disclaiming any claim of Rochester to Lot 39, Concession A.

“ Upon a further appeal from Rochester, he, by Order in Council of 25th September, 1846, was allowed to purchase at the valuation of the Town Lots into which it had, in the interim, been surveyed. The following is an extract from the Order in Council last mentioned :—“ In giving this advice, the Committee deny any claim of right on the part of Mr. Rochester.”

“ Mr. Rochester did not choose to avail himself of this Order in Council, and on the 8th December, 1847,—more than a year afterwards,—another Order in

† Major-General Sir John Colborne, now Lord Seaton.

" Council was passed, ordering the Town Lots to be advertised and sold at Auction ;—which is another and stronger disclaimer of Mr. Rochester's claim.

" Against this Order in Council Mr. Rochester again appealed, and by another Order in Council he was permitted to purchase according to the terms of the Order in Council of 25th September, 1846, viz. :—at the valuation of the Town Lots, provided he availed himself of the terms offered, before the 1st of May, 1848.

" From that time he has not availed himself of the above terms.

" On the 23rd July, 1852, Mr. Rochester again petitioned to get the Lot at 40s. per acre, or other reasonable price. Upon this the Commissioner of Crown Lands gave a brief summary of the case, tending to show the absence of any claim on the part of the petitioner, and referring to the document containing the history of the past Departmental and Executive action, but offered no particular recommendation. Upon this, an Order in Council, 5th August, 1852, was passed, allowing him to purchase the Lot at 50s. per acre, with interest from 1848, —which seems, however, an error in date.

" If purchase was permitted on the ground he sets forth, rent would accrue from 1823, as it did on his purchase of Lot 39 in the first Concession; but the Bytown Magistrates estimate the value at £5,000.

" The Order in Council of 5th August, 1852, has reached this Department, but has never been communicated to Mr. Rochester, and if its contents have become known to him, it must have been in some unofficial way.

" Mr. Rochester, by the hands of Mr. Malloch, deposited with the Accountant the sum of £92 12s. 6d. on the purchase money,—the real value, according to the Bytown Magistrates, and by reputation, being £5,000. The description was commenced, but was stayed, and the amount is still subject to Mr. Rochester's order.

" It is a frequent occurrence in this Department that matters are stayed under these circumstances. An incidental knowledge of such an Order in Council, and a payment to the Accountant in anticipation of a Deed, cannot, and in this Department never has been, regarded as constituting a claim, when further deliberation and information have indicated sufficient grounds for a contrary decision : (instance the case of Campbell and Armstrong, in which the claim of the former to purchase by Order in Council, was recently reversed in favor of the latter.)

" In the present instance, the matter was urged on with undue haste, at a moment when the Commissioner was fully occupied with other matters of an important nature, and it was only when it was nearly consummated that [a word left out] no sufficient reservation had been made for public purposes of an indispensable character. He, therefore, felt it incumbent upon him to stay further action until the Report of the Commissioners of Public Works, on the reservations necessary to be made for public purposes, could be obtained.

" The Report now received from the Department of Public Works states, that with a view to probable public improvements, "it is of the utmost importance that no grant should at present be made." This is further corroborated by the general testimony afforded to the Department, in evidence whereof a letter is herewith submitted from D. McLachlin, Esquire, Member of Parliament for the Town of Bytown, and one from Robert Bell, one of the ablest Surveyors in the Province, and a resident upon the adjoining Lot. Herewith, also, is a Memorandum from Mr. Surveyor Russell, shewing the extent and importance of the navigation on the Ottawa, which a few small links of Canal would open up—one of the smallest but most important of which would cross this Lot.

" It is evident that a sufficient reservation of at least three chains round the Bay, for rafts entering the Government Slides, absolutely cannot for a moment be dispensed with ; and if there be a present, or even a comparatively remote pro-

“ bability of a Canal passing through the Lot, the expediency of which is so forcibly maintained, it would be a short-sighted policy that would deprive the public of the means now at the disposal of the Government for effecting it.

“ Under the foregoing circumstances, the Commissioner of Crown Lands felt it to be his duty to recommend that all preceding Orders in Council should be rescinded, and the Lot reserved for public purposes.

“ The recommendation to rescind the preceding Orders in Council is fully borne out by the rescinding of several of the Orders in Council in this case, even after they had been published and acted on—some of which orders, indeed, were rescinded at his [Rochester] own request after publication, though affecting the interests of others who had expressed a wish to purchase under them.

“ It is proper further to observe, that the Squatters on Lot No. 39, Concession A, (who as resident Squatters for a number of years, present a claim stronger than Mr. Rochester, who lives on an adjoining Lot,) have petitioned to be allowed to purchase at public sale the Town Lots which they have improved and settled upon for some years.

“ The above details admit of a contrast of the relative claims of Rochester and the Executor of Randall.

“ Rochester derived no claim through Firth, who never had even liberty to occupy, or ever did occupy, Lot 39, Concession A; nor has Rochester put forward any claim before the Government which has prevailed, or which has not lapsed at his own choice.

“ Randall was the original Lessee of the Crown, not only of Lot 39 in the first Concession, but also of Lot 39 in Concession A; and although under the rigorous application of the Law, his Lease was not renewed, on several applications from him, on the ground of the Lot being required for Public Service, yet he shews a letter of the 6th February, 1830, (this is the period to which his Lease originally extended,) from Secretary Mudge, stating, that if it should not be required for public purposes, “ His Excellency thinks that there will be no objection to your Lease being renewed for the usual term.”

“ On the part, therefore, of Randall, it may be observed that up to a recent time the Lot in question has been considered as in whole, or in part, necessary to be reserved for public purposes, and is now wholly so by the accompanying Report from the Department of Public Works; and as he [Randall] has never been informed of any intention of the Government to give it up as a public reservation, he, or his Executor, has had no opportunity afforded of hitherto availing himself of his claim through Secretary Mudge’s letter.

“ It is, therefore, submitted to the consideration of the Council, whether, if the Lot, or any part thereof, should be, at any time, alienated from its purpose as a public Reservation, the Executor of Randall has not a claim deserving of consideration.

“ Respectfully submitted,

“ JOHN ROLPH.

“ CROWN LAND DEPARTMENT,
“ Quebec, 9th November, 1852.”

No. 114.

To His Excellency, &c.....IN COUNCIL.

The humble Petition of the undersigned Householders, in the Town of Bytown;

MOST RESPECTFULLY SHEWETH:

That your Petitioners have been for some years resident on portions of Lot No. 39, Concession A, on the Ottawa Front, Township of Nepean, in the County of Carleton, now surveyed into Town Lots, with a view of becoming purchasers of such portions when the Government might be pleased to bring the said Lots into market.

That your Petitioners have made small improvements on these Lots, but having no tenure but occupancy, or such right as the Government might be pleased to recognize as pre-emptive, they felt no encouragement to improve or erect tenements, as the extent of their means is in accordance with the necessities of their Petition.

That your Petitioners earnestly beg that it may please Your Excellency to grant Orders in Council for the sale of the Surveyed Lots contained in Lot No. 39, Concession A, Ottawa Front, Township of Nepean, whereby, as purchasers, they may obtain titles, to enable them to extend their improvements and acquire the right of Citizens in the management of Municipal and Provincial interests.

And your Petitioners, as in duty bound, will ever pray.

(Signed,)

(Signed,)

his
DENIS ✕ DERSEY,
mark.

his
PATRICK ✕ MALONE,
mark.

his
TIMOTHY ✕ MURPHY,
mark.

his
MICHAEL ✕ KELLY,
mark.

CON DEMPSEY,

his
MICHAEL ✕ HORLY,
mark.

his
CORNELIUS ✕ CROWNEN,
mark.

his
PATRICK ✕ TOWEY,
mark.

his
RICHARD ✕ PHILIPS,
mark.

his
MICHAEL ✕ COSENS,
mark.

her
WIDOW ✕ HICKEY,
mark.

his
EDWARD ✕ CORGAN,
mark.

his
EDWARD ✕ ALLEN,
mark.

his
JOHN ✕ PURSEL,
mark.

his
RICHARD ✕ CLEARY,
mark.

his
JAMES ✕ MALONE,
mark.

his
MARTIN ✕ BOTHWELL,
mark.

his
JOHN ✕ DORAN,
mark.

Subdivision, No. 39, Ottawa Front, Nepean.

The Lots to which reference is made in this Petition, are those claimed by Mr.

John Rochester, and who has on several occasions brought the subject under the consideration of the Government.

Since the Order in Council, of the 14th February, 1848, on it being made apparent that Mr. Nicholas Sparks' claim could cover only a few of the Lots, the Agent of the Department was instructed to offer to Mr. Rochester the remainder of them upon the terms required by the Order in Council of the 28th of January, 1848, to whose reply to Mr. Durie reference is requested.—[18th February, 1846.—22nd June, 1846.—1st July, 1846.—25th September, 1846.—28th January, 1848.—14th February, 1848.—11th March, 1850.]

Mr. Rochester again addressed the Department on the 16th February last, and in replying to his letter I called upon him to state distinctly whether or not he intended to avail himself of the permission to purchase, (allowed him in September, 1846, and January, 1848,) otherwise notice would be given that the Lots were open for sale to any one desirous of purchasing. To this letter a reply has not yet been received.—[28th June, 1850.—21st February, 1852.]

Under these circumstances, and it may be observed that Rochester's right to the land has always been questioned, it is recommended that the prayer of this Petition be granted, by notice being given that the Lots (with the exception of those claimed by Mr. Sparks) are open for sale at the prices approved by the Order in Council of 8th December, 1847.

(Signed,) JOHN ROLPH.

CROWN LAND DEPARTMENT,
Quebec, — June, 1852.

Since the above Report was made, the Commissioner has had reliable information that some of the numerous Squatters upon the Town Lots on Lot 39, Concession A, of Nepean, are very good industrious people, with considerable improvements, and with tenements as comfortable as the circumstances would permit.

(Signed,) JOHN ROLPH.

9th November, 1852.

No. 115.

Petition of W. L. Mackenzie, relative to Lot 39, Concession A, Nepean.

QUEBEC, November 12, 1852.

To His Excellency the Earl of Elgin and Kincardine, Governor General of Canada, &c. &c. &c.

IN COUNCIL:

The humble Petition of WILLIAM LYON MACKENZIE, Acting Executor to the Estate of the late ROBERT RANDALL, of Chippewa,

SHEWETH:

That since your Petitioner's last appeal to the justice and equity of Your Excellency, in the matter of Mr. Randall's Reserve, Lot 39, 1st Concession, Nepean, in the Ottawa, and Lot 39, Concession A, in said Township, he has been permitted to see certain papers, from which he has ascertained:—

1st. That Firth never petitioned for leave to occupy the broken Lot, Concession A, numbered 39, (also a Clergy Reserve,) but only for a License of occupation of

39, in first Concession, which Mr. Rochester has obtained since by purchase from Government.

2nd. That Government require—or may require—certain parts of the broken Lot 39, for Provincial uses.

3rd. That since Randall leased the broken Lot in 1809, there has been no adverse possession in any person; Firth never applied for it; Randall was in possession of the broken Front; was never actually ejected therefrom; was assured by Lieutenant Governor Colborne, that if not wanted for public uses he (Randall) might have it, paying arrears of rent as per conditions of his Lease; and that his (Randall's) name remains to this day on the Dooms-Day Book of the Government, as the Lessee and occupant of said broken Front.

4th. That there are no adverse applicants for the broken Front, save Messrs. Malloch and Rochester; and that Rochester's first application was only made in 1844.

5th. That though Firth only asked of Government a License to occupy 39, in the first Concession, he pretended to sell the right he had, whatever it was, in that Lot, to Rochester, including broken Lot 39, Concession A, in the sale, although to it he never had any right at all.

Your Petitioner most respectfully submits to Your Excellency:—

1st. That it was a hard and unusual act to cancel Randall's Lease of 39, in 1st Concession, and 39, in Concession A.

2nd. That Lord Seaton was willing that Randall should pay arrears of rent and keep possession of both Lots, if Government did not require them for public uses.

3rd. That before the question as to their being required for public uses was decided, the grave closed upon Randall.

4th. That no one but Randall has been either Lessee or occupant of broken Lot 39, Concession A.

5th. That Randall had a promise of a License to occupy certain valuable property on the Niagara River, if he established a Forge and manufactured malleable iron; that he did so, but the Government pledge was never fulfilled.—(3 of page 3, appended Petition).

6th. That Randall built the first Mills in Upper Canada, where flour was manufactured for the European market.—(13 of page 27, appended Petition).

7th. That the Legislative Assembly of Upper Canada admit that the Law Courts and Government did injustice to Randall in his life time.

(See 1 of page 1, of appended Petition.)

(See 2 of page 2, of do do)

(See 9 of page 19, of do do)

8th. That Mr. Justice Willis represented to Government, in England, the injustice thus done to Randall.

(See page 21, of appended Petition, where marked 10.)

9th. That after Mr. Randall had been cruelly detained seven years in prison for alleged debt, his creditor, while selling his property, made the acknowledgment in Court, that he (Randall) had an interest in property detained from him by that creditor.

(See appended Petition, page 25, where numbered 12.—See also Report of Trial—Messrs. Rolph and Baldwin for Defendant.)

10th. That the Governor in Chief, Lord Dalhousie, fully satisfied of the injustice done to Randall, vainly endeavored to aid him in the recovery of his rights.

(See appended Petition, page 23, where numbered 11; and pages 20 and 21, where numbered 9a and 9b.)

11th. That Messrs. Beardsley, Rolph, Robinson, Bidwell, and Mathews fully investigated the charge of injustice done Randall, in 1828; and after examining all the parties, reported as in the annexed Petition.

(See printed Petition, page 7, number —; also, pages 8, 9, 10, 11, 12.)

12th. That said Committee reported the Bill for Randall's relief, a copy of which is printed in page 14, of appended Petition; and that that Bill passed the Assembly.

13th. That another Assembly passed the Bill, numbered 6, in page 15 of appended Documents, by a vote (page 16) of 31 to 2.

14th. That a third Assembly appointed a Committee who reported as in page 17, of the appended Petition, where marked 7, unanimously, Mr. Thorburn being Chairman, but the Bill to give Randall's Devises (for he had died) a remedy, was lost in the Legislative Council.

15th. That the small remnant of the once extensive possessions of a deeply injured man, which are yet in the hands of Government, can now be restored to his legatees without injustice to any one; and your Petitioner humbly submits that, if the facts are as stated, they ought to be so restored, with the least possible delay, save and except such part as the authorities may reserve for public uses.

16th. That a few months before his decease, namely, in 1833, Robert Randall petitioned for the last time that his Lease of the broken Lot, say 39, Concession A, with Lot 39, should be renewed, and that no other reason was alleged for not complying with his request than that it was "indispensably necessary to the public service." Your Petitioner seeks no part which the public may require, only the residue.

17th. That Messrs. Firth and Berrie were Robert Randall's tenants on Lot 40, until, when driven off by Sherwood and LeBreton, they prayed, first, for an acre of Lot 39, by License of occupation—then for a part of 39; but never for any part of the broken Lot in front of 39. For it Randall was the first Lessee, the only Lessee—the first applicant—the only occupant, and under all the circumstances, entitled to the right of pre-emption in equity and fair dealing.

18th. That by the Documents received by your Petitioner from Isaac Firth, last October was a year, and which have been sent to the Crown Lands Office, it is evident that he did not petition—or intend to petition—for the broken Lot 39, Concession A, but only for 39, the whole Lot, in 1st Concession.

19th. That by Isaac Firth's affidavit of the 13th July, 1846, it appears that he fell into the error of considering 39, in Concession A, as belonging to 39, in 1st Concession, whereas, in fact, the Lots were distinct and separate.

20th. That it is evident from the Minute in Council of June 22, 1846, the Order in Council, 25th September, 1846, and the subsequent Advertisement of Sale, dated January 4, 1848, that the Government of that day considered that Mr. John Rochester had no claim whatever to broken Lot 39, Concession A, in Nepean. The Government in their Order in Council, September 25, 1846, remarks that:—"With respect to the broken Front, it does not appear that Firth ever made any application for it; and this portion of ground is not ever mentioned in any of the papers or correspondence until he assigns his interest to John Rochester, where the broken Front is mentioned for the first time."

A charge is made in Rochester's Petition of February 8, 1848, against "the Inspector of Clergy Reserves," namely:—that he attempted fraudulently to possess himself of said 39, Concession A; and reference to another Inspector is made for proof of the said: this feature in the case Your Petitioner is unable clearly to understand. Messrs. Egan and Aumond value the Lot at 40s.—certain Government Officers at 50s.—and Mr. Perkins at £15 per acre.

21st. That perceiving in a statement by Messrs. John Egan, Joseph Aumond, Honorable T. McKay, William Stewart, &c., a charge that "iniquitous expedients" have been resorted to, to induce the Government to act unjustly toward Messrs. Malloch and Rochester, who themselves complain (13th August, 1852,) of "some hellish back stairs influence," your Petitioner declares that he has merely done his duty to his deceased friend, through the Official representations made on behalf of the legatees named in his Will, and thus confidently leaves the matter in the hands of Your Excellency.

May it therefore please Your Excellency to inquire into the Claim of the said Robert Randall, to a pre-emption of said Lot 39, Concession A, except so much thereof as may be required for the public service; and to grant the residue of the Lot to the Petitioner, in trust, for the Devises of the said Randall, and to their use, to be disposed of as the rest of his real estate is ordered to be disposed of under his Will; or to adopt such other course in the premises as to Your Excellency in Council shall seem good for their relief.

And Your Petitioner, as in duty bound, will ever pray.

(Signed,) W. L. MACKENZIE,
Acting Executor to the Estate of the
late Robert Randall, Esquire.

No. 116.

[*Nothing appears under this number in the manuscript.*]

EXTRACT from a Letter—Hon. Malcolm Cameron, President Committees of Executive Council, to W. L. Mackenzie, dated "Quebec, Decr., 16, 1852.

"The Lot 39 is finally disposed of, and deeded to Rochester, under a clear title, fixed by Imperial Statute, as the occupant when the Lot was examined under the Act.

"There was no recognition of Randall's claim at that time. He was deeply wronged, but the Act was legal, and they had the power."

SECRETARY'S OFFICE, QUEBEC, 31st December, 1852.

Sir,—I have the honor to state, in reply to your letter of the 24th instant, received this morning, that it is not in my power to give you the information you require relative to your Petition on the subject of the Broken Lot 39, in the Concession A, Nepean, Ottawa Front.

These Petitions were, as you are aware, at once transferred by me to the Honorable Commissioner of Crown Lands.

I must, therefore, request you to refer to that officer for any information you may desire in relation to them.

I have transmitted to him your communication of the 24th instant.

I have the honor to be, Sir,
Your obedient Servant,

A. N. MORIN, Secretary.

W. L. MACKENZIE, Esquire, M.P.,
Toronto, U.C.

(Copy.)

CROWN LAND DEPARTMENT,

Quebec, 10th January, 1852.

Sir,—In reply to your letters, inquiring what action has been taken by the Government with reference to No. 39 in Concession A, Nepean, I have the honor to inform you, that it was decided, by Order in Council of the 24th of November, to grant a Patent to Mr. Rochester or his assignee, containing a reservation of that part of the lot required for public purposes, and a reservation of one chain and a half in width from high water mark along the whole front of the lot; but the issue of the Patent has since been suspended, by Order in Council, of the 20th ultimo, with view of ascertaining if he will accept of it on the further understanding that he shall have no claim upon the Government, in the event of its being hereafter decided that any of the tracts as laid down in a survey (dividing the land into Town Lots) made in 1846, are vested in the Corporation of Bytown.

I have the honor to be, &c.

(Signed,)

JOHN ROLPH.

WM. L. MACKENZIE, Esq., M.P.P.,
Toronto.

No. 117.

Mr. Commissioner Rolph's Report upon hearing the Randall
Case by Counsel.

REPORT.

The Commissioner of Crown Lands has the honor to Report upon the application of W. L. Mackenzie, Esquire, M.P., to be heard by Counsel before His Excellency the Governor General in Council, upon the Claim of the Estate of the late Robert Randall to Lot 39, in Concession A, of Nepean.

Mr. Mackenzie's letter, with reference, was received in this Department on Saturday, the 13th instant, and as the request contained therein peculiarly affects the privileges of the Executive Council, it is with great diffidence the Commissioner would offer any opinion upon the subject.

As, however, the reference of the application to him would seem to call for an opinion, the Commissioner would respectfully suggest the propriety of hearing Mr. Mackenzie.

Respectfully submitted.

JOHN ROLPH.

CROWN LAND DEPARTMENT,

Quebec, 15th November, 1852.

Further Petition for delay just received, and also submitted herewith. Referred to a Committee of the Executive Council, 15th November, 1852.

(Vide Report, 24th November, 1852.)

No. 118.

EXTRACT from a Report of a Committee of the Honorable the Executive Council on Land Applications, dated 24th November, 1852, approved by His Excellency the Governor General in Council on the same day.

The Committee of Council have had under consideration the Reports of the Commissioner of Crown Lands of the 24th August, and 9th November, 1852, on the Petitions of John Rochester, and Edward Malloch, Esquire, and also his report of the latter date on the Petition of William Lyon Mackenzie, Esq., M.P.P., Executor to the Estate of the late Robert Randall, and also a further Petition of the said William Lyon Mackenzie, of the 12th instant, with accompanying documents with reference to Lot No. 39, in Concession A, of the Township of Nepean, Ottawa Front.

The Committee having again given their serious attention to the facts and circumstances connected with the above claims as set forth in the Reports of the Commissioner of Crown Lands, and the Petitions above referred to, do not see sufficient reasons to induce them to depart from their recommendation which was approved in Council on the 7th August, 1852, except, however, in so far as relates to the reservation of one chain and a half in width from high water mark, which they recommend should be retained along the whole front of the lot, and to that part of the lot reserved by the Department of Public Works for public purposes, with which reservations, they humbly advise that a Patent issue to Mr. Rochester, or his Assignee for the lot in question.

Certified.

WM. H. LEE, Assist. C.E.C.

No. 119.

Second Memorial of the City of Bytown, 6th December, 1852.

To His Excellency the Right Honorable James Earl of Elgin and Kincardine, K.T., Governor General of British North America, &c., &c., &c.

IN COUNCIL.

The Memorial of the Town Council of the Town of Bytown;

HUMBLY SHEWETH:

That your Memorialists learn with surprise that an application from certain parties to obtain Clergy Reserve Lot No. 39, in Concession A, on the Ottawa River, in the Township of Nepean, which said Lot is within the limits of Bytown, is being entertained.

That in view of the results of former applications from the same source, and the refusal of Government to entertain the matter, it was not supposed possible that there could be any danger of their succeeding in it, and therefore the indifference in relation to it heretofore manifested by the population here.

That the said Lot was surveyed by order of the Government in 1846 into City Lots, and Streets regularly laid out and marked by stone boundaries, and the Lots upon these Streets were advertised for sale in the "Canada Gazette [see Official Gazette 8th January, 1847] after the claim or pretended claim now set up had been refused; that the survey of the Streets so laid out in 1846 was the original survey of that part of the Town of Bytown made under the authority of the Government,

and that the said Streets are lawfully established highways under the Statute 10 & 11 Vic. cap. 43, by which the Town of Bytown, including that said Lot, was incorporated, and by the Statutes 50 Geo. III, cap. 1st, sec. 12, and 13 Victoria, cap. 35, sec. 33, and 13 and 14 Victoria, cap. 15, sec. 1st, and by other Statutes of this Province.

That it does not appear from the facts of the case, which in Bytown are known from personal observation and public notoriety, that a right such as that set up can exist either by pre-emption or otherwise; and your Memorialists cannot be deceived as to the fact that the Lot has not been occupied or improved or in any way increased in value by the parties now claiming a right to it, neither is there any visible thing that could be construed to constitute a claim in that behalf of any kind whatever.

That it is matter of public notoriety that the said property, which is now worth not less than five thousand pounds, is being parcelled out amongst those exerting themselves to obtain it for the nominal claimant, one person having already registered a Deed conveying ten and a half acres of the most valuable part of it in fee simple for the consideration of five shillings, a certified copy of the memorial of which deed is herewith transmitted.

That while your Memorialists regard vested rights as being peculiarly sacred and entitled to be held inviolate, they believe that unless there is evidence of the existence of a right, it should not be presumed to exist on the representation of interested parties: And it is notorious that in relation to this case a Petition on behalf of the claimant in question has been signed by parties not belonging to the place or neighbourhood, who could not have had a knowledge of the facts otherwise than through those who solicited their signatures.

That the sale of the said lot at a trifling price to an individual having no just right to it would be a grievous public wrong that could not be sustained on any proper principles, and could not fail to produce disagreeable consequences.

That to your Memorialists it appears absurd to suppose that any individual can have a right such as that set up in this case as it was not by the labor, the cost, or the enterprise of any one in particular that the said Lot became valuable; but by the collective energies, the collective costs, and the collective enterprise of the citizens of Bytown.

And your Memorialists further beg to represent that in that part of Bytown there are not, excepting Streets, any grounds reserved for public purposes, though there is especial necessity for such reserves, that being the only place where the River can be easily approached, where Lumber can be landed, or where water can be conveniently obtained from the Ottawa River: And they, therefore, humbly pray, on behalf of the people of Bytown, who alone possess a pre-emptive right on the said Lot,—that the Town Council of the Town of Bytown may be allowed to purchase that portion lying north of Ottawa Street, extending from Ottawa Street to Oregon Street, and between Broad Street and Water Street, containing (exclusive of Streets) about nine and a quarter acres, at Five Pounds per acre, for public purposes.

And your Memorialists, as in duty bound, will ever pray.

(Signed,)

R. W. SCOTT, Mayor.

No. 120.

Report of the Commissioner of Crown Lands on said Memorial.

REPORT.

The Commissioner of Crown Lands has the honor to report, for the information of His Excellency the Governor General, in Council, on the second memorial of the Town Council of Bytown, dated the 6th December, 1852, in reference to the Town Lots within the limits thereof, on Clergy Lot 39, Concession A, of Nepean.

The Commissioner has the honor to call the attention of His Excellency, in Council, to the history of this piece of ground, as detailed in the reports of this Department, and the Orders in Council passed thereon, of 17th February, 20th June, 1st July, and 25th Sept. 1846, 8th Dec. 1847, and 28th Feby. 1848, forming a consecutive course of action on the part of a former administration, disclaiming the professions of Mr. Rochester; and to the report of this Department of the 4th, and Order in Council thereon of 7th August; the report of 24th August; the report of 9th Nov., on Rochester's, and of the same date on Mackenzie's claims, and the Order in Council thereon of 24th Nov., on which no patent has yet issued; draft of patent prepared in this Department, in conformity to the Order in Council, having been referred to the Honorable Attorney General West (Mr. Richards), on ——— Nov., for his opinion, inasmuch as the Commissioner doubted its legality: also, to the report of June, 1852, on the petition of the squatters, referred to Council on 9th Nov., conjointly with the reports on the Randall, and on the Rochester and Malloch claims; but although the latter claims are the subject of the Order in Council of the 24th November, yet no consideration appears of the former or squatters' claims.

On the said claim of the squatters, as it has not yet been disposed of, the Commissioner would further suggest, that, as the Town Lots were advertised for sale, "upon application to the resident agent, on and after" a given day, at stated prices, there may be a question of law to decide, viz.: whether on the occupation of the lots and tender of the price, in virtue of such advertisement, a legal right to purchase may not have accrued in respect to such lots as have been for some years past so occupied, or whether the claims of the occupants will not be such as to entitle them to indemnity.

The Memorial now submitted correctly states the circumstances, and hence a question arises, whether any sale under the Order in Council of 24th Nov., which would include the streets and highways, which appear to be legally vested in the Corporation, would be valid: the case, indeed, seems stronger than an ordinary one, inasmuch as Lot 39, in Concession A, of Nepean, did not previously constitute a part of Bytown, but was expressly incorporated in it by Act of Parliament, immediately after the survey: that being the only alteration made in the former limits.

It is true, as stated in the memorial, that there has been no public reservation, nor is there any public property belonging to the town of Bytown, except streets and highways, near that end of the town: the reservations made for squares, market, &c., on lot letter O, (which are the only reservations for such purposes ever conferred by the Provincial Government upon the town of Bytown), being more than a mile and a half distant, and situated comparatively in a swamp.

On the general substance of the memorial, the Commissioner feels that it is unnecessary for him to comment, as its statements so strongly corroborate what he has already reported.

The very moderate prayer of the memorial—no patent having yet issued upon the Order in Council of 24th Nov. ultimo—the Commissioner has the honor re-

spectfully to submit for the consideration of His Excellency, in Council, and awaits further instructions from the Government.

JOHN ROLPH.

Crown Land Department,
Quebec, 15th December, 1852.

Endorsed, "Referred to the Attorney General."

M. C.
P.E.C.

No. 121.

Copy of Order in Council, 13-14 December, 1852.

On the letter of the Attorney General for Upper Canada, dated 13th instant, stating, that on reference to the Order in Council, of the 7th of August last, made in relation to the Petition of John Rochester, to be allowed to purchase Lot No. 39 in broken front, Concession A, of the Township of Nepean, he finds that it was directed that the Order in Council of the 28th February, 1848, in favor of the applicant, be carried into effect, and that he be permitted to purchase at the rate of Fifty shillings per acre, with interest for that period; that on referring to the Order in Council, of 28th January, 1848, it appears he was authorized to purchase at the valuation of the District Agent; and further stating, that as it was the intention of the Committee that Mr. Rochester should be allowed to purchase at Fifty shillings an acre, with interest from 28th January, 1848, the Clergy Reserve Inspectors having valued the Lot at 40s. an acre, in 1844, without improvement, he would suggest that the Order in Council of the 7th August, be so amended as to leave that portion of it which refers to the Order in Council of 28th January, 1848, and it would then authorize the sale to Mr. Rochester, at the price of Fifty shillings an acre, with interest from 28th January, 1848.

The Committee recommend that the suggestion of the Attorney General be approved and carried out.

Certified.

(Signed,)

WM. H. LEE,
Acting C.E.C.

The Honorable the Commissioner of Crown Lands,
&c., &c., &c.

No. 122.

Report of Committee of Executive Council, on Petition of City of Bytown, of N. Sparks, &c., 20th December, 1852.

Extract from a Report of a Committee of the Honorable the Executive Council, on Land Applications, dated 25th December, 1852, approved by His Excellency the Governor General in Council on the same day.

On the Petition of the Town Council of the Town of Bytown, dated 6th Decr. 1852, representing, in reference to the proposed sale to John Rochester, of Lot No. 39 in Concession A, in the Township of Nepean, that the said Lot was surveyed, by order of the Government in 1846, into City Lots and streets, regularly laid out and marked by stone boundaries; that the survey so made was the original survey, and that the streets so laid out are lawfully established highways, under the Act 10 and 11 Vic., cap. 43, and other statutes of the Province; and further representing, that with the exception of such streets, there are not in that part of Bytown any grounds reserved for public purposes, and praying that they may be permitted to purchase certain portions thereof, containing, exclusive of such streets, $9\frac{1}{4}$ acres, at £5 per acre; and,

On the Petition of Nicholas Sparks, renewing his claim to the above mentioned lot, together with the Reports of the Commissioner of Crown Lands thereon respectively, dated 15th instant.

The Committee respectfully recommend, that the issue of the Patent be suspended until Mr. Rochester be written to, with a view of ascertaining if he will accept the Patent on the understanding that he shall have no claim against the Government, in the event of its being hereafter decided that any of the streets laid out under the said survey, are vested in the Corporation of Bytown; that it should also be intimated to Mr. Rochester, that he should at the same time procure the assent to this arrangement of Mr. Malloch, and all others to whom he may have disposed of any portion of his right in the property, and whose assignments are registered with the Commissioner of Crown Lands.

The Committee do not consider the claims of the squatters to be of such a character as to require special provision to be made for their benefit.

With reference to Mr. Sparks' claim, the Order in Council of 7th August last, leaves it to be settled between him and Mr. Rochester.

The Committee further recommend, that to avoid any possible difficulty that might arise in the mean time as to the right of parties to purchase the lots laid out under Order in Council of 22nd June, 1846, they be withdrawn from sale, and that the Agent of the Commissioner of Crown Lands at Bytown, be instructed to that effect, should it be necessary.

Certified.

WM. H. LEE.

To the Honorable
The Commissioner of Crown Lands,
&c., &c., &c.

No. 123.

CROWN LAND DEPARTMENT, QUEBEC, 24th December, 1852.

Sir,—A Petition from the Town Council of Bytown, representing that the Streets, as laid down in the Survey of Lot No. 39, in Concession A, Nepean, made in 1846, are lawfully established Highways under the Act 10 & 11 Vic. cap. 43, and other Statutes of the Province; having been under the consideration of the Governor General in Council, on the 20th instant.

I am directed to ascertain whether you will accept a Patent for the Lot, on the understanding that you will have no claim against the Government in the event of its being hereafter decided that any of the Streets laid out under the said Survey are vested in the Corporation of Bytown, and you are at the same time required to

procure the assent to this arrangement of Mr. Malloch, and all others to whom you may have disposed of any portions of your right in the property, and whose assignments are registered in this Department.

I have the honor to be, Sir,
Your obedient Servant,
(Signed,)

JOHN ROLPH.

Mr. JOHN ROCHESTER.

No. 124.

CROWN LAND DEPARTMENT, QUEBEC, 24th December, 1852.

Sir,—The Memorial of the Town Council of Bytown, dated the 6th instant, objecting to the proposed sale to Mr. Rochester, and representing that the Streets, as laid down in the Survey of Lot No. 39, in Concession A, of Nepean, made in 1846, are lawfully established Highways, and praying that they may be permitted to acquire a certain portion thereof, consisting of about nine and a fourth acres; having been under the consideration of the Governor General in Council, on the 20th instant.

I have the honor to inform you, that the issue of Patent to Mr. Rochester is to be suspended until it has been ascertained whether he (and those claiming under him) would accept the Patent upon the understanding that he shall have no claim against the Government in the event of its being hereafter decided that any of the Streets laid out in the said Survey are vested in the Corporation of Bytown.

A letter has, in consequence, been written to him to that effect.

I have the honor to be, Sir,
Your obedient Servant,

(Signed,) JOHN ROLPH.

R. W. SCOTT, Esquire, Mayor of Bytown.

No. 125.

CROWN LAND DEPARTMENT, QUEBEC, 24th December, 1852.

Sir,—Your Petition of the 15th instant having been under the consideration of the Governor General in Council, on the 20th instant.

I am to inform you, that the claim you make for a portion of Lot No. 39, in Concession A, Nepean, is left to be settled between you and Mr. Rochester.

I am, Sir,
Your obedient Servant,

(Signed,) JOHN ROLPH.

NICHOLAS SPARKS, Esquire, Bytown.

No. 126.

CROWN LAND DEPARTMENT, QUEBEC, 24th December, 1852.

Sir,—The Petition of yourself and others, with reference to Lot No 39, in Concession A, Nepean, having been under the consideration of the Governor General in Council.

I am to inform you that your claims as Squatters are not deemed to be of such a character as to require the interference of the Government.

I am, Sir,

Your obedient Servant,

(Signed,) JOHN ROLPH.

Mr. RICHARD CLEARY, Bytown.

No. 127.

BYTOWN, 7th January, 1853.

Sir,—I have the honor to acknowledge the receipt of your favor of the 24th ultimo, and in answer to the first paragraph, namely, whether I would accept of a Patent, with the understanding that I should have no claim on the Government, in the event of its being hereafter decided that any of the streets laid out under the survey made of Lot No. 39, in Concession A, Nepean, in 1846, are vested in the Corporation of Bytown.

In reply I beg to state, that it is just and reasonable that I should accept it with this understanding: and I hereby accordingly consent to do so; I may remark at the same time that I would have accepted the Patent in the first instance as the survey took place, but the Lot is contended as having been improperly surveyed by Mr. Bell, so that if I had accepted the Lot as surveyed, and failing to establish his boundary on the West side of the Lot, I could not under the survey go beyond the limits of the East side, thereby losing upwards of ten acres of land.

With respect to the last paragraph of your letter, namely; "It has been further ordered in Council, that a reservation of $1\frac{1}{2}$ chains in width from high water mark along the whole front of the Lot be made, and also that part of the Lot required for public purposes."

I beg to state that the Board of Works have reserved about $3\frac{3}{4}$ acres. This I advisedly hesitate not to say is more than they require, but contend respectfully that the Board of Works have a right to remunerate me for what they require, and which they can do without the slightest inconvenience to themselves, which I can point out to the Honorable Mr. Chabot.

I may however here remark that the Board of Works by letter officially through their Secretary, to the Deputy Commissioner of Crown Lands, Mr. Bouthillier, on the 30th March, 1846, reserved what they required, namely, the three quarters of an acre, and which is tinted red, on the plan they transmitted, why they should take three acres additional I cannot say; with respect to one and a half chains from high water mark, I humbly consider and beg respectfully to state that, of course the Government has the right to withhold my Patent, and to make any reservation they please, but I deny their right; I however earnestly entreat the Government not to consider me, either as ungrateful or unreasonable. But if this reservation is made, it will be tantamount to withholding from me the greater part of my lot, leaving but a narrow strip on the East side adjoining No. 40, besides withholding

from me the control of my own property, thereby leaving it optional for any person to build, dig or otherwise trespass on the part reserved, independent of me.

The Grand River rises every year but from four to five feet, and continues from one to three days. The lower part of this rock is a flat rock, consequently the high water covers about 15 or 17 acres, to the depth of from one to two feet. I would, I assure you, feel most anxious to relieve the Government from any pretended blame, that malicious representations might make with reference to the particular situation of the property.

It is urged that it is necessary to make a reservation for the use of the Lumber Trade. I hesitate not to assert that the Government has been most shamefully imposed upon by the representations that have been made, I would ask has there ever been a single reservation made on any lot from Quebec to Lake Huron for the use of the Lumber Trade? Not one! Has there ever been a single stick drawn across this lot? Not one! Before the slides were made the timber was run over the Big Kettle; and since the slides were made, every stick of timber, oars, and even the cooking utensils have been run through the slides, on the cribs.

The lower part of Lot 40 and 39, have been open as a common for these twenty years past, and must no doubt remain as such for twenty years to come; and to urge, as the Town Council have done, that I would shut up the whole Lot, and prevent the inhabitants from getting water, is an insult to the Government. If I did so I would be acting contrary to my own interests.

I would be willing that a clause should be introduced in the Patent, if the Government insist on it, that I, my heirs and assigns should now and at all times hereafter afford to the inhabitants of Bytown, and the public in general, ample street accommodation through the said Lot, to and from the water's edge of the River Ottawa, in the event of its ever being necessary to lay it out in Town Lots, and that until laid out in Town Lots, and even after, ample accommodation shall be afforded to all Lumberers to secure their rafts if necessary, while running the Government slides.

I have no hesitation in saying, that I could furnish you with evidence of several thousand respectable inhabitants of Bytown, that one inch of a reservation is unnecessary for the use of the Lumber Trade,—such proof I would consider would be an insult to the Government,—but I will simply refer to a single gentleman, Joseph Aumond, Esquire, who authorised me to state, and which I intimated to you, that he was willing to appear before you, and testify relative to the disgraceful conspiracy against me respecting the Lot in question.

I would confidently ask, would any one dare to impute improper motives to this gentleman; he never was under a fraction's obligation to me in his life; he has been repeatedly urged to allow himself to be elected for Bytown; he has lived in Bytown for nearly thirty years; he has been personally acquainted with the history of this Lot, from its earliest date, and has the largest lumbering interest in the Province of Upper Canada; and no one will presume to call in question, his known and universally admitted reputation and respectability.

I have, &c.,

JOHN ROCHESTER.

BYTOWN, 7th January, 1853.

I hereby assent and agree to the above proposed arrangement, contingent upon 1½ chain reservation being abandoned.

(Signed,) EDWARD MALLOCH.

BYTOWN, 7th January, 1853.

I have read the above letter, and feel myself in honor bound in justice to Mr. Rochester and Mr. Malloch, to state that I agree with its contents, except as far as it relates to my own praise.

(Signed,) JOSEPH AUMOND.

No. 128.

(Private.)

BYTOWN, 7th January, 1853.

My Dear Sir,—Mr. Rochester of, Bytown, has called upon me, begging of me to address you, respecting his claim for a certain tract of land in this vicinity.

From all I could learn, I have no doubt but he is justly entitled to the property: I have known him for years; I have much pleasure in saying, that he is an honest man; I consider him incapable of seeking to obtain what is not his right.

I trust you will excuse my trespassing on you in the matter.

I am, &c.,

(Signed,) JOHN EGAN.

To the Honorable JOHN ROLPH,
Commissioner Crown Lands.

Mr. Rochester to Commissioner of Crown Lands.

QUEBEC, 17th January, 1853.

Sir,—Adverting to your letter of 24th December last, I beg herewith to hand you my reply of the 7th instant, which I trust may be considered satisfactory with reference to the intended reservation of $1\frac{1}{2}$ chains from high water mark. I beg leave respectfully, for the information of His Excellency the Governor General, solemnly to protest against such reservation being made, as it will compel me to make and maintain a Fence along the whole reservation, and shut out my cattle from the water, besides taking off the greater part of my Lot to the mark tinted blue on the accompanying plan, which is swamp and low land.

The mark high water on the plan is not the correct one, but in some places goes to the blue mark, for several days in the year.

The part tinted yellow is low, swampy land, covered with trees and swamp timber, but would be made good meadow land and pasture land at low water. If this reservation was made, it would become a refuge for squatters, and grog shops for Raftsmen, and for other infamous characters, a full and official description of which is given your Department by A. J. Russell, Esquire, of Bytown, through John Durie, Esquire, your Crown Land Agent; besides in some parts below the swamp, being dug up in holes for quarrying stone, over which I could have no control.

If any reservation was necessary it would be on Lot 40, below the slides, where all the timber has to remain to be rafted, but one inch even there is unnecessary, for I never heard of a single complaint with respect to a reservation for a road along the Beach. I respectfully beg to state, that such a thing is out of the question, for it would be impossible to be made except on the high land, on the lower part of the Lot.

The Town and County Council, however, I respectfully submit, are the best judges where roads should be made, as they are for such purposes "clothed" with the necessary authority according to Law.

With respect to the representations from the Town Council of Bytown, I look

upon it as unworthy of notice. I believe the hint was given from Quebec to a Gentleman, who handed in a Memorial while the Town Council was sitting; it was taken up and adopted in the absence of R. W. Scott, Esquire, the Mayor, who, as he informed Mr. Malloch, objected to it as an improper interference, although, after refusing to sign it, he consented to do upon being pressed.

I assure you I feel most anxious to shield and protect the Government from any pretended blame that might be attached to them.

I am willing that any clause should be inserted in the Patent to compel me to afford to the inhabitants every necessary accommodation, by free access to and from the River, and also every ample and necessary accommodation for the Lumberers in running their Rafts through the slides.

Particular reference is particularly requested to the Certificate of Joseph Amond, Esquire, at the bottom of my letter of the 7th instant, and also to the letter of John Egan, Esquire, attached hereto.

All which is respectfully submitted.

(Signed,) JOHN ROCHESTER.

CROWN LAND OFFICE.

Dear Sir,—Mr. Rochester and I are here, and I wish a plan of broken Lot No. 39, Nepean, so as to explain more fully a letter I intend to address you.

Mr. Russell has the plan made out, but I cannot obtain it without your special order; will you have the goodness to write "yes" to this? when can we see you?

Yours truly,

(Signed,) EDWARD MALLOCH.

Honorable Commissioner Crown Lands.

No. 129.

REPORT.

CROWN LAND DEPARTMENT, Quebec, January 24, 1853.

The Commissioner of Crown Lands has the honor of bringing under the notice of the Governor General in Council, the Order in Council of the 17th November, 1847, on the application of Kenneth McPherson, of Lancaster, submitted by the Honorable Peter McGill, on the subject of his right to certain Land Claims which he holds under certificates of unlocated authorities issued by the Surveyor General's Department in 1839. This Order in Council, after setting forth that the claims of McPherson "as set forth in his several petitions and letters were fully considered and disallowed by approved Minutes in Council on four several occasions, viz: on the 29th April, 1843, 26th May, 1845, 3rd September, 1845, and the 24th December, 1845," declares, that in order to prevent continued confusion and interruption of the public business, especially of the Crown Land Department, it is of great consequence that Orders in Council respecting claims for Land should be held to be final; and that no reconsideration should be permitted, except on the clearest evidence that such Orders had worked positive injustice.

In the case of the application of Messrs. Malloch and Rochester for Lot No. 39, Concession A, Nepean, they have submitted to the Commissioner several further documents for re-opening the late decision of the Government, and expressing dis-

satisfaction therewith : but the Commissioner sees in this case much reason not to deviate from the rule prescribed in the annexed Order in Council, by re-opening the case, unless invited to do so by the Government.

[Referred to the Committee of Council, 24th January, 1853.—Approved in Council, 31st January, 1853.—Communicated to C.C.L., 1st February, 1853.]

EXTRACT from a Report of a Committee of the Honorable the Executive Council, on Land applications, dated 17th November, 1847, approved by His Excellency the Governor General, in Council, same day.

“ The claims of Mr. McPherson, as set forth in his several petitions and letters, were fully considered and disallowed by approved Minutes in Council, on four several occasions, viz : on the 29th April, 1843, 26th May, 1845, 3rd September, 1845, and 24th December, 1845.

“ In order to prevent continual confusion and interruption of the public business, especially in the Crown Land Department, it is of great consequence that Orders in Council respecting claims to land should be held to be final, and that no reconsideration should be permitted, except on the clearest evidence that such Orders had worked positive injustice.

“ The previous repeated consideration of the present claim is a sufficient reason for declining to re-open the subject, but were another reason required, it would be found in the Order in Council, dated 3rd September, 1845, where Mr. McPherson's claims are fully discussed and correctly disposed of.

“ Certified.

(Signed,)

“ J. JOSEPH, C.E.C.”

Order in Council of 31st January, 1853.

In Committee, 29th January, 1853.

The Committee recommend that a Patent issue in favor of John Rochester or his assignee, in accordance with the Orders in Council of the 24th November and 20th December, 1852.

Approved in Council, 31st January, 1853.—(Communicated to C.L.C. next day.)

No. 130.

[Nothing appears under this number in the manuscript.]

No. 131.

EXTRACT from a Report of a Committee of the Honorable the Executive Council on Land Applications, dated 29th January, 1853, approved by His Excellency the Governor General in Council, on the 31st January, 1853.

On the Memorandum of the Commissioner of Crown Lands, representing that in the case of the application of Messrs. Malloch and Rochester, for Lot No. 39, Concession A, Nepean, they have submitted to him several further documents for re-opening the late decision of the Government, and expressing dissatisfaction therewith, but that he sees in this case much reason not to deviate from the rule prescribed in the Order in Council of 17th November, 1847, on the application of Kenneth McPherson, by re-opening the case unless invited to do so by the Government.

The Committee recommend that a Patent issue in favor of John Rochester or his Assignee, in accordance with the Orders in Council of the 24th November and 20th December, 1852.

Certified.

WM. H. LEE.

To the Honorable the Commissioner of Crown Lands,
&c., &c., &c.

No. 132.

QUEBEC, 5th February, 1853.

Sir,—We hereby consent to accept of the Patent for Lot No. 39, in Concession A, on the Ottawa, in the Township of Nepean, with the understanding that we will have no claim on the Government for compensation in the event of its being decided that the Streets in the Survey made in 1846, are vested by law in the Corporation of Bytown.

We have the honor to be, Sir,
Your most obedient humble Servants,

(Signed,) JOHN ROCHESTER,
“ EDWARD MALLOCH.

Honorable A. N. MORIN,
&c., &c., &c., Quebec.

No. 133.

It seems to me that the foregoing is in accordance with the Order in Council of 20th December last.

(Signed,) WM. B. RICHARDS.

5th February, 1853.

No. 134.

(Copy.)

QUEBEC, 7th February, 1853.

Sir,—With reference to the letters of the 7th and 17th January last, from John Rochester to the Honorable Commissioner of Crown Lands, and the Report of the Honorable the Executive Council, of the 31st ultimo, approved by His Excellency the Governor General, relative to the issue of the Patent for Lot No. 39, in Concession A, in the Township of Nepean, we respectfully beg to observe, for the information of His Excellency the Governor General, that we consider that justice has not been done us in the premises. In fact, under all the circumstances connected with this case, it is for the consideration of His Excellency, from the unprecedented course, contrary to law, that has been pursued in this matter, whether the Government has not compromised the honor of His Excellency the Governor General, and the dignity of the Crown. Mr. Rochester was entitled, under Imperial and Provincial Acts, to be allowed to purchase the lot in question. The lot was ordered to be surveyed in 1846, and advertised for sale, which we have no hesitation in saying, was a gross and unwarrantable intrusion upon the rights of private property, in defiance of the law of the land; and which appears did not originate with the Crown Land Department. The lot was subsequently purchased by Mr. Rochester, and who sold, for a valuable consideration, to Mr. Malloch, a part of his interest in the lot, with the knowledge and consent of the Honorable the Commissioner of Crown Lands, and other members of the Government.

The sale was carried out and the description issued, which was subsequently stayed, under the pretext that it was necessary for the Public Works to reserve a chain and a half along the whole frontage, although it was deliberately decided at one period after the sale, only to reserve one chain, and that in defiance of the official letters of the Board of Works, alluded to in the letters referred to.

Having understood that the Patent had issued, we visited Quebec and applied to the Honorable Commissioner of Crown Lands, to Mr. Spragge, Mr. Jones, and Mr. Hector, of the Surveyor General's Department, for information relative to the manner in which the lot was described. But, although it was then a public record of the Department, the Honorable Commissioner refused to afford us any information whatever, or to allow the officers of the Department to do so.

The Board of Works even refused to afford the information relative to the part of the lot required for the Public Works, although we were prepared to show that there had been official truckling discreditable to the Department respecting the part intimated as necessary to be reserved, containing nearly four acres on the north-east part of the lot. In a conversation we had the honor of having with His Excellency, he was pleased to remark that Mr. Rochester's claim being recognized, he had nothing to do with what might be deemed as necessary for the public interest, if that should interfere with private rights.

Understanding that the Patent issued in November last, and having been forwarded to you as Provincial Secretary, we called for the purpose of ascertaining the reason why it had not been completed; you informed us that the patent was held by you, not in your public capacity, but as a private individual, although the Commissioner of Crown Lands officially intimated that it had been forwarded to the Provincial Secretary.

We found that the Government had decided that the patent should not issue unless Mr. Rochester consented to accept of the patent, with the understanding that he should have no claim on the Government, in the event of its being ascertained that the streets made in the survey in 1846, were vested in the Corporation of Bytown, and hence our letter to you of the 5th instant.

We have, however, ascertained that a new Patent is ordered to issue, and that the chain and one-half reservation is still persisted in, in defiance of the proof fur-

nished that it is unnecessary for the Public Works, and that even the full consideration money paid for the purchase of the lot, is not included in the deed.

There seems to have been such a system of secrecy pursued on the part of the Government, that it appears to justify the construction of studied fraud.

Under these circumstances, we consider that our letter to you, of the 5th instant, has been extorted from us, and protest against the course the Government are pursuing, and beg to signify our determination not to consent to the patent issuing on the terms proposed, which we can not characterize but as in an unprecedented, secret, underhand, and discreditable manner; we therefore pray that the description may issue in our favor for the chain and one-half which is intended to be reserved, and that the part necessarily required for the Board of Works on the N. E. corner of the lot may be paid for by them to us.

All which is respectfully submitted, by your obedient and humble Servants,

(Signed,)

JOHN ROCHESTER,

“

EDWARD MALLOCH.

The Honorable A. N. MORIN,
Provincial Secretary.

No. 135.

Report on the necessity of certain Reservations being made in Broken Front, Lot No. 39, Ottawa Front, Township of Nepean.

A Reservation of at least a chain and a half in width, from the highest water-mark, along the whole front of the above mentioned Lot, is absolutely necessary, alike for the purposes of the lumber trade of the River Ottawa, and for the convenience of the inhabitants of Bytown.

It is the only place where cribs of timber can be brought to land, before descending the slides, on the South side of the River.

Such access is necessary to admit of the raftsmen going ashore to return to the head of the Rapids, to continue their work in taking down cribs, and for other purposes, (a greater number of men, including the more expert hands, being necessary in bringing the cribs down the Rapids above the Slides than in descending the latter,) and also for the landing and carting up again of their oars, in which a considerable number of teams are occasionally employed.

The number of cribs that accumulate along the ground to be reserved is sometimes very great, filling the shore of the Bay completely up. On one occasion last season, the timber of twenty different individuals had to be brought to land there in one day, for the purpose of being reported to the Slide-Master, as required by the first clause of the Slide Regulations, established by Order in Council, to which we beg to refer, and which renders their coming to land here, in all cases, absolutely necessary.

In all cases, also, in which cribs become deranged or partially broken up, in running down the Little Chaudière Rapids, above, they must be brought to land here, and repaired, before running the Slides; otherwise, they would be completely wrecked, and the timber get adrift. When this takes place, it not only occasions great loss of time to the lumberers, but the use of the Slides is liable to obstruction, and their structure to injury, by pieces of timber getting fast and causing jams.

Besides the access to the land, and thoroughfare thereby, the reserve mentioned is required to lay timber upon, delivered for building purposes, for the use of the

Town, and for the works on the water-power immediately below; and large quantities of saw-logs are required to be laid there occasionally, when they have to be drawn over land to the mills below, at times when they cannot be allowed to be sent down the Slides, owing to the passing of square timber.

Such is the case now, and the necessity will increase as the Town and the Works on the River increase, especially as regards timber for building.

This will be the more apparent when it is considered that the proposed reserve is the only place along the whole shore of the Ottawa opposite Bytown, where timber can be drawn from the River up into the Town with any advantage, as the slope of the land to the River and into it, in this place only, is very gentle, the shore being elsewhere steep or precipitous, generally from fifty to a hundred feet in height, presenting in the distance of upwards of two miles below, only four passable descents to the water-edge, all of them too steep for taking timber up; the only other practicable passage—that down the Locks of the Rideau Canal, (and even that falls eighty-three feet in a short distance,)—being shut up from the public by the Ordnance Department.

The full extent of the inconvenience that may arise from want of sufficient access to the water-edge is not at present felt, owing to the smallness as yet of the Town; but what it will be when Bytown becomes a City of considerable magnitude, to which it is rapidly rising, may be easily imagined.

Also, as the Town is on a high and rocky site, a sufficient supply of water from wells is not easily obtained, and as the water, from being hard, is unfit for washing and culinary purposes to a certain degree, for such uses the Town has to be supplied chiefly from the River, and all that is got from it for use in the Upper Town is carted from the River through the reserve in question, for which purposes it is necessary not only that the reserve itself, but also that the right of way through Lot No. 39, as now used, to give direct access to the water, should be retained.

From what has been already said, it will be apparent that the consequences of further restricting the already limited access to the water-edge, in a Town so situated, may be exceedingly serious in cases of dangerous fires.

Besides the reserve mentioned, and the right of way to it at each end, it is of equal importance that a reserve of at least two hundred and fifty feet in width, should be made through Lot No. 39, for a Canal to connect the navigable waters of the Ottawa above and below Bytown. The facilities presented for constructing such a work, by the form of the ground, the valuable quality of the rock as building material, and the nature of the bed of the River where it should be made use of, are very great.

The obstructions to navigation immediately above Bytown are embraced within a distance of five and three-quarter miles. They consist of the Chaudière Falls, above the Town, which make a difference in level of thirty-three feet; the Little Chaudière Falls, at three-quarters of a mile further, of about ten feet; a Rapid, called the Remicks, falling about two feet, at about a mile and a half further, with two miles of still water above it; and last, the Falls at Britannia, of about eight feet, immediately at the lower end of the Chuts Lake.

These obstructions would be best overcome by constructing a Canal from the head of an Inlet below the Chaudière Falls, to the Bay above, a distance of three-quarters of a mile, passing for forty-two and a half chains through Lot No. 40, and for seventeen and a half chains through the Lot No. 39, in question, and continuing the Canal upwards in the bed of the River as will be afterwards described.

For one-quarter of the distance to the Bay very little excavation is necessary, and the deepest cutting in the remainder might be nine feet, seven of which would be rock excavation.

This rock excavation would be a source of economy instead of expense, for as the stone is of a superior quality, builders would remove it free of cost to the public if permitted, were it not required for constructing the Canal. Upwards of two thousand toises of this stone were taken from Lot No. 39 within a year past, and the parties have to pay for permission to take it.

Above this cutting, the Canal could be best constructed in the bed of the River, by parallel walls of stone, without mortar, lined on the inside, under the water, with thick plank, to prevent such leakage as might create a current. As the River is generally shallow, and the bed of it flat rock, such walls twenty feet broad, and on an average, fifteen feet high from the foundation, would be perfectly secure, and sufficiently high to keep the Spring floods from washing over. Such walls are found to retain the water sufficiently at as great a difference of level as would be required.

In the mode of structure, as well as in the excavation, additional width would be attended with little or no increase of expense. The Canal should, therefore, be made wide, to admit of much water from it being let for milling purposes and for hydraulic works, for supplying Bytown with water, for which very necessary object the foot of the Canal would afford a most unusually advantageous site.

The flooded land, also, that would be made where the Canal would be built on the Bay above Bytown, would be exceedingly useful as a pond to contain saw-logs for the mills on the hydraulic lots below; such a thing is very much required, as without it there is no adequate space for stowing logs for the mills that will be constructed there.

A mile and three-quarters of Canal so constructed, in addition to the three-quarters of a mile first described, would be sufficient to overcome the obstructions to the head of the Renicks Rapids; and half a mile more at Britannia, chiefly excavation, would overcome all the obstructions to the Chuts Lake. The total rise in that distance would be about sixty-two feet.

This would complete the navigation to the distance of thirty-five miles above Bytown, and cause a very great increase of the trade of the Ottawa in sawn lumber; rendering the magnificent and unlimited water power at the Chuts Falls even more valuable than the Falls at Bytown for milling purposes, besides conferring great commercial benefit in other respects on the Villages and Settlements on the River, by giving them the means of direct communication with the Ports on the St. Lawrence, and with the United States.

Were the communication extended to Portage du Fort, sixty miles above Bytown, by the construction of three miles of Canal at the Chuts Falls and Rapids; the benefit would be proportionally increased, and with it the importance of a Canal at Bytown, for which the reservation is proposed.

To recur to the importance of the reserve along the Bay on Lot No. 39, with respect to the Slides, we would most respectfully remark, that it is held to be of unquestionable importance that there should be reserves, and they have accordingly been made to great extent about all the other Government Slides on the Ottawa, though of much less importance than the reserve in question, even as regards the convenience of the lumber trade alone, and such a reserve is now about to be purchased round the shore of the Gatineau Timber Pond and its outlet.

This being the case, it would seem to be absurd now to dispose of the reserve at Bytown, where the quantity of timber passing, and the necessity for the reserve is consequently greater. It would be altogether stultifying the proceedings hitherto of the Department of Public Works with respect to all such reserves, besides in this particular case sacrificing the interest of the inhabitants of Bytown; and were the reserve in question alienated, we would feel constrained by a sense of duty, to recommend that immediate steps should be taken for the purchasing of it back.

again, in order that the Ottawa Lumberers and the Inhabitants of Bytown might not have to depend for the use of it on the mere forbearance of the owners, who might shut it up against the public whenever their caprice or interest dictated such a course.

All which is most respectfully submitted.

(Signed,)

HORACE MERRILL,
A. J. RUSSELL.

Bytown, 5th April, 1853.

To the Honorable the Commissioner of Crown Lands,
Quebec.

No. 136.

QUEBEC, 25th April, 1853.

Sir,—I have just received a letter from Mr. Rochester of Bytown, informing me that several parties are quarrying stones on our Lot,—that is on the chain and an half for which the Patent has not as yet issued—namely, Lot 39, in Concession A, on the Ottawa, in the Township of Nepean.

I beg respectfully to observe for the information of His Excellency the Governor General, that when the Patent issued for part of the Lot, Mr. Rochester and I protested on the 7th February last, in a letter addressed to you.

Mr. Rochester states that the parties he thinks are trespassing under advice from A. J. Russell, Esquire, of the Crown Timber Office at Bytown.

That he went and complained to the Town Council, who sent the High Constable, and that the parties treated the Order of the Town Council with contempt.

The Lot which was purchased and paid for is of no use whatever to us without the Beach.

We therefore intend to take steps under advice.

I therefore, in the meantime, request that the Honorable the Attorney General may be ordered to issue his fiat for a Commission in favor of Judge Armstrong, Judge of the County Court, to stop the trespass on the Beach, in pursuance of the Act, as I intend to proceed for Bytown immediately, otherwise I fear unpleasant consequences.

I have the honor to be, Sir,

Your obedient Servant,

(Signed,) EDWARD MALLOCH.

Honorable A. N. MORIN,
&c., &c., &c.

PRINTED BY ROLLO CAMPBELL, GARDEN STREET, QUEBEC.

R E T U R N

To an Address from the Legislative Assembly to His Excellency the Governor General, dated the 13th instant, praying that His Excellency would be pleased to cause to be laid before the House, "a Return of all Documents and Correspondence relative to any applications on the part of the Shareholders in the late Welland Canal Company, for claims alleged to be due them under the provisions of the Act 7 Vic. cap. 34."

By Command.

A. N. MORIN,
Secretary.

PROVINCIAL SECRETARY'S OFFICE,
Quebec, 14th June, 1853.

SCHEDULE.

NUMBER AND TITLE.	DATE.	SUBJECT.
1.—Memorial of the Hon. W. H. Merritt, to His Excellency Lord Elgin, on behalf of the Shareholders of the late Welland Canal Company.....	Quebec, March 5, 1853	Submitting for consideration of Government the following Papers: Nos. 2 to 10, together with a brief narrative of the origin, incorporation and proceedings of the Company, in elucidation and support of their present Claim on Government for further indemnification under the sixth Clause of the Act 7 Vic. cap. 34.
2.—Memorial of the American Shareholders in the Welland Canal Company, to His Excellency Lord Elgin	New York, August 1, 1852..	In support of the Shareholders' Claims, and praying for the issue of Debentures for the amount stated to be due; or, that the question may be submitted to the Legislature at the coming Session.
3.—Letter from Hon. W. H. Merritt to the Hon. A. N. Morin, Provincial Secretary	Quebec, January 26, 1852...	Soliciting the issue of Debentures to the Private Shareholders, for the full discharge of their Claims, under the sixth Clause of the Act of 1843, the period indicated therein for such a settlement having arrived.
4.—Hon. A. N. Morin to Hon. W. H. Merritt	Secretary's Office, Quebec, February 16, 1852	In reply to foregoing; stating that back Interest, up to 1st January, 1843, is now payable, but that His Excellency is advised not to allow it beyond that date.
5.—Hon. W. H. Merritt to Hon. A. N. Morin.....	Quebec, February 20, 1852	Vindicating the Claim of the Shareholders to Interest upon the sum admitted to be due for arrears of Interest, in 1843, up to the period of actual settlement, and soliciting a reference of the question to the decision of the ensuing Legislature.
6.—Hon. A. N. Morin to Hon. W. H. Merritt	Secretary's Office, February 25, 1852	Asking for Evidence in support of the Claim of the Shareholders; and stating that Government will not object to the production of Papers thereon, if applied for by Parliament.

7.—Hon. W. H. Merritt to the Attorney General for Canada West	Quebec, July 5, 1852.....	Referring to the wording of the Act of 1843 as containing sufficient evidence in support of the present Claim.
8.—Hon. W. H. Merritt to Hon. A. N. Morin.....	Quebec, September 14, 1852	Transmitting Memorial of Bosanquet, Franks & Co., of London, with Letter and Opinion of Attorney General, and of H. J. Bushby, Esquire, on behalf of the Claim; and reiterating certain facts in support of its legality.
9.—Letter of Bosanquet, Franks & Co., Agents for the English Shareholders in the Welland Canal Company, to the Hon. George Moffatt, Montreal, with Memorial and Opinion	London, August 27, 1852 ..	Enclosing Memorial of the English Shareholders in the Welland Canal Company, and Opinion of the Attorney General, Sir F. Theesiger, and Mr. H. J. Bushby,—for which see No. 10, Letter H. J. urging the right of the Shareholders to the arrears now claimed, upon an equitable and liberal construction of the Act of 1843.
10.—Hon. W. H. Merritt to Hon. A. N. Morin.....	Quebec, March 10, 1853 ..	Submitting Printed Papers, Legal Opinions, &c., (hereinafter described); and soliciting a reference of the question to a Legal Tribunal in Canada, or England, accompanied by the documents now enclosed, and with a Case to be prepared by the Provincial Attorneys General, on behalf of Government.
A.	March 5, 1853	Case prepared by Mr. Merritt, and which he submits as suitable to be referred to a stranger for decision on the question at issue between the Government and the Shareholders.
B.	Dated 14th March, 1845, and 26th February, 1851 ..	Copy of Certificates issued by the Provincial Government for the payment of Interest on Stock held in the Welland Canal Company, as issued prior to 24th June, 1845; and as subsequently issued, with an interlineation, on and after that date.
C.	New York, November 29, 1851.....	OPINIONS OF EMINENT LAWYERS UPON THE PROPER CONSTRUCTION OF THE ACT 7 VIC. CAP. 34.
D.	New York, November 26, 1851.....	Of Judge Mason, of the State of New York.
E.	Montreal, January 20, 1852 ..	Of Samuel Sherwood, Esquire.
F.	New York, October, 1852..	Of Mr. Justice Gale, of Lower Canada. Of Marshall S. Bidwell, Esquire.

SCHEDULE.—(Continued.)

NUMBER AND TITLE.	DATE.	SUBJECT.
G.	.....	.....
H.	.....	.....
I.	London, August 24, 1852	Case submitted (by Bosanquet, Franks & Co., on behalf of the English Shareholders) for the opinion of the Law Officers of the Crown in England.
J.	London, October 15, 1852	Opinion of Sir F. Thesiger, (then) Attorney General of England, and of H. J. Bushby, Esquire.
K.	London, November 5, 1852	Of Sir Fitzroy Kelly, (then) Solicitor General of England, and of H. J. Bushby, Esquire; with letter from Bosanquet, Franks & Co., transmitting the same.
	Toronto, June 27, 1852	Of Sir Alexander Cockburn, present Attorney General of England, and of H. J. Bushby, Esquire, with letter from Bosanquet, Franks & Co., transmitting the same; together with a statement of the Case on which the Opinions of the English Crown Officers were obtained, (for which, see <i>supra</i> , Letter G.)
	Toronto, June 27, 1852	do do (First Opinion.) do (Second Opinion.)
11.—Hon. W. H. Merritt to Hon. A. N. Morin	Quebec, April 23, 1853	Enquiring whether the Government are willing to refer the question at issue to the decision of some disinterested Legal Tribunal in Canada; and requesting leave to withdraw the Memorial and other Papers previously sent, in which the Claims of the Company were urged upon equitable considerations, in order to rest their Case upon the construction of the Statute.
12.—Hon. W. H. Merritt to Hon. W. B. Richards, Attorney General for Canada West	Quebec, May 5, 1853	Representing that the most fitting Tribunal for the final adjudication of this matter is the Judicial Committee of the Privy Council, under the Act 3 & 4 Will. IV., cap. 41, citing precedents in proof of the competency of said Court to decide upon the question at issue between the Government and the Shareholders, and praying that the Provincial Executive (if still opposed to the Claims of the Shareholders,) will sanction a reference of the case to a competent Legal Tribunal in Canada, or to the Judicial Committee of the Privy Council in England.
13.—Hon. W. H. Merritt to the Provincial Secretary	Quebec, June 6, 1853	Requesting a reply to the above mentioned application, and stating that if it be acceded to by the Provincial Government he will leave the presentation and management of the Petition to the Queen in the hands of the English Shareholders.

14.—Hon. A. N. Morin to Hon. W. H. Merritt	Secretary's Office, June 9, 1853	Stating that the application referred to in the previous letter is still under consideration.
15.—Memorandum by the Hon. W. B. Richards, Attorney General for Canada West	Quebec, June —, 1853	In answer to Mr. Merritt's application to Government on behalf of the late Private Shareholders, investigating into the facts and merits of the case, with a view to shew that at no time, heretofore, did the Private Shareholders expect, ask or stipulate for the claims they now prefer, and that neither in law or equity are they entitled to them. Also, submitting that there is nothing in the nature of the claim to justify a departure from the ordinary rules, in permitting a reference of the question to a Legal Tribunal, either in this Country or in England.
A.	May 6 & 9, 1839	Welland Canal Act of 1839; as introduced into the Assembly and ultimately passed. (See also, <i>infra</i> , K.)
B.	September 21, 1842	Memorandum, drawn up by Mr. Secretary Rawson, for the information of the Provincial Government, in reference to Mr. Merritt's Application on behalf of the private Shareholders.
C.	December 12, 1836	Evidence of W. H. Merritt, Esquire, before a Select Committee of the House of Assembly of Upper Canada.
D.	St. Catharines, September 1, 1842	Letter from Mr. Merritt to Mr. Secretary Rawson, stating amount demanded by the Shareholders in full acquittance of their claim and interest in the Canal.
E.	Toronto, May 22, 1843	Letter from Mr. Merritt to the Clerk of the Executive Council respecting an omission in the Minute of Council, of 20th May, 1843, in reference to the claims of the Shareholders. (See <i>infra</i> , I.)
F.	St. Catharines, September 22, 1843	Letter from Mr. Merritt to the Provincial Secretary, enclosing a Memorial from the Shareholders acceding to the terms proposed in the Minute of Council above mentioned.
G.	.....	Draft of an Act, in Mr. Merritt's hand-writing, for amending the Act of 1841.
H.	Kingston, July 9, 1842	Despatch from His Excellency Sir Charles Bagot, Governor General, to the Colonial Secretary, Lord Stanley, in reference to the claim of the Shareholders in the Welland Canal Company to be indemnified on account of the recent proceedings of the Legislature and Government in regard to that Work.
I.	May 20, 1843	Minute of Council, above referred to.

SCHEDULE.—(Continued.)

NUMBER AND TITLE.	DATE.	SUBJECT.
J.	November 20, 1843.	Extract from Journals of the Legislative Assembly of Canada, of Resolutions upon which the Act of 1843 was introduced.
K.	Passed in 1839; Received the Royal Assent in 1841.	Statute 4 & 5 Vic. cap. 48, "to authorize the Stock held by Private Parties in the Welland Canal to be purchased on behalf of the Province."
L.	December 9, 1843.	Statute 7 Vic. cap. 34, "to repeal a certain Act therein mentioned, and to make further Provision for enabling the Provincial Government to purchase the Stock held by private parties in the Welland Canal."
16.—Hon. A. N. Morin to Hon. W. H. Merritt, M.P.P.	Secretary's Office, June 13, 1853.	Stating, in reference to the various documents submitted in support of the claim of the Shareholders, and the Attorney General's Memorandum of facts and reasons against its being favorably entertained, that His Excellency adheres to his decision, that it cannot (either legally or equitably) be admitted; and informing Mr. Merritt that His Excellency cannot accede to his request for a reference of the question to a legal tribunal.

No. 1.

To His Excellency the Right Honorable JAMES, Earl of ELGIN and KINCARDINE, K.T., Governor General of British North America, and Captain General and Governor in Chief in and over the Provinces of Canada, Nova Scotia, New Brunswick, and the Island of Prince Edward, and Vice-Admiral of the same, &c. &c. &c.

The Memorial of the Honorable William Hamilton Merritt, on behalf of the Shareholders of the Welland Canal Company, most respectfully submits, for the consideration of your Excellency, the following documents :—

First. The Memorial of the Shareholders residing in the United States, with the legal opinions and references thereon.

Second. The Memorial of Messieurs Bosanquet, Franks and Company, Agents on behalf of the Shareholders residing in England, with the legal opinions accompanying the same, and a copy of the Act, enabling the Provincial Government to purchase the Stock, on which those opinions are founded.

Thirdly. In addition to the above, your Memorialist begs leave to submit a brief narrative of the proceedings of that Company, in order that their claim may be clearly understood.

In 1823, an Act was obtained to incorporate the Welland Canal Company, which was organised, the Stock subscribed, the work commenced on the 30th November, 1824, and continued without intermission until the Navigation was opened on the same day in 1829.

In the Report for 1829, (*vide* Appendix to Assembly Journals for 1830, p. 10,) the amount of Expenditure is thus described :—

“ In order to show the Government and the Stockholders that their money has been economically expended, the following statement is presented :—

“ Amount paid Contractors on the Estimate of the Engineers.....	£243,000
“ Amount of Awards and Real Estate.....	4,853
“ Duties to Government and Interest to Bank of Upper Canada.....	8,804
“ Thomas Proctor, Agent, New York.....	3,428
“ Contingencies, including Salaries, &c., making near 5 per cent. on the outlay	12,710

“ Total.....£272,795”

The extent of the work constructed for the above outlay is also pointed out.

A Ship Canal, from Lake Ontario to the River Welland, sixteen miles, to mouth of said River towing nine and one-fourth miles; to Fort Erie, on the Niagara River, eighteen and three-fourth miles; Port Maitland to Dunville, five miles; Dunville to Cayuga, fifteen miles, and Dunville to the Deep Cut (near Port Robinson) twenty-six miles: embracing, in all, a Navigation of ninety miles in length, with an ascent of 358 feet, surmounted by forty wooden Locks; the erection of two Harbours, Ports Dalhousie and Maitland, an Aqueduct over the River Welland, 365 feet in length (designed and built by Marshall Lewis), and the best wooden structure in America. A Dam and Embankment over the Grand River, near one mile in length, fifteen feet water in the Channel, and one and three-quarter miles of the deepest earth cutting on this Continent. The Directors state, that “notwithstanding the increased expense and delay incurred by moving the Dam from the entrance at the Grand River, the Slides at the Deep Cut, and the limited means of the Company, it will scarcely be credited, that this great undertaking

“ is so far accomplished for so small a sum. It is quite impossible to realise the
“ embarrassments of this Company during the above period, arising from a desire
“ to introduce capital from the mother country, when they were led to believe it
“ would be readily obtained.”

The origin of those embarrassments is clearly pointed out in the extract of the Report of 1825 :—

“ On the day subsequent to the passing of this Act, the Directors assembled,
“ and, being anxious to preserve the management under British influence, they de-
“ termined to reserve a considerable part of the increased Stock, in order to be of-
“ fered, in the first instance, to Subscribers in England. Of the original Stock of
“ £40,000, more than one half has been subscribed in New York, and there was
“ little doubt but that the whole Capital required might at once have been obtain-
“ ed in that opulent and enterprising city ; whereas in Canada the want of Capital
“ precluded any prospect of obtaining subscriptions to so large an amount. Feel-
“ ing the expediency of immediately obtaining means to proceed with the works
“ which had already commenced, and at the same time being desirous that at least
“ a majority of the Stockholders should be British subjects, the Directors resolved
“ to limit the Subscriptions in New York to £75,000, which sum was immediately
“ taken up by the old Stockholders, to whom the option was first given ; so that at
“ a public Meeting which had been advertised for opening Books and receiving
“ Subscriptions, no Subscriptions could be accepted ; and such was the general
“ opinion of the benefit promised by the undertaking, that more than the whole
“ Capital would, at that meeting, have been readily subscribed, but the President
“ of the Company (the Honorable John Henry Dunn, then Receiver General for
“ Upper Canada,) who was present, refused to receive more than the prescribed
“ amount of £75,000.”

As an evidence of the want of Capital in Upper Canada during the progress of this work, only 232 Shares of the Capital Stock, amounting to £2,000, was held in that Province, and only eight individuals were eligible for Directors.

In 1826 and 1827, the Acts 7 Geo. IV., caps. 19 & 20, and 8 Geo. IV., caps. 2 & 17 were passed.

On the thirtieth September Lord Bathurst's Despatch was received, offering to advance one-ninth of the estimated cost of Canal on certain conditions.

In 1827 a grant of 13,400 acres of land was made, and £50,000 Stock subscribed on certain conditions by the Legislature.

In 1828, out of the £100,000 which was reserved for Shareholders in England, about £35,000 was obtained, with a liberal grant of £50,000 sterling from the Imperial Legislature ; so that a sufficient sum was procured to prosecute the work with continued vigor until the twenty-fifth October, when the most formidable slips took place at the Deep Cut, at a time when there was every prospect of getting the water from the Welland River through in ten days. This disaster compelled the Company to adopt a higher level from the Grand River, which required the construction of a Dam over the Grand River, an Aqueduct over the Welland, four wooden Locks at the Deep Cut, twenty-seven miles of a Feeder, and a Ship Canal of nearly half a mile in length to connect the Welland and the Niagara Rivers, with the Towing-paths thereon, at a cost of £25,000 over and above the amount of money then at the command of the Company. After due deliberation, on the tenth day of April, 1829, this great undertaking was commenced ; on the 9th October, the water was let in from the Grand River, and on the thirtieth November, five years from the day the first sod was removed near the Deep Cut, two Vessels passed from Lake Ontario to Lake Erie.

This unprecedented result was obtained by combining the personal interest of every individual employed on the work.

The agreement between the Company and the Contractors stipulated that the payments were to be made to each in proportion to the amount of money on hand. Between the Contractors and individuals, to remain on the work until finished, and wages not to be paid until a grant was obtained from the Legislature, or some other source.

The Report contains the following just and appropriate remark:—"Had it not been for the confidence manifested by the Contractors, the work must have been suspended altogether: by their indefatigable exertions, under every disadvantage, in carrying out the plans of the Company, is the unexampled success of this year's work to be attributed." Also:—"However great have been the difficulties surmounted in constructing so formidable an undertaking to its present advanced state, the whole pressure has been borne by the Shareholders, since no aid has been granted by the Government or the Legislature, for which the interest has not been punctually paid up by the Company." "The financial arrangements have been attended with difficulties, which they had no reason to expect, because they have arisen from a hesitation to fulfil engagements which the Directors considered to be conclusive, and upon which they therefore relied. No such failure, however, has occurred with respect to the Shareholders in America."

Up to this period, the Directors were appointed by the Shareholders. They never accepted any compensation for their services, and having accomplished the object for which they undertook this most arduous duty, they retired with a consciousness of having opened a commercial intercourse which, although fully appreciated by them, was not by the public, as appears by the following remark in the Report of 1829:—

"It has been their mortification to find, that while with the greatest proportion of strangers who visit this Province the Welland Canal seems to possess a peculiar interest, the inhabitants of Upper Canada appear to entertain the most imperfect ideas of the stupendous nature of this undertaking, the rapid strides by which it has advanced to its consummation, and the immense advantages to themselves and to their country which must follow the successful termination of a work that it is probable will be thought hereafter to reflect some degree of credit upon those by whose encouragement and exertions it has been supported."

Under the provisions of the Acts 10 Geo. IV. cap. 9, and 7 Will. IV. cap. 92, sec. 8, three of the Directors were appointed by the House of Assembly; or, under last mentioned Act, by the Government.

In 1830, a loan of £25,000 was obtained, to pay off the debt due the Contractors the preceding year.

In 1831 an application was made for a further loan of £200,000 to pay off the debt due the Government and extend the Ship Canal to Gravelly Bay (the circuitous route by the Niagara River having proved tedious and expensive;) only £50,000 was obtained, and that on condition that the Company should furnish individual security that this sum should complete the whole Canals, Harbors, &c., &c., from Lake to Lake, without any further grant for that purpose, and should indemnify the Government against the payment of interest on the said loan, and one-half the principal of the same. Three individuals furnished the security for the stipulated amount. During this period, there was received from all sources £178,724, which was expended in the construction of the Ship Canal referred to, the Harbor at Gravelly Bay, and widening the Feeder from Dunville to the Junction, twenty-two and a half miles in length. See Acts 3 Will. IV. cap. 55, 4 Will. IV. cap. 39, and 5 Will. IV. cap. 24.

In 1834, a very able paper from the late John B. Yates, Esquire, of Chittango, in the State of New York, (to whom the Country is mainly indebted for

the early construction of this work, he having sustained it by his individual credit and resources on two occasions when it must otherwise have been stopped,) was addressed to James H. Sampson, Chairman of the Committee of the Legislative Assembly, in which he clearly points out that when the Canal was commenced any attempt to construct the Locks of any other material than wood must have caused an entire failure; that no work of similar magnitude was ever constructed for the same money; and that from his knowledge of the extent of the Country by which the Canal is supplied, he has every confidence in its success, provided means are procured to complete it.

The Directors report, in 1833, (vide Report, in Appendix to Journals for 1836, vol. 2, p. 496,) that during this period "There has been no want of exertion or skill in constructing or economy in executing this arduous undertaking. The increased expenses and tedious delays proceeding from causes not within their power to control. The changes made in the line of the Canal—its increased dimensions, and alterations of the original Plan, involved the Company in great additional expenses. The losses, delays, disappointments, and embarrassments against which the Company have struggled, since the extension of their charter for ship navigation, and the failure in procuring the stock in England, can only be known to them to whom its management was entrusted.

"The Stockholders alone, who are the most deeply interested, view the undertaking in its true light, and are entitled to the consideration of the Country for the sacrifices they have made, and for the spirited manner in which they have sustained the work. They have laid out of their capital for many years, and have incurred a positive loss, while the British Government and the Provinces of Upper and Lower Canada are positive gainers."

These embarrassments were greatly augmented by dissensions among the Directors, whose appointment had become a party measure, and they were selected from individuals who had always been the most prominent opponents of the undertaking. Notwithstanding the loss of time and continued dissensions which prevailed during a part of the last seven years, public attention was drawn to the importance of the work, the opinions of eminent men were elicited, &c., &c. Benjamin Wright, Esquire, the Principal Engineer on the Erie Canal, after a minute examination of the work, addresses the Hon. William B. Robinson, in October, 1833, as follows:—

"I can hardly find words to express what I think of the importance of this Canal, and the auxiliary project of improving the Rapids of the St. Lawrence, to the commercial importance of Montreal and Quebec. All the Western World, which is to be inhabited by its tens of millions of industrious people, is very much inclined to get on to Lake Erie, and when once there it will show a great want of enterprise in the people of the two Canadas, if they do not compete for this great prize; they can do it, and will do it successfully. The New York Canal can never accommodate that World, even with all the auxiliary Railroads which can be made. I may be enthusiastic in my views; I think I am not, and that Canada ought to be up and doing."

From this time forward the public took a lively interest in the undertaking.

In November of the year 1836, a Committee of the House of Assembly was appointed to examine the affairs of the Welland Canal Company, consisting of Messrs. Jonas Jones, Chairman; Cartwright, Chisholm, Rykert, Bockus, Robinson, Norton, McKay, and Richardson, who report, "That from a personal inspection of the whole line, they are impressed with the importance of the work. Considering the obstacles to be surmounted, it has astonished the Committee to see how much has been accomplished. They recommend making the Welland Canal strictly a public work, on such terms as will combine the principle of in-

“demification to the private Shareholders, with due regard to the interest and convenience of the public.” (See Journals, 29th November, 1836.)

The reason assigned was, that the Shareholders had received no equivalent for their outlay, while the public were amply remunerated. In proof of which they remark, “that the Revenue of the Ports of Fort Erie and Chippawa had increased from £31, when the Canal commenced in 1824, to £1,068 in 1835. That it is impossible to estimate the value of the erections, and the Land on and above it, which already has added thousands and thousands of pounds to the value of the Province, far exceeding the principal and interest of the outlay.” (2nd Report, dated 17th December, 1836, in Appendix No. 3 to Journals of 1836-7.

The total cost of the Canal up to this year, consisted of Stock paid by the Government of Upper Canada, 8600 Shares	£107,500	0	0
do Lower Canada, 2000 Shares	25,000	0	0
Individuals in Upper Canada, 297 Shares	3,712	10	0
do in Lower Canada, 1106 Shares	13,825	0	0
do in New Brunswick, 40 Shares	500	0	0
do in New York, 5570 Shares	69,625	0	0
do in England, 2411 Shares	30,137	10	0
Forfeited Stock.....	540	0	0
	<hr/>		
	£250,840	0	0

Loaned by the Province from 1826 to 1831	£100,000	0	0
do do British Government	55,555	0	0
	<hr/>		
	155,555	11	2
	<hr/>		
	£406,395	11	2

Tolls in 1830 and 1831.....	£	3607	14	8 $\frac{3}{4}$
do 1832.....		2432	9	8 $\frac{1}{4}$
do 1833.....		3618	1	7 $\frac{3}{4}$
do 1834.....		3719	1	1 $\frac{1}{2}$
do 1835.....		3807	5	11 $\frac{3}{4}$
do 1836.....		5059	3	2

Total

Land and Hydraulic Rents	554	7	9 $\frac{1}{2}$
Exchange	7156	15	5
Bank of Upper Canada, Loan Account	1370	2	3
Donation of the Catholic Bishop of Quebec	25	0	0
George Keefer, J. Davis, S. Smith.....	2157	4	2
Balance Sheet for 1836, Land and Hydraulic Rents	£453	4	5
Interest	102	11	1
	<hr/>		
	555	15	6

Issues of Welland Canal Notes	8115	15	0
Various other small items	2954	18	7
	<hr/>		
	45,123	15	0

Making in all, as per the Balance Sheet submitted by Messrs.

Cameron and Murray (*vide* Appendix 3. Journals of 1836-7). £451,519 6 2

Under the Act 7 Will. IV. cap. 92, all Loans heretofore made to the Company by the Provincial Government were converted into Stock, and a further Sub-

scription on the part of the Government of £245,000 was also authorized, to complete the Canal in a durable manner with stone Locks; three out of the five Directors were appointed by the Government, which virtually placed the Canal under its control. This Act appropriated the income to be derived from the Canal; first, in the payment of interest on future Loans; the remainder in the payment of Dividends to private Shareholders until it reached six per cent., after which the surplus was to be applied to the payment of interest on the previous advances by the Government.

The cost of management to be sustained out of the capital until the Canal was finished.

The publication of the Report of the Directors of the 12th February, 1838, created a distrust in the minds of the Shareholders, respecting the future management of the Canal, which led them for the first time to memorialize the Government. The Memorial states:—"That the Shareholders had subscribed their stock as early as 1825. In consequence of the capital having been withheld, they were compelled to pay up the full amount in a very short period, to their great injury, for which, up to the present moment, they have never received a farthing. That in 1837, they learned with dismay, that without their knowledge or assent, the management of their property was taken from them by the Legislature, and vested under the control of the Government, a measure which, without remuneration, they believe to be unprecedented in any Country."

"That if the true spirit and meaning of the Act had been adhered to, it would have insured the Government interest on their loan, and the Shareholders a dividend, inasmuch as the expenditure would have been gradual from year to year, and the income, as on all other Canals, would have increased in a progressive proportion. They conclude in praying that as the control of their property had been wrested from them, they may be repaid for their outlay in constructing a public work which, for usefulness and profit, under proper management, is not equalled in America." (See Memorial, dated 18th March, 1839, in Appendix to Assembly Journals for 1839-40, Vol. 1, part 2, page 23**.)

The Committee to whom was referred the Message of His Excellency the Governor General on the subject of the Act authorizing the purchase of the private stock held in the Welland Canal Company, and the Petition of the Shareholders, report:—

"That after referring to the various documents from one to ten, among which is the Report of the Committee of this House in 1836, recommending the purchase of the stock of the Private Shareholders on such terms as would ensure them principal and interest, Your Committee are of opinion that the 17th Clause, of 7th Wm. IV. cap. 92, was intended to be applied wholly in payment of the interest on loans authorized by the Act to indemnify the Provincial Government from any payment of interest in future, and the remainder to apply as a dividend to the Private Shareholders. Under this impression, and from a careful examination of all the documents referred to, Your Committee recommend an Address to the Queen, praying the Royal Assent to the Bill passed last Session; and if the Royal Assent be withheld thereto, they think it due to the Shareholders that a Bill should be passed the ensuing Legislature restoring the majority of the Direction to the Private Shareholders, and placing them in the same position as in 1836, and relieve the Legislature from the imputation of a violation of private rights and a breach of public faith which the assumption of the control of their property without the consent of the Private Shareholders will subject them to.

"All of which is respectfully submitted.

"GEO. RYKERT, Chairman."

The above report (*vide* Appendix to Journals of 1839-40, Volume 1, part 2, page 11**) was adopted, and an unanimous Address to the Queen passed to carry out its provisions.

During 1841, the Act 4 & 5 Vic. cap. 48, the first Act authorizing the Government to purchase the Private Shares, and make the Welland Canal wholly a public work, passed the Provincial Legislature.

The following statement is exhibited to show the actual amount of the yearly Revenue derived from the Welland Canal when the first Act passed the Legislature for its purchase, as well as the estimate then made for its future increase. On the 31st January, 1839, the Directors estimated the progressive increase of Income from the Welland Canal, for:—

1839, at.....	£10,000	.....	1840, at.....	£12,500
1841, at.....	£15,000	.....	1842, at.....	£18,000

It appears that the actual amounts realized in each of those years were severally £12,823, £20,228, £20,792 and £24,976 (having exceeded the estimates in this short space of time £23,319). The Directors remark:—"That the estimated "progressing increase of Income is founded upon the Receipts of the Erie Canal, "and we can see no good reason why the geographical position of this Canal "should not realize the same result." (See Appendix to Journals of 1839-40, Vol. 1, part 2, p. 19 * *.)

In 1841 the Royal Assent was given to the Act of 1839, and the Legislature authorized a Grant of £500,000 to complete the work, by the Act 4 & 5 Vic. cap. 28. Every Grant heretofore had been closely contested.

In 1834, Mr. Justice McLean, then Speaker of the Legislative Assembly, (and always a prominent supporter of the Welland Canal,) carried the Bill by his casting vote, and without individual security it could not have been passed.

This year, on a division, only two out of eighty Members opposed this comparatively large expenditure. The Government now assumed the entire control, (see Act 7 Vic. cap. 34,) and commenced the enlargement under the superintendence of the Board of Works. The Expenditure, during the last four years, was as follows:—

Amount derived from Tolls, from 1837 to 1840, inclusive.

Tolls of 1837 ...	£5,521	4	4	Hydraulic Rents...	£697	14	10	£6,218	19	2
do 1838 ...	6,723	4	11	do ...	330	12	11	7,053	17	10
do 1839 ...	11,710	9	7	do ...	1,112	2	10	12,822	12	5
do 1840 ...	19,129	12	2	do ...	1,098	6	1	20,227	18	3
								£46,223	7	8

Expenditure under the Act of 1837, 7th Wm. IV. from 1837 to 1840..... £114,467 0 0

Total Expenditure and actual Cost of the Welland Canal to the Company, (as appears by the Official Reports)..... £565,986 0 0

The following Statement gives the Cost of the Welland Canal to the public:—

STATEMENT of the several Amounts Paid to the Welland Canal Company, by the Provincial Government of Upper Canada, under the 7th Wm. IV. cap. 92, in 1837, which converted all Loans into Stock, up to the time of the purchase.

Act 7 Geo. IV. cap. 20, in 1826	£25,000
Act 8 do do 17, in 1827	50,000
Act 11 do do 11, in 1830	25,000
Act 1 Wm. IV. do 18, in 1831	50,000
Act 3 do do 54, in 1833	7,500
Act 4 do do 39, in 1834	50,000
Act 7 do do 92, in 1837	68,144

£275,644

Amount Debentures to private Shareholders in 1843 117,800

Amount for which the Province has issued Debentures to date.. £393,444

From the above it appears that the construction of the Canal, up to 1840, had cost the Company.....£565,986

Although the public pay in 1843 only 393,444

Passing over the period during which the Welland Canal was under the management of the Commissioners of Public Works, it may be well to submit a Statement of the several Legislative Grants from 1841 to 1851:—

Act 4 & 5 Vic. cap. 28, in 1841	£500,000	0	0
Act 9 do do 63, in 1846	280,000	2	11
Act 10 & 11 do do 34, in 1847	50,000	0	0
Act 11 do do 9, in 1848	68,155	9	5
From 1849 to 1851, <i>vide</i> Public Accounts.....	97,017	0	0

995,172 12 4

To which add expenditure under different Acts up to 1843..... 393,444 0 0

Makes the total Public Debt£1,388,616. 12 4

The Canal is increased to the following dimensions:—Forty-five feet in the bottom, nine feet six inches deep, with a slope of two to one, leaving a surface of eighty-five feet, but ten feet in depth is provided for in the summit levels. The Locks Numbers one and two, below St. Catherines, those at Port Colborne and Port Maitland, and the one erected this year (1852) at Allanburgh, are 45 feet wide by 200 long between the meters. The remainder from Thorold to St. Catherines are twenty-six and one-half feet by 150. When the dimensions of the principal Locks at Allanburgh are increased to correspond with the Aqueduct, the largest Steamers now navigating the St. Lawrence may approach to within four miles of each other between the two Locks. There are thirty-three Locks in all, with waste wiers on each level. The Aqueduct over the River Welland is 316 feet long, forty-five feet wide, and nineteen feet eight inches in depth, in order to serve either the Grand River or the Lake Erie level. All built of the most durable material and in the best manner.

The following Tables are designed to show the actual amount of Capital expended in each year, as well as the amount of Receipts and Expenditure from 1841 to 1851, under the management of the Board of Works:—

TABLE No. 1.

1. Year.	2. Amount expended each year.	3. Amount of Tolls.			4. Amount on which Interest was payable.	5. Amount of Interest at 4 per cent.*	6. Amount paid to the Share- holders.	7. Interest at 6 per cent.	8. Total Interest.
1841	£	£	s.	d.	£	£	£	£	
1841 .....	.....	20792	3	11	.....	.....	.....	.....
1842	34286	24975	11	8	.....	.....	.....	.....
1843	141393	16159	6	0	176219	1393	7235	8628	
1844	219979	26134	12	11	393198	7048	7235	14283	
1845	158449	19886	10	5	551647	15728	7235	22963	
1846	102146	27410	1	6	653792	20000	7235	30383	
1847	77233	30549	17	8	731025	20000	7235	36462	
1848	76774	29064	7	3	807799	20000	7235	41096	
1849	67453	34741	18	8	875251	20000	7235	45703	
1850	59235	37925	17	7	934478	20000	7235	49750	
1851	32763	51075	1	9	967241	20000	7235	53805	
Total	975172	318714	17	8	995172	.....	.....	302523

* 4 per cent. is estimated until it reached £500,000; the appropriation under 4th and 5th Vic. being negotiated at that rate of interest, and 6 per cent. on all payments thereafter.

From the above it appears, the Income from Tolls has exceeded the Expenditure for Interest some £16,000.

TABLE No. 2.—(FUTURE PROSPECTS.)

ESTIMATED INCOME.

	£	s.	d.		£	s.	d.
For 1852	58500	0	0	For 1858	173180	0	0
For 1853	70200	0	0	For 1859	209616	0	0
For 1854	84240	0	0	For 1860	251538	0	0
For 1855	101090	0	0				
For 1856	121305	0	0				
For 1857	145566	0	0	Gross Income for 9 years..	1215235	0	0

EXPENDITURE.

	£	s.	d.
Amount of Provincial Debentures issued in 1843, for the purchase of the Canal	393444	0	0
Additional amount for private Shareholders	2780	0	0
In 1852—Amount paid on account of Interest	107373	0	0
do —Amount still due thereon	65113	0	0
do —Expenditure under Board of Works	995172	0	0
Total amount of Capital for which Debentures have and will be issued £	1563882	0	0
The amount of Interest to be paid annually on £500,000 under the Imperial Loan Act of 1841, at 4 per cent.	20000	0	0
Carried over	£	20000	0 0

EXPENDITURE.—(Continued.)

	£	s.	d.
<i>Brought over</i>	20000	0	0
£1,063,882 under Provincial Acts, at 6 per cent.....	63832	0	0
136,118 for future improvements thereon, at same rate of Interest.....	8167	0	0
£1,700,000 Total Capital and Interest thereon.....£	91999	0	0
Annual Management and Repairs.....	6001	0	0
Total Expenditure.....£	98000	0	0
The average gross Income per year of estimated Income, is.....	135026	0	0
Leaving an excess, for each year, from 1851 to 1860, of.. £	37026	0	0

The calculations on the future prospects of Income are based on the same principle as the Estimate of 1839, although more clearly defined. The ratio of progress sustained on the Erie Canal for fifteen years prior to 1849, and the Provincial Works of Canada for the five years they have been in operation, is found to average twenty per cent. per annum. (See Report of Commissioners of Public Works, for 1850, in Appendix to Journals of Assembly for 1851, (Letter T.)

In 1851, the Tolls were estimated at £48,750, upon the assumption that one-half of the Western trade between Lake Erie and the Atlantic would be attracted through this Canal. The relative porportion of Trade has not been realised, although the Income has increased from £37,625 in 1850 to £51,146 in 1851, making an increase of £2,396 over the Estimate, and £13,531 over the preceding year.

From this data we may rely with some confidence upon the Estimates for the future keeping pace with the past.

The cost of management and repairs are taken from the Returns of Samuel Keefer, Esquire, Chief Engineer of Public Works. The revenue of this Canal has now reached so large an amount, and has, from year to year, been so steadily increasing, that the Income may be calculated with an approximation to certainty.

The average of nine years is selected because, in 1852, the Tolls reached £45,000, nine years after the purchase in 1843.

An additional Towing Path is about being made between Thorold and St. Catharines.

The Locks are to be lit with Gas, and the Canal deepened throughout to ten feet water.

These improvements perfected, with a never failing supply of water furnished by Lake Erie, will make this Canal stand unrivalled not only for utility and beauty, but it will establish a fountain of wealth, from which a never failing source of revenue will flow for all time to come; for which the public, be it remembered, are wholly indebted to the early enterprise of the private Shareholders.

In conclusion, Your Memorialist begs leave to represent that the preceding narrative has been compiled from Official Records, proving

First. That at the commencement of this undertaking every inducement was held out to Foreigners to become Shareholders.

Second. That serious losses were sustained by those Shareholders residing in the United States in reserving Stock for the English market, then calling in large advances in so short a time, many having paid up the whole of their Stock by the 1st October, 1826. (See Petitions of Shareholders of 1839, and Returns of Inspector General, in 1852, coupled with the Report of 1845.)

Third. That the work was constructed with greater economy and in less time

than any other similar undertaking in America, notwithstanding it was purchased by the public at £172,542 less than its cost. (See *supra*, page 7.)

Fourth. That the Income received from Tolls and increase of Customs Duties, created by its construction, far exceeded the amount of Expenditure, so that the Canal in reality never cost the public a single farthing.

Fifth. That the public have gained an incalculable amount of wealth by the increased value of land and property, by the reduced price of transit since 1829.

Sixth. That the efforts made, the embarrassments, casualties, and hazards incurred, in completing this undertaking, were far greater than any equivalent received.

Seventh. That the first proposal to make the Welland Canal a Public Work, originated with a Committee of the House of Assembly in 1836. The conditions then stipulated were adhered to in the Acts of 1837 and 1841, and more clearly specified in the Act of 1843, which repealed at the same time all former Acts, and deprived the Shareholders of the option of retaining their interest in the Canal under the Act of 1837.

It is obvious the sixth Clause of this Act was intended to carry out the principle laid down by the Committee in 1836, as the one on which the transfer of the Canal to the public should be effected, viz:—"Ultimate indemnification to the Private Shareholders, with due regard to the interest and convenience of the public," and is in fact the agreement under which the respective parties are bound. Had the Income from the Canal in 1843 reached a sufficient amount to pay the Interest then due, it is clear Debentures would have been issued for the amount; but as it did not, the time was prolonged, until the Revenue from the Canal reached a certain fixed sum. All the Shareholders ask, is that the original agreement may be fully and fairly carried out. In 1843, when the Canal was sold, the Directors received the amount of the original paid up Capital, in full, not indeed, in Cash, but in Debentures. No indemnification was then made for arrears of Interest on the Company's outlay since 1828, but it was conceded that the Company were lawfully entitled to these arrears at that time, and had the Government then paid up this back Interest, the transaction would have been closed; but the Company agreed to wait until means for this payment should be afforded by the Canal itself. In 1852, the Canal Revenues became sufficient to enable the Government to meet these arrears from that source; meanwhile, the Interest had accumulated to form a debt, up to 1843, of about £106,000. Nine years having elapsed before this debt could be liquidated, the Company expected, as a matter of course, that Interest for this period, at the ordinary rates, would have been paid, as well as the Principal. In private transactions of a like nature, it would be clearly understood that Interest becomes due upon money owing from the time the debt or obligation is incurred, and to withhold it would be considered unjust.

This Debt was incurred, and the right of the Shareholders thereto admitted, in 1843; they consented to postpone the receipt of the Money until a certain future day, but then expected to receive the principal sum which had accrued for Interest up to 1843, with lawful Interest thereupon up to the day of final settlement.

The Sixth Clause of the Act of 1843 provides, that the Shareholders should receive an equivalent for this amount, whenever the Tolls from the Canal should justify it, as the Certificate hereunto appended will shew.* This payment has been withheld, contrary to the terms and spirit of the agreement and of the Act itself, consequently the Shareholders have good reason to feel dissatisfied.

From the foregoing statement, it is clear that the misunderstanding respecting the Claims of the Welland Canal Company, has arisen from the circumstance, of

* See *infra*, No. —, for a copy of the Certificate issued by Government under the Act of 1848. See also, the Legal Opinions annexed, in regard to the true interpretation of that Statute.

the Capital Stock having been paid in Debentures (bearing Interest,) in 1843, instead of in ready Money. These Debentures were intended, of course, to be negotiable at par, or in other words, to be equivalent for so much Cash. Had Cash been received in lieu of Debentures, it would have been invested in the ordinary way, and have yielded similar Interest to that now paid by the Province, on the Debentures, but such Interest not being paid by the Province, the fact of its payment would not have been in any way confounded, as it has been, with the present claim of the Shareholders. Their demand is, not that they should continue to receive Interest on the Capital Stock, subsequent to 1843, for the Capital was wholly paid off in that year, and the Shareholders have no further concern in it, but it is that they should be allowed Interest, from 1843, upon the amount admitted to be due for back Interest, up to that time, or a suitable equivalent therefor, pursuant to the Sixth Clause of the Act, 7 *Victoria*, cap. 34.

Your Memorialist, therefore, begs Your Excellency will be pleased to authorize the issue of Debentures to defray this balance, and as in duty bound will ever pray, In behalf of the private Shareholders of the Welland Canal Company.

WM. HAMILTON MERRITT.

Quebec, March 5th, 1853.

No. 2.

To His Excellency the Right Honorable JAMES, Earl of ELGIN and KINCARDINE, K.T., Governor General of British North America, and Captain General and Governor in Chief in and over the Provinces of Canada, Nova Scotia, Brunswick, and the Island of Prince Edward, and Vice-Admiral of the same, &c., &c., &c.

The Memorial of the undersigned, Shareholders in the Welland Canal Company, respectfully sheweth—

That under the provisions of the Act incorporating the Welland Canal Company, passed in the fourth year of the Reign of King George IV., (1824,) Your Memorialists became Shareholders in the Capital Stock of this Company. The Government of the Province of Upper Canada also advanced, from time to time, under the authority of various Acts of the Legislature, by Loan and in Stock, considerable sums of money in aid of the work.

That by an Act of the Parliament of Upper Canada, passed in the seventh year of the Reign of William IV. chapter 92, (1837,) the Legislature deeming it expedient to convert the various Loans made to the Company into Stock, and to authorise the subscription, by the Government, of a further amount of Stock to the extent of £245,000, it was provided that the Capital Stock of the Company should be increased to £597,300, divided into 47,784 Shares of £12 10s. 0d. each, whereof the Government of Upper Canada should hold 36,360 Shares, the Government of Lower Canada 2,000 Shares, and the private Stockholders 9,424 Shares, and that the Government should have the right to appoint three out of the five Directors authorized to conduct the affairs of the Company; thereby giving the control to the Government, who thenceforth became the larger proprietors.

That with a view, however, to reward as well as to protect the interests of the Private Shareholders who had risked so much in the promotion of so great an enterprise, considered by many, for years, a wild and visionary scheme, although it has proved of vast public importance, it was provided that the Tolls received upon the Canal, after deducting the amount required for the charges then made thereon by law

should first be annually applied to discharge the interest of £245,000 then authorized to be advanced, and that the remainder of the Income to be received by the Company should be divided among the Private Stockholders until it should equal six per cent. on the amount of their investment. This provision, giving a preference to the Stock held by private individuals over that subscribed for by the Government, was both equitable and just, because the public were indebted to the enterprise and sagacity of these gentlemen, who had not only perilled so much in advancing what ought to have been a great national undertaking up to that point at which the gigantic character of its results became apparent, but had, by their energy and perseverance, conducted their great project beyond the chance of failure.

That by an Act passed by the Parliament of Canada in the 5th year of Her Majesty's reign, (1839) entitled "An Act to authorise the stock held by private parties in the Welland Canal to be purchased on behalf of the Province" after reciting that it was desirable to place the Welland Canal under the exclusive control of the Government, and for that purpose to provide for the purchase from the private Stockholders the Stock held by them in that work, amounting to £117,800, such a number of Debentures were authorized to be issued to the several Stockholders in the Welland Canal as should be equal to the amount of stock held by them (such Debentures to be redeemable in twenty years from their date and to bear an Interest of 2 per cent. per annum for the first two years, 3 per cent. per the third year, four per cent. for the fourth year, five per cent. for the fifth year, 6 per cent. for the sixth and following years; and it was thereby further provided that whenever the Tolls collected on the said Canal should annually amount to £30,000, other Debentures should be issued to the original Stockholders or their legal representatives for such sum as would make up 6 per cent Interest upon the amount of Stock by them subscribed and paid for, from the time the same should have been actually paid in.

That from the passing of this Act the affairs of the Canal came under the management of the Government, and the Stockholders ceased to have any control therein.

That the Legislative agreement thus entered into between the Government and the Stockholders clearly guaranteed that ultimately the latter should receive back the full amount of the principle and interest upon their original investment.

That by an Act passed in the seventh year of Her Majesty's Reign, after reciting, amongst other things, that the circumstances contemplated by the last in part recited Act, whereby the Private Shareholders were to have received Dividends from the Income of the Canal, had not arisen, and could not then arise; and that it was expedient to repeal the said Act and to make other provision for the payment of such Stockholders; the said Act passed in the fifth year of Her Majesty's Reign is repealed, and it is thereby provided, that Debentures, bearing date the 1st of January, 1843, to the amount of £117,800, and bearing Interest at the rate of five per cent. if payable in London, and six per cent. if made payable in Canada, should be issued to the said Private Stockholders.

That in accordance with the provisions of the former Act thereby repealed, it is further provided by the sixth Section of the last Act, That so soon after the completion of the said Canal as the Tolls received thereon for any one year should amount to £45,000, there should be charged upon the Consolidated Revenue Fund thereof an amount equal to six per cent. per annum on the Private Stock subscribed, from the time the same had been paid in, for the benefit of the Private Stockholders aforesaid, or their legal representatives. That by the seventh Section of the said Act it is further provided, That it shall be lawful for the Governor in Council, at any time after such receipt of Tolls, to direct to be issued to such Private Stockholders, or their legal representatives, Debentures for the amount of their respective claims, bearing Interest and payable in the same length of time

after their issue, and at the same places respectively, as if the same were issued for the principal sum invested by the original Stockholders.

That by an Act passed in the 8th year of Her Majesty's Reign, (1844,) entitled, An Act to amend the Act for purchasing the Stock in the Welland Canal held by Private Shareholders, after reciting, amongst other things, that the Shares in the Welland Canal Company were by the Act of Incorporation declared to be of the amount of £12 10s. 0d. currency, and were issued at that price in all parts of the Continent where the same were taken and subscribed; and also, that certain of the Shares were taken and subscribed in England, and that the subscribers paid in England for each Share £11 5s. 0d. sterling money, and received certificates declaring the subscribers entitled to the number of Shares mentioned therein at the rate of £11 5s. 0d. sterling, per Share, and that inasmuch as the Welland Canal Company received the benefit of the exchange, the subscribers having paid the amount of £11 5s. 0d. per Share in London, the Company had received more than £12 10s. currency per Share. And also, that the said sum of £117,800 was intended to repay the Private Stockholders the full amount advanced by them, and that Debentures had been issued accordingly to the subscribers who paid £12 10s. 0d. per Share, and that such sum was inadequate to pay the subscribers who had paid £11 5s. 0d. sterling per Share in London, and that it was just that all the subscribers should be paid for their respective Shares in full, it is provided that the further sum of £2,779 18s. 9d. currency, with Interest thereon from the 1st day of January, 1843, should be appropriated to supply the deficiency in the former Grant arising from such difference of Exchange, thus shewing still more clearly the scrupulous nicety with which the Legislature regarded the claims of the Stockholders to be paid their respective Shares in full.

That the Tolls on the Welland Canal for the year ending first January, 1852, amounted to considerably more than £45,000, whereby an amount equal to 6 per cent. per annum, on the private Stock subscribed from the time the same has been paid in for the benefit of the private Stockholders aforesaid, or their legal representatives, became chargeable upon the Consolidated Revenue Fund of the Province, and the said private Stockholders and their legal representatives thereupon become entitled to receive Debentures for the amount of their respective claims, bearing Interest, and payable in the same length of time after their issue, and at the same places respectively, as if the same were issued under the provisions of the said Act passed in the Seventh year of Her Majesty's Reign, to the private Stockholders aforesaid for the principal sum invested by them. That, on the 26th of January, 1852, an application was made on our behalf through the Provincial Secretary, soliciting that Your Excellency might be pleased to authorize the issue of the Debentures in conformity to the said Act.

That on the 16th of February, then next ensuing, the Provincial Secretary replied that His Excellency having referred such communication for the opinion of the Law Adviser of the Crown, is advised that the amount of back Interest to which the private Stockholders are entitled on their stock under the Act aforesaid, must be computed up to the 1st January, 1843, only, at which period Debentures had been issued for the principal.

That Your Memorialists having received Debentures accordingly for arrears of Interest up to that date, first January, 1843, without prejudice to their right to receive it up to the first January 1852, desire now respectfully to submit to Your Excellency that they are advised, that according to the spirit, true interpretation, and meaning of the several Acts before referred to, they are entitled to Interest up to the first January, 1852, being the period at which the Tolls on the Welland Canal amounted to £45,000.

Your Memorialists beg respectfully to submit, that, a payment in 1852 of 6 per cent. only up to 1843, upon the Capital Stock invested by them in 1825, is not an

amount equal to 6 per cent. per annum on their Stock from the time the same was paid in, which are the words of the Act under which they claim Interest to January 1852, when they became entitled to receive it. The Act does not provide that they shall receive Interest from one given period to another, but that having received their Principal they shall be entitled to receive an amount equal to the Interest on their Capital at a future and indefinite period; and the period having been indefinite at the time the Act was passed is the reason why no specific sum for the interest was named, because it was uncertain what sum would be equal to interest hereafter to become due. This sum was made payable upon the happening of a future event and a necessarily indefinite period. The Question therefore is not what was the Interest on a given amount, at a given time to another given time, but what would be the amount upon the happening of an uncertain event equal to the Interest upon a certain sum, paid at a given previous and certain date; and our Memorialists submit that it is a question of arithmetical calculation, more for an Actuary than for a Counsel learned in the law, that the question is not whether the arrangements are more beneficial for the Government or for the Shareholders, but what the proper construction of the agreement really is. If however, it were important to consider the character of the agreement, it is plainly one most advantageous for the Government. The Tolls have steadily increased at the rate of 20 per cent. per annum for several years past, and according to the estimate of increase, the average Tolls between 1852 and 1862 will be £131,000 per annum: consequently, had the Shareholders retained their Stock and the consequent right to a dividend in proportion to their capital invested, their position would have been far more advantageous than the mere receipt of Principal and Interest at the end of nearly thirty years will place them in, as will fully appear from the accompanying statements from official sources.

The Canal was commenced in 1824, and from the scarcity of Capital in Upper Canada, as well as from the opposition given to the enterprise from various causes, but chiefly on account of its magnitude as compared with the resources of the Province, only £3,712 10s. 0d. was subscribed in Upper Canada, and the Province is chiefly indebted to Foreigners for its early progress; and it would be unworthy of a British Colony to reap such large advantages from their enterprise, and allow them to be the only losers. And it is an important consideration that those Stockholders paid their Subscriptions under an express pledge contained in the Law of 1825, (6 Geo. 4, chapter 2, section 15,) "that the Government would not take the possession and property of the Canal unless they paid to the Stockholders the sums advanced by them, and twenty-five per cent. thereon in addition, nor unless, besides these payments, it should appear that the Shareholders had actually received from the Tolls in every year, on an average, 12½ per cent. on their Stock."

It is, therefore, respectfully submitted, that if there should be any doubt still entertained of the strict construction of the law, such doubt should be cast in favor of the Foreign Creditor.

Your Memorialists, therefore, pray that Debentures for a sum equal to the Interest from 1843 to 1852, be issued in conformity with what they respectfully submit to be the legitimate construction of the several Acts of the Legislature relating to this important subject, or if the Executive Government decline the responsibility of settling this point at once in favor of the claimants, that Your Excellency will be pleased to cause the matter to be submitted to the Legislature at the coming Session to determine the point under consideration. And your Petitioners, as in duty, bound will ever pray.

JNO. ANTHON,
Executor, &c., of JOHN HONE, deceased, City of New York.
HANNAH MACLEOD,
CHARLES YATES, and others, &c., &c.

NEW YORK, 1st August, 1852.

No. 3.

(Copy.)

QUEBEC, 26th January, 1852.

Sir,—I have the honor to acquaint you, for the information of His Excellency the Governor General, that under the provisions of the 6th Section of the 7th Vic. cap. 34, the private Shareholders in the Welland Canal Company are entitled to receive Debentures for the back Interest, at the rate of six per cent. per annum on the amount of their Capital Stock, from the time it was paid in up to the time the Tolls on the Canal for any one year shall amount to the sum of Forty-five thousand pounds.

That period has arrived: the Income on the Welland Canal for the year 1851 exceeds £51,000, and the Tolls near £50,000.

I, therefore, most respectfully solicit, on behalf of the private Shareholders, that His Excellency may be pleased to authorize the issue of the Debentures in conformity to the said Act.

I have the honor to be, Sir,

Your obedient Servant,

(Signed,) WM. HAMILTON MERRITT.

Hon. A. N. MORIN,
Provincial Secretary.

No. 4.

SECRETARY'S OFFICE,

Quebec, 16th February, 1852.

Sir,—I have the honor, by command of the Governor General, to inform you, that His Excellency has had under his consideration in Council your letter of the 26th ultimo, requesting, on behalf of the Private Stockholders of the Welland Canal Company, that Debentures may be issued for the back Interest, at the rate of six per cent. per annum, on the amount of their Capital Stock, in conformity with the Act 7 Vic. cap. 34, the amount of Tolls on the said Canal, for the year 1851, having exceeded the amount specified in the sixth Section of the Act in question, viz., £45,000.

His Excellency having referred your communication for the opinion of the Law Advisers of the Crown, is advised that the amount of back Interest to which the Private Stockholders are entitled on their Stock, under the Act above cited, must be computed up to the 1st January, 1843, only, at which period it appears that Debentures were issued under that Act to the Stockholders, for the Principal, or amount of their Shares, bearing Interest at six per cent. per annum, from that date.

The amount of back Interest payable, up to the 1st January, 1843, appears to be £107,343 4s. 1d., and I have now the honor to request that you will place yourself in communication with the Honorable Receiver General, who has received the necessary instructions upon the subject.

I have the honor to be, Sir,

Your obedient Servant,

A. N. MORIN,
Secretary.

Honorable W. H. MERRITT,
Quebec.

No. 5.

QUEBEC, 20th February, 1852.

Sir,—I have the honor to acknowledge the receipt of your communication of the 16th instant, informing me that His Excellency the Governor General has been advised by the Law Officers of the Crown that the Shareholders in the late Welland Canal Company are entitled to back interest only up to the 1st January, 1843, on the ground that at that time they were paid the principal of their investment.

If this be the true legal construction of the Act, instead of rendering the Shareholders a service by obtaining it, I have done them an injury, inasmuch as the 2nd Clause of the Act of 1841 secured to them the back Interest when the Income from the Canal amounted to £30,000; this amount was realized in 1847, consequently by this interpretation of the Act of 1843, the Shareholders have lost four years Interest on their Capital.

Having been instrumental in inducing the original Shareholders, in an early day, to subscribe and invest their Capital in this undertaking, I have felt it my duty, from public principle, as well as a strong private feeling in their behalf, to secure them the full amount of Interest on their outlay, and have kept them duly advised, from time to time, of the progress of the Canal, assuring them it would provide the means fully to remunerate them; consequently very few of the original Shareholders have transferred their Stock. With this feeling, it is not probable that I could, on the part of the private Shareholders, have assented to the Act, had it not covered the Interest during the entire period; but convinced that it did and would be very near an equivalent for the non-payment of the Interest of 1843, it received my hearty concurrence. That the Government also entertained the same opinion, is apparent from the tenor of the Certificates issued at the time.

The 6th Clause referred to, defines the commencement and termination of this period,—from the time the money was paid in, to the time the Tolls amounted to £45,000. The Certificates then issued under that Clause, and all up to 1847, clearly and expressly point out what the holder thereof is entitled to receive. They are made out in favor of the Shareholder or Order, who is to receive legal interest on (the amount of Capital,) from and after (the date when the Capital was fully paid up), payable in Government Debentures so soon as the Tolls amount to the sum heretofore mentioned. Language could not be more explicit, or more clearly express the meaning and intention of the Act, than those Certificates which are nearly a transcript of the said Clause; and third parties holding them, will feel entitled to the full amount they cover.

Believing, further, that when the first Contract for purchasing the Canal was entered into in 1839, it was the intention of the Legislature to pay the full amount of Interest, and that the only reason it was not paid in 1843, was the insufficiency of the Tolls to meet it, the Government having only received, the preceding year, £23,943 10s. 6d.

That the 2nd Clause is a separate and distinct part of the Contract, referring to the payment of the Capital only; the 6th Clause to the payment of the Interest. Had this Capital been paid in money (instead of Debentures on which the Government pay the annual interest), it would have been closed at the time, and no attempt would have been made to deduct the Interest on that Capital from the Interest due in 1851 under the latter Clause.

For these reasons I beg leave to solicit His Excellency on behalf of the private

Shareholders to refer the Question of Interest, under the Clause referred to, to the decision of the ensuing Legislature.

I have the honor to be, Sir,
Your obedient Servant,

(Signed,) WM. HAMILTON MERRITT.

The Honorable A. N. MORIN,
Provincial Secretary.

No. 6.

SECRETARY'S OFFICE,

Quebec, 25th February, 1852.

Sir,—With reference to your communication of the 20th instant, on behalf of the private Stockholders of the Welland Company, I have the honor to inform you that the Government will be glad to receive from you any evidence which it may be in your power to offer in support of the claim of the Shareholders; and that no objection will be made to the production of all papers connected with the case, if applied for by Parliament.

I have the honor to be, Sir,
Your most obedient Servant,

A. N. MORIN,
Secretary.

The Honorable
W. H. MERRITT, &c. &c. &c.

No. 7.

QUEBEC, 5th July, 1852.

Sir,—A question having arisen as to the period to which the private Shareholders in the late Welland Canal Company shall be entitled to Interest on their original investment, I beg leave on their behalf to submit that the 6th Sec. of 7th Vic. Cap. 34. (herewith submitted) is conclusive on that subject. (For clause, *vide infra*, No. 9.)

There is nothing in the letter or spirit of the above which tends to the conclusion, that after the first day of January, 1843, the private Shareholders would be entitled to double Interest. But I contend that the act expressly declares that "as soon as the Tolls shall amount to £45,000, there shall be charged on the Consolidated Fund, a sum equal to six per cent. on the Capital Stock from the time the same was paid in;" now the Question is, what is a sum equal to the Capital Stock from 1828 to 1843? Why did not the Act state the exact sum to be then charged upon the Consolidated Fund, as in the case when the Capital was to be repaid, which was fixed at £117,800; clearly, because it was a sum which could not then be defined, it was left as a sum to be computed at a future time, and the fair inference is, that it was the intention of the Government that the Shareholder should receive first and last a sum equivalent to interest on his Capital, from the time it was paid, whenever the Tolls from the Canal itself would furnish the means. He received his Capital, and Interest thereon from the year 1843. What sum is equivalent to the Interest due to him from 1828 to 1843? Unquestionably not the bare amount of simple Interest on his Capital during that time, paid nine years after, but such a sum paid in

1852, as shall be equal to six per cent. on the Capital Stock "from the time it was paid in," to 1843. The intention undoubtedly was to repay the Capital with Interest from 1828, but this will not be accomplished if merely simple Interest to 1843, is paid in 1852.

Believing that the true spirit and meaning of the Act admits of but one construction, I consider it unnecessary to trouble you with any further reference in support of the claims of the private Shareholders.

I have the honor to be, Sir,
Your obedient servant,

WM. HAMILTON MERRITT.

HONORABLE ATTORNEY GENERAL,
&c., &c., &c.

No. 8.

QUEBEC, 14th September, 1852.

Sir,—I have the honor to enclose you, for the information of His Excellency the Governor General, the Memorial of Messrs. Bosanquet, Franks & Co., Agents to the Welland Canal Shareholders in London, placed in my hands by the Honorable George Moffatt, of Montreal, who has left for England.

Also a copy of a letter from B., F. & Co., to Mr. Moffatt, of the 27th August, received by last mail, accompanying the opinion of Sir Fred. Thesiger and Mr. H. J. Bushby, of London.

As this opinion fully corroborates what I have ever maintained was my intention in framing the Clause in the Act of 1841 and the Act of 1843, which ensured the back Interest to the private Shareholders, out of the Revenues from the Canal, whenever it yielded a sufficient sum to pay it, I trust the legality of that Clause will be no longer questioned, when borne out by the following facts:—

The Welland Canal cost the Company, up to the day of sale, £565,986 13s. 10d. The public paid, including the Capital to private Shareholders on 1st January, 1843, £393,444, effecting a saving of £172,542; at the same time the Revenues from Toll for 1842, the preceding year, had reached £24,975 11s. 8d., and it has now become one of the most useful Works, and promises to be one of the most fruitful sources of Revenue within the Province.

Under these circumstances, I respectfully submit that the legal opinions on the subject of the Interest due the Shareholders may be examined, and the Shareholders paid what they conceive they are equitably and legally entitled to receive.

I have the honor to be, Sir,
Your obedient servant,

WM. HAMILTON MERRITT.

HONORABLE A. N. MORIN,
&c. &c. &c.

No. 9.

(Copy.)

LONDON, 27th August, 1852.

The Honorable GEORGE MOFFATT,
Montreal.

Dear Sir,—We annex a duplicate of our last letter, and have now the pleasure to enclose a copy of an opinion which has been given by the Attorney General, Sir F. Thesiger, and Mr. H. J. Bushby, upon the further claims of the Welland Canal Shareholders, which, you will probably agree with us, should be presented with the Memorial. It appears to us to interpret the Act of Parliament so clearly and unanswerably, that we entertain full confidence that the Provincial Government will no longer hesitate to concede the point in question, and we trust that you will give your assistance in promoting the claim.

We are, dear Sir,
Your very obedient Servants,
(Signed,) BOSANQUET, FRANKS & CO.

To the Right Honorable the Governor General in Council.

MEMORIAL OF THE ENGLISH SHAREHOLDERS IN THE WELAND
CANAL COMPANY.

We, the undersigned, acting as Agents for the English Shareholders in the Welland Canal Company, beg leave respectfully to draw the attention of the Governor in Council to the following Clause in the Provincial Act of the Canadian Legislature of 1843, under which the Government is empowered to issue Debentures in payment of Interest on the Capital subscribed by the private Shareholders in that undertaking.

The words of the Clause run thus:—"That as soon after the completion of the said Canal as the Tolls received thereon for any one year shall amount to the sum of £45,000, currency, of this Province, there shall be charged upon the Consolidated Revenue Fund thereof an amount equal to six per cent. per annum on the private Stock subscribed, from the time the same has been paid in, for the private Shareholders, or their legal representatives."

Under the construction put upon this Clause by the Government of Canada, the private Shareholders in the Canal have, in this year, 1852, received Debentures for the amount of simple Interest on their Capital, calculated from the time it was paid in to the year 1843, in which year their Capital was repaid, being at the rate of about £84 per cent.

Your Memorialists humbly submit, that this construction of the Clause is neither borne out by the wording nor by the spirit of the Act.

The wording of the Act is extremely indistinct. For it will be observed, that while the point from which Interest is to be calculated is accurately fixed, the point to which the calculation is to be made, is left quite undefined.

It cannot be supposed that this omission is purely accidental. For if it was intended that Interest should be calculated only to the year 1843, from the time of subscription, there was no difficulty in the way of so wording the Act. The data also were at hand for calculating the exact sum to be paid, whenever the Tolls should reach the amount of £45,000, if 1843 was really the point of termination, and the total sum of Interest might therefore have been as clearly specified at the time of passing the Act, as the amount of Capital then to be repaid was specified, viz., £117,800. Instead of which the indefinite words are inserted, "an amount

“equal to six per cent. per annum, from &c.,” without fixing any point at which Interest should cease to run.

No limitation having been fixed by the Act, it is submitted by your Memorialists that the Government are not at liberty to fix an arbitrary limit, according to their own construction, more especially as the tendency of the words is opposed to their interpretation. The indefiniteness of expression made use of implies that contingencies were contemplated which could not then be defined, and the words are open to several modes of interpretation.

1st. The words “an amount equal” (*i. e.* equivalent,) “to six per cent” on the Capital, even if January, 1843, is the point at which Interest was intended to cease, imply compound Interest to that date. Now compound Interest paid annually would make a sum of £122 17s. 9d. of Interest, due at that date, upon every £100 of Capital, calculated from March, 1829.

2nd. Compound Interest calculated to 1843, but not paid down till 1852, is not equivalent to compound Interest paid in 1843, but would amount to the sum of £207 12s. 3d. of Interest, on every £100 of Capital, if paid in 1852.

3rd. It cannot be denied that the words of the Act bear the construction, that six per cent. on the Capital should be calculated during the whole period, from the time of Subscription to the time of payment, *viz.*, 1852; and compound Interest, at six per cent., from March, 1829, to January, 1852, would amount to the sum of £276 11s. 4d. of Interest, for every £100 of Capital.

Under these difficulties with regard to the true interpretation of the Clause, your Memorialists respectfully submit that the spirit of the agreement entered into with the Shareholders in 1842, should be the only guide.

Now the spirit of that agreement was, that upon relinquishing all claims whatever upon the Canal, the private Shareholders should be paid back their Capital with Interest at six per cent.; and no one will contend that repayment of Capital in 1843, and Interest in 1852, is equivalent to payment of Capital and Interest at the same time.

Your Memorialists will not dwell upon the fact of their having relinquished a bonus of 20 per cent., to be paid to them whenever the Canal should be assumed by the Government, which was provided by the Act under which they originally subscribed; nor of their having been deprived, without their consent, of all control over their property by the Act of 1843.

But feeling that they are putting forward only a just claim for the performance of a contract made with them by the Government of Canada; and mindful also, that the Province is henceforth about to reap the fruits of the original enterprize and Capital of the private Shareholders, by the receipt of large and increasing Revenues from the Canal; they leave their case with confidence in the hands of the Government for decision, relying that the most liberal construction of which the words of the Act are capable, in conformity with its spirit, will be the guide for interpreting the Clause in question.

BOSANQUET, FRANKS & CO.,

Agents to the Welland Canal Shareholders
in England and on their behalf.

LONDON, 20th August, 1852.

No. 10.

QUEBEC, 10th March, 1853.

Sir,—The accompanying papers have been printed for the purpose of placing before each Member of the Executive Council the Act under which the Interest of the Private Shareholders in the Welland Canal Company was purchased by the Government, the Case submitted to Counsel, and the opinions thereon in the order they occurred.

The case put by Messrs. Bosanquet & Co. does not do justice to the Private Shareholders (*vide infra*, Letter G.) ; instead of refusing to provide the means to prosecute the work, the full amount of their Capital was paid in before 1829. The Act of 1837 did not deprive the Shareholders of their Stock, which was retained as Capital, securing six per cent. Interest thereon. The Act of 1839, assented to in 1841, contained a provision leaving it to their option either to retain or dispose of their Stock. The Act of 1843 deprived the Shareholders of this option, but authorized the issue of Debentures at two different periods.

This is the only point for consideration ; why did the Legislature prolong the time for payment of the Interest, then due, as acknowledged by the Act?—Because it was a part of the original agreement ; although the Act does not refer to this cause nor as a natural consequence either of the legal opinions, the records of the Provincial Journals of Upper Canada referred to in the Memorial I had the honor to present on the 5th instant, clearly points it out. The terms first proposed by the Legislature in 1836, to purchase out the Private Shareholders, were ultimate indemnification, with due regard to the interest and convenience of the public.

Thence it is evident, that whenever the Income from the Canal itself furnished the means, it was then the intention fully to indemnify the Private Shareholders.

In 1838, the Tolls was only £6,723, barely sufficient to pay the Interest on the Capital, which was accordingly limited to two, three, four per cent., &c., &c., &c.

In 1842, the Tolls had reached £24,976, which was sufficient to cover the annual amount of Interest on the Capital, but not on the Interest. If the Income had reached £45,000, it is clear the Act of 1843 would have authorized the issue of Debentures for the Interest then due, as well as for the Principal ; but as the Income did not, the time for issuing Debentures was prolonged, until the £45,000 was realized.

After that period should arrive, Debentures were to issue, to cover a sum equal to six per cent. for each and every year, from the time the Capital was paid in, as an equivalent for the non-payment of the Interest due in 1843. This was the view entertained by the Government at the time, as the Certificates for this second issue under the 8th Clause prove. It is also the interpretation of the Act, by the highest legal authority in Great Britain, and in the United States—an opinion founded on the Act itself, without a knowledge of the original proposal—that the Income from the Canal formed the basis of the purchase.

The Shareholders have never sought a departure from this proposition ; if the Government think the Income furnished from the Canal not yet sufficient to repay the balance still due, there is no doubt the Shareholders would prolong the payment upon the same principle as the Act of 1843.

Or, if it is considered that the case has not been fairly put, it can be referred for the opinion of any Tribunal in England, or Canada, with a case drawn up by the

Attorneys General, accompanied with their opinions thereon, as well as those herewith submitted, and the accompanying documents.

I have the honor to be, Sir,

Your obedient Servant,

Honorable A. N. MORIN,

Provincial Secretary.

W. HAMILTON MERRITT.

P.S.—The Case which in my judgment should be submitted to a stranger, should contain a brief narrative of the circumstances; something like the within.

W. H. M.

A.

By an Act of the Legislature of Upper Canada, passed in 1824, certain persons who were named in it, together with such others as should subsequently become Stockholders, were created a Corporation aggregate by the name of the Welland Canal Company, and the necessary powers were given to this Corporation to construct two Canals; one from the River Welland to Lake Ontario; the other from the River Welland to the Grand River.

The Stock was limited to £40,000 Provincial currency, divided into Shares of £12 10s. each.

The Act of incorporation expressly authorized other persons besides His Majesty's subjects to become Stockholders; and provided that after the first instalment should be paid in, on the Shares, they should be assignable on the books of the Company.

In the following year this Act was amended, and it was provided by the amendatory Law that the Capital Stock might be increased to £200,000, and the size of the Canal enlarged so as to adapt it to the sloop navigation.

It was provided also, that at any time after the expiration of fifty years after the completion of the Canal, His Majesty or His successors might assume the possession and property of the same, on paying to the Company for the use of the Stockholders, the full amount of the sums advanced by each, together with twenty-five per cent. upon the sums so advanced by them; provided, however, that it should not be lawful for His Majesty or His Successors to assume the property &c., of the Canal, unless it should appear from the account laid before the Legislature, that the Stockholders had received every year, upon an average, twelve and a half per cent. for every hundred pounds they possessed in the said concern.

This last provision was important, it varied from one contained in the Act of incorporation in two respects, that authorized the Government to take the work at the expiration of thirty years after it was completed, on the payment of the principal sums advanced by the Stockholders, and twenty-five per cent. added, and it did not contain the proviso by which this right depended on the Stockholders having received on an average twelve and a half per cent. per annum on their Stock. That clause in the Act of incorporation was repealed, and the provision in the amendatory Act was substituted.

Under this express stipulation, by which, if the Canal should be taken by the Government as a Public Work, the Stockholders were assured of receiving not only the principal sums paid by them and twenty-five per cent. advance, but also a sum every year, equal on an average to twelve and a half per cent, a large amount of Stock was subscribed and paid for out of the Province.

At a subsequent period the Government relinquished altogether the right of taking the Canal, and this part of the amendatory Act was repealed.

Various Acts were passed by the Legislature of Upper Canada at different times, by which the dimensions of the Canal and the Stock of the Company were increased. Further powers were conferred upon the Company, and public aid was given by loan and by Government subscriptions to the Stock; the Government in regard to such Stock being expressly placed on the same footing as other Stockholders.

In 1837, these Government Loans were converted into Public Stock, by a law which authorized the Government to subscribe £245,000 to complete the work, and directed the Income to be applied, after meeting existing charges, to the payment of the Interest on this sum, £245,000, and the remainder to be divided among the Private Stockholders, until it should amount to six per cent. on their investments.

It also gave the Government the entire control of the work, by appointing three out of five Directors.

The Stockholders subsequently complained, in a Memorial to the Legislature, that this was done without their assent or knowledge.

The amount received from this work, from 1839 to 1842, inclusive, if it had been applied according to this law, would have paid six per cent. on the sum of £245,000 subscribed by the Government, and six per cent. on the investments of the Stockholders, and would have left an annual surplus of £7,816 for Interest, or an additional Loan of £100,000 if required to complete the work.

In 1841, a law was passed by the Legislature of Canada to authorize the Stock held by private parties in the Welland Canal Company to be purchased on behalf of the Province.

In the preamble, it was declared to be desirable to place the Welland Canal under the exclusive control of the Province, and for that purpose to provide for the purchase from the Private Stockholders in that work of the Stock by them held, and which amounted to the sum of £117,800, and it was enacted that the Public Debentures might be issued to the several Stockholders for a sum equal to the amount of Stock held by them, redeemable in twenty years from the date, and bearing an Interest of two per cent. per annum for the first two years, and increasing one per cent. yearly until it reached six per cent. yearly.

And that whenever the Tolls collected on the Canal should annually amount to £30,000, the Receiver General should issue other Debentures to the Stockholders in such sums as will make up six per cent. Interest upon the amount of the Stock by them subscribed and paid for, from the time the Stock shall have been actually paid in, which Debentures shall be redeemable in twenty years, and bear Interest at the rate of six per cent. per annum, payable half-yearly.

It was declared to be at the option of any Stockholders to accept these terms, or retain their Stock with the rights secured to them by the Act of Incorporation and other laws; but after the Stockholders owning two-thirds in value of such Stock shall have accepted these terms, no Directors shall be elected on behalf of the Private Stockholders.

This Act was repealed by a Law passed by the Legislature of Canada, 9th of December, 1843, (7 Vic. cap. 34), which made further provision to enable the Government to purchase this Stock.

The Preamble refers to the Act of 1841. It also states that by the Act of 1837, provision was made for raising a Public Loan of £245,000, and that the Tolls received upon the Canal, (after deducting the charges then made thereon by law, or so much as should be necessary, should, in the first place, be applied to discharge the interest which should accrue on the said sum of £245,000,) should be divided among the several Stockholders until it should equal six per cent. on the amount of

their Investments; that by reason of difficulties, a small part only of that sum was actually raised, and the Canal was, therefore, not completed by means of that Loan; that it was in progress of completion by means of other and larger sums of money; that, therefore, the circumstances contemplated by that Act, under which the Private Stockholders were to have received Dividends from the Income of the Canal, have not arisen, and cannot now arise: and it was, therefore, expedient to repeal the provision for the payment of such Dividends. It also stated that it was represented to be for the interest of the Private Stockholders that the Law of 1841 should be repealed, and other provisions enacted in lieu thereof.

After this long Preamble, the Act contained Clauses by which the Law of 1841, and the provisions of the Law of 1837 for the division of Income among the Private Stockholders, were repealed, and it was enacted that £117,800. should be charged on the Consolidated Revenue Fund of the Province for the benefit of Private Stockholders, to whom Government Debentures were to be issued for their Stock, dated on the first of January, 1843, redeemable in twenty years, and payable in England or Canada at the option of the Stockholder, at the rate of five per cent. per annum if payable in England, and six per cent. in Canada; the Interest to be paid on the first of January next ensuing the issue thereof, and afterwards, to be paid half-yearly.

The Governor was authorized to direct the substitution of the Debentures issued under that Law in lieu of Debentures already issued, on application of the parties holding them.

The Act contained also the following Clauses, viz. :—

6th Clause. "That so soon after the completion of the Canal, as the Tolls received thereon for any one year shall amount to £45,000 there shall be charged upon the Consolidated Revenue Fund thereof an amount equal to six per cent. per annum on the private Stock subscribed, from the time the same has been paid in, for the benefit of the private Stockholders."

By the 7th Clause, the Governor is authorized at any time after such receipt of Tolls to direct Debentures to be issued to those Stockholders for the amount of their respective Claims at the same rate of Interest as above mentioned for the principal sum invested by them.

The 8th Clause enacts, that in case any Certificates or other documents shall have been issued to any such Stockholders under the Law of 1841, the holder shall be entitled to the same payments or Debentures and none other than they would have been entitled to under this Act (of 1843) if such Certificates had not been issued.

The private Stock was subscribed and principally paid as early as 1825; only 297 Shares were taken in Upper Canada; of the residue, 5570 Shares were taken in New York, 2411 in England, 40 in New Brunswick, and the balance in Lower Canada.

In consequence of a large amount of Stock having been reserved for the English market and not having been taken there, the Shareholders in the United States were compelled to pay up their Stock earlier than they expected, and on two occasions they sustained the undertaking on their individual credit.

The work has been carried on amidst all difficulties without interruption to completion; it is now in successful operation, of inestimable benefit, and in fact of indispensable necessity to a large and fertile and important part of Canada.

The Tolls have been rapidly increasing, until they have exceeded the amount of £45,000 for a year, with a prospect of a further and further increase each succeeding year.

Under these circumstances an opinion is solicited to the following questions:—

1st. Does the letter of the Act entitle the Shareholders to claim Interest up to the time when the Tolls amounted to £45,000, that is to June 1852.

2nd. If not, what is the precise construction to be put upon the words, an amount equal to six per cent. per annum on the private Stock subscribed from the time the same has been paid in.

3rd. Do those words imply such a sum as shall, being paid now in 1852, be equivalent to an amount of six per cent. per annum on the Stock paid in 1843 when the Capital was discharged.

WM. HAMILTON MERRITT.

March 5th, 1853.

B.

Copy of CERTIFICATES issued by Provincial Government, under the Act of 1843.

This is the form of Certificate issued from the Inspector General's Department, prior to 24th June, 1845.

JOS. CARY, Dy. I. G.

(No. 32.)

INSPECTOR GENERAL'S OFFICE,
MONTREAL, (Canada,) 14th March, 1845.

This is to certify, that William Dawson, Esquire, or order, is entitled to legal Interest at the rate of six per cent. per annum, on Eight hundred and seventy-five pounds, Provincial Currency, from and after the seventh day of February, 1827,—being the amount paid for Seventy Shares of Stock held by him in the Welland Canal Company—payable in Government Debentures, so soon after the completion of the said Canal as the Tolls received thereon for any one year, shall amount to the sum of Forty-five thousand pounds, currency of this Province, under the provisions of an Act passed in the 3rd Session 1st Parliament of Canada, 7th Victoria, 1843.

(Signed,) JOS. CARY, Dy. I. G.

Witness. (Signed,) WILLIAM DICKINSON.

Certified, JOS. CARY, Dy. I. G.

The first Certificate, in the form annexed, with the interlineation of the words "up to 1st January, 1843" was issued on the 24th June, 1845. In which form, Certificates covering 782 Shares have been issued, and under former Certificates 8,642 Shares.

JOS. CARY, Dy. I. G.

(No. 104.)

INSPECTOR GENERAL'S OFFICE,

TORONTO, (Canada,) 26th February, 1851.

This is to certify, that George J. Mountain, D. D., or order, is entitled to legal interest at the rate of six per cent. per annum, on One hundred pounds, Provincial Currency, from and after the 2nd day of December, 1826, up to 1st January, 1843, —being the amount paid for Eight Shares of Stock held by him in the Welland Canal Company—payable in Government Debentures, so soon after the completion of the said Canal as the Tolls received thereon for any one year, shall amount to the sum of Forty-five thousand pounds, currency of this Province, under the provisions of an Act passed in the 3rd Session 1st Parliament of Canada, 7th Victoria, 1843.

(Signed,) JOS. CARY, Dy. I. G.

Witness. (Signed,) WILLIAM DICKINSON.

—
Certified, JOS. CARY, Dy. I. G.

*Opinions of Eminent Lawyers upon the proper Construction of the Act
7 Vic. cap. 34. (For a Copy of the Act itself, see infra, No. 15,
Appendix L.)*

C.

OPINION OF JUDGE MASON.

The sixth Section of the Act of the Provincial Parliament of Canada, in relation to the Welland Canal, passed in the 7th year of Victoria, provides "That so soon after the completion of said Canal as the tolls received thereon, for any one year, shall amount to the sum of £45,000, currency of this Province, there shall be charged upon the consolidated revenue fund an amount equal to six per cent. per annum on the private stock subscribed from the time the same has been paid in for the benefit of the private Stockholders aforesaid, or their legal representatives."

The question is proposed, up to what period is the six per cent. per annum to be calculated? If we look at this Section alone without reference to any other part of the Act, the answer appears to me to be very plain. The calculation is to be made up to the time when the amount is charged on the consolidated fund. If it is to stop short of that time, at what time is it to stop? There is nothing in the Section which indicates any other time, and no other can be inferred or presumed from the language employed, and the construction I have given must I think be adopted as the plain and obvious one, unless it is clearly inconsistent with other provisions of the Act.

I cannot find any clause or provision in the other parts of the Act, which show that a different period was contemplated. The fourth Section has been referred to as bearing on this question. It provides for issuing Debentures to the private Stockholders for the principal of their Stock, bearing interest at six per cent. per annum, from the first January, 1843. And it is inferred from that Section that it was the intention of the Legislature to limit Debentures for the six per cent. at that

time, as otherwise the Shareholders would receive, for the portion of time running between the passage of the Act and the time of payment, double interest.

If such was the intention of the Legislature, it is very surprising that they should have left it entirely as a matter of inference to be gathered from other parts of the Act, instead of expressing it in clear and unequivocal terms. It would have been very easy to have stated that the amount should be calculated from the time the Capital had been paid in until the 1st of January, 1843, or until the issuing of the Debentures for the Capital with Interest, and no dispute could then have possibly arisen. The absence of any such clause under the circumstances affords strong if not conclusive evidence that no such limitation of the six per cent. per annum was contemplated.

The construction which would thus limit the allowance of the six per cent. proceeds on the assumption that the Legislature meant that the Private Stockholders should, under no circumstances, receive more than what would amount to six per cent. Interest on their Capital, without any regard to the time at which such Interest might be paid. But such an assumption, it appears to me, is entirely gratuitous. It is not warranted by any thing contained in the Act. The six per cent. per annum is not given as interest, or by way of interest, but rather as a compensation or bonus for the loss of Interest. The word "Interest" does not appear in the Section. The provision is for an amount equal to six per cent. per annum on the Stock from the time it was subscribed and paid, which is to be charged on the Consolidated Fund for the benefit of the Private Stockholders. It is in terms a charge for their benefit, and not merely an appropriation for the payment of a debt for which the Government was equitably bound.

The facts which appear on the face of the Act show, I think, that the construction I have given to this Section is not an unreasonable one. It appears from the Act itself, including the Preamble, that the Private Stockholders had paid their money towards the building of the Canal some time before the 7th year of William the Fourth, that is before the year 1836,—that at the time of the passage of the Act, no Interest on the monies thus paid had been received,—that the Government had taken the Canal out of the hands of the Stockholders, and recognized the equitable claim of the Stockholders on them for the amount they had thus paid, by issuing Debentures to them for such amounts with Interest, but that as to the back Interest they postponed the payment of it for an indefinite period and until the revenues of the Canal should reach a sum considerably exceeding not only the principal sums advanced by the Private Stockholders, but also the sum of £245,000 in addition thereto, which the Government undertook to raise by Loan for the purposes of the Canal. Should the Canal revenues reach the sum of £45,000, it would show that the enterprise had been successful, and be an omen of a much larger revenue in time to come, the whole of which would be received by the Government. It is, therefore, not unreasonable to suppose that the Legislature intended, if the Private Stockholders yielded up all the prospective advantages to be derived from the revenues of the Canal, to deal with them on liberal terms whenever the Canal revenues should warrant it, and instead of merely paying them a sum amounting in the aggregate to simple Interest, to allow them an amount which, although it would not place them in the same situation as if they had regularly received their Interest, yet would compensate them, in some degree, for their losses in being so long kept out of it.

Such a supposition is certainly not an extravagant one. It would be creditable to the Legislature, and would be in entire accordance with the letter of the Act. It shows a reason for its being couched in the language used, and also that the obscurity is only apparent, and arises from an erroneous view of the equities of the case, growing out of the fact that the Stockholders have since 1843 received Interest on the Principal.

But for this erroneous idea, there could be no question as to the meaning of the sixth Section, and I think it is manifest from a perusal of the whole Act, including

the Preamble, that the obvious meaning is that which best accords with the intention of the Legislature.

I am, therefore, of the opinion that the Stockholders are entitled, under the Act, to six per cent. per annum on the amount of Stock subscribed by them respectively from the time the same has been paid in, until the time when the charge is to be made on the Consolidated Fund.

JOHN L. MASON.

NEW YORK, 22nd November, 1851.

D.

CASE AND OPINION OF SAM. SHERWOOD, ESQUIRE.

The Private Shareholders of the Welland Canal made their Subscriptions in about 1826, and paid in their Subscription money,—the Government Stock eventually exceeded in amount that of the Private Stockholders, and the Government, in consequence, retained the control,—the Canal was completed and commenced its operations,—no Dividends, however, were made, but the Tolls were received by the Government. Several efforts were made at different periods to give the Private Stockholders either a Dividend or an equivalent for the Funds they had invested.

In 1843, an Act was passed, intituled, “An Act to repeal a certain Act therein mentioned, and to make further provision for enabling the Provincial Government to purchase the Stock held by private parties in the Welland Canal.” At that period the principal of the Private Stockholders amounted to £117,800, which had been paid in about seventeen years previous, and at six per cent. per annum would, in sixteen years and eight months, have given cent. per cent., or £117,800.

The apparent design of the Act was to fund the Principal and Interest, making £235,600, to issue Debentures for one-half, payable in twenty years, six per cent. Interest, payable semi-annually; or five per cent. Interest, if payable in England.

And if the Canal should realize the amount represented, the Government would pay the other half, and accordingly the second section provides “that there shall be charged upon the consolidated revenue of this Province, for the benefit of the private Stockholders in the said Welland Canal, the sum of £117,800 currency of this Province, with interest thereon from the 1st day of January, 1843.”

And the sixth Section provides for the payment of the other half, when the aggregate of the tolls should reach a given amount, viz: “That so soon after the completion of the said Canal, as the tolls received thereon for any one year shall amount to the sum of £45,000 currency of this Province, there shall be charged upon the consolidated revenue fund thereof, an amount equal to six per centum per annum on the private Stock subscribed, from the time the same has been paid in, for the benefit of the private Stockholders aforesaid, or their legal representatives.”

The 7th Section provides, “that Debentures shall be issued to such Stockholders for the amount of their respective claims, bearing interest and payable in the same length of time after their issue, at the same places” &c. as the previous Debentures.

It is quite certain that at the time of the passage of this Act in 1843, the interest at six per cent was equal in amount to the principal.

And that the Government deemed it wise to pay the Stockholders their principal and interest, and take the entire control and direction of the Canal.

The first class of Debentures were directed to be issued, and were issued, "for the principal sum invested" by the Stockholders.

The second class of Debentures are provided to be issued when the tolls should attain a certain sum.

The amount of each Debenture was not accurately known, and could not be given, but the *data* from which the computation is to be made is given.

The time when the Stockholder "paid in" the stock subscribed by him, is the commencement, and the time when the tolls amount to £45,000 in any one year is the time for issuing the Debentures.

The sum to be an amount equal to six per cent per annum on the Stockholders' subscriptions so paid in.

The Stockholders may not all have "paid in" on the same day, there may have been months and perhaps a year's difference, and the discrimination is made, by allowing to them respectively six per cent from the time when they actually "paid in."

When the Act was passed in 1843, the amount had doubled, and by the compromise apparently was intended to be made principal, discriminating only among the Stockholders as to the time of computation from their respective payments. Hence, the reading of the Act as to the second class, which gives six per cent per annum on the original principal from the payment of such principal to the issuing of the Debentures, and which are to be issued at the end of the year when the tolls reach £45,000, payable in 20 years from their date, carrying six per cent interest payable semi-annually.

In examining this Act of Parliament providing for the purchase of and remuneration to the private Stockholders of the Welland Canal, I have not been able to discover any ambiguity. The question raised is, how long is the six per cent to be allowed, for which the Debenture is to be issued?

It seems to be entirely plain, it must be allowed from the day the original Stock was "paid in" to the end of the year when the tolls should reach £45,000, and when the Debenture should be dated, and contain the residue of the contract.

The time for the beginning is fixed by the words when "paid in"—the end is fixed by the words "so soon after the tolls amount to, &c." The Governor shall "after receipt of such tolls direct to be issued the Debentures, &c." There is no exclusion of a portion of the time "from the paying in" to the issuing of the Debenture.

I am of opinion that the direction is imperative that "so soon" as the tolls in one year reach £45,000, six per cent per annum from a given day shall be charged to the consolidated revenue fund, and the Governor shall issue his Debentures therefor, payable as prescribed by the Statute.

S. SHERWOOD.

NEW YORK, 25th November, 1851.

E.

OPINION OF JUDGE GALE.

I consider the foregoing opinion as containing the only fair and legitimate construction of the Statute therein referred to, and as being the only interpretation thereof which can afford an approximation towards a compensation for the outlay of the original Stockholders of the Welland Canal. I use the word approximation,

because even this construction will by no means amount to a full compensation for the value of what the Stockholders would have obtained if the interest had been paid to them annually from the time of the payment of their Stock. Had the Government constructed the Work themselves, and issued Debentures for the payment thereof, payable half yearly, it would have amounted to a much larger sum. Any construction of the Statute, less favorable to the Stockholders than is expressed in the foregoing opinion, would not only seem forced and incompatible with the object and tenor of the Statute, but would unquestionably be inconsistent with the claims to a fair remuneration for their original outlay, which justice and equity entitle the Stockholders to receive, out of the profits of an undertaking so successful and important to the Province in its results.

SAML. GALE.

MONTREAL, 20th January, 1852.

F.

OPINION OF MARSHALL S. BIDWELL, ESQUIRE.

I have examined the Statute of Canada, 7 Vic. cap. 34, with reference to the question to what time the per centage mentioned in the sixth clause is to be computed.

I am of opinion that it is to be computed and allowed to the period when the tolls shall amount to £45,000 in one year.

I think that this is the fair import of the language which the Legislature has used, and that it is not controlled by other provisions of the law, or by the circumstances of the case. The latter, on the contrary, furnish reasons for a construction favorable to the Stockholders. Among these circumstances, the following may be mentioned; most of the Stockholders were foreigners and non-residents, and did not share in the incidental benefits, which men of business and owners of property in the Province, derived from the work; most of them had paid in their money under an express pledge that the work should not be taken by the Government without reimbursing the Stockholders for the money which they paid, and an advance of twenty-five per cent on it, nor unless they had, on an average, received twelve and a half per cent annually; the enterprise was hazardous, and, if successful, fairly entitled those engaged in it to profits in proportion to the risk run: it was of public importance and utility, and those by whose means and at whose expense and risk it had been prosecuted so nearly to completion, deserved a liberal and indulgent consideration from the Legislature and Government: the prospects of a speedy completion and of ultimate remuneration, were, at the time when the law was passed, becoming more and more favorable; the Government considered it of importance for public purposes to take the entire control of the work, and by this law and previous legislation had assumed the dominion and exclusive control of the work, including the regulation of tolls, salaries and expenses, and had virtually annulled the rights of the Stockholders, on terms prescribed by itself, which creates a presumption, (in justice both to the rights of the Stockholders and to the equity and honor of the Government,) that the terms were intended to be so liberal as to preclude all doubt of their acceptance; and finally, the preamble proves that the law, according to its true construction, was supposed to be "for the interest of the private Stockholders," which it would not have been, as compared with the law of 1841, if the per centage was to be restricted to 1st January, 1843.

If, in the consideration of this question, analogous cases were to be regarded, I think that the conclusion would be in favor of a liberal construction.

The Government and the private Stockholders stood much in the relation of co-partners to each other; one of whom by the exercise of a paramount authority takes to himself the whole of the partnership property and business for his own benefit, before any dividend has been received by his co-partner: he would justly be chargeable with all the disbursements of his co-partner and the current rate of interest to that time, on the ground that "it is but natural justice that he who has the use and benefit of another's money should make compensation for it," and, if payment of such principal sum and interest were, for his convenience, deferred, interest would be charged on the aggregate sum. This is a general principle of jurisprudence, enforced equally in Courts of Law and Equity and Admiralty. 2 Hagg. Adm. R. 137, *The Dundee*, Holmes.

Under the most liberal construction, the Stockholders will receive no adequate indemnity. For them the enterprise has been unfortunate. All the benefits of the work have been reaped by the people and government of the Province. If there is any ambiguity in the law, this circumstance presents a legitimate consideration in favor of a liberal construction, as being most equitable, most probable, and most honorable to the legislature. It is to be presumed that they intended to deal fairly with their co-partners, when, by the exercise of Sovereign Authority, they took their property for public purposes.

MARSHALL S. BIDWELL.

NEW YORK, October, 1852.

Dundee, Holmes, 2 Hagg. Adm. R. 137.

In a cause of collision where payment of a sum for damage, interest and costs reported to be due had been delayed by the party liable, the other party is entitled to interest on the whole sum from fifteen days after the date of such report, and, Stat. 53 Geo. III, cap. 159, sec. 1, limiting the liability of owners to the value of the ship, appurtenances and freight, applies only to the original claim for damage and extends not to costs and interest.

OPINION BY LORD STOWELL.

"The justice of this case lies entirely with the Counsel who have argued on the part of those who have sustained the injury, and who apply for full restitution. It is objected in the first place that £350 is stated for interest, and that in the further report, interest is allowed on the whole amount of the former report including that item. This, it is argued, is compound interest,—interest upon interest, and ought not to be allowed. To which, it is answered with perfect justice and conformity to the practice of all courts, that where interest is so settled, it shall bear interest thereon, and that the same shall not be deemed a compound interest, charging the party with an unfair pressure in such account. It is agreeable to the practice of merchants, and agreeable to the practice of the Court of Chancery, and has been so held in this Court, where interest is made up, it then becomes principal and bears interest as part of the principal."

(This was the last reported decision of Lord Stowell: he had been about thirty years Judge of the High Court of Admiralty, having been previously a distinguished Judge in the Ecclesiastical Courts. He is considered to have been one of the greatest Jurists of Europe.)

G.

CASE SUBMITTED FOR THE OPINION OF THE LAW OFFICERS OF
THE CROWN IN ENGLAND.

About the years 1827, 1828 and 1829, several sums of money were raised in America, Canada and England, amounting together to the sum of £117,800, Canada Currency, towards making a Canal in Canada, from Lake Erie to Lake Ontario, called the Welland Canal. Large sums were also subscribed by the Government of Canada, for the same purpose, as public Shareholders in the Company.

In the year 1843 more money was required to place the Canal in an efficient state, towards which the private Shareholders were unwilling to make any further contribution.

In that year, therefore, an Act of the Provincial Legislature was passed, intituled, "An Act to repeal a certain Act therein mentioned and to make further provision for enabling the Provincial Government to purchase the Stock held by private parties in the Welland Canal." A copy of the Act is sent herewith. By the 4th Clause of that Act, the Government was authorized to issue Provincial Debentures for the sum of £117,800, Canada Currency, in repayment of the Capital subscribed by private Shareholders. These Debentures have been issued, and interest at the rate of £6 per cent per annum in Canada, and £5 per cent in England has been paid upon them from the 1st January, 1843. By clause 6th in the same Act, provision was made for payment to the private Shareholders of interest upon their Capital, as follows:—

"And be it enacted, that so soon after the completion of the said Canal as the tolls received thereon for any one year shall amount to the sum of £45,000, Currency of this Province, there shall be charged upon the consolidated revenue thereof, an amount equal to £6 per cent per annum on the private Stock subscribed from the time the same has been paid in for the benefit of the private Stockholders aforesaid, or their representatives."

The Tolls reached the required amount of £45,000, in 1851.

Government proposed to pay interest on the Capital at 6 per cent up to the 1st January, 1843, only, and the same amounting to £107,343 4s. 1d. has been received by the private Shareholders in Provincial Government Debentures, bearing interest from 1st January, 1852, but these Debentures were received under protest.

The Shareholders therefore contend that they have not received all that is strictly due to them, as either they are entitled to receive an amount equal to £6 per cent. per annum from the time their Capital was subscribed to the time when the tolls amounted to £45,000, or they were entitled to receive an amount equal to £6 per cent. per annum from the time their Capital was subscribed to the 1st January, 1843, which would not be the case if the interest were not received until 1852. Your opinion is therefore requested on the following points:—

1. Whether the letter of the Act entitles the Shareholders to claim Interest up to the time when the tolls amounted to £45,000, that is, to January, 1852.

2. If not, what is the precise construction to be put upon the words "an amount equal to six per cent. per annum on the private Stock subscribed from the time the same has been paid in."

3. Do those words imply such a sum as shall, being paid now, in 1852, be equivalent to an amount of six per cent. per annum on the Stock paid in 1843, when the Capital was discharged.

H.

OPINION OF SIR F. THESIGER, AND OF H. J. BUSHBY, Esquire.

We are of opinion, that in the absence of any express limitation of the time up to which the per centage was to run, the contingency on which the per centage was to become payable defined also the period up to which it was to be calculated.

The construction which places this limit in 1843, has no warrant in the words of the Act; and it is further negated by the probability that any sum already defined when the clause was framed would either have been stated as a specified amount, or as a per centage to be calculated during a specified period. These difficulties vanish, if, adopting the natural construction, the clause is taken to have contingently guaranteed a sum incapable at the period of complete definition; and the accumulation of which during such time as the contingency remained unfulfilled, secured the Shareholder against loss from delays in the carrying out of the work. For it is evident that while the ultimate completion of the undertaking was rendered tolerably certain by the amount of public money embarked in it, yet delays inevitable or otherwise, might have been interposed after it came under Government management, which, but for some such proviso, would have impaired indefinitely the value of a compensation, limited by a definite period, though payable at an indefinite one.

On these grounds we are of opinion, that the Shareholders are entitled to an amount equal to 6 per cent. per annum on the private Stock subscribed from the time it was paid in, up to the 31st December, A.D. 1851.

FRED. THESIGER.
H. J. BUSHBY.

24th August, 1852.

I.

(Copy.)

LONDON, 15th October, 1852.

The Honorable Wm. HAMILTON MERRITT.

Dear Sir,—We have duly received your letter of the 13th ultimo, and have now much pleasure in forwarding the inclosed copy of an opinion in which the Solicitor General, Sir Fitzroy Kelly, has expressed himself in favor of the claims of the Welland Canal Shareholders.

We have not yet been able to procure the opinion of Sir Alexander Cockburn, which we will take the earliest opportunity of transmitting to you when obtained.

We are, dear Sir,

Your very obedient Servants,

(Signed,) BOSANQUET, FRANKS & Co.

OPINION OF SIR FITZROY KELLY AND H. J. BUSHBY, Esquire.

We are of opinion that the Stockholders are entitled by the Act to an amount equal to six per cent. per annum on the Capital, from the time it was subscribed up to the period of the tolls amounting to £45,000.

(Signed,)

FITZROY KELLY.
H. J. BUSHBY.

J.

LONDON, 5th November, 1852.

The Hon. WM. HAMILTON MERRITT.

Dear Sir,—Referring to our letter of the 15th ultimo, of which the annexed is a duplicate, we have now the pleasure to enclose a copy of the opinion of Sir Alex. E. Cockburn, which is strongly in favor of the claims of the Welland Canal Shareholders. We also forward herewith a Statement of the Case on which the above opinion, together with those of the Attorney and Solicitor Generals already transmitted, were delivered.

We remain, dear Sir,

Your faithful and obedient Servants,

BOSANQUET, FRANKS & Co.

OPINION OF SIR ALEXANDER E. COCKBURN.

(Copy.)

We are of opinion that the Act entitles the Shareholders to claim six per cent. on the Capital subscribed, from the time when it was paid in, not merely up to the 1st January, 1843, but to the period when the tolls amounted to £45,000.

(Signed,)

A. E. COCKBURN.

“

H. J. BUSHBY.

K.

OPINION OF THE HONORABLE H. J. BOULTON.

By 4 & 5 Vic. cap. 48, after reciting that it was desirable to purchase from the Private Stockholders of the Welland Canal, the Stock held by them, amounting to £117,800, it is enacted, that Debentures shall be issued to each Stockholder for a sum equal to the amount held by him; such Debentures to be redeemable in twenty years, and bear Interest of two per cent. per annum for 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, to be chargeable on the Public Revenues of the Province.

It is also further provided, that when the Tolls on the Canal shall amount to £30,000, Debentures shall be issued to the Stockholders for sums equal to six per cent. on the Stock subscribed, from the time it was actually paid in; which Debentures (for the Interest,) shall be made payable in twenty years from the date, and bear Interest at six per cent., payable half-yearly,—Provided, that no Stockholder should be bound to exchange his Stock for Debentures.

This Act, although it relates to the public Revenue and to public interests, is nevertheless to be regarded in the light of a private Act so far as it relates to the Stockholders, and is to be construed in the same manner as any agreement would be construed entered into by the public with an individual. This Act is not compulsory even in its terms; it amounts to an offer by the State to the individuals to sell their Stock to the Government on the terms specified in the Act, and which the Stockholders were at liberty to accept or reject, as they might be advised.

Some of the Stockholders, it is said, did not accept the terms, and consequently remain Stockholders, and entitled to all the rights of Stockholders, so far as dividends may be concerned. The large majority, however, did accept the terms offered, and thereby acquiesced in the proposition made by the Act on behalf of the Public, and became parties to it.

The Contract so entered into by the Public with each Stockholder coming in under the Act was this, that each Stockholder would sell his Stock at par, and take Debentures in payment for the principal, payable in 20 years, with two per cent. Interest for two years, three for third year, four for fourth year, five for fifth year, six per cent. for the remainder of the period, upon condition, however, that upon the contingency arising that the Tolls should amount to £30,000 per annum, the Stockholders should receive a Debenture for the back Interest, and should carry Interest until ultimately paid. The obvious meaning of the whole being, that the Stockholder was, at some time or other, to get his Principal and Interest for his Stock, and so to sell at par, and be no loser. This was fair to the Stockholder, and beneficial to the public, as they thereby obtained the control of the work. By 7 Vic. cap. 34, after reciting part of the former Act, and part of another Act not necessary to notice, and that it had been represented to be for the interest of the private Stockholders that the first Act should be repealed, and other provisions made in lieu thereof, it is enacted that Debentures bearing Interest at the rate of six per cent., if payable in Canada, should be issued, bearing date 1st January, 1843, for the Principal. Provided that nothing in the Act contained should make void any Debenture issued under the former Act, thereby preserving the rights of parties and preserving the character of a bargain.

It is further enacted, that so soon after the completion of the Canal as the tolls amounted to £45,000, there shall be charged upon the Consolidated Revenue Fund a sum equal to 6 per cent. on the Capital Stock from the time the same was paid in, but the Act does not say up to what time it is to be calculated. As this is a legislative agreement and must be so construed, we must take into consideration the facts of the case on both sides, or not regard extrinsic facts at all.

If we do not regard extrinsic facts, we cannot know whether the Principal sum has been liquidated by means of Debentures or not, and if so, we cannot give credit for any Interest having been paid at all upon the Principal. If however, we are to take facts into consideration, and ascertain when the Debentures bearing Interest were issued, so we must take into consideration the time when the money was paid on the Stock and the amount due for Interest when the Act was passed, which upon a calculation even at simple Interest, would produce a sum as nearly as may be equal to the Principal, and therefore as it would be reasonable after about seventeen years delay, to make up the amount and make a rest, the Legislature may well be considered to have meant that Interest on the Principal, or a sum of Interest equal to the Principal should bear Interest up to the time when the Tolls should amount to £45,000, which was an indefinite period, and would therefore require a calculation of some kind and upon some principle not to be had at the passing of the Act, and therefore they meant that the Interest should be calculated up to the time of the contingency happening. If the time of the contingency happening was to form no ingredient in the calculation, and the party was only to get a Debenture for the Interest then due, the Act might as well have authorised the present issue of Debentures for the Interest, but postponing the payment of Interest thereon until the contingency should have happened; that is to say, the Debentures might have been issued for the amount of Interest then due, payable with Interest at 6 per cent., and at 20 years from the time of the happening of the contingency. Another mode of making the calculation, and which ought to be done under such an agreement, according to the construction most favorable to the party who acquiesced in it and most strongly against the party propounding it, is this, calculate as be-

tween merchant and merchant the Interest from the day when the Stock was paid up to the end of each year, and adding it to the Principal up to the day when the contingency shall happen, and then give credit to the Government for their Principal and Interest to the same day when the final balance should be struck for which the new Debenture should be given. It appears to me, that merely calculating the Interest up to the day when the first Debentures were given, is neither consistent with the Act nor with justice to the parties. The Act clearly meant either to calculate Interest on the Principal up to the date of the contingency, which would be just, or by making rests annually and giving credit for Interest received under the Debentures. What sum is equal to 6 per cent. is a matter of fact, and to say twenty years hence that simple Interest on a given sum for a certain period, but not to be paid for an indefinite period afterwards, is equal to the given rate of Interest, is inconsistent with reason and is not true in fact; the time of receipt has a vast influence upon its equality—a smaller sum payable in advance would be equal to a larger sum payable in future; £15 being the Interest on £250 paid twenty years after it fell due, is as an abstract proposition 6 per cent. on £250, but being paid so many years afterwards, is not as a matter of amount and justice between man and man equal to 6 per cent. on the principal sum lent or advanced. Is £15 payable ten years hence equal to £10 payable now? Certainly not; the two sums are equal, but their relative values are unequal. It does therefore appear to me, that the fair, just and true construction, which ought also to be a liberal one in favor of the public creditor, is to construe the Act as warranting the calculation to be made as I have indicated.

I must therefore say, that if I were the party called upon to decide between the Stockholders and the Government, I should calculate the Interest up to the time when the Canal Tolls amounted to £45,000, which, I feel quite convinced, was the intention of the Legislature, and is the fair and liberal construction of the Act.

H. J. BOULTON.

In the matter of the Claim of the late Stockholders in the Welland Canal Company for arrears of Interest, from 1843 to 1852, on the amount of their Stock paid in.

I have again perused the several Acts of 4 Geo. IV., cap. 17; 7 Will. IV., cap. 92; 4 & 5 Vic. cap. 48; 7 Vic. cap. 34; and 8 Vic. cap. 74, and have carefully considered the several provisions thereof bearing upon this subject, and am of opinion, that the several Acts and amended Acts passed from time to time to enable the Government to purchase the Stock held by Private Stockholders, and for acquiring the full possession and entire control of the work, must be considered as constituting an Agreement between the Government and the Stockholders, and that having been made and proposed by the Legislature for the concurrence of the Stockholders, who subsequently adopted it by selling their Stock on the terms proposed, should, and by any tribunal would, be construed most favorably for the Stockholders, who were not parties to the settling those terms, and consequently had a right to look upon and accept those terms according to their most liberal construction. These are the principles which I consider ought to govern any legal consideration of this question. Let us now see what are the provisions of the last amended Act finally settling those terms. The 6th sec. 7 Vic. cap. 34, provides, "That so soon after the completion of the Canal as the Tolls received thereon for any one year should amount to £45,000, there should be charged upon the Consolidated Revenue Fund of the Province, an amount equal to six per cent. per annum on the private Stock subscribed from the time the same had been paid in, for the benefit of the private Stockholders." It is clear, from the tenor of the

whole of the provisions of the Acts before cited, that the intention of the Legislature was to offer the Stockholders full payment of the Principal expended by them, and Interest thereon, and the mode prescribed by the Legislature for accomplishing that object is clearly pointed out in the 6th sec. 7 Vic., just cited, and which is the last enactment upon the subject, and forms the final agreement between the parties. At the time this Act was passed, it was quite uncertain when the event would take place upon the occurrence whereof the sum would become payable, which the Act recognized as that to which the Stockholders were entitled, and consequently no fixed amount could be named. If the Legislature had intended that the parties should only receive the Interest on their Stock up to the time at which they received their Principal, namely 1843, they ought, and no doubt would, have said so, and a specific sum which could, by a simple calculation of figures, have been easily ascertained, would have been named in the Act, and then the Stockholders would have known the precise sum they were to receive, and which, being obviously less than their Principal and Interest, they probably might have declined; and it can never be contemplated that ambiguous language was intentionally used for the purpose of inducing them to accept terms which, if they meant anything, meant more than such a limited construction would give them. It would be much more reasonable to extend the words employed to the payment of Compound Interest than to limit them to much less than Simple Interest, and as the Interest in 1843 amounted to a sum about equal to the Principal, it is as reasonable to suppose that the Legislature meant that the parties should receive Interest on the original Capital up to the year when the Tolls should amount to £45,000, as that the Interest should be calculated to 1843, and that product constituted Capital and thence forward to bear Interest; but undoubtedly, one way or the other, the parties are entitled to a sum equal to the Interest upon their Capital up to the time when the same shall be paid; and it is equally clear, that an amount paid in 1852, which was an acknowledged demand in 1843, would not be equal to that sum if postponed to the indefinite period which was ascertained in 1852. I am, therefore, of opinion, that the parties should receive Interest on their Capital, calculated up to 1852.

H. J. BOULTON.

TORONTO, 27th June, 1852.

No. 11.

QUEBEC, 23rd April, 1853.

Sir,—I had the honor, on the 10th March last, to enclose, for the information of His Excellency the Governor General, certain printed opinions of the Attorney and Solicitor Generals of England, under the former and present Administration, as well as from certain Counsellors in the United States, procured by the Shareholders residing in the respective Countries—with the Act of 1843, and the Case on which those opinions were founded—requesting, in case a difference of opinion should exist, on the legal construction of that Act, that it might be referred to some disinterested tribunal here for their decision thereon.

The Shareholders having been advised by the highest legal authority, that their right under the Act referred to, would be recognized by any disinterested legal tribunal, they have requested me to obtain the opinion of the Government, whether they are willing to refer it, and in what manner.

I therefore beg leave to withdraw my written memorial, and the documents accompanying the same, since receiving the last Debentures, except the printed opinions last sent in, in order that the legal construction of the Act referred to

may not be rendered more complicated by referring to equitable considerations, not bearing on that particular point.

I have the honor to be, Sir,
Your obedient Servant,

WM. HAMILTON MERRITT,

Agent for the Shareholders
in the late Welland Canal Company.

The Honorable A. N. MORIN,
Provincial Secretary, &c., &c., &c.

No. 12.

QUEBEC, May 5th, 1853.

Sir,—The right of the Shareholders in the Welland Canal Company under the Provincial Act of 1843, having been so unequivocally expressed by the different Crown Officers and Counsel, to whom the question has been referred, I feel satisfied the Executive Government will be desirous to refer its ultimate decision to a competent tribunal for adjudication, providing a precedent for such a course is pointed out.

Palmer, in his Practice on Appeals from the Colonies to the Privy Council, (Edition 1831,) page 3, states of the Privy Council that, independently of its appellate Jurisdiction, "this body also hears complaints made to His Majesty against Governors of Colonies, and against Judges in our Foreign possessions, as well as other public Officers holding situations at the pleasure of the Crown; and if the Privy Council see sufficient ground they may advise the removal of such persons; but they have no power to make reparation to injured parties by giving damages, or to award punishment beyond that of dismissal. For such purposes, recourse must be had to the Courts of Law." In support of this doctrine, the case of *Mostyn vs. Fabrigas*, is cited, for which see Cowper's Reports, Vol. 1, pp. 161-181. This case is important as regards Jurisdiction, shewing that "every person born within the ligeance of the King, though without the Realm,*** is entitled to sue in the King's Courts," (p.167,) and that, "in every case, to repel the Jurisdiction of the King's Court, you must show a more proper and more sufficient Jurisdiction; for if there is no other mode of trial, that alone will give the King's Courts a Jurisdiction." (p. 172.)

This leads to the examination of the proper Jurisdiction for the determination of the present question, under the existing Constitution of Canada.

The Executive Council of the Province may claim a Jurisdiction to decide on the rights of the Shareholders under the Statute; yet as it is a question of compensation by the Provincial Government, out of the Revenues of a Public Work, it may be urged that the Executive Council is not a sufficiently impartial tribunal.

The Attorneys and Solicitors General are the legal advisers of the Canadian Government, both of the former Members of the Provincial Cabinet, and like all Cabinet Ministers, more or less influenced by public opinion. Admitting their integrity and judgment to be unquestionable in cases where they were not a party, still an adverse decision on their part would fail to give satisfaction to opposite interests. It is therefore evident that a more disinterested tribunal should be selected to determine this case, and at any rate it is clear from an examination of the following precedents, that the Privy Council of England would give a hearing to any party who could shew a reasonable ground of dissatisfaction with the decisions of any Court, whether the law had specially provided for an Appeal from that

Court, or not. Provision for the trial of a case like the present is made by the Imperial Act 3 & 4 Will. 4, cap. 41, (passed in 1833) which confers additional powers upon the "Judicial Committee of the Privy Council," besides the decision upon Appeals from the Colonies, &c. The fourth Clause of that Act provides, "That it shall be lawful for His Majesty to refer to the said Judicial Committee for hearing or considering any such other Matter whatsoever, as His Majesty shall think fit, and such Committee shall thereupon hear or consider the same, and shall advise His Majesty thereon."

The case of the Army of the Deccan, which occurred in 1833, soon after the enlarged jurisdiction of the Judicial Committee, under the Act 3 & 4 Will. IV., is considerably in point, (Knapp's Reports, pp. 103-160.) It arose out of claims preferred by various Officers to a share of booty captured in the Indian Wars. A Scheme for distributing this booty had been approved by the Lords of the Treasury, but some of the Officers, specially interested in this decision, memorialized the King in Council to cause it to be amended, (p. 131.)

Other Officers concerned prayed that the decision of the Treasury, (which had received His Majesty's approval) might stand confirmed; and cases were put in, signed by the Law Officers of the Crown, in answer to the memorials of the complainants, (pp. 139-140.) All these papers were referred to a Committee of Council, before whom a preliminary question was raised, whether the memorials ought to be entertained at all.

The advocates of the Treasury scheme argued, that all booty and prize was the prerogative of the Crown, and that in making a grant thereof to individuals, the constitutional advisers of the Crown were the Lords of the Treasury. They had determined on a scheme of distribution, and it was contended their decision should not be appealed from. Counsel against the Petitioners fully admitted the right of His Majesty to submit to the consideration of His Privy Council any measure whatever wherein He might think fit to take their advice; they merely denied the right of the Petitioners to claim, as a right, the exercise of this jurisdiction in the present case, on the ground that it related to property to which the Crown was entitled by prerogative, and which had been bestowed on individuals as a matter of grace and favor. In cases affecting this description of property, the Lords of the Treasury are the constitutional advisers of the Crown, and their decision should not be impeached by another tribunal (p. 141). Furthermore, the opposing Counsel, while he admitted that their Lordships might advise His Majesty in the present case, yet contended that they could not properly give any other advice (whatever might be the merits of the individual claimants,) than that the consideration of their claims should be referred back to the Treasury (p. 155). Concurring in this view, the Committee reported that, having taken the several Memorials into consideration, and having heard Counsel thereon, and fully considered the same, they had agreed to report that it may be advisable to refer the Memorials to the Lords of the Treasury to do therein as to them may seem proper (p. 159).

See, also, the case of one Stronach, in 1838, who felt aggrieved by a decision of the Chief Justice of Grenada, under the Slavery Abolition Act 3 & 4 Will. IV. cap. 73. He petitioned His Majesty in Council for leave to appeal from the decision, but it was decided, by the Judicial Committee, that the Jurisdiction exercised by the Chief Justice was final and conclusive, under the Statute, and admitted of no Appeal; nevertheless, as there were doubts in connection with the case, (especially as to whether the Chief Justice had, properly, Jurisdiction therein,) the Committee recommended the Petitioner "to present a Petition to the Crown, through the Secretary of State, which could be referred to the Committee for their opinion, although they had no Jurisdiction in the matter as it stood." (2 Moore, P. C. Cases, pp. 311-316.)

In the case of D'Orliac, who, in 1844, complained of a Decree of the Supreme Court of the Mauritius, in a Divorce matter, it was decided that the Charter of that Island gave no right of Appeal to the Queen in Council in such cases. Nevertheless, it was declared by the Judicial Committee, that the Crown could (under the general powers reserved to it by the Charter), upon a special memorial, grant leave for an Appeal against the obnoxious decision. (4 Moore, p. 376.) In the subsequent case of Shire, complaining of a decree of the same Court, in a similar matter, it was admitted that the parties had no legal right of Appeal; nevertheless, on a special Petition being presented, the Appeal was allowed and adjudicated upon. (5 Moore, p. 82.)

Again, on an occasion in 1847, wherein certain parties were aggrieved by a Judgment of the Supreme Court at New South Wales, although no power had been given by the Charter of Justice, or by the Act of Parliament constituting the said Court, to allow an Appeal therefrom to the Queen in Council; yet, "to prevent a failure of Justice," the Judicial Committee agreed, upon a special Petition to that effect being presented to the Queen, and referred to their consideration, that they would admit an Appeal to be entertained from the Judgment of the said Supreme Court (6 Moore, pp. 153, 168). In addition to these precedents, it appears by the Sessional Papers of the House of Commons in 1850, Vol. 38, pp. 31, 43, that in July of the same year, the Commons pray Her Majesty would be pleased to direct that such means as to Her Majesty shall seem most fitting and effectual, be taken to ascertain the legality of the Powers of the Hudson's Bay Company, under their Charter, issued in the year 1670.

On the 5th July, Earl Grey requests the Attorney General in conjunction with the Solicitor General, to inform him, if the rights claimed by the Hudson Bay Company properly belong to them; if a doubt on any point exists, to advise His Lordship in what manner the opinion of a competent tribunal may best be obtained on the subject.

In January, 1850, Sir John Jervis and Sir John Romilly, the Attorney and Solicitor Generals, addressed Earl Grey in reply as follows:—

We are of opinion that the Claims of the Company do properly belong to them; upon this subject we have no doubt; but as it will be more satisfactory to the parties, if the questions were publicly argued and solemnly decided, we humbly advise Your Lordship to refer these questions to a competent tribunal for consideration and decision. The Judicial Committee, under the fourth Section of the Statute, 3 & 4 Will. IV. cap. 41, from its constitution, is the best fitted for the discussion of a case of this description, and we recommend that to that tribunal the proposed Petition should be referred. The proper mode of raising the question for discussion, will, we presume, be for Mr. Isbister or some other person to embody in a Petition to Her Majesty the complaints urged against the Hudson's Bay Company, and such a Petition may be referred by Her Majesty to the said Judicial Committee.

On the 29th January, Mr. Hawes writes Mr. Isbister, to request him to determine whether he wished to prosecute the complaint in the manner pointed out by the Attorney and Solicitor Generals.

These Cases, it is submitted, fully substantiate the constitutional right of the subject to Appeal, in every instance where redress is sought for injuries received or wrongs sustained, to the Queen in Council; and they as clearly shew that Her Majesty will not be debarred from affording relief by any mere technical considerations, or alleged defect in jurisdiction, and that where such defects or omissions may exist, the Judicial Committee is still ready and willing to afford relief.

If, after fully weighing the matter, the Honorable the Executive Council still hesitate in awarding to the Shareholders of the late Welland Canal Company the compensation they claim upon the legal construction of the 7th Vic. cap. 34, I

would most respectfully suggest that the Government (in conformity with the foregoing precedents) will sanction the reference of the case to a competent legal tribunal here, or to the Judicial Committee of the Privy Council in England, in order to afford opportunity for a full, public and impartial investigation, and decision of the rights of the respective parties.

I have the honor to be, Sir,
Your obedient Servant,

WM. HAMILTON MERRITT.

To the Hon. W. B. RICHARDS,
Attorney General for Western Canada.

No. 13.

QUEBEC, 6th June, 1853.

Sir,—I have not yet received a reply to the application I had the honor to present in the early part of March, in behalf of the Welland Canal Shareholders, to refer the legal construction of the Act of 1843, to the decision of the Judicial Committee of the Privy Council. If it receives the approbation of the Council, I will leave the Petition to the Queen, to be made by the English Shareholders, and leave the matter to their management. Your will, therefore, oblige me by communicating the decision of the Council thereto.

I have the honor to be, Sir,
Your obedient Servant,

WM. HAMILTON MERRITT.

To the Honorable the Provincial Secretary,
&c., &c., &c.

No. 14.

SECRETARY'S OFFICE, 9th June, 1853.

Sir,—I have the honor to acknowledge the receipt of your letter of the 6th instant, requesting a reply to your communication of the 5th March last, on behalf of the Private Stockholders of the Welland Canal, and to acquaint you, that the subject is still under the consideration of His Excellency the Governor General in Council.

I have, &c.,

A. N. MORIN.

The Hon. W. H. MERRITT, M.P.P.

No. 15.

MEMORANDUM

Upon Mr. MERRITT'S APPLICATION on the part of the late PRIVATE SHAREHOLDERS in the WELLAND CANAL.

The Private Shareholders represented by Mr. Merritt, in their Memorial contend, that under the Act of 1843, (7 Vic. cap. 34,) they are entitled to claim six per cent. per annum, upon the amount of their paid up Stock, from the time the same was paid in until the year 1852, when the revenue of the Canal reached Forty-five thousand pounds, notwithstanding that the Principal was paid off, by Debentures bearing six per cent. Interest, dated the first day of January, One thousand eight hundred and forty-three; they also submit the legal opinions of several eminent professional gentlemen both of England and the United States in support of their claim.

It appears from a statement made by the Deputy Inspector General, that the sum of £107,373 4s. 1d., being the back Interest at six per cent. on £117,800 (the paid up Stock) to the first of January, 1843, has been paid to the Private Shareholders in full, and the amount they yet claim is £65,113 3s. 4d., being Interest at six per cent. on the same amount from the first of January, 1843, (the date from which the Debentures issued to pay off the Principal bear Interest,) to 1852, when the Tolls amounted to £45,000, as mentioned above. This claim, it admitted, would entitle the Shareholders to receive twelve per cent. during that period, the legal rate of Interest during the whole period having been six per cent. per annum, and no more. (*Vide* 4 & 5 Vic. cap. 48, and 7 Vic. cap. 34, *infra*, Appendices K. & L.)

The preamble of the Act of 1843, recites at unusual length the provisions of the Act of 1841, which sets forth, that the object of that Act was to place the Canal under the exclusive control of the Government, and for that purpose to purchase the Stock of the Private Shareholders, amounting to One hundred and seventeen thousand eight hundred pounds, on account of the Province, by the issue of twenty year Debentures to the Private Shareholders for the amount required, bearing Interest at two per cent. 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 that whenever the Tolls collected on the Canal should annually amount to thirty thousand pounds, other Debentures bearing six per cent. to issue to the Stockholders, for such sums as would make up six per cent. interest, upon the amount of Stock paid in by them from the time the same had been actually paid.

Under the repealed Act of 1841, Debentures were to be issued to the Stockholders to the amount of the principal monies paid on their respective Stocks bearing the lower rates of interest until the sixth year when the legal rate of six per cent. commenced, and so soon as the Tolls reached thirty thousand pounds then other Debentures would be issued to them, for an amount equal to six per cent. interest on such principal monies from the time the same was paid in.

The Private Stockholders state in their Memorial, that the Debentures issued under the Act of 1841, having proved unsaleable by reason of bearing a less rate of interest than six per cent., the Act of 1843 was passed to obviate the difficulty, by the issue of marketable Debentures bearing "full interest," and to use the words of the Memorial, "inasmuch as it did not increase the amount of interest to be paid from the Provincial Revenue, at the same time it secured for the Shareholders the value of their capital." There is nothing in the Acts of 1841, or 1843, indicating that the Legislature intended to allow the Shareholders more than

six per cent. simple interest. If it was intended to give the Shareholders twelve per cent. for a definite or indefinite period, or compound interest by making a rest, or compensation, or any amount beyond six per cent. simple interest, the Legislature would have, either by recital or express words, defined such an important and extraordinary concession or right. In the Memorial and other documents accompanying the same, much stress is laid on the sixth clause of the Act of 1843, and it is contended: That in effect, it authorises twelve per cent. to be paid on the amount of the Private Stock from and after the first day of January, 1843, so soon as the revenues of the Canal amounted to £45,000. That the words "amount, equal to six per centum per annum," should be construed to mean, not a rate of interest, but an indemnification or compensation to the Shareholders, and that the period to which the six per cent should be calculated upon the amount of Principal Stock, is the year in which the Tolls amounted to £45,000, (1852,) although such Principal Stock was paid off on the first January, 1843.

Upon reference to the Statute, (*vide infra*, Appendix L.) it will be seen that the Second clause charges the amount of the Private Stock £117,800 upon the consolidated fund, with interest from the first of January, 1843, for the benefit of the Shareholders; the Third clause authorises debentures to issue to them bearing interest from that date, the Sixth clause enacts that after the Tolls shall reach £45,000, the consolidated fund shall again be charged "with an amount equal to six per centum per annum on the Private Stock subscribed from the time the same has been paid in."

If the sixth clause stood alone, and nothing in the Act shewed that the Principal was to be paid off as from January, 1843, it might be contended that six per cent. was payable to the year 1852, but when we find by the third and seventh clauses, that provision was made for the payment of the Principal in 1843, and which in pursuance of the Act was paid—it is an unreasonable and forced construction of the provisions of the Statute to suppose Interest chargeable on an amount already paid or bearing Interest; on the other hand it is reasonable to assume that the Legislature intended the sixth clause to read "from the time the same has been paid in" to the time of the payment of the Principal, viz.: the first of January, 1843.

The Seventh clause authorises debentures to issue for the amount of the Private Stockholders' "claims," and in using this term the framer of the Act evidently had in view the back interest, and that the Stockholders had debentures issued to them under the Act of 1841, bearing the low rates of interest as stated in the fifth clause of the Act of 1843, and who had only received two per cent. for these years. The eighth clause refers to the back interest.

It has been decided by some of the ablest Judges of England, that the intent of the Legislature is not to be collected from any particular expression, or clause, or section, but from a general view of the whole of an Act of Parliament; and if the words are ambiguous, the whole context must be looked to for their explanation—and it is no less a rule of law "that the words of a Statute are to be taken in their ordinary and familiar signification and import, and regard is to be had to their general and popular use." If upon examination of the whole Statute of 1843, it is still contended an ambiguity exists, the following doctrine will be generally admitted as correct. That when a Statute is passed for the benefit of a Canal, Railway or other Company, it is a bargain between a Company of adventurers and the public, the terms of which are expressed and set forth in the Statute, and the rule of construction in all such cases is fully established to be, that any ambiguity in the Laws of the contract would operate against the adventurers and in favor of the public, the former being entitled to claim nothing which is not clearly given by the Act. It has also been judicially held, that the whole system of Legislation upon the same subject matter may be taken into consideration in order to aid in the construction of a Statute, and that it is the duty of Judges in order to discover the true

meaning of an Act to consider other Statutes in *pari materia*, whether they are repealed or unrepealed. An able commentator says that every obscure or doubtful passage is to be explained according to the intention of the parties, and this we must endeavor to ascertain from the words, the usage of language, and also from the respective circumstances and relation of the parties to the transaction.

On reference to the antecedent legislation on the subject, it appears that in March, 1839, (Appendix to Upper Canada Journals 1839 & 1840, Vol. 1, pt. 2, page 13**) the Private Shareholders petitioned the Legislature of Upper Canada to purchase their Stock in the Canal; in the month of May following the two House of Parliament passed a Bill (*vide infra*, Appendix C,) authorizing, for the purchase of the Stock, twenty year Debentures to issue to the amount of the principal £117,800 bearing two per cent. for two years, and three, four and five per cent. respectively for the following years, and six per cent. for the remainder, (*vide infra*, Appendix A,) and with regard to the back interest, the second clause enacted, "That whenever the Tolls collected on the said Canal shall annually amount to the sum of £30,000, 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 twenty years from the date thereof, and bear interest at the rate of six per cent., payable half yearly out of the Public Revenue of the Province." Mr. Merritt appended to the Annual Report on the Canal for the year 1841, (*vide* Appendix D, to Journals for 1841, Letter I,) his and Mr. Keefer's opinion on this Clause in these words:—"There appears also an ambiguity in the wording of the second Clause of the Act, 16th May, 1839, by which the interests of the Private Shareholders may be effected, to avoid all mis-apprehension on this subject in future, the undersigned will present a memorial to the next Legislature, on behalf of the Private Shareholders, praying the Act to be amended in such manner as to insure to them the full amount of interest on their investment from the period when paid in, down to the time the transfer shall be made, by which the true intent and meaning of this Act will be carried into effect." This Bill clearly shews that the intention of the Legislature was to carry into effect the principle and spirit of Mr. Merritt's proposal hereinafter mentioned.

The effect of the words in italics in the clause as above quoted was such that the back Interest being merely computable to the time of the issue of these Debentures, the Shareholders would lose the difference between the lower rates of Interest and six per cent. for the first five years on the Debentures issued for the Principal of £117,800. Consequently, in the Act of 1841, as it was undoubtedly the intention of the parties to make up the Interest to six per cent. per annum, for those years when the back Interest should be paid, the words above quoted in italics were omitted in that Act. It is probable this was done at Mr. Merritt's suggestion, as intimated in the annual Report above quoted from.

The Debentures issued under the Sixth Section of this latter Act (1841,) being found unsaleable, the Shareholders brought the subject of its amendment before the Government, not for the purpose of making a new demand, but solely to enable them to sell their Debentures. Mr. Secretary Rawson drew up a memorandum for the information of the Executive Government, (*vide infra*, Appendix B.) under date of the twenty-first September, 1842, and he suggested a doubt as to whether the omission of the words "annual," or "per annum," as applied to Interest in the sixth clause, did not nullify its provisions. This suggestion no doubt was considered by the framer of the Act of 1843, and the word "interest," omitted, and "per annum," inserted, to avoid the difficulty suggested in that Section of the Act of 1841.

The circumstances above detailed under which these three Bills were introduced from time to time, and passed, clearly shew, that the original proposition of Mr. Merritt was the basis of all the legislation, and the different amendments made were introduced to carry out his views, and to set at rest all doubts as to the intention of the Government and the Legislature. The last proceeding of the Assembly, on the twentieth November, 1843, (Journals of Assembly for 1843, page 142; *vide infra*, Appendix J.) previous to the presentation of the Bill of that year to the House, for its first reading, was the necessary resolution of a Committee of the whole House who resolved on that day relative to the back interest, "And further to provide that so soon after the completion of the Canal as the toll shall amount in any one year to £45,000 currency, other Debentures shall be issued to the private Stockholders for the interest on their stock for the time the said had been paid in." Upon this resolution the Bill of 1843 was introduced, passed its various stages without amendment, and received the Royal Assent.

As the Statute itself is a mere agreement between the Province and the Shareholders, relative to the purchase of their Stock, it will not be violating any rule of justice or equity to enquire further into and examine the circumstances and grounds upon which the bargain was arranged, for the purpose of ascertaining whether that which the Shareholders now demand, formed part of the arrangement. Upon reference to the records of the Assembly, (Appendix to Journals of U. C. Assembly 1839 & 1840, Vol. 1, pt. 2, page 13 * * *) it will appear, that a Committee was appointed to consider a Message from the Governor General on the subject of the Act authorizing the purchase of the Private Stock, and appended to the Report of that Committee are several documents (*inter alia*) a memorial of the President of the Company (Mr. Merritt) and the Directors intimating their desire to dispose of the private Stock, also, a report of a former Committee of the House on the subject of the memorial, who "having applied themselves to the consideration of such proposition to be made to the Stockholders, as would combine the principle of ultimate indemnification to them with a due regard to the interest and convenience of the public"—recommended, if the Stockholders would agree to transfer their Stock, that twenty year Debentures should issue to them for the purchase thereof, bearing Interest at the rates of three, four and five per cent. for the first three years respectively, and six per cent. afterwards until redeemed, and that so soon as the annual receipts of the Canal reached twenty-five thousand pounds, three per cent. per annum upon the amount invested should be paid to the Shareholders, and when the annual revenues of the Canal reached £50,000, six per cent. per annum upon their former Stock should be paid until the legal rate of Interest upon the Capital invested by them, from the time it shall have been actually paid in, shall be fully paid.

The President (Mr. Merritt) was examined by the Committee and in his evidence appended to the Report, in reply to the question (*vide Journals of U. Canada, 1839 and 1840, Vol. 1, pt. 2, pages 14 * * 15 * **)—"In the event of the Stock being purchased, from what time would the Interest commence?" He answered, he computed the Interest to the best of his recollection to that date at £55,008, setting out his data, and computing at the rate of six per cent. simple Interest. And in reply to the question:—"Do you think the terms proposed by the Committee (*viz.*: the proposition above,) equitable towards the Stockholders?" He answered,—he did not, and made a proposition in lieu thereof, (*vide infra*, Appendix C.) which he stated he should much prefer as being more advantageous to the Stockholders, *viz.*:—twenty year six per cent. Debentures to the amount of one-half of the whole Private Stock (£58,900) to be issued at once to the Shareholders. Three years after, like Debentures to issue for one-fourth (£29,450), and six years thereafter the remaining one-fourth to issue, in all £117,800, total amount of Principal. That after the annual re-

venue of the Canal reached £25,000, like Debentures to issue to the Shareholders to the amount of one half of the Interest due on the Stock since it was paid in to the time of the issue of the first Debentures on account of the Principal, and computed by him as above at £27,504. And after the income amounted annually to £50,000, like Debentures to issue for the remaining half due on the then "back interest," £27,504. "So that the Stockholders would ultimately be paid the Principal and Interest of their investments without burdening the revenue of the Province." And in order to convince the Committee of the equity of the proposition, and that no loss would fall on the Province, and to avoid any doubt or ambiguity, Mr. Merritt set out elaborately his then supposed prospective financial position of the Canal for a period of thirteen years, shewing the working of his proposition, and that the first instalment of back Interest would become payable in 1845, the last in 1849.

To put it more clearly, his proposal was as follows, viz. :—

		£	s.	d.
1837..	Amount of principal	117800	0	0.
	Amount of interest then due by Mr. Merritt's calculation.....	55008	0	0.
	Total amount to be paid..... £	182808	0	0.

MODE OF PAYMENT.

(See Journals of U. C. Assembly 1839 & 1840, Vol. 1, pages 14 * *, and *infra*, Appendix C.)

		£	s.	d.
1837..	Debentures to issue for half of principal.....	58900	0	0.
1840..	Debentures to issue being one-fourth of principal.....	29450	0	0.
1845..	Tolls supposed to reach £25,000. Debentures for half of computed interest to issue.—(N.B. eight years have elapsed, and no additional interest or back interest included or claimed).....	27504	0	0.
1846..	Debentures to issue for remaining one-fourth of principal.....	29450	0	0.
1849..	Tolls supposed to reach £50,000. Debentures to issue for remaining half of interest.—(N.B. twelve years elapsed, and no interest or back interest included or claimed).....	27504	0	0.
	Claim and interest as above in full..... £	182808	0	0.

In this proposition, which Mr. Merritt on the part of the Shareholders no doubt well considered, no demand is made for Interest on the back Interest or Interest on the Principal after it was paid off, or for other compensation, but Interest is merely computed to the time of the transfer of the Stock, and the then ascertained amount, viz.: £55,008, without any addition, is to be paid when the Tolls on the Canal reach the respective amounts at which it is payable.

At the time the application was made to dispose of the Private Stock, the Company was much embarrassed, and the Stock consequently unsaleable; under such circumstances after payment in full of the Principal invested, the only claim the Stockholders had, was upon the generosity of the Legislature, on account of the benefits the Province would reap eventually from the Canal, and it was very wisely considered that the least objectionable mode of preferring any claim, beyond that of the amount paid up, would be in the shape of back Interest upon the amount of investments from the time of actual payment until the principal was paid off, payable when the revenues of the Canal reached a certain amount,—such was the proposition of Mr. Merritt on the part of the Shareholders. These matters are noticed

because they clearly shew that no indemnification or compensation was demanded by the Shareholders when the matter was before the Legislature, other than the principal monies and back Interest, and that the only point for consideration was the period when the amount of the back Interest should become payable. The records of the Executive Council Office contain evidence to the like effect. Mr. Merritt in his letter of the first September, 1842, (*vide infra*, Appendix D,) relating to this subject, speaks of waiting for the back Interest until the revenues reach certain amounts. A draft of a Bill in Mr. Merritt's hand-writing, sent for the information of the Government amending the Act of 1841, (*vide infra*, Appendix G,) provides in its fourth clause that the Debentures mentioned in the second clause of the Act of 1841 were to issue without any alteration as to terms except being issued payable in London at five per cent. if desired, consequently the amount to be issued was to make up six per cent. Interest upon the amount of Stock from the time the same was paid in. The minute or memorandum of Council of twentieth of May, 1843, (*vide infra*, Appendix I,) says, after stating at length the case, and the desire of the Shareholders for a repeal of the Act of 1841, "It is therefore not thought expedient to move in the amendment of the Law, as proposed by Mr. Merritt, unless the issue of Debentures for the payment of back Interest shall be postponed until after the completion of the Canal, and until the tolls of one year shall amount to £45,000, currency." Mr. Merritt in his letter of twenty-second September, 1843, (*vide infra*, Appendix F.) transmits the memorial of the Stockholders, dated twenty-second July, of the same year, accepting the proposal contained in the memorandum, and thereupon the Act of 1843 was founded.

It is urged on behalf of the Shareholders that a liberal construction should be given to the Act so as to favor their claim, inasmuch as the improvement undertaken by them has been of vast service to the country, and therefore on equitable grounds they should meet with the most favorable consideration. In that point of view a reference to the contents of a Despatch, (*vide infra*, Appendix H.) dated 9th July, 1842, from His Excellency the late Sir Charles Bagot, to the Colonial Secretary Lord Stanley, is sufficient to shew the then opinion of the Government—and that no claim can be properly founded upon such grounds; nothing has occurred, since the date of that Despatch, to place their claims on a more favorable footing.

With regard to the opinions of several eminent professional men obtained by Mr. Merritt, it is remarkable that while some of these Gentlemen strain the sixth clause of the Statute of 1843, to shew that the words "six per centum per annum" may be construed to mean not interest but a mode of computing part of the purchase money of the Stock, and in order to arrive at such a conclusion travel out of the Statute and assume the intention of the Legislature to have been the very contrary of what in fact it was—yet Mr. Merritt and the Shareholders on every occasion speak of the six per cent. as Back Interest—the opinions of the other Gentlemen are apparently predicated solely on the words of the sixth clause itself; it is not denied that the Shareholders were entitled to six per cent. (interest which they now receive) from the time the Stock was paid in to the time the tolls reached £45,000.

The whole circumstances of the claim—the inability of the Shareholders to complete the Canal—the depreciation of the Stock—its proposed sale to the Government—the proposition relative to the mode and period of payment of the back Interest—the various Bills introduced in and passed by the Legislature, and the reason of their introduction—the documents, letters, memorials, and other papers relating to the subject—the Statute of 1843 itself, all conclusively and most satisfactorily shew, that at no time did the Private Shareholders expect, ask or stipulate for, the claims they now make, and that neither in Law or Equity are they entitled to them.

Since the foregoing Memorandum was prepared, Mr. Merritt has requested that the rights of the Stockholders may be considered in relation to the Statute and not as regards the equitable grounds put forth in his former Memorials: And in the event of the Council being of opinion that the Stockholders are not entitled to the amount claimed by them, that the question should be referred to some legal tribunal, either in this Country or in England, for decision.

The observations already made will apply to the legal consideration of the subject, and it is submitted that there is nothing in the nature of the claim to justify a departure from the ordinary rules prescribed by the Government in this Country when demands of a like nature are presented.

Appendix A.

ACT OF 1839.

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 One hundred and seventeen thousand eight hundred pounds. Be it therefore enacted, &c., 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 the amount equal to the Stock held by him or them, which Debentures shall be made redeemable in twenty 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 the Province.

2. And be it, &c.—That whenever the Tolls collected on the said Canal shall annually amount to the sum of Thirty thousand pounds, 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 twenty 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, &c.—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, &c.—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 7th year of the Reign of His late Majesty King William IV., intituled, "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 said 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.

ALLAN N. MACNAB,
Speaker.

COMMONS HOUSE OF ASSEMBLY,
6th day of May, 1839.

JONAS JONES,
Speaker.

LEGISLATIVE COUNCIL CHAMBER,
9th day of May, 1839.

Appendix B.

Memorandum of 21st September, 1842, upon Mr. Merritt's Application on the part of the Private Shareholders in the Welland Canal.

Mr. Merritt, in his letter of the 20th August, solicits that the Government will consent to the introduction of a Bill to annul the first section of the Act of last Session relating to the Welland Canal Stock held by private parties, under which the Debentures to be given in lieu of that Stock are to bear Interest, for the first two years at two per cent., for the third at three per cent., for the fourth at four, for the fifth at five, and for all subsequent years at six per cent., until the expiration and redemption of the Debentures in twenty years.

He proposes to substitute for these Debentures others bearing immediately six per cent. Interest, justifying the request on the ground that as by the second section of the same Act, the Shareholders will be entitled to Interest at that rate, for the past as well as the future, when the Tolls collected on the Canal shall amount to £30,000, which sum, he asserts, they will be sure to reach next year, the Province will lose a mere trifle by the arrangement, as will be presently shown, and the Shareholders will be greatly benefitted by their Debentures becoming saleable, which he states they are not at present.

His position is that the Interest for one year at two per cent. becomes due in November, 1842, that a similar payment at the same rate will become due in November, 1843, making together four per cent. up to the latter date.

In 1844 he asserts that the rate, instead of being 3 per cent. under the first section, will be 6 per cent. under the second: if therefore the Province were to pay 6 per cent. in 1843, it would only lose the difference between that amount and 4 per cent. due in November, with the small amount accruing at 3 per cent. during the rest of the year.

In return for this he offers, on the part of the Shareholders, to forego a claim which they have put forward for arrears of interest under an Act of 1837, which, at the rate of 6 per cent., to which they consider themselves entitled, would amount to 36 per cent. on the Capital; or if that claim be rejected, to an arrear of 25 per cent. under the same enactment.

It will be necessary to enter into a little detail to show the position in which the parties and the Province stand under this Act.

By the 1st section the Shareholders are entitled to Debentures for £117,800, redeemable in 20 years. The cost of this to the Province will be:—

	£	s.	d.
Interest—1st year at 2 per cent.	2846	0	0
2nd do 2 do	2346	0	0
3rd do 3 do	3534	0	0
4th do 4 do	4692	0	0
5th do 5 do	5880	0	0
6th do 6 do	7068	0	0
14 subsequent years at do	98952	0	0
Capital	117800	0	0
Total..... £	242618	0	0

If the capital were raised at 5 per cent. and the parties paid off, the interest would amount in 20 years only to £117,800, instead of £124,818, a saving of £7,000, and the capital might be repaid sooner and the interest saved.

But by the 2nd section when the "Tolls collected on the Canal shall annually amount to the sum of £30,000," other Debentures are to be issued "for such sums as will make up 6 per centum interest upon the amount of Stock subscribed and paid for, from the time the same shall have been actually paid in" which Debentures are to bear interest at 6 per cent. for 20 years.

Upon this it must be observed—First, that this new debt is to be created when the Tolls collected amount to £30,000, without any reference to the net income:—*i. e.* the Shareholders are to be paid out of the Tolls, and the Government is to defray the charges of maintenance.

Secondly—The Debentures are to be issued "whenever" the Toll "shall annually amount" to £30,000; no provision therefore is made for the case of the annual receipt falling below that sum, after it has once reached it. If by any accident the Canal were to be stopped, or the trade be diverted from it, after the Tolls had once reached the above amount, the Government will still be liable to the charge, although receiving no benefit from the Canal.

Thirdly—There is an important verbal omission in the section, although it may not invalidate its intended effect. It is enacted that the Debentures shall be issued "for such sums as will make up 6 per cent interest upon the Stock, from the time the same shall have been actually paid in." The word "annual" or "per annum" applied to interest, are omitted; and the doubt may arise whether, although the intention of the framer is obvious, the omission does not nullify the clause.

Passing over, however, these objections, and supposing, as Mr. Merritt states; that the Tolls to be collected next year will amount to £30,000, the parties will receive under this clause as follows:—

The precise time at which they paid the money can only be stated after reference to the original Stock Books, but Mr. Merritt believes it to have been thus paid:—

£30,000	in	1825.
45,000	"	1828.
42,800	"	1830.

Hence, the sum to which the parties will be entitled at 6 per cent. annually, will amount on,

£30,000, for 17 years.....	30,600
45,000, " 14 "	37,800
42,800, " 12 "	30,816

Total.....£109,216

For this sum of £109,216, Debentures are to be issued to the parties, upon which they will be entitled to 6 per cent. for 20 years, amounting to £131,040, besides the new capital, making together £240,256, in addition to the £242,618 payable under the first section.

This may be shown in abstract:—

	£	s.	d.
Original Debentures, Capital	117800	0	0
Interest.....	124818	0	0
	£ 242618	0	0
New Debentures, Capital	109216	0	0
Interest.....	181040	0	0
	£ 240256	0	0
Total.....	£ 482874	0	0

Thus, nearly half a million of money will be expended to get rid of this Stock, amounting to £117,800!

The parties however are not satisfied with this. They claim, under the 17th section of 7th Will. 4, cap. 92, a still further sum. The clause runs thus: Be it enacted, &c., "that the Tolls received upon the canal, after deducting the amount required for the charges now made thereon by law, or so much thereof as shall be necessary, shall be first annually applied to discharge the interest which will accrue upon the said sum of £245,000" (to be advanced for the works under this Act) "and the remainder of the income received by the said Company shall be divided among the private Stockholders until it shall equal six per cent on the amount of their investments."

Upon this, they first ground a claim for the full arrears of interest at six per cent per annum. This for six years, to 1842, would amount to £42,408.

If this be disallowed, they claim a less amount of arrears, equal to twenty-five per cent for the whole period of six years. This would amount to £29,450.

The foundation of these claims rests upon the assumption that the income referred to in the clause last cited was gross income, excluding in the first case a deduction even for the cost of administration, and admitting it in the second. This interpretation has been repudiated by the Government; Mr. Attorney General Hagerman gave an opinion against it, but the Company obtained the opinion of five lawyers in favor of it. To concede it would be to admit that these parties in a private speculation would be reaping a large profit or rate of interest, while the Canal did not pay its expenses, and that the maintenance of the works was to be thrown on the Government.

Without, however, determining this question, it is clear that when the parties under the second section of the Act of last Session, get arrears of interest at the rate of six per cent, for these very years, they are not entitled to another six or five per cent, which would raise the interest for this period to eleven or twelve per cent, and Mr. Merritt himself admits that such "was not the intention of the law" of last Session.

If therefore this claim falls to the ground, there is no reason why the Legislature should shew them any further favor, and upon the chance, however probable, of the tolls amounting next year to the required sum, subject the Province, to the additional payment of two per cent for one year, with three per cent in the following year, and further payments, if the tolls do not increase as is expected.

But it would seem, further, that Mr. Merritt misinterprets the operation of the second section of the Act of last Session, in relation to the first.

The first section grants debentures bearing a sliding scale of interest in future years. The second enacts that at a certain time further debentures shall be given for arrears of interest accrued up to the time at which such debentures are issued. It does not provide for anticipating the payments in future years under the first section, and adding to the new Debentures the difference between six per cent, and the lower rates fixed by that section.

If this interpretation be correct, Mr. Merritt's other ground for his application would be removed.

A few words, before concluding, as to the position and claims of the Province with respect to the Welland Canal. It has already expended more than £380,000 upon this work, of which sum a large portion has been borrowed, upon debentures bearing five or six per cent, for which interest it still remains liable, a further sum of £450,000 is now to be expended. The annual interest upon this and the portion of the previous expenditure remaining unredeemed, say £350,000, will be, at five per cent, £40,000. This alone will absorb the probable amount of Tolls, for some years to come, making no allowance for :

1st. The expenses of maintenance, cost of repairs, &c.

2nd. The payment of the sum of £482,874 to the Private Shareholders.

3rd. The repayment of the principal £800,000, which will be obligatory as regards a great part of that sum within twenty years.

The parties urge their claim upon the gratitude of the Province for having commenced this work, and having thereby conferred the most important benefits upon the country. The well-known circumstances under which the works have been provided for and carried on, tend very much to diminish the force of their appeal, as it may well be doubted whether, if the Canal had not been commenced by private individuals, the obvious utility and need of such a communication between the Lakes, would not have soon attracted the attention of the Legislature and the Government, by whom it is probable that the work would have been completed with much more expedition and economy, and with a greater regard to public interest than could possibly be the case in a private speculation of this nature.

In a subsequent note of 10th September, Mr. Merritt states that his "object at present is to ascertain on what principle the parties are to be remunerated," and also "that they would accept either Debentures or money" for the amount to which they are entitled under the second section.

21st September, 1842.

Appendix C.

MR. MERRITT'S EVIDENCE.

(See Appendix to Journals of U. Canada, Sess. of 1839-40, Vol. 1, Part 2, page 14 **. Rep. Sel. Com. Welland Canal.)

At what time was the investment made by the private stockholders, and in the event of their stock being purchased by the Province, from what time will the interest commence ?

I cannot state the precise time when each person subscribed without reference to the original stock books, but from recollection believe the interest may be computed as follows :

1825	10 years	6 per cent	on £30,000 a 1800	.....	£18,000
1828	8	"	" 45,000 a 2700	.....	21,600
1830	6	"	" 42,800 a 2568	.....	15,408
					£55,008

Do you think the terms proposed by the Committee equitable towards the Stockholders ?

ANSWER.—I do not—Many of them have been paying interest at the rate of 7 per cent. per year on the amount of their investment ; to their judgment, energy and confidence, are the public indebted for the undertaking, they have sustained at their hazard and have derived no benefit whatever when the public have derived far greater benefits than the entire cost of the Work. At the same time I feel so confident the income from the Canal will repay them in a short time, that I should much prefer the following arrangement to enable the Stockholders to realize a part of the outlay at once, and not create so large and apparent debt as the first measure shows.

PROPOSITION.

To issue Debentures payable in 20 years for 50 per cent. on the par value of the Stock held by individuals, which will amount to	.....	£58,900
In three years hence to issue Debentures as above for 25 per cent	.....	29,450
In six years same as above.....	.....	29,450
		£117,800

After the Revenue on the Canal amounts to the yearly income of £25,000 to advance the Debentures to the amount of one half of the interest due on the Shares since the Stock was paid in, payable out of the proceeds of the Canal, after the income amounts annually to the sum of £50,000 to issue Debentures as above for the remaining half due on the back interest payable out of the proceeds of the Canal, so that the Stockholders will ultimately be paid the principal and interest of their investment without burdening the revenue of the Province.

Should the private Stock be surrendered as proposed, will the public be called upon to pay the interest ?

ANSWER.—I do not think the Revenues of the Province will be burdened with one farthing by extending their credit in supporting that work with judicious management.

For instance, if the Government should issue Debentures payable in twenty years for fifty per cent. on the amount of the Private Stock.

	£	s.	d.
In 1837, £58,900 @ 6 per cent., the Interest	8534	0	0
£41,100 @ 6 per cent., for payment of Debts, Repairs, and commencement of Stone Locks	2466	0	0
The Tolls of this Year will pay the Interest.	£ 6000	0	0
In 1838, Interest on £100,000	6000	0	0
£25,000 advanced on Locks	1500	0	0
Will amount to	£ 7500	0	0
The Tolls of this year will also meet the interest.			

	£	s.	d.
In 1839, Interest on Stock and Loan, £125,000	7500	0	0
Advance on Locks, £25,000	1500	0	0
The increase Toll will also meet this Amount.			
	£	9000	0 0
In 1840, Interest on Stock and Loan £150,000	9000	0	0
Advance on Stone Locks £25,000	1500	0	0
Interest on 50 per cent. to be then paid on private Stock £58,900	3584	0	0
The increase Revenue will meet the Amount.			
	£	14084	0 0
In 1841, Interest on £223,900	14084	0	0
Advance on Locks £25,000	1500	0	0
The Toll will again meet this amount.			
	£	15584	0 0
In 1842, Loan will amount to £248,900. Interest	15584	0	0
This year the Toll will enable the Work to sustain itself without further advances and a gradual redemption may be expected as follows:			
In 1843, Loan continues at £258,900.			
Interest	15584	0	0
Toll amounting to	20000	0	0
Leaving an Increase of	£	4466	0 0
In 1844, the Loan will be reduced to £224,434.			
Interest	14666	0	0
The amount of Toll	25000	0	0
Increase	£	10384	0 0
In 1845, the Loan reduced to £*244,100			
Interest	14046	0	0
This year advanced half the Interest on Stock. Interest	1650	0	0
*£234,100			
*27,504	£	15696	0 0
£261,604			
The Toll this year	18250	0	0
Increase	£	15554	0 0
In 1846, the Loan reduced to £246,050.			
Interest	14768	0	0
The Toll this year	39068	0	0
Increase	£	24300	0 0
In 1847, the Loan reduced to £221,750.			
Interest	13305	0	0
Toll this year	48827	0	0
Increase	£	35522	0 0
In 1848, the Loan reduced to £186,228.			
Interest	11173	0	0
The Toll this year	61083	0	0
Increase	£	49860	0 0

	£	s.	d.
In 1849, the Loan reduced to £136,338.			
Interest.....	8182	0	0
This year advance half Interest on Stock.....	1650	0	0
£27,504			
	£ 9832	0	0
£163,872			
The Toll this year	76291	0	0
Increase.....	£ 66459	0	0
In 1850, the Loan reduced to £97,413.			
Interest.....	5811	0	0
Toll this year	100000	0	0
Increase.....	£ 94156	0	0

Which liquidates the principal, and therefore will yield a Revenue to the Province of £125,000 per year to assist in other Improvements.

Appendix D.

ST. CATHARINES, 1st September, 1842.

Sir,—I have the honor to acknowledge the receipt of your communication of the 30th ultimo, requesting my opinion, on the part of the Shareholders, as to the amount in Debentures, or money which they would demand in full acquittance of their claim and their interest in the Canal, in reply thereto, I beg to state that I have been instructed by the Shareholders to say, that they will accept of Debentures payable in London in twenty years, at an Interest of six per cent. for the amount of the Capital invested, and wait for the amount of Interest due thereon, until the Income from the Canal reaches £30,000 per year, when they will receive Debentures on the same terms; they also would prefer that the Revenues of the Canal should be first appropriated for the payment of those Debentures or the Interest thereon.

I have the honor to be, Sir,

Your obedient Servant,

(Signed,) WM. HAMILTON MERRITT.

R. W. RAWSON, Esquire.

Appendix E.

TORONTO, 22nd May, 1843.

Sir,—I have the honor to acknowledge the receipt of a Copy of a Memorandum or Minute of Council passed on Saturday last, in which I observe an omission of the former Shareholders, also the rate at which Debentures are to be issued in Canada.

I mentioned this both to the President of the Council and Mr. Secretary Harrison; who are of the opinion it will be of no consequence, as the intention of the Council is well understood.

I have therefore assured the Private Shareholders that if the proposition be acceded to by them the Debentures for the £117,800 may bear interest from the first January, 1823, (this should be 1843), and be issued by the Receiver General in the ordinary manner, six per cent. payable in Canada, and five per cent if payable in

England, which is at the option of the Shareholder, on returning the Debentures now issued.

I will take it for granted if no answer is returned by you that I have fairly represented the intention of the Council; if not, on placing this communication before them, you will have the goodness to apprise me, that I may give the Shareholders timely notice thereof.

I have the honor to be, Sir,
Your obedient Servant,

WM. HAMILTON MERRITT.

To Chief Clerk of the Executive Council.

Appendix F.

ST. CATHARINES, 22nd September, 1843.

Sir,—I have the honor to present you with the enclosed Memorial from the Private Shareholders of the Welland Canal Company, which, I am happy to say, accedes to the terms proposed by His Excellency in Council, for his information.

I have the honor to be, Sir,
Your obedient Servant,

WM. HAMILTON MERRITT.

Honorable S. B. HARRISON, &c., &c., &c.

To His Excellency Sir CHARLES METCALFE, Governor General of British North America, &c., &c., &c.

May it please Your Excellency;

The undersigned Memorialists, Shareholders in the Welland Canal Company, beg leave to represent:

That since the control and management of that undertaking was assumed by the Legislature of Canada, under the Act of 1837, your Memorialists have confided wholly on the good faith of the Provincial Government.

They readily complied with the terms proposed under the Act of 1841, by transferring their Stock and placing the management of that Canal immediately under the Board of Works, which appeared to be the desire of the Government, and have at all times afforded every facility in their power to sustain the undertaking.

The Minute of Council of the 20th May last, proposing an amendment of the existing law, by issuing Debentures payable in England at five, or in Canada at six per cent. Interest, from the first of January, 1843, (in the usual manner), at the option of the holder, for amount of Capital held; and a further issue of Debentures for payment of Interest due since the same was paid in, as soon as the Tolls in any one year reach £45,000, has been submitted for their approval. Your Memorialists were led to believe from the terms of the Law of 1837, that an early remuneration was secured to them, as well as from the guarantee of the British Government in payment of the Provincial Debt in 1841—in which, from the interpretation placed on the first, and withholding the Royal Assent to the last, they have been disappointed. They also, from the favorable view taken of their claims by the Treasury and Colonial Minister in May, 1842, had indulged a hope they would be placed on a more favorable position; and they still feel that on a reconsideration of their present situation, if Your Excellency can consistently with the public interest

recommend the second issue of Debentures, as soon as contemplated by the existing Act, that it will be granted. If not, their confidence in the income from this Canal meeting their early anticipations, and that when realized full compensation will be made them, remains unimpaired.

Your Memorialists therefore adhering to the principle by which they have been governed, will accept of the terms offered in the Minute of Council alluded to. All of which is respectfully submitted.

HENRY YATES, and others.

ALBANY, July 22nd, 1843.

Appendix G.

DRAFT OF AN ACT IN MR. MERRITT'S HANDWRITING.

WHEREAS it appears conducive to the interests of the Private Shareholders in the Welland Canal Company, without proving injurious to the Public, that the 4th & 5th Vic. cap. 48, should be amended :

Be it therefore enacted, That it shall and may be lawful for Her Majesty's Receiver General, upon an Order to that effect from the Governor, Lieutenant Governor, or Person administering the Government of this Province, to receive from any individual possessing the same, all Debentures heretofore issued to the Private Shareholders in the Welland Canal Company under the Provisions of the above recited Act, and to cancel or destroy the same : Providing application be made within twelve months from the day of the date of this Act.

II. And be it enacted, That it shall and may be lawful for the Governor, Lieutenant Governor, or Person administering the Government of this Province, to authorize the Receiver General to issue, for every One hundred pounds of Stock so returned, an equal amount of Debentures payable at six per centum per annum, payable half-yearly, in such sums or amounts as the party requiring the same may find most convenient ; or for every Hundred pounds currency the sum of Ninety pounds sterling, payable at the Banking House of Glyn, Halifax & Co., in London, at five per cent. Interest, payable half-yearly.

III. Be it enacted, That if the Shareholders who have already transferred their Shares under the above recited Act, do not accept the Debentures hereby granted, it shall and may be lawful for the Receiver General of this Province to re-transfer the amount of Stock so held by each Individual, and place him in the same position in which he stood before the transfer of his Stock to the Government of this Province.

IV. Be it enacted, That the Governor General may authorize the Receiver General of this Province to issue the Debentures to which the Private Shareholders are hereafter to be entitled under the second Clause of 4th & 5th Vic. cap. 48, on the terms as heretofore described in the second Clause of this Act.

V. Be it enacted, That the Principal and Interest to be due and payable on account of the Debentures authorized by this Act shall be borne out and paid from the Tolls arising from the Welland Canal Company, and in default thereof out of the Public Revenues of this Province.

Appendix H.

(No. 148.)—9th July, 1842.

My Lord,—I have the honor to acknowledge the receipt of Your Lordship's Despatch of the 18th May last, No. 150, enclosing a correspondence between the Colonial Office and the Treasury on the one side, and Mr. Hamilton Merritt and Messrs. Bosanquet on the other, relative to the claim of the Shareholders in the Welland Canal Company, to be indemnified on account of the recent proceedings of the Legislature and Government in regard to that work. In this correspondence, the validity of the claim is unreservedly admitted by Her Majesty's Government, and I am directed to bring it under the notice of the Legislature with a view to its satisfaction.

On referring to the Memorial of the Stockholders, forwarded by the Messrs. Bosanquet, I find the grounds for compensation stated to be:—First, That "by the Provincial Act of 1837, the Shareholders have been deprived of the management of their property." Second, That "by the neglect of the Government to execute whatever provisions of that Act were favorable to the Stockholders, they have been deprived of Thirty-six per cent. on their subscriptions." Third, That "by the neglect of the Provincial Government to publish and carry into execution the Provincial Act of 1839 before the Imperial Act of reunion was proclaimed, the Stockholders have been deprived of that priority of claim which they would otherwise have had upon the Consolidated Fund." And fourth, That "by the late Provincial Act for the loan of £1,500,000, the principal and interest of that loan is further interposed and preferred before the claim of the Stockholders. No specific pledge or appropriation of any funds is made for the payment of the Debentures to be given, or of the interest thereon, only both are declared to be chargeable upon and payable out of the Public Revenues of the Province. The security will, of course, be almost worthless, and the Debentures quite unsaleable in this Country."

The first observation which arises on this claim is that if it be founded on the assumption by the Government of the management of the Canal, it ought to have been brought forward at an earlier date. Between the passing of the Act 7 Will. IV. cap. 92, and the application of Mr. Hamilton Merritt to your Lordship, five years have elapsed, during which I am not aware that any steps have been taken by the Shareholders to obtain compensation for the alleged injury inflicted upon them. The Act of the last Session evidently gives them no claim which they did not possess before, inasmuch as their action under it is by the third clause made entirely optional.

But waiving this objection, there are other and more conclusive grounds on which, as it appears to me, the claims now put forward by the Shareholders must be rejected.

The Company, as your Lordship is aware, was originally incorporated by the Act 4 Geo. IV. cap. 17, for the making of a Boat Canal, at which time the amount necessary for that work was estimated by its projectors at £40,000. In 1825 the dimensions of the Canal were increased, so as to admit the passage of larger Vessels, and the Stock was raised to £200,000. In the following year, £25,000 was advanced by the Government to the Company, under a Bond for its repayment with interest at six per cent. In the same year an equal amount of £25,000 was voted by the Legislature of Lower Canada. In 1827 two Acts were passed, the first granting £16,360, which was estimated as one-ninth of the whole expense, for the free use of the Canal by the Government; the second taking Shares on the part of the Province to the amount of £50,000, under a Bond from the Company, for £20,000 for the half yearly payment of the Interest at six per cent. In 1829, the Imperial Government advanced £50,000, taking as a securing for its repayment a

Mortgage upon the Canal itself, a condition which by the Provincial Statute, 10 Geo. 4, cap. 9, the Directors were enabled to carry into effect. In 1830 a further sum of £25,000 was advanced at six per cent., the Company giving a Bond for the payment of the Principal and Interest. In 1831 a further sum of £50,000 was advanced on the security of the Canal, and it was provided, that if the Company should fail to pay the Interest and Principal of this advance, the Receiver General should take possession of the Canal in the name of the Crown, "and appoint such Agents, Collectors, and other Officers as may be requisite to manage the same, and deposit and apply the proceeds thereof to the payment of the Interest and Principal aforesaid." And rendered suspicious by the repeated demands upon them and by the constant falsification of all previous estimates, the Legislature further provided, "That no part of the said sum of £50,000 shall be advanced to the said Company until personal security shall have been given to the satisfaction of His Excellency the Lieutenant Governor, to the amount of £25,000, that the said Canal shall be completed for ship navigation from the said River Welland to some point in Lake Erie to be fixed upon by the Directors of the said Company for a Harbour, and that the said Harbour shall likewise be completed without any further grant for that purpose."

Notwithstanding this precaution, the Company, in 1833, again applied to the Legislature, when the sum of £7,500 was granted to them; and in 1834, a further of £50,000 was subscribed for as Public Stock. These sums, however, having proved inadequate, the Act 7 Will. 4, cap. 92, was passed for the "permanent completion" of the Canal. By the preamble of this Act, it is recited that £107,500 had been subscribed as Public Stock, and £102,000 had been loaned to the Company under the provisions of several Acts. The Act then proceeds to provide that the £102,000 advanced by way of loan should be converted into Public Stock; that the Governor should be authorized to subscribe for £245,000 additional Stock; that the whole Capital Stock of the Company should be £597,300 in Shares of £12 10s. each, of which the Government of Upper Canada should hold 36,360, the Government of Lower Canada 2,000, and Private Stockholders 9424; that the management of the affairs of the Company should be entrusted to five Directors, of whom three should be appointed by the Crown and two by the Stockholders; and "That the Tolls received upon the Canal, after deducting the amount required for the charges now made thereon by law, or so much thereof as shall be necessary, shall be first annually applied to discharge the Interest which will accrue upon the said sum of £245,000 to be advanced for the purposes aforesaid, and the remainder of the Income received by the said Company shall be divided among the Private Stockholders, until it shall equal six per cent. on the amount of their Investments." In the last Session, the Act for the purchase of the Private Stock was passed, and in the Public Works Act, a vote of £450,000 was taken for the Canal.

The recapitulation of these proceedings shews two things which are very important: First, That the estimates prepared by the projectors of the Canal, and upon which the Legislature was called upon first to incorporate the Company, and afterwards to grant assistance from the public revenue, were, whether intentionally or not, most extravagantly incorrect. And secondly, That the Canal had, previously to 1837, been twice mortgaged to the Government, and that under the Act of the 1st Will. 4, cap. 18, it might, at any time, have been seized by the Receiver General, and the whole of the Officers appointed by him, without any further legislation on the subject.

But it, moreover, appears that of the whole amount of £491,777 expended upon the Canal, only £117,800, or less than one-fourth, has been subscribed by Private Individuals, while a further expenditure, nearly equal to all that has preceded, is still required, the whole of which is to be provided by the Province. Under such circumstances, can it be maintained, even putting the Government on an equality

with Private Stockholders, that they have secured to themselves an unfair share in the direction, or in so doing have inflicted on the Shareholders, an injury which would entitle them to compensation. Must it not rather be admitted, that they would have been grossly negligent of their duty as Trustees for the public if, when applied to for assistance, towards a work which had been so notoriously miscalculated and mismanaged, they had omitted to take the necessary precautions for securing the due administration, by responsible parties, of the Funds which they granted from the Public Purse. On this ground, at least, I cannot think that the Shareholders have any claim.

But they next complain that the 17th Clause of the Statute 7 Will. 4, c. 92, has been so interpreted as to withhold all benefit from them, and that there is now due to them, if that Clause were fairly construed, 36 per cent upon their Shares. The terms of this Clause I have already quoted, and your Lordship will observe that it provides that "the remainder of the income," after paying the legal charges and the government interest, shall be divided among the Stockholders until it shall equal six per cent, on their investments. It has been contended by Mr. Merritt on behalf of the Shareholders; that the word "income", means the gross receipts without deduction of the expenses of the Canal, and if this interpretation be correct, the Shareholders are no doubt entitled to the sum stated in their memorial. But it appears to me altogether extravagant and irrational to adopt such an interpretation. If the expenses of the management and repair of the Canal are not to be defrayed from its gross receipts, they must be defrayed from the Public Revenue, and thus the Canal would be kept up at the expense of the Province for the sole advantage of the private Shareholders, and the anomaly be presented of a concern actually incurring an annual loss and yet making an annual division of profits. Under such an arrangement the party who would suffer by the mismanagement which has taken place, would be, not those who entered upon the undertaking as a monetary speculation, but the Province which came in to assist them in their difficulties, and to rescue them from the embarrassment in which their own miscalculations had involved them. This appears to me altogether preposterous, and I cannot therefore admit that upon this ground the Shareholders have made out their claim to compensation.

In respect to the injury which they incurred by the delay in proclaiming the Act of 1839, and by the priority on the public Revenue of other claims before the Debentures to be issued for their Stock, it is only necessary to say a very few words. The security upon which the Shareholders advanced their money were the Tolls of the Canal. That security still remains to them, and it is at their option to retain it or to accept the Government Debentures in place of their Shares. It can scarcely be said, looking to the proceedings of the Company, that the security is now less than when they loaned their money, or that it has become less marketable by the transfer of the Work, from an irresponsible Direction by whom it had been almost ruined, to responsible and scientific Directors under whom it will be completed and perfected. I have myself no doubt that now that the Works are to be conducted under Government control, the Canal will soon become prosperous and thriving, but whether this be so or not, the Shareholders have no right to claim now at the expense of the public, a better security than they originally bargained for.

For these reasons I would submit to Your Lordship to reconsider the instructions which you have issued to me to bring this matter before the Legislature. Without at all undervaluing the importance of the Welland Canal, or depreciating the energy of Mr. Hamilton Merritt and others by whom it was originally commenced and has been carried on, I entertain very strong doubts whether the public would not have been much benefitted had the Company never been formed, or had it expired with its first failure. The Work would then have fallen into the hands

of the Government, and been conducted with regularity and science, and much of the expense which has been incurred would have been saved.

That the House of Assembly would take the same view with myself in regard to the present claim, I have not the least doubt, nor do I doubt that Mr. Hamilton Merritt is aware that it would do so. He knows that they would not listen to an individual Member who should bring forward such a demand, but he hopes that by the influence of the Government, it might be forced through the House. In this hope he would, I believe, be disappointed; and even if the claim had more foundation than it has, I think it would be extremely impolitic to bring forward a money question on which the Government would almost certainly be defeated. Among the Lower Canadian Members, who already complain of the unfair share of the debt of Upper Canada imposed upon them, it would meet with unqualified and probably angry opposition, while the Upper Canada Members who for years have been misled and wearied by the never ending miscalculations and demands of the Company, would to a great extent join with them. The proposal would be rejected and the Government be left with the discredit of having been defeated on what would be described as a "job" for the benefit of parties residing in England.

Under these circumstances I would recommend that the Government should not in any way move in the matter. If there is any justice in the claims of the Shareholders, there is no doubt they will be brought forward with sufficient zeal by Mr. Merritt; if there is not, it is not fitting that the Government should be the means of pressing them on the Legislature.

I have, &c.

CHARLES BAGOT.

Appendix I.

MEMORANDUM OR MINUTE OF 20TH MAY, 1843.

It is looked upon that the fixing the period at which Debentures shall be issued for the payment of the back Interest on the investment of the Private Stockholders, namely, when the tolls to be received at the Canal shall annually amount to £30,000, was intended to give the said back Interest when the tolls on the Canal shall be sufficient to pay the Interest on the sum expected to be expended in the construction of the work, the costs of management and repairs, the Interest on the Debentures issued for the principal sum invested by the Private Stockholders and the Interest on the Debentures for the back Interest.

The calculation appears not to be far wrong under the estimate of expenditure in the year 1839, but subsequently and before the passage of the late Act, a much larger expenditure was found to be necessary, and consequently if Debentures were to issue when the tolls on the Canal annually amounted to only £30,000, the Interest on the Debentures to be issued for the back Interest would be borne upon the Provincial revenue, contrary to the intention of the Legislature.

Mr. Merritt now proposes an alteration in the Law for the benefit of the Private Stockholders, which would make the £117,000 of Debentures which were intended as a repayment of the principal investment of the Private Stockholders payable in England, instead of in this Province, the rate of Interest payable in England to be 5 per cent. per annum.

To this proposal the Government do not think it just to the public interests to accede, unless upon the principle that the Interest on the Debentures for back Interest shall be no burden upon the public revenue. To enable them to be borne on the revenues of the Canal, it is now calculated will require an annual amount of

tolls of £45,000, Provincial currency, leaving the income from real estate and hydraulic privileges to meet the estimated cost of management and repairs after the completion of the Canal.

It is therefore not thought expedient to move in the amendment of the Law as proposed by Mr. Merritt, unless the issue of the Debentures for the payment of the back Interest shall be postponed until after the completion of the Canal, and until the tolls of one year shall amount to forty-five thousand pounds currency.

With respect to the claim of the Private Stockholders to receive dividends under the Act of one thousand eight hundred and thirty-seven, it is not considered that the Stockholders refusing to accept the present law are entitled to such dividend in any event until the tolls received upon the Canal, after deducting the amount required for the charges now made thereon by law, which charges are conceived to include the expense of management and repairs, are sufficient to discharge the amount of Interest on the sum borrowed under the Act; and moreover it seems doubtful (the sum of two hundred and forty-five thousand pounds contemplated to be borrowed under the Act not being raised, and the small portion which was raised not being applied to the construction of the Canal,) whether the contingency in which the Stockholders are to receive dividends can arise under the Act. If there be doubts on these subjects, they can be set at rest by a declaratory law.

If this proposition be acceded to by the Private Stockholders, the Debentures for the one hundred and seventeen thousand pounds, may bear Interest from the first January, one thousand eight hundred and forty-three.

Appendix J.

Mr. Durand from the Committee of the whole House, to consider the expediency of amending a certain Act of the Parliament of Upper Canada, passed in the seventh year of the Reign of His late Majesty, William IV., intituled, "An Act to provide for the permanent completion of the Welland Canal, and for other purposes therein mentioned;" and also a certain other Act of the Parliament of Upper Canada, passed in the fourth and fifth years of the Reign of Her present Majesty, intituled, "An Act to authorize the Stock held by Private Parties in the Welland Canal, to be purchased on behalf of the Province;" reported, according to order, the Resolutions of the said Committee, which Resolutions were again read at the Clerk's table, and agreed to by the House, and are as followeth:—

Resolved, That it is expedient to repeal so much of an Act of the Parliament of Upper Canada, passed in the seventh year of the Reign of His late Majesty, William IV., intituled, "An Act to provide for the permanent completion of the Welland Canal, and for other purposes therein mentioned," as provides for the income of the said Canal or any part thereof, being divided amongst the Private Stockholders.

Resolved, That it is expedient to repeal a certain Act of the Parliament of this Province, passed in the fourth and fifth years of the Reign of Her present Majesty, intituled, "An Act to authorize the Stock held by Private Parties, in the Welland Canal, to be purchased on behalf of the Province," and to provide for the immediate issue of Debentures to the Private Shareholders, redeemable in twenty years from this date, and bearing Interest from the first day of January, 1843, which Interest may, at the option of the Shareholders, be payable in London, at the rate of five per cent. per annum; or in this Province at the rate of six per cent. per annum; and further to provide, that so soon after the completion of the Canal as the toll shall amount, in any one year, to £45,000 currency, other Debentures shall be

issued to the Private Stockholders, for the Interest on their Stock, for the time that the same had been paid in, such Debentures to be payable either in London, at the rate of five per cent. per annum, Interest, or in Canada, at six per cent., at the option of the Shareholders.

Ordered, That the Honorable Mr. Hincks have leave to bring in a Bill to repeal a certain Act therein mentioned, and to make further provision for enabling the Provincial Government to purchase the Stock held by Private Parties in the Welland Canal.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Thursday next.

Appendix K.

4^o & 5^o VICTORIÆ, CAP. XLVIII.

An Act to authorize the Stock held by Private Parties in the Welland Canal to be purchased on behalf of the Province.

[18th September, 1841.]

WHEREAS it is desirable to place the Welland Canal under the exclusive control of the Government of this Province, and for that purpose to provide for the purchase from the Private Stockholders in that work, of the Stock by them held, and which amounts to the sum of One Hundred and Seventeen Thousand Eight Hundred Pounds: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, "An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada," and it is hereby enacted 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 Governor, Lieutenant Governor or person administering the Government 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 Stock held by him or them; and such Debentures shall be made redeemable in twenty 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; which interest, as well as the principal sum, shall be chargeable upon and payable out of the Public Revenue of this Province.

II. And be it enacted, That whenever the Tolls collected on the said Canal shall annually amount to the sum of Thirty Thousand Pounds, it shall be lawful for the Governor, Lieutenant Governor or person administering the Government, to authorize and direct the Receiver General of the Province to issue other Debentures to the original Stockholders or their legal representatives, for such sums as will make up six per centum Interest upon the amount of Stock by them subscribed and paid for, from the time the same shall have been actually paid in, which Debentures shall be made payable in twenty years from the date thereof, and bear Interest at the rate of six per centum, payable half yearly out of the Public Revenues of the Province.

III. Provided always, and be it enacted, 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.

IV. And be it enacted, 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 hereinafter provided, so much of the eighth section of an Act passed in the seventh year of the Reign of His late Majesty King William the Fourth, intituled, "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, or 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, shall be and so much of the said section is hereby repealed; and a majority of the other three Directors shall be a quorum for the transaction of business: Provided always, that the Governor, Lieutenant Governor, or person administering the Government, shall have power and authority to appoint such three Directors, or any of them, annually, at his discretion.

Appendix L.

7 VICTORIÆ CAP. XXXIV.

An Act to repeal a certain Act therein mentioned, and to make further provision for enabling the Provincial Government to purchase the Stock held by private parties in the Welland Canal.

[9th December, 1843.]

WHEREAS in and by a certain Act of the Parliament of this Province, passed in the fourth and fifth years of the Reign of Her present Majesty, intituled, "An Act to authorize the Stock held by private parties in the Welland Canal to be purchased on behalf of the Province," after reciting that it was desirable to place the Welland Canal under the exclusive control of the Government of this Province, and for that purpose to provide for the purchase from the Private Stockholders in that work of the Stock by them held, and which amounted to the sum of One hundred and seventeen thousand eight hundred pounds, it was, amongst other things, enacted, that it should and ought to be lawful for Her Majesty's Receiver General, upon an order to that effect from the Governor, Lieutenant Governor, or person administering the Government of this Province, to issue such number of Debentures as might be required to the several Stockholders in the Welland Canal, for a sum equal to the amount of Stock held by him or them, and that such Debentures should be made redeemable in twenty years from their date, and should bear an Interest of two per cent. per annum on the amount for which they might 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, which interest and principal sum should be chargeable on and payable out of the public revenues of the Province, and that whenever the tolls collected on the said Canal should annually amount to the sum of Thirty Thousand Pounds, it should be lawful for the Governor, Lieutenant Governor, or person administering the Government to authorize and direct the Receiver General of this Province to issue other Debentures to the original Stockholders, or their legal representatives, for such sums as would make up six per centum interest upon the amount of stock by them subscribed and paid for, from the time the same should have been actually

paid, which Debentures were to be made payable in twenty years from the date thereof, and were to bear interest at the rate of six per centum per annum, payable half yearly out of the public revenues of this Province, and that nothing in the said Act contained should be construed to compel any Stockholder to accept Debentures for the Stock held by him as aforesaid, or, in case of refusal to receive the same, to deprive him from being paid from the tolls and revenues of the Canal, according to the laws then existing having relation to the said Canal; And whereas by a certain Act of the Parliament of Upper Canada, passed in the seventh year of the Reign of His late Majesty King William the Fourth, intituled, "An Act to provide for the permanent completion of the Welland Canal, and for other purposes therein mentioned," provision is made for raising, by way of public loan, the sum of Two hundred and forty-five thousand pounds for the purposes of the said Act, and that the tolls received upon the said Canal, after deducting the amount required for the charges then made thereon by law, or so much thereof as might be necessary, should in the first place be applied to discharge the Interest which should accrue upon the said sum of Two hundred and forty-five thousand pounds, and that the remainder of the Income received by the said Company should be divided among the Private Stockholders until it should equal six per cent. on the amount of their investments; And whereas by reason of difficulties arising from the state of the Provincial Finances of Upper Canada aforesaid, a small part only of the said sum of Two hundred and forty-five thousand pounds, was actually raised, and the Canal was therefore not completed by means of the said loan; And whereas the said Canal is in progress of completion by means of other and larger sums of money received for that purpose than the sum provided to be raised under the said Act; And whereas therefore, the circumstances contemplated by the said Act, under which the said Private Stockholders were to have received dividends from the Income of the said Canal, have not arisen and cannot now arise, and it is therefore expedient to repeal the said provision for the payment of such dividends; And whereas it is represented to be for the interest of the Private Stockholders aforesaid that the said first in part recited Act should be repealed, and other provisions enacted in lieu thereof: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, intituled, "An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada," and it is hereby enacted by the authority of the same, That the said first in part recited Act, and the said Act of the Parliament of Upper Canada, in so far as the same relates to the division of the Income of the said Canal, or any part thereof, amongst the Private Stockholders, shall be and the same are hereby repealed, except in so far as the same repeal any former Act or Acts of the Parliament of Upper Canada or of this Province.

II. And be it enacted, That there shall be charged upon the Consolidated Revenue Fund of this Province, for the benefit of the private Stockholders in the said Welland Canal, the sum of One Hundred and Seventeen Thousand Eight Hundred Pounds, currency of this Province, with interest thereon, from the first day of January, in the year of our Lord one thousand eight hundred and forty-three.

III. And be it enacted, That it shall and may be lawful for the Governor of this Province in Council, to direct the Receiver General of this Province to issue such number of Debentures as may be required, to the private Stockholders in the Welland Canal Company, not exceeding the said sum of One Hundred and Seventeen Thousand Eight Hundred Pounds, currency, at a rate of interest not exceeding five per cent. per annum, if the said Debentures and Interest shall be payable in England, or not exceeding six per centum per annum, if the said Debentures and In-

terest shall be made payable in Canada; and that the Debentures or other Securities to be issued shall bear date the first day of January, in the year of our Lord one thousand eight hundred and forty-three, and the interest thereon shall be payable from thence on the first day of January next succeeding the issue thereof, and from thence half-yearly on the first day of July and the first day of January, in each year, until the principal sum shall be paid, and such principal sum shall be made payable in twenty years from the date of the said Debentures.

IV. And be it enacted, That it shall and may be lawful for the Governor of this Province in Council, to direct the issue of the said Debentures to the private Stockholders according to their respective claims, and such Debentures shall bear the rates of interest above mentioned, and shall be payable either in London or in this Province, as such private Stockholders shall respectively desire, and at such place therein as the Governor in Council shall direct and appoint: Provided always, that nothing in this Act contained shall be held to invalidate or make void any Debentures heretofore issued under the said first in part recited Act.

V. And be it enacted, That it shall and may be lawful for the Governor of this Province in Council to direct the substitution of the Debentures to be issued under this Act, in lieu of the said Debentures already issued, upon application of the party holding the same.

VI. And be it enacted, That so soon after the completion of the said Canal as the tolls received thereon for any one year shall amount to the sum of Forty-five Thousand Pounds, currency of this Province, there shall be charged upon the Consolidated Revenue Fund thereof an amount equal to six per centum per annum on the private stock subscribed from the time the same has been paid in, for the benefit of the private Stockholders aforesaid, or their legal representatives.

VII. And be it enacted, That it shall be lawful for the Governor of this Province in Council, at any time after such receipt of tolls, to direct to be issued to such private Stockholders, or their legal representatives, Debentures for the amount of their respective claims, bearing interest and payable in the same length of time after their issue, and at the same places, respectively, as if the same were issued under the foregoing provisions of this Act to the private Stockholders aforesaid for the principal sum invested by them.

VIII. And be it enacted, That in case any certificate or certificates, or other documents, have been issued to any of the said private Stockholders, or their legal representatives or assigns, signifying that they or any of them are or shall be entitled to receive the back interest mentioned in the said first in part recited Act, or Debentures therefor, those who shall lawfully hold such certificate or other document, shall be entitled to the same payments or Debentures, and to none other than they would be entitled to under this Act if such certificates or other documents had never issued.

No. 16.

SECRETARY'S OFFICE, June 13, 1853.

Sir,—I have the honor, by command of the Governor General, to acquaint you, for the information of the parties interested, that His Excellency has had under his consideration in Council the several renewed applications recently made by you on behalf of the Private Shareholders in the late Welland Canal Company, urging the right of such Shareholders to claim six per cent. per annum upon the amount of their paid up Stock, from the time the same was paid in until the year 1852, when the Tolls of the Canal reached the sum of £45,000, and submitting certain legal

opinions from several eminent Lawyers, &c., in England and the United States, in support of those pretensions.

His Excellency has also had under his consideration, in connection with the above, a printed Memorandum submitted by the Honorable Attorney General for Upper Canada, containing a full detail of the facts connected with this claim, and of the reasons which operate against its being favorably entertained; and, in view of all the facts, His Excellency must adhere to the decision previously arrived at upon the matter, viz.: that the claim in question cannot be entertained.

His Excellency has, moreover, considered your request, made subsequently to the preparation of the Memorandum in question, that the rights of the Stockholders may be considered in relation to the Statute, and not with reference to the equitable grounds set forth in your former Memorial upon the subject, and that (in the event of the Executive being of opinion that the Stockholders are not entitled to the amount claimed) the question may be referred for decision to some legal tribunal either in this Country or in England.

In reference to this request, I am directed by His Excellency to state, that the reasons given in the Memorandum appear to apply to the legal as well as to the equitable view of the subject, and that there does not seem to be anything in the nature of the claim (which neither on legal or equitable grounds can be admitted) to justify His Excellency in referring the question to a legal tribunal, as doing so would be a departure from the ordinary rules prescribed by the Government when demands of a like nature are presented.

I have, &c.,

A. N. MORIN.

The Honorable Wm. H. MERRITT, M.P.

GENERAL STATEMENT

OF

BAPTISMS, MARRIAGES, & BURIALS,

IN THE DISTRICTS OF

QUEBEC, MONTREAL, THREE RIVERS,

SAINT FRANCIS, AND GASPE',

FOR THE YEARS

1851 & 1852;

AND

SUPPLEMENTARY STATEMENT

FOR THE

DISTRICT OF MONTREAL,

FOR THE YEARS

**1834, 1835, 1836, 1837, 1838, 1839, 1840, 1841, 1842, 1843, 1844, 1845,
1846, 1847, 1848, 1849, and 1850.**

QUEBEC:

**PRINTED BY ROLLO CAMPBELL,
NO. 11, GARDEN STREET.**

.....
1853.

GENERAL STATEMENT AND RETURN OF BAPTISMS, QUEBEC, for

COUNTIES.	PARISHES NORTH OF THE RIVER ST. LAWRENCE.	RELIGIOUS DENOMINATIONS.	BAPT-	
			Males.	
QUEBEC	Notre Dame de Quebec	Catholic	570	
	Hotel Dieu	do	492	
	St. Roch de Quebec	do	64	
	Hopital Générale	do	34	
	Metropolitan Church	English Protestant	12	
	St. Andrew's Church	Church of Scotland	16	
	St. John's Church	Protestant Episcopal	25	
	St. Paul's Chapel	do	17	
	St. Peter's do	do	1	
	Military Congregation	do	29	
	Congregational Society	Protestant	41	
	Wesleyan Methodist	Methodist	24	
	Ste. Foye	Catholic	51	
	Ancienne Lorette	do	24	
	St. Ambroise	do	8	
	St. Gabriel Valcartier	do	8	
	Valcartier Lake	Presbyterian	8	
	Beauport and Stoneham	Mission	95	
	Stoneham and Valcartier	Church of Scotland	49	
	Charlesborough	Catholic	10	
	Beauport and Mission Laval	do	5	
St. Dunstan and others	do	5		
Destitute Settlement	Mission and Church of Scot- land	5		
Marine Hospital	Catholic	5		
St. Edmond de Stoneham	do	5		
			1512	
PORTNEUF	Grondines	Catholic	33	
	Deschambault	do	75	
	Cap Santé	do	51	
	Ecureuils	do	8	
	St. Raymond	do	26	
	St. Bazile	do	23	
	Pointe aux Trembles	do	37	
	St. Augustin	do	26	
	St. Casimir	do	38	
	Ste. Catherine	do	30	
	Portneuf, and of the Synod of Canada.	Presbyterian Congregation	6	
	Bourg-Louis, Portneuf, Jacques Car- tier, Ste. Catherine	Protestant Episcopal Mis- sionary	7	
				360
	MONTMORENCY	L'Ange Gardien	Catholic	19
		Chateau Richer	do	25
		St. Anne	do	23

MARRIAGES, AND BURIALS, IN THE DISTRICT OF the year 1851.

MARRIAGES.	BURIALS.		Total Baptisms.	Total Burials.	Increase.	Decrease.	REMARKS.
	Males.	Females.					
480	372	376	1050	748	302		
220	17	22	1050	39		39	
150	350	324	957	674	283		
2	5	4		9		9	
38	46	43	111	89	22		
52	29	16	81	45	36		
1	4	4	18	8	10		
6	18	5	29	23	6		
13	6	18	45	72		27	
19	58	14	28	37		9	
5	26	11	28	37		4	
2	4	1	58	27	31		
22	14	18	58	27	31		
12	34	27	83	61	22		
6	18	24	54	42	12		
33	43	35	109	78	31		
3	4	6	34	10	24		
2	4	9	16	13	3		
							No Return.
							do do
			69	66	3		
			113	68	45		
			26	5	21		
							No Return.
			11	125		109	
			3	3	5		
1894	1185	1062	2906	2247	856	197	
40	18	9	73	27	46		
67	28	29	142	57	85		
52	32	29	103	61	42		
17	6	13	25	19	6		
32	20	16	58	36	22		
33	7	7	56	14	42		
50	23	34	87	57	30		
37	22	16	63	38	25		
36	8	8	74	16	58		
27	23	14	57	37	20		
10	4	5	16	9	7		
7	1	4	14	5	9		
408	192	184	768	376	392		
13	13	10	32	23	9		
29	10	9	54	19	35		
22	9	6	45	15	30		

GENERAL STATEMENT AND RETURN OF BAPTISMS, MARRIAGES,

COUNTIES.	PARISHES NORTH OF THE RIVER ST. LAWRENCE.	RELIGIOUS DENOMINATIONS.	BAPT-
			Males.
MONTMORENCY. <i>—(Continued.)</i>	St. Fércole	Catholic	18
	St. Joachim	do	28
	S. Laurent, Isle d'Orléans	do	20
	St. Jean do	do	19
	St. François do	do	5
	St. Pierre do	do	19
	Ste. Famille do	do	18
			189
SAGUENAY	Petite Rivière St. François Xavier	Catholic	13
	Baie St. Paul	do	87
	Ste. Agnès	do	29
	St. Urbain	do	11
	Eboulemens	do	47
	St. Irénée	do	20
	Isle aux Coudres	do	8
	Malbaie	do	77
	St. François Xavier de Chicoutimi	do	67
	St. Nom de Jésus do	do	
	Escoumens and other places	do	
	Pointe des Monts	do	
	St. Alexis	do	99
	Ste. Zoé de l'Ance à l'Eau, Tadou- sac, &c	do	
	Labrador	do	
	Postes du Roi, Mingan	do	
			458

PARISHES SOUTH OF THE

LOTBINIERE	St. Jean DesChailions	Catholic	48
	Lotbinière	do	81
	Ste. Croix	do	52
	St. Antoine de Tilly	do	87
	St. Giles	do	35
	St. Sylvester	do	61
	Mission of St. Giles and parts adjacent.	Church of England.....	22
		386	
MEGANTIC	Mission of Leeds and adjacent parts..	Church of England.....	5
	Mission of Leeds, St. Sylvester, and Inverness	Church of Scotland.....	14
	New Ireland.....	Wesleyan Methodist	

AND BURIALS, IN THE DISTRICT OF QUEBEC, &c.—(Continued.)

Females.	MARRIAGES.	BURIALS.		Total Baptisms.	Total Burials.	Increase.	Decrease.	REMARKS.
		Males.	Females.					
12	4	5	7	30	12	18		
21	6	9	12	44	21	23		
20	8	12	11	40	23	17		
29	12	10	11	48	21	27		
8	1	8	10	13	18		5	
12	6	7	8	31	15	16		
18	6	13	17	36	30	6		
184	69	96	101	373	197	181	5	
12	6	6	7	25	13	12		
59	21	39	32	146	71	75		
28	13	13	9	57	22	35		
10	5	3	3	21	6	15		
52	14	15	18	99	33	66		
21	13	9	16	41	25	16		
17	6	6	5	25	11	14		
69	23	26	22	146	48	98		
70	27	16	9	137	25	112		
								No Return.
								do do
								do do
94	23	21	21	193	42	151		
								No Return.
								do do
								do do
432	151	154	142	890	296	594		

RIVER ST. LAWRENCE.

50	23	12	8	98	20	78		
57	23	17	30	138	47	91		
66	15	16	25	118	41	77		
76	29	30	25	163	55	108		
36	11	13	9	71	22	49		
62	25	29	17	123	46	77		
21	7	1	3	43	4	39		
368	133	118	117	754	235	519		
6	3	1	2	11	3	8		
7	10	0	1	21	1	20		No Return.

GENERAL STATEMENT AND RETURN OF BAPTISMS, MARRIAGES,

COUNTIES.	PARISHES SOUTH OF THE RIVER ST. LAWRENCE.	RELIGIOUS DENOMINATIONS.	BAPT-
			Males.
MEGAN TIC.—(Con- tinued.)	Township of Inverness Congregational Society	Protestant	
	Upper Ireland Mission	Church of England	8
	St. Ferdinand d'Halifax and other places	Catholic	62
	St. Eusèbe de Stanford	do	
	Mission de St. Louis et de Blanford	do	
	First Inverness and parts adjacent	Church of England	
	Second Inverness and parts adjacent	do	
	St. Olivier du Lac Aylmer		
			89
DORCHESTER	St. Nicholas	Catholic	47
	St. Jean Chrysostome	do	60
	Pointe Levy	do	133
	Notre Dame de la Victoire de Levi	do	8
	St. Henry	do	67
	St. Anselme	do	50
	Ste. Claire	do	69
	St. Isidore	do	58
	Ste. Marie Nouvelle Beauce	do	84
	St. Elzear	do	73
	St. François	do	58
	St. Joseph	do	81
	Township de Tring, Forsyth, &c	do	
	Ste. Marguerite	do	39
	St. Vital de Lampton and St. Evariste de Forsyth	do	45
	St. Bernard	do	46
	St. George Aubert Gallion	do	45
	St. Victor de Tring	do	37
	Frampton	do	22
	Somerset and St. Calixte	do	105
Mission of Point Levy and parts adjacent	do		
Kennebec Settlement Mission	Church of England	8	
Frampton and Standon	Presbyterian Congregation	6	
West Frampton and parts adjacent	Protestant Congregation	12	
St. Frédéric Nouvelle Beauce	do		
	Catholic		
		1153	
BELLECHASSE	Beaumont	Catholic	31
	St. Charles, R. Boyer	do	36
	St. Jervais	do	83
	St. Michel	do	48
	St. Vallier	do	25
	Berthier	do	20
	St. François, Rivière du Sud	do	38

AND BURIALS, IN THE DISTRICT OF QUEBEC, &c.—(Continued.)

-ISMS.	MARRIAGES.	BURIALS.		Total Baptisms.	Total Burials.	Increase.	Decrease.	REMARKS.
		Males.	Females.					
Females.								
								No Return.
9	6	1	2	17	3	14		
72	27	33	21	134	54	80		No Return.
								do do
								do do
								do do
94	46	35	26	183	61	122		
51	39	21	21	98	42	56		
61	10	22	18	121	40	81		
142	41	108	96	275	204	71		
3	2	3	1	11	4	7		
72	28	39	42	139	81	58		
43	18	35	23	93	63	30		
54	14	23	19	123	42	81		
56	13	19	25	114	44	70		
62	19	45	60	146	105	41		
68	20	33	19	141	52	89		
57	22	38	39	115	77	38		
94	32	53	48	175	101	74		
51	17	28	23	90	56	34		No Return.
51	12	8	14	96	22	74		
33	7	25	15	79	40	39		
39	9	27	23	84	55	29		
34	7	18	20	71	38	33		
23	3	10	6	45	16	29		
106	54	20	25	211	45	166		
3	1	9	3	11	12		1	
								No Return.
10	5	3		16	3	13		
5	3		1	17	1	16		
1118	376	587	556	2271	1143	1129	1	
19	10	11	19	50	30	20		
28	14	22	20	64	42	22		
87	15	36	30	170	66	104		
47	25	21	27	95	48	47		
37	12	13	14	62	27	35		
24	8	9	8	44	17	27		
52	9	9	13	90	22	68		

GENERAL STATEMENT AND RETURN OF BAPTISMS, MARRIAGES,

COUNTIES.	PARISHES SOUTH OF THE RIVER ST. LAWRENCE.	RELIGIOUS DENOMINATIONS.	BAPT-	
			Males.	
BELLECHASSE.— (Continued.)	St. Lazare	Catholic	46	
	Mission de St. Raphael	do	28	
			355	
KAMOURASKA	Ste. Anne Pocatière	Catholic	70	
	Rivière Ouelle	do		
	St. Denis	do		
	St. Louis de Kamouraska	do		
	St. Paschal do	do	74	
	St. André do	do		
	Stc. Hélène do	do		
L'Assomption de la Rivière Ouelle	do			
			144	
L'ISLET	St. Pierre, Rivière du Sud	Catholic	31	
	St. Thomas	do	96	
	Cap St. Ignace	do	55	
	L'Islet	do	105	
	St. Jean Port Joli	do	87	
	St. Roch des Aulnets	do	49	
	Isle aux Grues	do	8	
	Grosse Isle ou Ste. Luce	do	1	
				432
	RIMOUSKI	Rivière du Loup	Catholic	
Kakouna		do		
St. Jean Baptiste, Isle Verte		do		
Trois Pistoles		do		
St. Simon and St. Fabien		do		
St. Fabien, (seul)		do		
St. Germain		do		
Ste. Luce		do		
Matane, St. Jerome, Ste. Anne des Monts, and other places		do		
Mission of River du Loup		Church of England	3	
Metis		Protestant Episcopal, Pres- byterian Congregation.		
Ste. Arsène de Kakouna		Catholic		
Ste. Flavie		do		
Ste. Cecile du Bic		do		
St. Eloi		do		
			3	

AND BURIALS, IN THE DISTRICT OF QUEBEC, &c.—(Continued.)

MARRIAGES.	BURIALS.		Total Baptisms.	Total Burials.	Increase.	Decrease.	REMARKS.
	Males.	Females.					
42	7	20	9	88	29	59	
		13	6	54	19	35	
302	107	154	146	717	300	417	
59	19	26	25	129	51	78	No Return.
82	23	26	28	156	54	102	No Return. do do
141	42	52	53	285	105	180	No Return. do do do do
29	6	6	13	60	19	41	
79	27	50	36	175	86	89	
65	14	18	8	120	26	94	
79	23	36	41	184	77	107	
70	19	21	31	157	52	105	
67	26	30	16	116	46	70	
11	5	2	3	19	5	14	
2		24	13	8	37		34
402	120	187	161	834	348	520	34
							No Return. do do do do do do do do do do do do do do do do
3	2	2		6	2	4	do do
							No Return. do do do do do do do do
3	2	2		6	2	4	

DISTRICT OF QUEBEC.—(Continued.)

COUNTIES.	BAPTISMS.		MARRIAGES.
	MALES.	FEMALES.	
QUEBEC	1512	1394	599
PORTNEUF	360	408	107
MONTMORENCY	189	184	69
SAGUENAY	458	432	151
LOTBINIERE	386	368	133
MEGANTIC	89	94	46
DORCHESTER	1153	1118	376
BELLECHASSE	355	362	107
L'ISLET	432	402	120
KAMOURASKA	144	141	42
RIMOUSKI	3	3	2
	5081	4906	1752
Decrease			
Increase			

BAPTISMS.—Males

Females

BURIALS.—Males

Females

Total Increase.....

PROTHONOTARY'S OFFICE,
Quebec, 25th March, 1852.

—RECAPITULATION.

BURIALS.		TOTAL BAPTISMS.	TOTAL BURIALS.	INCREASE.	DECREASE.
MALES.	FEMALES.				
1185	1062	2906	2247	856	197
192	184	768	376	392	.....
96	101	373	197	181	5
154	142	890	296	594	.....
118	117	754	235	519	.....
35	26	183	61	122	.....
587	556	2271	1143	1129	1
154	146	717	300	417	.....
187	161	834	348	520	34
52	53	285	105	180	.....
2	0	6	2	4	.....
2762	2548	9987	5310	4914	237
				237	.....
				4677	.....

.....	5081	
.....	4906	9987
.....	2762	
.....	2548	5310
.....		4677

BURROUGHS & Fiset,
P.S.C.

GENERAL STATEMENT OF BAPTISMS, MARRIAGES, during the

AND BURIALS, IN THE DISTRICT OF MONTREAL, year 1851.

COUNTIES.	PARISHES.	BAPT-
		Males.
MONTREAL	Montreal Parish Church, Catholic	1201
	do Hôpital Général, Sœurs Grises	2
	do Christ Church, Protestant Episcopal	50
	do St. Helen Garrison	1
	do Garrison	27
	do St. George's Chapel	32
	do Trinity Chapel, Protestant Episcopal, or Church of Eng-land	8
	do St. Thomas Church, Protestant Episcopal	23
	do Griffintown, St. Ann's Chapel, Protestant Episcopal	11
	do St. Mary's Chapel, Current St. Mary	
	do Episcopal Church Society for Montreal	
	do St. Paul's Church, Presbyterian, St. Helen Street	16
	do Scotch Church, St. Gabriel Street	20
	do St. Andrew's Church, Presbyterian	38
	do Presbyterian Church, St. Lawrence Suburb	
	do American Presbyterian Church, Great St. James Street	
	do Coté Street Free Church, or Presbyterian Church	7
	do French Presbyterian Church	
	do Eglise Evangélique Française	2
	do Wesleyan Congregation, Great St. James Street	58
	do First Congregational Church, St. Maurice Street	
	do Second Congregational Church, Gosford Street	5
	do United Associate Church, Lagauchetière Street	17
	do Baptist Church, St. Helen Street	2
	do Jewish Church	5
	do Unitarian Church	6
	do Presbyterian Church, in connexion with the Church of Scotland	9
	do Congregational Church in Zion Church	9
Lachine	Catholic Church	
	do Church of England	2
	do do of Scotland	15
	do St. Joachim de la Pointe Claire	42
	do St. Anne du Bout de L'Isle	24
	do St. Geneviève	43
	do St. Laurent	81
	do Sault au Recollet	48
	do St. Joseph de la Rivière des Prairies	22
	do Pointe aux Trembles	20
	do Longue Pointe, St. François d'Assise	21
		1876
OTTAWA	Petite Nation	
	Ste. Anne du Grand Calumet and others	34
	St. Paul d'Aylmer	39
	Missions St. Etienne, Chelsea	16
	Visitation sur le Gatineau	32
	Mission de François de Sales de Templeton	33

-ISMS.	MARRIAGES.	BURIALS.		Increase.	Decrease.	Total Increase.	Total Decrease.	REMARKS.
		Males.	Females.					
1045	458	806	813	627				
			2					
37	21	37	28	22				
2		4	2		3			
15	11	34	5					
28	21	12	20	28				
6	21	5	4	5				
16	14	25	33		19			
13	10		2	22				No Return.
								do do
13	8	8	6	15				
17	11	9	8	20				
33	28	16	11	44				
								No Return.
								do do
10	4	3	7	7				
2		3		1				No Return.
51	47	17	18	74				
7	4	2	3	7				No Return.
11	34	7	6	15				
9	2	1		10				
6			2	9				
3	3	4	4	1				
4	4	3	3	7				
11	14	3	2	15				No Return.
4	3	1	2	3				
10	4	5	1	19				
20	10	9	6	56				
16	6	9	2	29				
43	16	16	14	61				
42	19	25	19	79				
52	20	36	21	43				
26	6	12	9	27				
24	6	9	14	30				
19	6	6	3	31				
1609	809	1127	1070	1310	22	1288		
								No Return.
30	9	7	2	55				
33	15	11	5	56				
18	6	3	3	28				
37	6	4	2	63				
40	16	17	8	48				

GENERAL STATEMENT OF BAPTISMS, MARRIAGES, AND

COUNTIES.	PARISHES.	BAPT-
		Males.
OTTAWA.—(Continued.)	Wesleyan Methodist Church at Templeton	2
	Mission de St. Alphonse des Allumettes, &c.	2
	Hull, Aylmer, Church of England	2
	Townships of Buckingham and Lochaber, Presbyterian	5
	Presbyterian Church of Wakefield	34
	Episcopal Congregation of Clarendon, &c.	7
	do do Grenville	10
	Wesleyan Methodist Congregation, County of Clarendon and Onslow.	2
	Presbyterian Church, Bristol, Clarendon, and Leitchfield	2
	Baptist Church, Petite Nation	16
	St. Gregoire de Naziance de Buckingham	18
	Mission de St. Joseph de Wakefield	
	Mission du Portage du Fort and de Bristol	
	Episcopal Church, Chatham	
	245	
VAUDREUIL	Vaudreuil, Catholic	79
	Ile Perrot	13
	Rigaud	88
	Soulanges ou Paroisse des Cedres	35
	St. Ignace du Coteau du Lac, Catholic	63
	St. Polycarpe	188
	Ste. Marthe	51
	Coteau du Lac, Episcopal Congregation	2
	Vaudreuil, Protestant	9
	Church of Scotland, Côte St. George	
	St. Clet	31
	504	
LAC DES DEUX MONTAGNES	Mission du Lac des deux Montagnes	80
	St. Eustache, Catholic	95
	St. Andre d'Argenteuil	69
	St. Benoit	67
	St. Hermas	42
	St. Scholastique	103
	St. Raphael	32
	St. Placide	19
	Notre Dame de Petié de Grenville	35
	St. Eustache, Scotch Presbyterian	
	LaChute do do	15
	Associate Synod of the Secession Church of St. Eustache	
	Grenville and Chatham, Presbyterian	47
	Gore Settlement Church of England, Grenville	
Congregational Church, St. Andrews	3	
St. Andrews, Scotch Presbyterian	2	
Presbyterian Church of Canada		

BURIALS, IN THE DISTRICT OF MONTREAL, &c.—(Continued.)

-ISMS.	MARRIAGES.	BURIALS.		Increase.	Decrease.	Total Increase.	Total Decrease.	REMARKS.
		Males.	Females.					
Females.								
8	6			5				No Return.
								do do
1		1	1	1				
6				11				
32	19	16	12	38				
12	1	1	4	14				
6	3	4	6	6				No Return.
1	1			3				No Return.
								do do
15		3	1	27				
16	6	7	3	19				
250	88	74	47	374		374		
77	22	32	18	106				
14	8	3	7	17				
69	22	26	20	106				
45	14	13	19	48				
48	29	22	16	73				
107	55	43	33	169				
51	10	14	12	76				
9	4	1	6	4				
5		3		11				
28	6	4	2	53				No Return.
453	170	161	133	663		663		
33	13	21	27	15				
92	24	33	28	126				
73	23	25	14	103				
58	13	20	20	85				
32	13	20	9	45				
112	32	68	35	112				
19	4	9	10	32				
28	7	12	7	28				
27	12	5	8	49				
16	10	2	3	26				No Return.
								No Return.
45	44	3	3	86				No Return.
								No Return.
2	1	1	2	1				No Return.

GENERAL STATEMENT OF BAPTISMS, MARRIAGES, AND

COUNTIES.	PARISHES.	BAPT-	
		Males.	
LAC DES DEUX MONTAGNES.— (Continued.)	Baptist Church in St. Andrews	4	
	Wesleyan Methodist Congregation in the Circuit of Point Fortune, St. Andrews.	33	
		596	
TERREBONNE	St. Colomban	18	
	St. Jerome	198	
	Terrebonne	51	
	St. Rose	49	
	St. Vincent de Paul	75	
	St. Martin, Catholic	87	
	St. Anne des Plaines	38	
	St. Thérèse de Blainville, Catholic	70	
	St. Janvier du Pays Fin	49	
	St. François de Sales, Isle Jesus	29	
	St. Augustin	49	
	St. Thérèse de Blainville, Eglise Evangélique	1	
	St. Thérèse, Scotch Presbyterian	11	
	United Associate Congregation of New Glasgow	5	
	St. Martin, Church of England	2	
	Church of England, New Glasgow and Kilkenny	12	
	Missionary of the Protestant Episcopal Church for the Townships of Clifton, Mille Isles, Horan, Wentworth, Lochaber, Portland and St. Jerome, Parish Côte St. Gabriel, Petite Nation.		
		744	
	LEINSTER	St. Jacques	140
		L'Assomption	88
		St. Sulpice	14
Repentigny		38	
Bienheureux Alphonse Rodriguez		37	
Missions de St. Ligouri des Allumettes			
St. Esprit		55	
Lechenaie		28	
St. Henry de Mascouche		74	
St. Roch		63	
St. Lin		77	
St. Julienne		40	
St. Patrick de Rawdon		28	
Church of England, Rawdon			
Wesleyan Methodist, Rawdon Circuit			
Episcopal Congregation of Mascouche		2	
		679	

BURIALS, IN THE DISTRICT OF MONTREAL, &c.—(Continued.)

-ISMS.	MARRIAGES.	BURIALS.		Increase.	Decrease.	Total Increase.	Total Decrease.	REMARKS.
		Males.	Females.					
2		1		5				
27	5	1	1	58				
566	201	221	167	774		774		
12	7	7	2	21				
177	54	75	66	234				
49	8	28	23	49				
73	15	40	22	60				
68	17	29	22	92				
80	23	39	32	96				
47	11	12	20	53				
65	35	40	34	61				
44	10	15	17	61				
18	7	7	8	32				
45	19	20	21	53				
2				3				
3	1	1	2	11				
5	2	1	1	8				
3			2	3				
8	1		4	16				
								No Return.
699	210	314	276	853		853		
146	28	69	54	163				
92	20	44	39	92				
11	3	12	5	8				
39	15	24	23	30				
31	4	10	7	51				
49	13	19	18	67				No Return.
23	8	12	9	30				
51	17	30	28	67				
58	28	28	31	62				
80	17	29	34	94				
38	9	14	6	58				
39	11	17	11	39				
								No Return.
5	1	2		5				do
662	174	310	265	766		766		

GENERAL STATEMENT OF BAPTISMS, MARRIAGES, AND

COUNTIES.	PARISHES.	BAPT-
		Males.
BERTHIER	Berthier	95
	St. Antoine de LaValtrie	28
	St. Paul de LaValtrie	56
	Lanoraie	49
	St. Cuthbert	66
	Ste. Elizabeth	84
	St. Thomas	50
	St. Bartholomi de Du sablé	46
	St. Gabriel du Lac Maskinongé	55
	St. Ambroise de Kildare	48
	Ile du Pads	14
	Ste. Melanie de D'Aillebout	44
	St. Charles du Village d'Industrie	89
	St. Felix de Valois	52
	St. Norbert de Berthier	17
	793	
RICHELIEU	St. Ours	75
	St. Denis	82
	St. Charles	43
	Sorel, Catholic	163
	Ste. Victoire, desservie de Sorel	48
	William Henry, Protestant	8
	Congregational Church, Sorel	
	410	
ST. HYACINTHE ..	St. Aime de Barrow	104
	St. Hyacinthe	170
	St. Jude	34
	St. Damase	67
	St. Césaire	136
	St. Hugues	83
	St. Pie	188
	St. Rosalie	37
	St. Simon	43
	St. Dominique	64
	St. Bernabé	38
	Episcopal Missionary at Abbotsford, St. Paul de Yamaska	8
	Abbotsford Episcopal Congregation	
	Eglise Evangelique ou Congregationelle de St. Pie	1
	Church of England, St. Hyacinthe	2
	926	
ROUVILLE	St. Marie de Monnoir	119
	St. Jean Baptiste de Rouville	51
	St. Athanase	100
	Présentation	37

BURIALS, IN THE DISTRICT OF MONTREAL, &c.—(Continued.)

-ISMS.	MARRIAGES.	BURIALS.		Increase.	Decrease.	Total Increase.	Total Decrease.	REMARKS.
		Males.	Females.					
86	19	38	33	110				
25	6	9	10	34				
37	16	25	15	53				
40	11	20	22	47				
71	20	13	29	95				
79	20	21	27	115				
33	18	20	10	53				
50		21		54				
47	10	18	21	54				
82	12	23	18	96				
61	14	32	16	61				
21	11	6	9	20				
60	13	18	9	77				
89	17	34	31	113				
70	21	17	15	90				
30	6	5	10	32				
831	214	299	275	1050		1050		
78	30	30	21	10				
60	10	30	19	93				
37	12	12	29	48				
184	53	70	44	253				
37	11	16	19	50				
7	6	8	3	4				No Return.
403	122	166	126	530		530		
111	31	41	38	136				
160	49	77	59	200				
38	18	9	6	57				
68	25	23	24	88				
128	40	54	59	151				
81	20	26	10	128				
99	37	35	24	178				
44	19	15	12	54				
55	13	11	14	71				
57	13	17	16	88				
22	11	8	5	42				
4	3	5	5	2				No Return.
1	4			2				
1			1	2				
687	283	321	273	1199		1199		
100	30	42	24	153				
40	12	15	9	67				
85	26	44	41	100				
50	12	18	40	29				

GENERAL STATEMENT OF BAPTISMS, MARRIAGES, AND

COUNTIES.	PARISHES.	BAPT-
		Males.
ROUVILLE.—(Continued.)	St. Hilaire de Rouville	48
	Ste. Brigide	84
	St. Grégoire le Grand	83
	St. Mathias, Pointe Olivier	30
	St. George de Noyan	
	Caldwell and Christie Manors	14
	Misisquoi Bay, Scotch Church	
	St. Alexandre desserri de la Paroisse, St. Athanase	42
	Episcopal Congregation of Christieville	
	Wesleyan Methodist, Clarenceville, &c	13
	Church of England Circuit, Christieville	8
	Eglise Protestant Episcopale de Saberois	3
		582
VERCHERES.....	Verchères	76
	St. Antoine	37
	Verchères	90
	Contrecoeur	47
	Belœil	58
	St. Marc	31
	339	
CHAMBLY.....	Chambly, (St. Joseph de)	88
	Longueuil	74
	Boucherville	60
	St. Bruno	
	St. Luc	16
	St. Jean, Catholic	112
	Wesleyan Methodist, in the Circuit of St. Johns	10
	Chambly, Church of England	10
	St. Johns, do do	18
	Wesleyan Methodist, in the Circuit of Chambly	
	388	
HUNTINGDON....	St. Constant	66
	Laprairie, Catholic	83
	Sault St. Louis	41
	St. Philomène	41
	Chateauguay	44
	St. Philippe	47
	Blairfindie	60
	St. Edouard	99
	St. Cyprien	119
	Episcopal Congregation, Manningville	7
	St. Valentine	75
	St. Remi	112

BURIALS, IN THE DISTRICT OF MONTREAL, &c.—(Continued.)

-ISMS.	MARRIAGES.	BURIALS.		Increase.	Decrease.	Total Increase.	Total Decrease.	REMARKS.
		Males.	Females.					
Females.								
39	10	9	8	70				
25	7	10	7	42				
68	18	30	16	105				
33	15	16	9	38				No Return.
18	7	7	9	16				No Return.
45	9	18	14	55				No Return.
11	8	4	1	19				
4	3	5	1	6				
4				7				
522	157	218	179	707		707		
56	14	30	23	79				
40	18	20	19	38				
73	31	37	26	100				
41	13	19	13	56				
52	19	27	18	65				
26	12	4	6	47				
288	107	137	105	385		385		
93	23	44	25	112				
68	31	40	26	76				
78	17	26	30	82				No Return.
23	3	5	10	24				
93	39	36	39	130				
2	5			12				
4	1	8	4	2				
15	10	8	10	15				
8	2			8				
384	131	167	144	461		461		
57	18	31	22	70				
98	28	29	29	123				
34	24	25	29	24				
54	11	8	15	72				
36	25	22	10	48				
43	22	11	12	67				
63	24	21	17	85				
87	18	30	25	131				
92	31	26	29	156				
2	1	2	3	4				
63	20	31	23	84				
81	24	26	21	146				

GENERAL STATEMENT OF BAPTISMS, MARRIAGES, AND

COUNTIES.	PARISHES.	BAPT-	BAPTISMS.		MARRIAGES.	BURIALS.		Increase.	Decrease.	Total Increase.	Total Decrease.	REMARKS.	
		Males.	Females.	Males.		Females.							
HUNTINGDON.— (Continued.)	St. George	104	110	24	32	27	155						
	St. Jacques le Mineur	53	48	15	10	13	78						
	St. Bernard de Lacolle	60	54	20	24	15	75						
	Laprairie, Church of England	2	7		5	4						No Return.	
	do Scotch Church												
	Odelltown, Wesleyan Methodist	10	16	5	6		20						
	French Protestant Congregational Church, Grande Ligne	1	6	3	2	1	4						
	Hemysburg Circuit, Methodist	9	8		2	1	14						
	Episcopal Congregation, Lacolle and parts adjacent	3	7	4	5	2	3						
	Second Presbyterian Church, Huntingdon	16	23	15	6	4	29						
	Episcopal Congregation, Huntingdon	32	21	7	2	2	49					No Return.	
	Protestant Grande Ligne de L'Acadie												
	Congregational Church, Chateauguay	12	16	1	1		27						
	Episcopal Congregation, St. Remi	5	2	2	1	1	5						
	Wesleyan Methodist Congregation	18	11	4	4	1	24						
		1119	1039	316	362	303	1493			1193			
BEAUHARNOIS	St. Clément	130	98	30	37	20	171						
	St. Timothée	95	101	31	29	20	117						
	Mission de St. Régis	39	25	17	13	13	38						
	St. Anicet	41	36	8	13	7	57						
	St. Flor	44	38	11	15	14	53						
	St. Martine	118	108	27	39	29	158						
	St. Jean Chrysostome and others	72	78	16	21	17	112						
	St. Malachie d'Ormstown and St. Patrice d'Hinchinbrooke	37	34	7	5	7	59						
	St. Louis de Gonzague de Beauharnois	70	69	14	20	26	93						
	Sherrington and Hemmingford Mission	23	25	7	2	1	45						
	Church of England, Circuit of Sherrington											No Return.	
	Hinchinbrook Church of England											do do	
	Beauharnois Church of Scotland	17	27	7	2		42						
	Ormstown do do	17	16	5	8	4	21						
	Protestant Episcopal Church											No Return.	
	Chateauguay, Ormstown Church, Durham	18	10	1	1		27						
	Scotch Presbyterian Episcopal, North and South Georgetown											No Return.	
	Episcopal Congregation, Hemmingford	13	8	1	5	2	14						
	do do Sherrington	22	11	1	8	2	23						
	Presbyterian Church, Beech Ridge	19	3	5	1	1	20						
	Scotch Church, Dundee	5	14	7	3	1	15						
	Congregational Church, Seigniory of Beauharnois	6	6		2	4	6						
	Episcopal Congregation, Russel Town											No Return.	
	Methodist Congregation, Russel Town Circuit	16	11	11	2	6	19						
	Huntingdon Church, Scotland											No Return.	
	Wesleyan Methodist, Durham and parts adjacent			7									
	Congregational Church, Russel Town	2	5	1			7						
Church of Scotland, Godmanchester, Hinchinbrook											No Return.		
English River, Georgetown and Chateauguay											do do		
Scotch Presbyterian Church, at St. Louis	13	2	2	3	2	10							
		817	725	216	229	176	1137			1137			

BURIALS, IN THE DISTRICT OF MONTREAL, &c.--(Continued.)

-ISMS.	MARRIAGES.	BURIALS.		Increase.	Decrease.	Total Increase.	Total Decrease.	REMARKS.
		Males.	Females.					
Females.								
110	24	32	27	155				
48	15	10	13	78				
54	20	24	15	75				
7		5	4					No Return.
16	5	6		20				
6	3	2	1	4				
8		2	1	14				
7	4	5	2	3				
23	15	6	4	29				
21	7	2	2	49				No Return.
16	1	1		27				
2	2	1	1	5				
11	4	4	1	24				
1039	316	362	303	1493			1193	
98	30	37	20	171				
101	31	29	20	117				
25	17	13	13	38				
36	8	13	7	57				
38	11	15	14	53				
108	27	39	29	158				
78	16	21	17	112				
34	7	5	7	59				
69	14	20	26	93				
25	7	2	1	45				
								No Return.
								do do
27	7	2		42				
16	5	8	4	21				
								No Return.
10	1	1		27				
								No Return.
8	1	5	2	14				
11	1	8	2	23				
3	5	1	1	20				
14	7	3	1	15				
6		2	4	6				
								No Return.
11	11	2	6	19				
								No Return.
	7							
5	1			7				
								No Return.
								do do
2	2	3	2	10				
725	216	229	176	1137			1137	

GENERAL STATEMENT OF BAPTISMS, MARRIAGES, AND

BURIALS, IN THE DISTRICT OF MONTREAL, &c.—(Continued.)

COUNTIES.	PARISHES.	BAPTISMS.		
		Males.	Females.	
MISSISQUOI	Dunham, Mission de Notre Dame des Anges, Stanbridge	58		
	St. Croix de Dunham and other Missions			
	Wesleyan Methodist, County of Philipsburgh			
	St. Armand, East, Church of England	22		
	do West, do do			
	Dunham, North, do do	4		
	Dunham, South, do do			
	Dunham Circuit, Methodist, New Connexion	4		
	Stanbridge, Baptist Church			
	do Church of England, (Bedford)	9		
	St. Armand Circuit, Wesleyan Methodist	10		
	Dunham do do do	12		
	Philipsburgh, Congregational Church			
	Episcopal Church, Philipsburgh	3		
St. Armand, Baptist Church				
United Churches of England and Ireland, Sutton	6			
		128		
STANSTEAD	Stanstead, Methodist, New Connexion, North Circuit			
	do South Circuit, Wesleyan Methodist			
	Hatley, Church of England			
	Potton Circuit, Methodist New Connexion			
	Wesleyan Methodist Circuit of Stanstead			
	do do Congregation Circuit of Wesleyville			
	Bolton Circuit Methodist New Connexion	2		
	Methodist Protestant Church Barnston			
	do New Connexion, Canada East			
	Baptist Church, Potter Circuit			
Mission de Sacré Cœur de Jesus de Stanstead	55			
		57		
SHEFFORD	Shefford, Church of England	12		
	do Wesleyan Methodist, (Circuit)	6		
	do Methodist New Connexion			
	Granby Congregational Church			
	Granby and Milton Episcopal Church	15		
	Brome Episcopal Congregation	4		
	do Congregational Church, Canada			
	Stukely, Methodist New Connexion	3		
	Presbyterian Church of Canada			
	Protestant Episcopal Congregation of the Township of Farnham	13		
	Missions du Township Stukely	89		
	Missions de l'Est, Township de Granby and others	42		
	Mission du Township de Milton	24		
	St. Jean Baptiste de Roxton Mission	21		
	St. Romula de Farnham	30		
	Episcopal Church, Stukely	10		
			269	

-ISMS.	MARRIAGES.	BURIALS.		Increase.	Decrease.	Total Increase.	Total Decrease.	REMARKS.
		Males.	Females.					
52	9	11	9	90				No Return.
20	7	7	4	31				do do
6	3	6	4					No Return.
7	4			11				No Return.
6	3	2	1	12				
3	4	2	3	8				
15	3	3	6	18				
6	1	4	1	4				No Return.
	35	1	1		2			
1			1	6				
116	60	36	30	180	2	178		
								No Return.
								do do
								do do
								do do
								do do
1	9	7	4		8			No Return.
								do do
41	8	7	6	83				
42	21	7	6	83	8	75		
	38	14	10					
14	12	6	6	14				
13	8	1	4	14				No Return.
1	9		3		2			
8	8	2	2	19				
5	3			9				
1	9	2	3		1			No Return.
								No Return.
14	1	3	3	21				
60	21	12	6	131				
42	3	8	6	70				
14	9	11	7	20				
25	9	4	4	38				
29	8	6	5	48				
19		2		27				
245	100	57	49	411	3	408		

DISTRICT OF MONTREAL.—(Continued.)—RECAPITULATION

COUNTIES.	BAPTISMS.		MARRIAGES.
	MALES.	FEMALES.	
MONTREAL.....	1876	1609	809
OTTAWA.....	245	250	88
VAUDREUIL.....	504	453	170
LAC DES DEUX MONTAGNES.....	596	566	201
TERREBONNE.....	744	699	210
LEINSTER.....	679	662	174
BERTHIER.....	793	831	214
RICHELIEU.....	419	403	122
ST. HYACINTHE.....	926	867	283
ROUVILLE.....	582	522	157
VERCHERES.....	339	288	107
CHAMBLY.....	388	384	131
HUNTINGDON.....	1119	1039	346
BEAUHARNOIS.....	817	725	216
MISSISQUOI.....	128	116	69
STANSTEAD.....	57	42	38
SHEFFORD.....	269	245	100
	10481	9701	3435

GENERAL

COUNTIES.	No. of PARISHES IN EACH COUNTY.	BIRTHS.	MARRIAGES.	BURIALS.
MONTREAL.....	10	3485	809	2197
OTTAWA.....	4	495	88	121
VAUDREUIL.....	8	957	170	294
TWO MOUNTAINS.....	9	1162	201	388
TERREBONNE.....	11	1443	210	590
LEINSTER.....	12	1341	174	575
BERTHIER.....	15	1624	214	574
RICHELIEU.....	5	822	122	292
ST. HYACINTHE.....	11	1793	283	594

PROTHONOTARY'S OFFICE,
Montreal, 20th April, 1852.

OF THE GENERAL STATEMENT, FOR THE YEAR 1851.

BURIALS.		INCREASE.	DECREASE.	TOTAL INCREASE.	TOTAL DECREASE.	REMARKS.
MALES.	FEMALES.					
1127	1070	1310	22	1288		
74	47	374		374		
161	133	663		663		
221	167	774		774		
314	276	853		853		
310	265	766		766		
299	275	1050		1050		
166	126	530		530		
321	273	1199		1199		
218	179	707		707		
137	105	385		385		
167	144	461		461		
362	303	1493		1493		
229	176	1137		1137		
36	30	180	2	178		
14	10	83	8	75		
57	49	411	3	408		
4213	3628	12376	35	12341		

RECAPITULATION.

COUNTIES.	No. of PARISHES IN EACH COUNTY.	BIRTHS.	MARRIAGES.	BURIALS.
ROUVILLE.....	10	1104	157	397
VERCHERES.....	6	627	107	242
CHAMBLY.....	6	772	131	311
HUNTINGDON.....	14	2158	346	665
BEAUHARNOIS.....	9	1542	216	405
MISSISQUOI.....	1	244	69	66
STANSTEAD.....		99	38	24
SHEFFORD.....		514	100	106
TOTAL.....	131	20182	3435	7841

MONK, COFFIN & PAPINEAU,
Prothonotary.

SUPPLEMENTARY STATEMENT OF BAPTISMS, MARRIAGES, AND BURIALS, IN THE DISTRICT OF MONTREAL, FOR THE YEARS 1834, 1835, 1836, 1837, 1838, 1839, 1840, 1841, 1842, 1843, 1844, 1845, Prothonotary's Office, since the last return for the year 1850.

AND BURIALS, IN THE DISTRICT OF MONTREAL, FOR THE YEARS 1846, 1847, 1848, 1849, and 1850, taken from the Registers deposited in the

COUNTIES.	PARISHES.	Years.	BAPTISMS.	
			Males.	Females.
MONTREAL				
OTTAWA	Mission de Ste. Anne du Grand Cahumet and St. Alexandre des Cheneaux	1850	48	
	Mission de St. Gregoire de Naziance	do	62	
VAUDREUIL				
LAC DES DEUX MONTAGNES	Episcopal Congregation of St. Andrews	1834	20	
	do do do	1835	16	
	do do do	1836	19	
	do do do	1837	15	
	do do do	1838	14	
	do do do	1839	13	
	do do do	1840	6	
	do do do	1841	15	
	do do do	1842	18	
	do do do	1843	6	
	do do do	1844	16	
	do do do	1845	14	
	do do do	1846	10	
	do do do	1847	11	
	do do do	1848	3	
	do do do	1849	8	
	do do do	1850	8	
TERREBONNE				
LEINSTER	St. Ligouri des Allumettes	1850	56	
	Church of England, Rawdon	1850	25	
	Wesleyan Methodist, Rawdon	1850	10	
BERTHIER				
RICHELIEU				

-ISMS.	MARRIAGES.	BURIALS.		Increase.	Decrease.	Total Increase.	Total Decrease.	REMARKS.
		Males.	Females.					
Females.								
35	16	8	9	34		34		
55	19	4	3	110		110		
21	7	1		40				
22	13	1	2	35				
18	15	2		30				
6	9	1	2	18				
13	10		1	26				
7	7	2		18				
19	8	2		23				
5	4	1	1	18				
10	1		1	27				
6	4	4		8				
12	5	1	1	26				
6	7	3		17				
7	6			17				
11	2		1	21				
5	5	2		6				
10	2		3	15				
9	1	3	1	13				
40	12	11	4	81				
27	13	6	8	38				
6	2	1		15				

SUPPLEMENTARY STATEMENT OF BAPTISMS, MARRIAGES,
1834, 1835, 1836, 1837, 1838, 1839, 1840, 1841, 1842, 1843, 1844, 1845,
Prothonotary's Office, since the last Return for the year 1850.—

COUNTIES.	PARISHES.	Years.	BAPT-
			Males.
ST. HYACINTHE...			
ROUVILLE	Wesleyan Methodist Congregation, Circuit of Grenville ..	1850	18
VERCHERES.....			
CHAMBLY.....			
HUNTINGDON....	Protestant Grande Ligne, Lacadie	1850	8
BEAUHARNOIS ..			
MISSISQUOI	Wesleyan Methodist Congregation in the Circuit of St. Armand	1849	11
	do do do	1850	7
	Baptist Church, Stanbridge and St. Armand	1850	
STANSTEAD.....	Mission de Stanstead	1850	56
SHEFFORD	Granby and Milton Episcopal Church	1850	7
	Brome Episcopal Congregation	1850	14
	do Congregational Church	1850	6

PROTHONOTARY'S OFFICE,
Montreal, 20th April, 1852.

AND BURIALS, IN THE DISTRICT OF MONTREAL, FOR THE YEARS
1846, 1847, 1848, 1849, and 1850, taken from the Registers deposited in the
(Continued.)

-ISMS.	MARRIAGES.	BURIALS.		Increase.	Decrease.	Total Increase.	Total Decrease.	REMARKS.
		Males.	Females.					
Females.								
14	11	6	.....	11				
6	6	3	1	10				
6	5	4	7	6				
13	5	5	3	12				
	25	2	1	.....	3			
45	8	8	5	88				
13	7	2	4	14				
17	1	2	4	25				
				6				

MONK, COFFIN & PAPINEAU,

Prothonotary.

GENERAL STATEMENT AND RETURN OF BAPTISMS, THREE RIVERS.

COUNTIES.	PARISHES, SEIGNIORIES, TOWNSHIPS OR CITIES.	BAPT.	
		Males.	
ST. MAURICE	Three Rivers, Catholic	114	
	do do Protestant	8	
	do do Methodist	2	
	do do Presbyterian	6	
	Pointe du Lac	31	
	St. Anne d'Yamachiche	105	
	St. Barnabé	34	
	St. Léon le Grand	45	
	Rivière du Loup, Catholic	73	
	do do Protestant	4	
	St. Ursule	57	
	St. Paulin	36	
	St. Joseph de Maskinongé	92	
CHAMPLAIN	Cap la Magdeleine	19	
	St. Maurice	33	
	Champlain	30	
	St. François-Xavier de Batiscan	16	
	St. Geneviève	49	
	St. Stanislas	70	
	St. Prosper	20	
	St. Anne Lapérade	55	
	NICOLET	St. Pierre Les Beequets	63
Gentilly		44	
Blandford		5	
St. Gertrude		23	
Bécancour		56	
St. Gregoire		57	
St. Pierre Celestin		28	
Nicolet, Catholic		42	
do Protestant		3	
St. Monique		50	
YAMASKA	La Baie	58	
	St. Zephirin	30	
	St. François, Catholic	97	
	do Indian Mission	8	
	do Presbyterian	1	
	Yamaska	73	
	St. David	72	
DRUMMOND	St. Guillaume	36	
	Drummondville, Catholic	31	
	do Protestant	8	
	Arthabaska	91	
	Stanford	59	
		1829	

THREE RIVERS, 17th March, 1852.

MARRIAGES, AND BURIALS, IN THE DISTRICT OF for the year 1851.

BAPTISMS.	MARRIAGES.	BURIALS.		Increase of Population, ascertained by the difference between the Baptisms and Burials.	Total Increase per County.	REMARKS.
		Females.	Males.				Males.	Females.
101	37	68	59	88	704	B The Burials exceed the Births by three.
4	2	6	4	B		
2	1			4		
1	3		1	6		
26	12	13	10	34		
71	29	32	24	120		
39	17	15	11	47		
47	9	16	16	60		
72	20	20	13	112		
1	2		2	3		
46	12	11	19	73		
26	11	4	2	56		
82	27	40	30	104		
13	4	7	9	16	372	
51	6	5	8	71		
33	13	11	9	43		
13	8	4	22	3		
49	19	9	27	62		
77	22	30	11	106		
14	3	5	7	22		
41	22	26	21	49		
78	22	12	15	114		
56	31	16	15	69	548	
7	6		1	11		
30	5	7	5	41		
63	28	25	18	76		
72	23	33	32	64		
25	2	4	5	44		
50	22	27	17	48		
2				5		
61	21	18	17	76		
51	18	24	19	66		
30	5	5	13	42	400	
83	39	43	28	109		
6		5	5	4		
2		2		1		
59	22	23	19	90		
64	10	29	19	88		
46	7	17	8	57		
35	9	13	11	42		
13	5	2	3	16	811	
63	22	24	20	110		
46	17	11	8	86		
1751	593	662	583	2335	2335	

Certified.

A. N. DuBERGER, Deputy P., S.C.

GENERAL STATEMENT AND RETURN OF BAPTISMS, FRANCIS, for

YEAR.	COUNTIES.	TOWNSHIPS.	BAPT-
			Males.
1851.....	STANSTEAD.....	Stanstead.....	2
		Barnston.....	3
		Hayley.....	3
	SHERBROOKE.....	Town of Sherbrooke.....	172
		Ascot.....	4
		Compton.....	10
		Dudswell.....	3
		Eaton.....	7
		Bury.....	6
		Shipton and Melbourne.....	46
		Durham and Kingscy.....	36
			289

SHERBROOKE, 28th May, 1852.

GENERAL STATEMENT AND RETURN OF BAPTISMS, GASPE', for

YEAR.	COUNTIES.	PARISHES, SEIGNORIES, TOWNSHIPS, OR CITIES.	BAPT-	
			Males.	
1851.....	BONAVENTURE.....	Restigouche, Church of Scotland.....	5	
		do Roman Catholic.....	26	
		Carleton, do.....	50	
		New Richmond, do.....	15	
		Hamilton, do.....	23	
		Cox, do.....	41	
		do Church of England.....	22	
		New Richmond, Church of Scotland.....	7	
		GASPÉ.....	Percé, &c., Roman Catholic.....	60
			do Church of England.....	5
	Malbay, do.....		12	
	Gaspé Basin, do.....		11	
	Douglas Town, Roman Catholic.....		7	
	Grand River, do.....		7	
			284	

NEW CARLISLE, 17th August, 1852.

MARRIAGES, AND BURIALS, IN THE DISTRICT OF ST. the year 1851.

-ISMS.	MARRIAGES.	BURIALS.		Increase of Population ascertained by the difference between Baptisms and Burials.	Total per Counties, Increase of Population.	REMARKS.
		Males.	Females.			
Females.						
4	28	14	11			Registered deaths exceed the Baptisms. do do do
2	19	11	8			
3	12	1	4	1		
189	38	22	18	321	1	
9	25	7	14	8		
9	6	6	8	5		
5	.....	1	1	6	
8	19	3	7	5		
6	2	.....	1	11	
84	64	46	37	47		
42	15	10	6	62		
					465	
361	228	121	115	466	466	

W. BELL, P., S.C.

MARRIAGES, AND BURIALS, IN THE DISTRICT OF the year 1851.

-ISMS.	MARRIAGES.	BURIALS.		Increase of Population ascertained by the difference between Baptisms and Burials.	Total per Counties, Increase of Population.	REMARKS.
		Males.	Females.			
Females.						
7	1	11		None Received.
31	9	3	2	52		
53	23	9	11	83		
17	8	5	3	24		
21	5	3	8	33		
31	14	4	6	62		
31	6	9	3	41		
12	2	.....	1	18	
78	27	12	13	113	324	
2	3	1	.....	6	
17	7	2	2	25		
10	3	2	.....	19	
.....		
12	5	4	1	14		
					177	
322	112	54	51	501	501	

WILKIE & TREMBLAY, P., S.C.

GENERAL STATEMENT AND RETURN OF BAPTISMS, QUEBEC, for

COUNTIES.	PARISHES NORTH OF THE RIVER ST. LAWRENCE.	RELIGIOUS DENOMINATIONS.	BAPT-
			Males.
QUEBEC	Notre Dame de Quebec	Catholic	557
	Hotel Dieu	do	
	St. Roch de Quebec	do	533
	Hopital Générale	do	
	Metropolitan Church	English Protestant	62
	St. Andrew's Church	Church of Scotland	50
	St. John's Church	Protestant Episcopal	36
	St. Paul's Chapel	do	9
	St. Peter's do	do	24
	Military Congregation	do	17
	Wesleyan Methodists	Methodist	31
	Ste. Foye	Catholic	45
	Ancienne Lorette	do	36
	St. Ambroise	do	40
	St. Gabriel Valcartier	do	
	Valcartier, Lake Beauport and Stoneham	Presbyterian Mission	15
	Charlesbourg	Catholic	43
	Beauport	do	73
	St. Dunstan and others	do	7
	Marine Hospital	do	8
	St. Edmond de Stoneham	do	
	Travelling Missionary in the Diocese of Quebec	Church of England	6
			1592
PORTNEUF	Grondines	Catholic	33
	Deschambault	do	70
	Cap Santé	do	53
	Ecureuils	do	20
	St. Raymond	do	52
	St. Bazile	do	23
	Pointe aux Trembles	do	45
	St. Augustin	do	35
	St. Casimir	do	32
	Ste. Catherine	do	20
	Portneuf, and of the Synod of Canada	Presbyterian Congregation	6
	Bourg-Louis, Portneuf, Jacques Cartier, Ste. Catherine de Fosambault	Protestant Episcopal Missionary	13
			402

MARRIAGES, AND BURIALS, IN THE DISTRICT OF the year 1852.

-ISMS.	MARRIAGES.	BURIALS.		Total Baptisms.	Total Burials.	Increase.	Decrease.	REMARKS.
		Males.	Females.					
Females.								
475	274	316	232	1032	598	434		
460	169	15	25	993	40	442	40	
	2	289	262	8	551	8	8	
	38	2	6	124	81	43		
	42	53	28	86	47	39		
	4	26	21	67	6	61		
	5	3	3	21	18	3		
	27	12	6	36	26	10		
	5	20	6	36	17	19		
	40	11	6	53	31	22		
	12	15	16	93	55	38		
	20	29	26	82	39	43		
	15	18	21	118	49	69		
		21	28					No Report.
	4	3	2	27	5	22		
	9	18	15	78	33	45		
	18	23	25	123	48	75		
	5	4	3	19	7	12		
		43	24	15	67		52	
								No Report.
		4	11	13	15		2	
1424	662	925	816	3016	1741	1377	102	
31	8	10	10	64	20	44		
56	16	33	25	126	58	68		
53	26	18	23	106	41	65		
12	4	7	6	32	13	19		
33	8	5	8	85	13	72		
29	5	12	7	52	19	33		
33	12	21	19	78	40	38		
42	15	20	17	77	37	40		
30	4	14	17	62	31	31		
28	7	10	8	48	18	30		
2	3	3		8	3	5		
8	1	1	2	21	3	18		
357	109	154	142	759	296	463		

GENERAL STATEMENT AND RETURN OF BAPTISMS, MARRIAGES,

COUNTIES.	PARISHES NORTH OF THE RIVER ST. LAWRENCE.	RELIGIOUS DENOMINATIONS.	BAPT-
			Males.
MONTMORENCY ..	L'Ange Gardien	Catholic	16
	Chateau Richer	do	27
	St. Anne	do	24
	St. Féréole	do	15
	St. Joachim	do	23
	S. Laurent, Isle d'Orléans	do	16
	St. Jean do	do	24
	St. François do	do	6
	St. Pierre do	do	23
	Stc. Famille do	do	17
SAGUENAY	Petite Rivière St. François Xavier ..	Catholic	12
	Baie St. Paul	do	77
	Ste. Agnès	do	36
	St. Urbain	do	15
	Eboulemens	do	66
	St. Irénée	do	25
	Isle aux Coudres	do	13
	Malbaie	do	91
	St. François Xavier de Chicoutimi ..	do	
	St. Alexis, and others	do	113
	Postes du Roi	do	66
			514

PARISHES SOUTH OF THE

LOTBINIERE	St. Jean DesChaillons	Catholic	55
	Lotbinière	do	79
	Ste. Croix	do	56
	St. Antoine de Tilly	do	92
	St. Giles, and others	do	35
	St. Sylvester	do	79
	Mission of St. Giles and parts adjacent.	Church of England	29
			425

AND BURIALS, IN THE DISTRICT OF QUEBEC, &c.—(Continued.)

-ISMS.	MARRIAGES.	BURIALS.		Total Baptisms.	Total Burials.	Increase.	Decrease.	REMARKS.
		Males.	Females.					
Females.								
14	3	9	6	30	15	15	.....	.....
28	7	6	10	55	16	39	.....	.....
25	10	15	12	49	27	22	.....	.....
17	3	11	7	32	18	14	.....	.....
26	12	11	12	49	23	26	.....	.....
16	4	9	12	32	21	11	.....	.....
31	11	11	10	55	21	34	.....	.....
10	5	6	2	16	8	8	.....	.....
15	10	7	12	38	19	19	.....	.....
13	6	7	13	30	20	10	.....	.....
195	71	92	96	386	188	198	.....	.....
14	3	3	10	26	13	13	.....	.....
83	35	20	30	160	50	110	.....	.....
34	15	11	12	70	23	47	.....	.....
15	9	5	3	30	8	22	.....	.....
47	23	10	15	113	25	88	.....	.....
31	6	4	14	56	18	38	.....	.....
10	3	5	2	23	7	16	.....	.....
74	23	27	17	165	44	121	.....	No Report.
90	52	24	12	203	36	167	.....	.....
45	33	3	8	111	11	100	.....	.....
443	202	122	123	957	245	712	.....	.....

RIVER ST. LAWRENCE.

39	11	18	25	94	43	51	.....	.....
67	23	40	43	146	83	63	.....	.....
65	20	21	18	121	39	82	.....	.....
78	33	32	17	170	49	121	.....	.....
32	12	10	10	67	20	47	.....	.....
71	14	24	27	150	51	99	.....	.....
19	2	6	1	48	7	41	.....	.....
371	115	151	141	796	292	504	.....	.....

GENERAL STATEMENT AND RETURN OF BAPTISMS, MARRIAGES,

COUNTIES.	PARISHES SOUTH OF THE RIVER ST. LAWRENCE.	RELIGIOUS DENOMINATIONS.	BAPT-	
			Males.	
MEGANTIC	Mission of Leeds, &c.	Church of England.....	14	
	New Ireland.....	Wesleyan Methodists.....	24	
	Upper Ireland Mission	Church of England.....	28	
	St. Ferdinand d'Halifax and other places	Catholic	71	
			137	
DORCHESTER	St. Nicholas.....	Catholic	55	
	St. Jean Chrysostome.....	do	63	
	St. Joseph Pointe Levy	do	58	
	Notre Dame de la Victoire de Levi ..	do	103	
	St. Henry.....	do	63	
	St. Anselme.....	do	61	
	Ste. Claire	do	64	
	St. Isidore	do	70	
	Ste. Marie Nouvelle Beauce	do	75	
	St. Elzéar.....	do	59	
	St. François.....	do	65	
	St. Joseph	do	70	
	Township de Tring, Forsyth	do		
	Ste. Marguerite	do	55	
	St. Vital de Lampton and St. Evariste de Forsyth	do	49	
	St. Bernard	do	42	
	St. George Aubert Gallion	do	43	
	St. Victor de Tring	do	36	
	Frampton.....	do	21	
	Somerset and St. Calixte	do	85	
	Mission of Point Levy, &c	Church of England.....	6	
	Frampton and Standon	Protestant Congregation ..	9	
	St. Frédérick	Catholic	34	
Ste. Hénédine	do	8		
			1194	
BELLECHASSE ..	Beaumont	Catholic	30	
	St. Charles, R. Boyer.....	do	40	
	St. Jervais	do	59	
	St. Michel	do	52	
	St. Vallier	do	24	
	Berthier	do	26	
	St. François, Rivière du Sud	do	30	
	St. Lazare	do	45	
	Mission de St. Raphaël	do	45	
				351

AND BURIALS, IN THE DISTRICT OF QUEBEC, &c.—(Continued.)

ISMS.	MARRIAGES.	BURIALS.		Total Baptisms.	Total Burials.	Increase.	Decrease.	REMARKS.
		Males.	Females.					
Females.								
19	3	4	4	33	8	25		
19	4	1	4	43	5	38		
38	2	4	3	66	7	59		
57	17	13	14	128	27	101		
133	26	22	25	270	47	223		
37	16	8	25	93	33	59		
60	14	10	20	123	30	93		
66	24	23	40	121	63	61		
72	30	50	31	175	81	94		
63	28	26	23	126	49	75		
52	20	25	19	113	44	69		
71	20	20	24	135	44	91		
57	17	9	22	127	31	96		
70	21	24	30	145	64	81		
65	11	24	25	124	49	77		
68	31	31	25	133	56	77		
78	33	25	16	148	41	107		
51	12	11	5	106	16	90		No Report.
48	14	37	22	97	59	38		
44	6	11	15	86	26	60		
38	16	23	17	81	40	41		
34	12	11	12	70	23	47		
23	7	8	3	44	11	35		
77	23	31	18	162	49	113		
12	3	6	3	18	9	9		
7			1	16	1	15		
33	7	9	8	67	17	50		
10	6	1	3	18	4	14		
1136	371	423	407	2330	830	1500		
24	12	10	10	54	20	34		
39	20	21	20	79	41	38		
75	15	34	36	134	70	64		
37	14	21	24	89	45	44		
29	5	21	14	53	35	18		
17	11	13	7	43	20	23		
25	12	7	13	55	20	35		
31	18	22	13	76	35	41		
35	7	21	18	80	39	41		
312	114	170	155	663	325	337		

GENERAL STATEMENT AND RETURN OF BAPTISMS, MARRIAGES,

COUNTIES.	PARISHES SOUTH OF THE RIVER ST. LAWRENCE.	RELIGIOUS DENOMINATIONS.	BAPT-
			Males.
L'ISLET	St. Pierre, Rivière du Sud	Catholic	25
	St. Thomas	do	92
	Cap St. Ignace	do	64
	L'Islet	do	97
	St. Jean Port Joli	do	105
	St. Roch des Aulnets	do	72
	Isle aux Grues	do	9
	Grosse Isle ou St. Luc	do	5
			469

RECAPITU-

COUNTIES.	BAPTISMS.		MARRIAGES.	
	MALES.	FEMALES.		
QUEBEC	1592	1424	662	
PORTNEUF	402	357	109	
MONTEMORENCY	191	195	71	
SAGUENAY	514	443	202	
LOTBINIERE	425	371	115	
MEGANTIC	137	133	26	
DORCHESTER	1194	1136	371	
BELLECHASSE	351	312	114	
L'ISLET	469	401	125	
Decrease		5275	4772	1795
Increase				

BAPTISMS.—Males

Females

BURIALS.—Males

Females

Total Increase

PROTHONOTARY'S OFFICE,
Quebec, 23rd March, 1853.

AND BURIALS, IN THE DISTRICT OF QUEBEC, &c.—(Continued.)

-ISMS. Females.	MARRIAGES.	BURIALS.		Total Baptisms.	Total Burials.	Increase.	Decrease.	REMARKS.
		Males.	Females.					
27	6	9	9	52	18	34		
88	24	27	30	180	66	114		
46	16	16	36	110	52	58		
98	24	37	35	195	72	123		
75	26	40	45	180	85	95		
52	23	21	26	124	47	77		
11	6	1	2	20	3	17		
4	.....	10	3	9	13	.....	4	
401	125	161	195	870	356	514	4	

-LATION.

BURIALS.		TOTAL BAPTISMS.	TOTAL BURIALS.	INCREASE.	DECREASE.
MALES.	FEMALES.				
925	816	3016	1741	1377	102
154	142	759	296	463	
92	96	386	188	198	
122	123	957	245	712	
151	141	796	292	504	
22	25	270	47	223	
423	407	2330	830	1500	
170	155	663	325	337	
161	195	870	356	514	4
2220	2100	10047	4320	5833	106
				106	
				5727	

.....	5275	
.....	4772	10047
.....	2220	
.....	2100	4320
.....		5727

BURROUGHS & FISET,
P. S. C.

GENERAL STATEMENT OF BAPTISMS, MARRIAGES, AND BURIALS, IN THE DISTRICT OF MONTREAL, during the year 1852.

COUNTIES.	PARISHES.	BAPTISMS.	
		Males.	Females.
MONTREAL	Montreal Parish Church, Catholic	1216	
	do Hôpital Général, Secours Grises	5	
	do Christ Church, Protestant Episcopal	51	
	do St. Helen Garrison	3	
	do Garrison	10	
	do St. George's Chapel	26	
	do Trinity Chapel, Protestant Episcopal, or Church of England	10	
	do St. Thomas Church, Protestant Episcopal	16	
	do Griffintown, St. Ann's Chapel, Protestant Episcopal		
	do St. Mary's Chapel, Current St. Mary		
	do Episcopal Church Society for Montreal		
	do St. Paul's Church, Presbyterian, St. Helen Street		
	do Scotch Church, St. Gabriel Street	11	14
	do St. Andrew's Church, Presbyterian	40	22
	do Presbyterian Church, St. Lawrence Suburb	26	15
	do American Presbyterian Church, Great St. James Street		
	do Coté Street Free Church, or Presbyterian Church	14	9
	do French Presbyterian Church		
	do Eglise Evangélique Française	8	4
	do Wesleyan Methodist Congregation, Great St. James Street	26	31
	do do Circuit of Montreal	46	42
	do First Congregational Church, St. Maurice Street		
	do Second Congregational Church, Gosford Street		
	do United Associate Church, LaGauchetière Street		
	do Baptist Church, St. Helen Street		
	do Jewish Church	3	3
	do Unitarian Church	3	4
	do Congregational Church in Zion Church	15	18
Lachine	Catholic Church	24	30
	do Church of England	5	3
	do do of Scotland		
St. Joachim de la Pointe Claire		34	26
St. Anne du Bout de L'Isle		17	15
St. Geneviève		64	43
St. Laurent		67	53
Sault au Recollet		58	50
St. Joseph de la Rivière des Prairies		26	22
Pointe aux Trembles		23	11
Longue Pointe, St. François d'Assise		19	16
		1871	

AND BURIALS, IN THE DISTRICT OF MONTREAL, year 1852.

FEMALES.	MARRIAGES.	BURIALS.		Increase.	Decrease.	Total Increase.	Total Decrease.	REMARKS.
		Males.	Females.					
1229	466	895	786	764				
8		3	3	10				
37	17	34	21	33				
1	1			4				
16	7	20	8		2			
38	24	15	15	34				
11	8	5	5	11				
15	9	22	21		12			
								No Return.
								do do
								do do
								do do
14	7	2	3	20				
22	12	17	13	32				
15	35	8	13	20				
								No Return.
9	12	6	4	13				
								No Return.
4		5	1	6				
31	11	11	10	36				
42	41	20	10	58				
								No Return.
								do do
								do do
								do do
3	1	2		4				
4	6	1	1	5				
18	17	6	10	17				
30	18	26	14	14				
3		4	2	2				
								No Return.
26	15	15	14	31				
15	5	5	9	18				
43	13	31	13	63				
53	25	34	31	55				
50	20	30	25	53				
22	5	11	6	31				
11	15	18	15	6				
16	4	10	10	15				
1786	794	1253	1063	1355	14	1341		

GENERAL STATEMENT OF BAPTISMS, MARRIAGES, AND

COUNTIES.	PARISHES.	BAPT.
		Males.
LAC DES DEUX MONTAGNES.— (Continued.)	St. Benoit	70
	St. Hermas	55
	St. Scholastique	131
	St. Raphael	29
	St. Placide	25
	Notre Dame de Pitie de Grenville	33
	St. Eustache, Scotch Presbyterian	
	LaChute do do	13
	Associate Synod of the Secession Church of St. Eustache	
	Grenville and Chatham, Presbyterian	
	Gore Settlement Church of England, Grenville	
	Congregational Church, St. Andrews	
	St. Andrews, Scotch Presbyterian	
	Presbyterian Church of Canada	
	Baptist Church in St. Andrews	5
	Wesleyan Methodist Congregation in the Circuit of Point Fortune, St. Andrews	36
	United Presbyterian Church at LaChute	1
		609
	TERREBONNE	St. Coloman	20
St. Jerome		209
Terrebonne		50
Ste. Rose		66
St. Vincent de Paul		66
St. Martin, Catholic		91
Ste. Anne des Plaines		34
Ste. Thérèse de Blainville, Catholic		77
St. Janvier du Pays Fin		53
St. François de Sales, Isle Jesus		24
St. Augustin		59
Ste. Thérèse de Blainville, Eglise Evangélique		
Ste. Thérèse, Scotch Presbyterian		7
United Associate Congregation of New Glasgow		3
St. Martin, Church of England		4
Church of England, New Glasgow and Kilkenny		
Missionary of the Protestant Episcopal Church for the Townships of Clifton, Mille Isles, Horan, Wentworth, Lochaber, Portland and St. Jerome, Parish Côte St. Gabriel, Petite Nation, &c.		
Ste. Sophie		12
		775

BURIALS, IN THE DISTRICT OF MONTREAL, &c.—(Continued.)

-ISMS.	MARRIAGES.	BURIALS.		Increase.	Decrease.	Total Increase.	Total Decrease.	REMARKS.
		Males.	Females.					
60	21	31	20	70				
43	12	23	13	62				
115	29	36	22	188				
15	7	10	0	25				
19	5	14	12	18				
21	7	9	4	41				
18	6	1	3	27				No Return.
								No Return.
								do do
								do do
								do do
3			2	1				No Return.
7	2			12				
29	3	6	3	56				
2				3				
498	149	192	167	748		748		
18	4	7	3	28				
177	51	67	39	280				
46	6	33	23	40				
67	23	35	25	73				
63	19	26	31	72				
76	32	40	32	95				
42	13	17	18	41				
64	15	34	25	82				
38	8	23	12	56				
19	3	10	12	21				
53	18	40	13	59				
								No Return.
4	4	3	4	4				
3	3	2	2	2				
2			1	5				No Return.
								No Return.
14	5	6	3	17				
686	204	343	243	875		875		

GENERAL STATEMENT OF BAPTISMS, MARRIAGES, AND

COUNTIES.	PARISHES.	BAPT-	
		Males.	
LEINSTER	St. Jacques	180	
	L'Assomption	87	
	St. Sulpice	18	
	Repentigny	42	
	Bienheureux Alphonse Rodriguez	38	
	Missions de St. Ligouri des Allumettes		
	St. Esprit	64	
	Lechenaie	32	
	St. Henry de Mascouche	68	
	St. Roch	67	
	St. Lin	101	
	St. Julienne	22	
	St. Patrick de Rawdon	42	
	Church of England, Rawdon		
	Wesleyan Methodist, Rawdon Circuit	8	
	Episcopal Congregation of Mascouche	5	
		719	
BERTHIER	Berthier	92	
	St. Antoine de LaValtrie	26	
	St. Paul de LaValtrie	44	
	Lamoraie	36	
	St. Cuthbert	76	
	Ste. Elizabeth	68	
	St. Thomas	51	
	St. Bartholemi de Dusablé	55	
	St. Gabriel du Lac Maskinongé	46	
	St. Ambroise de Kildare	67	
	Ile du Pads	19	
	Ste. Melanie de D'Aillebont	55	
	St. Charles du Village d'Industrie	96	
	St. Felix de Valois	92	
	St. Norbert de Berthier	18	
	St. Alexis	24	
		865	
RICHELIEU	St. Ours	85	
	St. Denis	70	
	St. Charles	39	
	Sorel, Catholic	175	
	Ste. Victoire, desservie de Sorel	67	
	William Henry, Protestant	9	
	Congregational Church, Sorel		
	St. Aimé de Barrow	100	
		545	

BURIALS, IN THE DISTRICT OF MONTREAL, &c.—(Continued.)

ISMS.	MARRIAGES.	BURIALS.		Increase.	Decrease.	Total Increase.	Total Decrease.	REMARKS.
		Males.	Females.					
Females.								
117	38	62	54	131				
97	30	36	35	113				
21	9	7	7	25				
28	10	22	15	33				
25	4	8	5	40				No Return.
58	16	22	20	80				
23	4	8	5	42				
66	14	27	35	67				
61	25	14	22	92				
124	18	50	31	144				
22	5	8	2	34				
35	13	17	10	50				No Return.
8				16				
3	2		1	7				
678	188	281	242	874		874		
86	32	38	31	109				
19	9	14	13	18				
51	18	28	23	44				
37	15	38	17	18				
56	22	18	12	102				
85	36	30	20	85				
35	15	26	19	41				
60	14	19	17	79				
56	9	17	12	73				
68	11	34	27	74				
19	4	10	12	16				
59	7	13	15	86				
71	22	34	38	95				
81	24	25	22	126				
26	9	7	1	36				
27	2	13	10	23				
836	249	373	298	1030		1030		
71	19	35	31	90				
74	16	34	26	84				
27	13	14	7	45				
143	63	77	61	180				
36	9	15	9	79				
9	3	9	5	4				No Return.
106	36	49	46	111				
466	159	233	185	593		593		

GENERAL STATEMENT OF BAPTISMS, MARRIAGES, AND

COUNTIES.	PARISHES.	BAPT-
		Males.
ST. HYACINTHE..	St. Hyacinthe	186
	St. Jude	37
	St. Damase	72
	St. Césaire	194
	St. Hugues	88
	St. Pie	98
	St. Rosalie	39
	St. Simon	57
	St. Dominique	69
	St. Bernabé	35
	Episcopal Missionary at Abbotsford, St. Paul de Yamaska.....	
	Abbotsford Episcopal Congregation	
	Eglise Evangélique ou Congrégationelle de St. Pie	1
	Church of England, St. Hyacinthe.....	1
	Paroisse la Presentation	51
	928	
ROUVILLE	St. Marie de Monnoir	93
	St. Jean Baptiste de Rouville.....	49
	St. Athanase.....	116
	St. Hilaire de Rouville.....	42
	Ste. Brigide	26
	St. Grégoire le Grand	63
	St. Mathias, Pointe Olivier	37
	St. George de Noyan	110
	Caldwell and Christie Manors.....	
	Misiquoi Bay, Scotch Church	
	St. Alexandre desservie de la Paroisse, St. Athanase	42
	Episcopal Congregation of Christieville	
	Wesleyan Methodist, Clarenceville, &c	14
	Church of England Circuit, Christieville	
	Eglise Protestant Episcopal de Sabervois	1
	Church of England and Ireland, Henryville	5
	do do Clarenceville	12
	610	
VERCHERES.....	Verchères	69
	St. Antoine	47
	Varenes	83
	Contreccœur	51
	Belcœil	50
	St. Marc	33
	Ste. Julie	31
		364

BURIALS, IN THE DISTRICT OF MONTREAL, &c.—(Continued.)

-ISMS.	MARRIAGES.	BURIALS.		Increase.	Decrease.	Total Increase.	Total Decrease.	REMARKS.
		Males.	Females.					
153	57	77	73	189				
35	10	17	7	48				
70	27	41	37	64				
131	35	68	47	210				
75	16	38	17	108				
95	37	64	55	74				
38	13	16	24	37				
43	14	20	6	74				
58	19	32	17	78				
33	15	17	12	39				
								No Return.
								do do
1	1	2	3		3			
1		1		1				
39	11	20	23	47				
772	255	413	321	969	3	966		
94	45	40	35	112				
39	20	23	19	46				
39	27	55	33	117				
38	9	15	8	57				
28	6	10	14	30				
60	21	18	17	38				
30	10	18	13	36				
107	24	26	27	164				
								No Return.
								do do
49	5	21	13	57				
								No Return.
15	9	3	7	19				
								No Return.
4		1		4				
5		3	6	4				
17	6	6	16	7				
575	185	242	202	741		741		
66	21	31	34	70				
41	9	20	14	54				
71	32	26	39	89				
50	17	28	18	55				
50	16	15	20	65				
33	17	14	12	40				
29	13	17	15	28				
340	125	151	152	401		401		

GENERAL STATEMENT OF BAPTISMS, MARRIAGES, AND

BURIALS, IN THE DISTRICT OF MONTREAL, &c.—(Continued.)

COUNTIES.	PARISHES.	BAPT-		
		Males.		
CHAMBLY.....	Chambly, (St. Joseph de)	85		
	Longueuil	107		
	Boucherville	68		
	St. Bruno	36		
	St. Luc	20		
	St. Jean, Catholic	116		
	Wesleyan Methodist, in the Circuit of St. Johns	1		
	Chambly, Church of England	9		
	St. Johns, do do	17		
	Wesleyan Methodist, in the Circuit of Chambly	2		
			461	
	HUNTINGDON....	St. Constant	47	
		Laprairie, Catholic	77	
Sault St. Louis		44		
St. Philomène		55		
Chateauguay		43		
St. Philippe		40		
Blairfindie		52		
St. Edouard		94		
St. Cyprien		88		
St. Valentine		79		
St. Remi		115		
St. George				
St. Jacques le Mineur		50		
St. Bernard de Lacolle		70		
Laprairie, Church of England		1		
do Scotch Church				
Odelltown, Wesleyan Methodist		6		
French Protestant Congregational Church, Grande Ligne				
Henrysburg Circuit, Methodist				
Episcopal Congregation, Lacolle and parts adjacent		6		
Second Presbyterian Church, Huntingdon		29		
Episcopal Congregation, Huntingdon				
Protestant Grande Ligne de L'Acadie				
Congregational Church, Chateauguay		6		
Episcopal Congregation, St. Remi				
Wesleyan Methodist Congregation		4		
Baptist Church, Grande Ligne		9		
New Methodist Connexion Church, Huntingdon				
		915		

-ISMS.	MARRIAGES.	BURIALS.		Increase.	Decrease.	Total Increase.	Total Decrease.	REMARKS.
		Males.	Females.					
84	21	21	40	108				
87	41	49	42	103				
62	33	22	22	86				
37	9	11	10	52				
19	8	9	5	25				
86	27	42	23	137				
8	4	1	2	6				
4	2	5	3	5				
16	6	6	5	22				
1				3				
404	151	166	152	517		547		
49	20	15	17	64				
85	25	31	27	101				
45	6	24	19	46				
39	9	11	13	70				
59	17	13	16	73				
49	15	16	10	63				
69	25	26	20	75				
96	31	19	21	115				
84	25	31	16	125				
70	24	19	18	112				
85	15	36	32	132				
								No Return.
38	16	20	15	53				
57	8	16	12	99				
12	2	2	2	9				
								No Return.
18	7	8	11					No Return.
								do do
11	3	3	2	12				No Return.
								do do
21	4	5	2	43				No Return.
								do do
5	2		1	10				No Return.
								do do
	1	3	4		3			No Return.
3				12				
890	255	298	258	1252	3	1249		

GENERAL STATEMENT OF BAPTISMS, MARRIAGES, AND

BURIALS, IN THE DISTRICT OF MONTREAL, &c.—(Continued.)

COUNTIES.	PARISHES.	BAPT-	-ISMS.		MARRIAGES.	BURIALS.		Increase.	Decrease.	Total Increase.	Total Decrease.	REMARKS.	
		Males.	Females.	Males.		Females.							
BEAUHARNOIS ..	St. Clément	130	94	35	48	37	139						
	St. Timothée	114	110	38	41	32	151						
	Mission de St. Regis	32	26	8	5	9	44						
	St. Anicet	52	40	17	13	9	70						
	St. Isidore	49	41	9	9	19	62						
	St. Martine	104	94	31	43	29	126						
	St. Jean Chrysostôme and others	82	88	20	23	27	120						
	St. Urbain	6	7	1	3		10						
	St. Malachie d'Ormstown and St. Patrice d'Hinchinbrooke	28	31	6	8	3	48						
	St. Louis de Gonzague de Beauharnois	85	90	27	24	13	138						
	Sherrington and Hemmingford Mission	22	26	4	2	4	42						
	Church of England, Circuit of Sherrington	18	20		4	3	31						
	Hinchinbrooke, Church of England												No Return.
	Beauharnois, Church of Scotland	7	8		3	2	10						No Return.
	Ormstown, do do	10	18	1	6	7	15						
	Protestant Episcopal Church, Chateauguay	16	41	6	1	3	23						
	Ormstown Church, Durham												
	Scotch Presbyterian Episcopal, North and South Georgetown	31	23	3	2	3	49						No Return.
	Episcopal Congregation, Hemmingford												
	do do Sherrington												No Return.
	Presbyterian Church, Beech Ridge												do do
	Scotch Church, Dundee	16	16	2	1		31						do do
	Congregational Church, Seigniorie of Beauharnois												No Return.
	Episcopal Congregation, Russel Town												do do
	Wesleyan Methodist Congregation, Russel Town Circuit	14	11	6	2	2	21						
	Associate Presbyterian Church, Hemmingford and Hinchinbrooke	8	5			2	11						
	Huntingdon Church, Scotland												No Return.
	Wesleyan Methodist, Dunham and parts adjacent												do do
	Congregational Church, Russel Town	4	3	1			7						
	Church of Scotland, Godmanchester, Hinchinbrooke	23	12	11	3	1	31						
do do Hemmingford	9	8	2	2	3	12							
English River, Georgetown and Chateauguay	9	4	3			13							
Scotch Presbyterian Church, at St. Louis	17	10	5	5		22							
Methodist New Connexion, Church of Durham	4	7	7	3	6	2							
Scotch Presbyterian Church, Township of Hemmingford	8	2	4			10							
		898	805	247	251	214	1238			1238			
MISSISQUOI	Dunham, Mission de Notre Dame des Anges de Stanbridge	56	34	8	6	10	74						
	St. Croix, Dunham, and other Missions	56	37	15	3	9	81						
	Wesleyan Methodist, Circuit of Philipsburgh											No Return.	
	St. Armand, East, Church of England											do do	
	do do do											do do	
	Dunham, North, do do	17	7	3	2	1	21						
	Dunham, South, do do												
	Dunham Circuit, Methodist, New Connexion												No Return.
	Stanbridge, Baptist Church												do do
	do do Church of England, (Bedford)	17	24	4	5	8	28						do do
do do Manningville and parts adjacent ..	9	8	2			17							

-ISMS.	MARRIAGES.	BURIALS.		Increase.	Decrease.	Total Increase.	Total Decrease.	REMARKS.
		Males.	Females.					
94	35	48	37	139				
110	38	41	32	151				
26	8	5	9	44				
40	17	13	9	70				
41	9	9	19	62				
94	31	43	29	126				
88	20	23	27	120				
7	1	3		10				
31	6	8	3	48				
90	27	24	13	138				
26	4	2	4	42				
20		4	3	31				
								No Return.
8		3	2	10				No Return.
18	1	6	7	15				
41	6	1	3	23				
								No Return.
23	3	2	3	49				No Return.
								do do
16	2	1		31				do do
								No Return.
14	6	2	2	21				do do
8			2	11				
								No Return.
								do do
4	1			7				
23	11	3	1	31				
9	2	2	3	12				
9	3			13				
17	5	5		22				
4	7	3	6	2				
8	4			10				
805	247	251	214	1238		1238		
34	8	6	10	74				
37	15	3	9	81				
								No Return.
								do do
7	3	2	1	21				do do
								No Return.
								do do
24	4	5	8	28				do do
8	2			17				

GENERAL STATEMENT OF BAPTISMS, MARRIAGES, AND

BURIALS, IN THE DISTRICT OF MONTREAL, &c.—(Continued.)

COUNTIES.	PARISHES.	BAPTISMS.	
		Males.	Females.
MISSISQUOI— (Continued).....	St. Armand Circuit, Wesleyan Methodist		
	Dunham do do do	18	
	Philipsburgh, Congregational Church		
	Episcopal Church, Philipsburgh	7	
	St. Armand, Baptist Church		
	Congregational Church, of Granby	3	
	do Granby and Milton	12	
do Granby	9		
		199	
STANSTEAD.....	Stanstead, Methodist, New Connexion, North Circuit		
	do South Circuit, Wesleyan Methodist		
	Hatley, Church of England		
	Potton Circuit, Methodist New Connexion	3	
	Wesleyan Methodist Circuit of Stanstead		
	do do Congregation Circuit of Wesleyville		
	Bolton Circuit Methodist New Connection		
	Methodist Protestant Church Barnston		
	do New Connexion, Canada East		
	Baptist Church, Potter Circuit		
Mission de Sacré Cœur de Jesus de Stanstead	61		
		64	
SHEFFORD	Shefford, Church of England	12	
	do Wesleyan Methodist, (Circuit)	5	
	do Methodist New Connexion		
	Brome Episcopal Congregation	10	
	do Congregational Church, Canada	2	
	Stukely, Methodist New Connection	1	
	Presbyterian Church of Canada		
	Protestant Episcopal Congregation of the Township of Farnham ..	10	
	Missions du Township Stukely	85	
	Missions de l'Est, Township de Granby and others	45	
	Mission du Township de Milton	37	
	St. Jean Baptiste de Roxton Mission	30	
	St. Romula de Farnham	36	
	Episcopal Church, Stukely		
	do Missionary at Abbotsford and Rangemont	5	
	Methodist New Connexion Church, Sutton	2	
			280

BAPTISMS.	MARRIAGES.	BURIALS.		Increase.	Decrease.	Total Increase.	Total Decrease.	REMARKS.
		Males.	Females.					
								No Return.
8	8	10	13		2			No Return.
5	2	4	5	3				
	24		1		1			
4	3		1	6				
12	5	3	1	20				
6	2	1		14				
145	76	34	49	264	3	261		
								No Return.
								do do
	5	2	1					do do
								No Return.
	3	9	4		13			do do
								No Return.
								do do
78	15	13	10	116				do do
78	23	24	15	116	13	103		
8	2	3	3	14				
4	5			9				
								No Return.
6	4	1	4	11				
4	11	1	2	3				
2	8	2	2		1			
								No Return.
11	3	3	3	15				
61	19	18	12	116				
41	7	6	7	73				
38	15	10	11	54				
20	5	12	7	31				
27	9	13	5	45				
								No Return.
5	1	6	3	1				
	8	1		1				
227	97	76	59	373	1	372		

DISTRICT OF MONTREAL.—(Continued.)—RECAPITULATION

COUNTIES.	BAPTISMS.		MARRIAGES.
	MALES.	FEMALES.	
MONTREAL.....	1871	1786	794
OTTAWA.....	96	84	49
VAUDREUIL.....	505	488	176
LAC DES DEUX MONTAGNES.....	609	498	149
TERREBONNE.....	775	686	204
LEINSTER.....	719	678	181
BERTHIER.....	865	836	249
RICHELIEU.....	545	466	159
ST. HYACINTHE.....	928	772	255
ROUVILLE.....	610	575	185
VERCHERES.....	864	840	125
CHAMBLY.....	461	404	151
HUNTINGDON.....	915	890	255
BEAUHARNOIS.....	808	805	247
MISSISQUOI.....	199	145	76
STANSTEAD.....	64	78	23
SHEFFORD.....	280	227	97
	10704	9758	3875

GENERAL

COUNTIES.	No. OF PARISHES IN EACH COUNTY.	BIRTHS.	MARRIAGES.	BURIALS.
MONTREAL.....		3657	794	2316
OTTAWA.....		180	49	22
VAUDREUIL.....		993	176	344
TWO MOUNTAINS.....		1107	149	359
TERREBONNE.....		1461	204	586
LEINSTER.....		1397	181	523
BERTHIER.....		1701	249	671
RICHELIEU.....		1011	159	418
ST. HYACINTHE.....		1700	255	784

PROTHONOTARY'S OFFICE,
Montreal, 19th April, 1853.

OF THE GENERAL STATEMENT, FOR THE YEAR 1852.

BURIALS.		INCREASE.	DECREASE.	TOTAL INCREASE.	TOTAL DECREASE.	REMARKS.
MALES.	FEMALES.					
1253	1068	1355	14	1841		
14	8	158		158		
196	148	650	1	649		
192	167	748		748		
843	243	875		875		
281	242	874		874		
373	298	1030		1030		
233	185	593		593		
413	321	969	3	966		
242	202	741		741		
166	152	547		547		
298	258	1252	3	1249		
251	214	1238		1238		
34	49	264	3	261		
24	15	116	18	108		
76	59	373	1	372		
4540	3776	12184	38	12146		

RECAPITULATION.

COUNTIES.	No. OF PARISHES IN EACH COUNTY.	BIRTHS.	MARRIAGES.	BURIALS.
ROUVILLE.....		1185	185	444
VERCHERES.....		704	125	303
CHAMBLY.....		865	151	313
HUNTINGDON.....		1805	255	556
BEAUHARNOIS.....		1703	247	465
MISSISQUOI.....		344	76	83
STANSTEAD.....		142	23	39
SHEFFORD.....		507	97	185
TOTAL.....		20462	3375	8316

MONK, COFFIN & PAPINEAU,

P, S.C.

SUPPLEMENTARY STATEMENT OF BAPTISMS, MARRIAGES,
1851, taken from the Registers deposited in the Prothonotary's

COUNTIES.	PARISHES.	Years.	BAPT-
			Males.
MONTREAL	Parish of St. Anges Gardiens of Lachine	1851..	36
	Missions of the Church of England and Ireland, in the District of Montreal	1851..	20
			56
OTTAWA	St. Paul d'Alymer et St. Joseph de Wakefield	1851..	35
	Notre Dame de Bonsecours de la Petite Nation	1851..	35
			70
ST. HYACINTHE...	Congregational Church at Abbotsford	1851..	.....
MISSISQUOI	Mission de Ste. Croix de Dunham	1851..	65
STANSTEAD	Wesleyan Methodist Congregation of Wesleyville	1851..	14
SHEFFORD	Congregational Church at Brome	1851..	1

PROTHONOTARY'S OFFICE,
Montreal, 19th April, 1853.

AND BURIALS, IN THE DISTRICT OF MONTREAL, FOR THE YEAR
Office, since the last Return for the year 1851.

-ISMS.	MARRIAGES.	BURIALS.		Increase.	Decrease.	Total Increase.	Total Decrease.	REMARKS.
		Males.	Females.					
Females.								
20	18	15	10	31	.....	.....	.....	.....
27	8	.....	1	46	.....	.....	.....	.....
47	26	15	11	77	.....	77	.....	.....
29	9	.....	.....	64	.....	.....	.....	.....
35	12	7	5	58	.....	.....	.....	.....
64	21	7	5	122	.....	122	.....	.....
.....	2	.....	.....	.....	.....	.....	.....	.....
50	10	9	10	96	.....	96	.....	.....
13	1	.....	.....	27	.....	27	.....	.....
1	9	.....	.....	2	.....	2	.....	.....

MONK, COFFIN & PAPINEAU,
P. S. C.

GENERAL STATEMENT AND RETURN OF BAPTISMS,
THREE RIVERS,

COUNTIES.	PARISHES, SEIGNORIES, TOWNSHIPS OR CITIES.	BAPT-	
		Males.	
ST. MAURICE	Three Rivers, Catholic	141	
	do do Protestant	3	
	do do Methodist	1	
	do do Presbyterian	4	
	Pointe du Lac	35	
	Yamachiche	99	
	St. Barnabé	50	
	St. Léon	49	
	Rivière du Loup, Catholic	63	
	do do Protestant	4	
	St. Ursule	55	
	St. Paulin	35	
	Maskinongé	78	
CHAMPLAIN	Cap la Magdeleine	22	
	St. Maurice	56	
	Champlain	37	
	Batiscan	18	
	St. Geneviève	48	
	St. Stanislas	86	
	St. Prosper	21	
	Ste. Anne Lapérade	52	
	NICOLET	Ste. Pierre Les Becquets	72
Gentilly		64	
Blandford		9	
Ste. Gertrude		28	
Bécancour		71	
St. Gregoire		67	
St. Celestin		35	
Nicolet, Catholic		46	
do Protestant		1	
Ste. Monique		72	
YAMASKA		La Baie	67
	St. Zephirin	27	
	St. François, Catholic	94	
	do Indian Mission	5	
	do Presbyterian		
	Yamaska	62	
St. David	41		

MARRIAGES, AND BURIALS, IN THE DISTRICT OF
for the year 1852.

-ISMS.	MARRIAGES.	BURIALS.		Increase of Population, ascertained by the difference between the Baptisms and Burials.	Total Increase per County.	REMARKS.
		Males.	Females.			
Females.						
125	35	47	59	160		
5	2	5	4	A		A The Burials exceed the Births by one.
8	3			4		
1	2			5		
28	16	16	17	30		
82	35	40	41	100		
47	15	13	12	72		
39	8	20	12	56		
55	20	33	22	63		
5	1	1	2	6		
45	14	14	14	72		
21	7	8	2	46		
87	26	42	37	86		
8	3	6	10	14	699	
52	9	13	15	80		
40	13	7	16	54		
18	5	15	4	12		
38	9	24	15	47		
55	30	15	21	105		
17	9	6	5	27		
41	7	17	27	49		
56	12	25	12	91	388	
70	24	17	18	99		
10	4	6	2	11		
28	4	7	4	45		
51	17	22	19	81		
67	31	21	32	81		
42	6	6	7	64		
61	18	27	29	51		
3	1	2	1	1		
70	14	18	12	112		
64	26	19	19	93	636	
28	6	8	8	39		
109	26	22	34	147		
7	1	6	7	B		B The Burials exceed the Births by one.
		1	1	C		C The Burials exceed the Births by two.
61	20	14	15	94		
52	21	23	22	48		
					418	

GENERAL STATEMENT AND RETURN OF BAPTISMS, MARRIAGES,

COUNTIES.	PARISHES, SEIGNIORIES, TOWNSHIPS OR CITIES.	BAPT-
		Males.
DRUMMOND.....	St. Guillaume	52
	Drummondville, Catholic.....	39
	do Protestant.....	12
	St. Norbert d'Arthabaska	69
	St. Christophe, &c	66
	St. Eusèbe de Stanford	42
		1998

THREE RIVERS,
4th March, 1853.

GENERAL STATEMENT AND RETURN OF BAPTISMS,
FRANCIS, for

YEAR.	COUNTIES.	TOWNSHIPS.	BAPT-	
			Males.	
1852.....	STANSTEAD.....	Stanstead.....	3	
		Barnston		
		Hatley	2	
	SHERBROOKE	Ascot, Oxford, and Town of Sherbrooke	58	
		Compton	10	
		Dudswell	5	
		Eaton	20	
		Bury and Lingwick	17	
		Shipton and Melbourne	72	
		Durham and Kingsey	10	
		Weedon, Lake Aylmer	52	
		Total.....		329

PROTHONOTARY'S OFFICE,
Sherbrooke, 5th April, 1853.

AND BURIALS, IN THE DISTRICT OF THREE RIVERS, &c.--(Continued.)

-ISMS.	MARRIAGES.	BURIALS.		Increase of Po- pulation ascer- tained by the difference be- tween Baptisms and Burials.	Total Increase per County.	REMARKS.
		Males.	Females.			
Females.						
24	10	10	14	70		
36	9	12	7	56		
16	4	1	3	24		
53	19	15	12	95		
54	15	24	16	80		
33	14	7	9	59		
					384	
1820	571	655	638	2525	2525	

Certified.

EDWD. BARNARD,
P, S.C.

MARRIAGES, AND BURIALS, IN THE DISTRICT OF ST.
the year 1852.

-ISMS.	MARRIAGES.	BURIALS.		Increase of Po- pulation ascer- tained by the difference be- tween Baptisms and Burials.	Total per Counties, Increase of Population.	REMARKS.
		Males.	Females.			
Females.						
5	14	10	13			In these Townships few of the children are Baptised.
3	4	18	31			
7	10	5	7			
71	58	48	29	52		
7	13	16	11			
3	2	3	1	4		
13	19	21	9	3		
8	11	6	4	15		
70	44	19	31	92		
98	31	17	13	178		
22	7	2	2	50		
307	213	165	161	394	394	

BELL & SHORT,
P, S.C.

GENERAL STATEMENT AND RETURN OF BAPTISMS,
GASPE', for

YEAR.	COUNTIES.	PARISHES, SEIGNIORIES, TOWNSHIPS, OR CITIES.	BAPT-
			Males.
1852.....	BONAVENTURE	Restigouche, Church of Scotland	5
		do Roman Catholic Mission	23
		Carleton, do do	55
		New Richmond, do do	24
		Hamilton, do do	18
		Cox, do do	40
		do Church of England	40
		New Richmond, Church of Scotland	7
		GASPÉ	Percé, Roman Catholic Mission .....	37
	Douglas Town, do do		44
	Grand River, do do		47
	Percé, Church of England do		9
	Pt. St. Peter, do do		8
	Gaspé Basin, do do		16
			372

NEW CARLISLE,
27th May, 1853.

MARRIAGES, AND BURIALS, IN THE DISTRICT OF
the year 1852.

-ISMS.	MARRIAGES.	BURIALS.		Increase of Po- pulation ascer- tained by the difference be- tween Baptisms and Burials.	Total per County, Increase of Population.	REMARKS.
		Females.	Males.				Females.
8	2	1	1	11	291	
24	8	4	6	37		
50	14	17	14	74		
15	5	.....	.....	39
15	9	7	6	20		
44	6	16	11	57		
31	18	10	6	55		
8	7	5	1	9		
39	12	14	13	49		
43	11	16	11	60		
33	10	14	8	57	216	
4	6	2	4	7		
8	1	1	2	13		
17	9	2	1	30		
339	118	109	84	507	507	

WILKIE & TREMBLAY,
P., S.C.

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