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COPY of a DESPATCH from the GOVERNOR-GENERAL of *British North America*, transmitting a Return from the Principal of the Seminary of *Montreal*, showing the Names of those who, since the passing of the Ordinance 3 Vict. c. 30, have commuted the Tenure of their Property; with a Statement of the Amount of that Property.

(*Mr. Vernon Smith.*)

Ordered, by The House of Commons, to be Printed,
23 February 1841.

CANADA.

RETURN to an ADDRESS of the Honourable The House of Commons, dated 19 February 1841 ;—for,

COPY of a DESPATCH from the GOVERNOR-GENERAL of British North America, transmitting a Return from the Principal of the Seminary of Montreal, showing the Names of those who, since the passing of the Ordinance 3 Vict. c. 30, have commuted the Tenure of their Property; with a Statement of the Amount of that Property.

Ordered, by The House of Commons, to be Printed, 23 February 1841.

COPY of DESPATCH from the Governor-general of British North America to Lord John Russell.

CANADA.

Government House, Montreal, 20 January 1841.

My Lord,

WITH reference to my despatches of the 13th March and 28th June last, I have the honour to transmit to your Lordship herewith the copy of a Return furnished to me by the Principal of the Seminary of Montreal, showing the names of those who, since the passing of the Ordinance 3 Vict. c. 30, have commuted the tenure of their property, with a statement of the amount of that property. Your Lordship will find by a comparison of this return with the petition against the ordinance sent home last summer, that amongst those who have most largely profited by its enactment, are several of the signers of that petition.

For Despatch 13 March, vide Papers ordered by the House of Commons to be printed, 10 April 1840, No. 225. For Despatch 28 June, vide page 2.

I am happy to say that all excitement on the subject has now subsided; and I can conceive no probability of its being renewed, except it were supposed that there was a possibility of the ordinance being interfered with in England. How little such an interference would accord with the wishes or interests of those who last year petitioned the Crown, your Lordship will easily understand from perusing the enclosed list.

I have, &c. (signed) Sydenham.

LISTE des PERSONNES qui ont affranchi leurs Propriétés en vertu de l'Ordonance 3 Vict. cap. xxx, depuis Juillet 1840, jusqu'en Janvier 1841.

Table with 3 columns: NOMS DES PERSONNES, NATURE ET SITUATION DES PROPRIÉTÉS, and VALEUR. Rows list names like O. T. Bruneau, L. D. Omer, and their property details and values.

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NOMS DES PERSONNES.	NATURE ET SITUATION DES PROPRIÉTÉS.	VALEUR.	
		£.	s. d.
L. Comte & L. Pascal Comte, ma- gon et entrepreneurs - - - }	Terre Faubg. St. Laurent, Coteau St. Louis - - - - - }	400	- -
George M'Kenzie, innkeeper - - -	Emplacement en Ville - - -	805	- -
John Try, esq. - - - - -	Ditto Faubg. St. Laurent - - -	235	- -
Robert Smith, joiner - - - - -	Terrein - ditto - - - - -	500	- -
Thomas Hewith, teacher of music - - -	Emplacement ditto - - - - -	265	- -
James Ferrier, esq. - - - - -	Terrein - ditto - - - - -	1,228	- -
Marie L. Pickle, épouse de T. Du- fort - - - - -	Emplacement en Ville - - - - -	700	- -
William Gauld, farmer - - - - -	Terre au Coteau St. Pierre - - -	1,900	- -
John & Wm. Dunlop, plasterers - - -	Emplacement Faubg. St. Laurent - - -	135	- -
William Macintosh, esq. - - - - -	Terre à la Chine - - - - -	1,900	- -
Heritiers Robert M'Kenzie - - - - -	Terrein Faubg. St. Antoine - - -	1,500	- -
John Smith, merchant - - - - -	Ditto - - St. Laurent - - -	1,143	18 3
James Hutchison, esq. - - - - -	Emplacement en Ville - - - - -	800	- -
John Adams Perkins, merchant - - -	Ditto Faubg. St. Laurent - - -	800	- -
James Mason, M.D. - - - - -	Terre à Ste. Anne, du bout de l'Iser - - - - -	690	- -
Mad. Letourneux - - - - -	Verger au Faubg. St. Antoine - - -	1,200	- -
William Pawson, merchant - - - - -	Terrein au Faubg. St. Laurent - - -	953	- -
Heritiers Wm. Hutchison, Mon. & Md. Lunn, G. W. Campbell, M.D. et son épouse & Js. Hutchinson, esq. - - - - -	Emplacement en Ville - - - - -	919	- -
Charles Bowman, merchant - - - - -	Ditto - ditto - - - - -	1,685	- -
Mr. C. Meredith, avocat - - - - -	Ditto - ditto - - - - -	1,162	10 -
Walter M. Peddie, merchant - - - - -	Terrein Faubg. St. Laurent - - -	219	- -
Jean B. Saucer, bedeau - - - - -	Emplacement en Ville - - - - -	500	- -
Henry Judah, avocat - - - - -	Ditto - ditto - - - - -	962	- -
R. F. Maitland & Co., merchants - - -	Ditto - ditto - - - - -	3,890	- -
Hon. Jules Quesnel, esq. - - - - -	Terrein au Faubg. St. Laurent - - -	1,200	- -
V. V. Lachapelle, jun., commerçant - - -	Isle de la Visitation Sault au Recattet - - - - -	250	- -
Hubert Paré, marchand - - - - -	Emplacement en Ville - - - - -	4,000	- -
André Ominet, avocat - - - - -	Ditto - ditto - - - - -	1,800	- -
Robert & Ben. Brown, & {merchants, Wm. M. Elliot - - {London - }	Ditto Faubg. St. Antoine - - -	760	- -
Charles Geddes, merchant - - - - -	Ditto - St. Laurent - - - - -	600	- -
Hon. Peter M'Gill (mayor - - - - -	Ditto en Ville - - - - -	1,530	- -
John Redpatch, esq. - - - - -	Terreins au Faubg. St. Antoine - - -	4,000	- -
John M'Kenzie, merchant - - - - -	Emplacement en Ville - - - - -	2,500	- -
William Farquhar, merchant - - - - -	Ditto Faubg. de Québec - - - - -	80	- -
Richard Robinson, carpenter - - - - -	Ditto - St. Laurent - - - - -	175	- -
Alexander M'Kenzie, esq. - - - - -	Terres et moulins Riviere du Nord, Lac des Deux Montagnes - - -	2,400	- -
Hon. J. Gerrard, esq. - - - - -	Terrein Faubg. St. Antoine - - -	2,000	- -
Dem. Marie Ann Johnson - - - - -	Terre Courant Ste. Marie - - - - -	3,250	- -
Wm. & Thos. Molson, merchants - - -	Terrein Faubg. de Québec - - - - -	6,800	- -
Henry Leonard Turner, marchand - - -	Terre à St. Laurent - - - - -	1,670	- -
Jean B. Baudry, marchand - - - - -	Emplacement Faubg. St. Laurent - - -	500	- -
Hon. Sam. Gale, judge - - - - -	Terre au pied du Courant - - - - -	1,500	- -
		£.	65,973 11 7

Séminaire de Montréal, }
19 Janvier 1841. }

(signed) J. Quiblier, Supr.

(133.)

COPY of a DESPATCH from the Governor-General of *British North America*
to Lord *John Russell*.

For Despatch,
13 March, No. 68,
vide Papers order-
ed to be printed
by the House of
Commons, 10 April
1840, No. 225.

My Lord,

In my despatch of the 13th March last, No. 68, I informed your Lordship that
it was my intention to re-introduce into the special council, at its meeting, with
such

Government House, Montreal,
28 June 1840.

such modifications as I deemed necessary, the ordinance for incorporating the ecclesiastics of St. Sulpice, and providing for the gradual extinction of seigniorial rights within their possessions, which was last year passed by Sir John Colborne and the council; but which could not be rendered effective under the powers of the council as then constituted. I accordingly sent down to them on the 30th ult. the draft of an ordinance for that purpose, which, after the fullest discussion, was passed, and having received my assent, is included among the ordinances which accompany my despatch of the 27th instant.

I have already stated to your Lordship, in my despatch, No. 68, my views as to the general policy of this measure and my concurrence in the opinion of the Commissioners of Inquiry, that after so long an acquiescence by the government in the claims of the seminary, it would be impossible with justice now to take advantage of any defect in their legal title to interfere with their property, or to impose on them terms of a rigorous nature. It is only necessary, therefore, that I should direct your attention to the alterations in the present ordinance, introduced with a view to bring it more into conformity with the heads of the ordinance proposed in Mr. C. Buller's Report to the Earl of Durham, all which alterations, I may remark, are restrictions upon the seminary, and in favour of the public or the censitaires.

For Mr. Buller's Report, *vide* App. (E.) to Lord Durham's Report on the Affairs of British North America, presented by Her Majesty's Command, 1839, page 184.

In the first clause of the ordinance passed by Sir John Colborne and the special council, it was provided that all rules, &c. for the temporary government of the corporation, "save only those which are now followed and in force," should, before coming into operation, be approved by the executive government. The present ordinance requires, that not the future rules only, but those also which already exist, should be submitted for the approval of the government.

The second clause of the present ordinance defines the purposes and objects to which the property of the Seminary may be applied, which was omitted in the former.

In the fifth clause, a slight alteration is introduced in the terms of commutation, by which an advantage is conferred on the censitaires.

By the 8th clause the priority of the hypothec of the Seminary for the commutation-money, as for the rights it represents, is expressly secured, and the *droit de banalité* is abolished with regard to each lot of which the tenure is commuted. The object of the agreement being to put an end to all seigniorial rights at the option of each individual censitaire, I considered even the partial reservation of any one of these rights by the seminary as improper.

By the 11th clause the maximum of arrears which may be received by the seminary for the fief and seigniority of Montreal is limited to 44,000 *l.* currency, and for the seigniories of the Lake of Two Mountains and St. Sulpice to 12,700 *l.* currency, any surplus to be paid over to the provincial treasury.

The 12th clause provides that the farm of St. Gabriel shall be sold by public sale after notice in the newspapers for one month.

In the 13th clause, respecting the investment of the disposable monies of the corporation, the authority to invest them in chartered and incorporated bodies in the colonies is omitted.

By the 14th clause, the seminary is required to furnish "a full, clear and detailed statement" of their revenue and expenditure, in such manner and form, and with such attestation of "correctness," as the governor shall prescribe, instead of the summary statement required under the former ordinance; and finally, under the extended powers of the governor and special council the ordinance is made permanent.

Your Lordship will perceive that none of these alterations affect the principle of the ordinance, and that their object and tendency is to bring it as much as possible into accordance with the agreement made under Mr. C. Buller's mediation. The ordinance passed last year undoubtedly failed to carry into effect some of the provisions of that agreement, and the conditions imposed on the seminary were less stringent than they should have been to be in accordance with his Report. This objection has now been completely removed by the changes introduced by the special council.

I have every reason to believe that, notwithstanding the clamour raised by a few individuals in this city, and the violence of the press, the measure is approved by the moderate men of all parties. In the special council there were but two members who voted against it, and although the persons who signed the address to the Throne transmitted in my despatch, No. 68, have since sent an agent to

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England, they declined, in answer to an unofficial communication which I made to them, to suggest any alterations or modifications of the ordinance.

In fact, it is not possible to deny that the terms of agreement with the seminary are most advantageous to the censitaires, and such as no other seigneur within the province, whether the Crown, or an individual, would consent to accept, and this accordingly is not denied by the parties. For years past the loudest complaints have been made by the inhabitants of Montreal, and more especially by the British community, of the injury which they suffered from the seignorial tenure possessed by the Seminary.

The strongest representations were repeatedly made to induce the legislature or the government to favour, if not to compel, a settlement of the matter; and this settlement is now effected, upon terms far more favourable, in a pecuniary sense, to the censitaires and the possessors of property under the seminary, than could have been anticipated, and to which, last year, according to Mr. Buller's Report, they assented.

The only ground, therefore, on which, as I understand it, the parties who have signed the petition to The Queen, oppose this settlement now, is that they set up an objection to any settlement at all with the seminary, alleging that that body has no legal right to the property, and that the matter must be considered as entirely new, and therefore, not authorizing the establishment of a corporation for such purposes, or with such an amount of property at its disposal.

Upon this, I have only to remark, that if the legal title of the seminary be a bad one, the property belongs to the Crown, and the faith of the Crown being pledged to the seminary, by repeated acts for the last 60 or 70 years, as is sufficiently shown in the Report of the Commissioners, it would not be possible for the Ministers of the Crown to resume the property, or assent to any act which should deprive the Seminary of it, without a fair and equitable compensation. Less than what is now given to them would not probably be considered sufficient for this purpose, and thus the only effect of now refusing to ratify their contract would be (so far as mere pecuniary considerations are involved), not to reduce the advantages to the Seminary, but to place the Crown in the position of Seigneur, compensating, as it is in honour bound to do, the latter, but offering very different, and less advantageous terms to the censitaires, for the right of commutation.

But in a political point of view the disallowance of this ordinance would be most disastrous. After years of contention, the matter was at last finally adjusted between the contending parties, through the mediation of Mr. Buller; the bargain thus made was ratified by the legislature here; it was approved by Her Majesty's Government and by both Houses of Parliament, and a special clause introduced into the Canada Government Bill by the Duke of Wellington, I believe, enabling that settlement to receive legal force. After all this, upon the representation of some few individuals, now to break up all that has thus passed, and to leave the question open to fresh discussion and fresh excitement, without the possibility of the Crown being able to consent to the measure which the petitioners affect to seek, namely, the abandonment of the Seminary, would entail the most disastrous consequences upon the colony. Upon these considerations, I adhere to the opinions of my predecessors, Lord Durham and Lord Seaton, and earnestly recommend the confirmation of the ordinance by Her Majesty.

Undoubtedly, if I considered the Crown to be free from any obligation, and that (supposing the strict legal right to be with it and not with the Seminary), I was at liberty to recommend the appropriation that I thought best, I should not make the present one. Although the Seminary is a most useful body, and manages its affairs greatly to the advantage of the province, I would willingly, under such circumstances, adopt a less exclusive distribution of such large Crown funds; and, above all, I would increase them greatly by making those who would then be the censitaires of the Crown purchase their freedom at a much higher rate. But I am not in a situation, hampered as the Crown is by its previous engagements, to take such a course, and therefore, for the same reasons, I come to the same conclusion as those to whom I have above referred have done.

I have, &c.

(signed) C. Poulett Thomson.

For Report of the Commissioners, *vide* Report of the Commissioners appointed to inquire into Grievances complained of in Lower Canada, presented by Her Majesty's Command, 1837, page 143.

