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

SECOND SESSION OF THE TWELFTH PROVINCIAL PARLIAMENT.



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

AND

HIS EXCELLENCY SIR FRANCIS BOND HEAD, K.C.H.

*LIEUTENANT GOVERNORS.*

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BY ORDER OF THE HONORABLE THE LEGISLATIVE COUNCIL.

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TORONTO:

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

1836.

# JOURNAL, & c.

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

## PROCLAMATION.

UPPER CANADA.

J. COLBORNE,

*Lieutenant Governor.*

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

Proclamation for Proroguing the Parliament, to Tuesday the 30th June, 1835.

To our beloved and faithful Legislative Councillors of our Province of Upper Canada, and to our Knights, Citizens and Burgesses, of our said Province; to our Provincial Parliament at our City of Toronto, on the Twenty-fifth day of May, instant, to be commenced, held, called, and elected, and to every of you:

GREETING.

WHEREAS on the Sixteenth day of April last, we thought fit to prorogue our Provincial Parliament to the Twenty-fifth day of May, instant, at which time, at our City of Toronto, you were held and constrained to appear.

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

IN TESTIMONY WHEREOF, We have caused these our Letters to be made Patent, and the Great Seal of our said Province, to be hereunto affixed: WITNESS our trusty and well-beloved SIR JOHN COLBORNE, K. C. B., Lieutenant Governor of our said Province, and Major General, Commanding our Forces therein, at Toronto, this Twenty-fourth day of May, in the year of our Lord, one thousand eight hundred and thirty-five, and in the Fifth year of our Reign.

J. C.

By Command of His Excellency.

SAMUEL P. JARVIS,

*Clerk of the Crown in Chancery.*

D. CAMERON,

*Secretary.*

By a further Proclamation of His Excellency SIR JOHN COLBORNE, K. C. B., Lieutenant Governor of the Province of Upper Canada, dated the Twenty-sixth day of June, in the year of our Lord, one thousand eight hundred and thirty-five, the meeting of the Legislative Council and House of Assembly, stands further Prorogued to Saturday, the Eighth day of August next ensuing.

Proclamation for Proroguing the Parliament, to Saturday the 8th August, 1835.

By a further Proclamation of His Excellency SIR JOHN COLBORNE, K. C. B., Lieutenant Governor of the Province of Upper Canada, dated the Fifth day of August, in the year of our Lord, one thousand eight hundred and thirty-five, the meeting of the Legislative Council and House of Assembly, stands further prorogued to Tuesday, the Fifteenth day of September next ensuing.

Proclamation for Proroguing the Parliament, to Tuesday the 15th September, 1835.

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

Proclamation for Pro-  
roguing the Parlia-  
ment, to Saturday the  
24th October, 1835.

By a further Proclamation of His Excellency SIR JOHN COLBORNE, K. C. B., Lieutenant Governor of the Province of Upper Canada, dated the Tenth day of September, in the year of our Lord, one thousand eight hundred and thirty-five, the meeting of the Legislative Council and House of Assembly, stands further Prorogued, to Saturday, the Twenty-fourth day of October next ensuing.

Proclamation for Pro-  
roguing the Parlia-  
ment, to Tuesday the  
1st December, 1835.

By a further Proclamation of His Excellency SIR JOHN COLBORNE, K. C. B., Lieutenant Governor of the Province of Upper Canada, dated the Twentieth day of October, in the year of our Lord, one thousand eight hundred and thirty-five, the meeting of the Legislative Council and House of Assembly, stands further Prorogued, to Tuesday, the First day of December next ensuing.

Proclamation for Pro-  
roguing the Parlia-  
ment, to Friday the  
5th January, 1836.

By a further Proclamation of His Excellency SIR JOHN COLBORNE, K. C. B., Lieutenant Governor of the Province of Upper Canada, dated the Twenty-fifth day of November, in the year of our Lord, one thousand eight hundred and thirty-five, the meeting of the Legislative Council and House of Assembly, stands further prorogued, to Friday, the Eighth day of January next ensuing.

## PROCLAMATION.

UPPER CANADA.

J. COLBORNE,  
*Lieutenant Governor.*

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

Proclamation for call-  
ing the Parliament  
together on Thurs-  
day the 14th January, 1836  
FOR THE ACTUAL  
DESPATCH OF PUBLIC  
BUSINESS.

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

GREETING.

WHEREAS by our Proclamation, bearing date the Twenty-fifth day of November last, We thought fit to Prorogue our Provincial Parliament, to the Eighth day of January next, at which time, at our City of Toronto, you were held and constrained to appear.

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

IN TESTIMONY WHEREOF, We have caused these our Letters to be made Patent, and the Great Seal of our said Province, to be hereunto affixed. WITNESS our trusty and well-beloved SIR JOHN COLBORNE, K. C. B., Lieutenant Governor of our said Province, and Major General, Commanding our Forces therein, at Toronto, this Seventh day of December, in the year of our Lord, one thousand eight hundred and thirty-five, and in the Sixth Year of our Reign.

J. C.

By Command of His Excellency.

SAMUEL P. JARVIS,

*Clerk of the Crown in Chancery.*

D. CAMERON,

*Secretary.*

# LEGISLATIVE COUNCIL.

UPPER CANADA.

*Thursday, 14th January, 1836.*

This being the day appointed for the meeting of the Provincial Legislature, at two of the clock, P. M.

The House met.

House meets.

## PRESENT :

*The Honorable* JOHN B. ROBINSON, SPEAKER.

*The Hon. & Ven. The* ARCHDEACON OF YORK,

*The Honorable Messrs.* WELLS,

" " CAMERON,

" " MARKLAND,

" " ALLAN,

*The Honorable Messrs.* P. ROBINSON,

" " McDONELL,

" " ELMSLEY,

" " HAMILTON,

" " ADAMSON,

" " CROOKS,

Members present.

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

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

Parliament convened.

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

His Excellency retires.

Prayers were read.

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

Speaker reports a copy of His Excellency's Speech; same read.

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

Since you were last assembled no material change has taken place in the prospects of this Colony.

The Speech.

The continuance of uninterrupted tranquillity has happily enabled and disposed the inhabitants of the Province, to turn their undivided attention to the improvement of the country, and the development of its resources.

In the Home and Midland Districts, and the District of Newcastle, works have been projected for the improvement of internal navigation, by opening practicable channels to the Great Lakes, and Rail Roads have been suggested, which we cannot but hope, may confer incalculable benefit upon a great portion of this vast continent, in which Upper Canada occupies so fortunate a position.

In the Lower Districts, the people are not less intent on the means by which the mutual advantages of their situation may be improved: and in the Western parts of the Province, the past year has given rise to several plans of a very interesting character, which I am persuaded claim your attentive examination.

The results of a free scope being thus afforded to the spirit of enterprize, will soon be displayed in the rapid completion of solid improvements, if the activity which is now so prevalent, be sustained by the judicious and cordial co-operation of the Legislature.

Some of the projects to which I refer, would have appeared a few years since visionary, but those which we have already accomplished, and the undertakings of the neighboring countries, may encourage you to look forward to designs on a more extensive scale, and to support to the utmost of your power, the efforts of individuals and private associations.

It will be satisfactory to you to learn, that the works in progress on the St. Lawrence, are far advanced, and I trust, that by the aid of the Lower Province, all obstructions to the navigation of that great river will be speedily and effectually surmounted.

Thursday, 14th January, 1836.

SECOND SESSION TWELFTH PROVINCIAL PARLIAMENT. 6th WILLIAM IV.

The direct Emigration from the Mother Country to this colony, last season, has scarcely exceeded the proportion of one-third, as compared with some former years.

So far as this diminution may have been caused by a more general employment at home of manufacturers and agricultural labourers, it will not be viewed with regret.

The other causes that have tended to reduce the number of emigrants we may be confident will not long operate. In the mean time I am convinced, that you will not relax in your efforts to give to Emigration every possible encouragement, and to render this country a secure and convenient asylum for such of our countrymen as desire to resort to it.

By improving your system of constructing highways, and giving facilities to commerce, connected as it must necessarily be with your agricultural prospects; by making the means of education general, and easily available; and by attending to the condition of a people peaceably and prudently exercising the privileges of a free government, and firmly attached to the principles of the British Constitution—you will hold forth the strongest inducements to your fellow-subjects of the British empire, to unite their fortunes with yours, and to contribute by their wealth, intelligence and industry, to raise this Province, at no distant period, to the first rank in the colonial possessions of the Crown.

In order that the means of instruction may augment with the population, you will doubtless apply your attention to the foundation and support of Township Schools, and no longer defer the adoption of measures for rendering the School Lands available, which have been for some time subjected to the control of the Legislature.

The Courts of Requests, as constituted under the recent Statute, have, it is understood, proved more beneficial than formerly: from the representations however, which have at various times been addressed to me, I suggest it to you as a subject deserving your consideration, whether an appeal to the District Courts, might not be provided for under some restrictions.

The modification which I have submitted to His Majesty's Government for the charter of King's College, I shall communicate to you by Message, and I sincerely hope, that the arrangements proposed for the opening of the University, will ensure your concurrence.

I strongly recommend, that efficient provision may be made for the maintenance of the Provincial Penitentiary, in which a large number of convicts are at present confined.

It has become necessary to regulate an institution with care, which may have so direct an influence on the security of society, and the effective administration of the Laws.

The state of the Gaols, and the treatment of the prisoners confined in them, I shall have occasion to bring under your notice, for it appears to me, that to relieve the Magistrates from an undue responsibility, as well as to ensure the humane care, and safe custody of the prisoners, it is desirable to frame more particular provisions than have been hitherto made, and render this department in every respect complete.

The sufferers by the War with the United States of America, have not yet been paid the full amount of their acknowledged claims. The last proposition of His Majesty appeared to me so liberal, that I was persuaded the claimants would have met with no further disappointments. By advancing the sum of £20,000 from the Provincial Revenue, the remaining thirty-six thousand pounds will be procured from His Majesty's Government, and these long pending claims will be finally arranged.

The repeated representations to induce His Majesty's Government to assume the whole, or a portion of the sums due to the sufferers, having received a full consideration, you will decide whether the comparatively small proportion remaining unliquidated, shall be provided for in the manner proposed. The people of this Province, I am satisfied, will not desire to be relieved from this debt at the expense of the claimants.

The amount of Duties received at the Port of Quebec during the year 1835, has equalled that of 1834—and the Duties collected within the Province have considerably increased.

*Gentlemen of the House of Assembly:*

I have directed the Annual Accounts and the Estimates to be laid before you, and I trust you will make such grants as may be necessary for the public service.

15th, & 16th January, 1836.

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

*Honorable Gentlemen, and Gentlemen :*

Your several Addresses to the King, which you requested might be transmitted to the Secretary of State for the Colonies, have been laid before His Majesty.

The subjects to which they chiefly relate, are of the highest importance to the interests, not of this Colony only, but of all the other British Colonies in North America; they continue therefore to engage the most attentive and anxious consideration of His Majesty's Government.

The enquiries which the Commissioners appointed by His Majesty have been authorised to make, respecting the Crown Revenue, the Constitution of the Legislature, the Clergy Reserves, and other affairs admitting of adjustment with less difficulty, will, I trust, accelerate the final and satisfactory decision of any questions that have been raised on those points.

The peculiar position of Lower Canada, and the similar constitution under which the institutions of both Colonies are secured, do not allow the dissensions in that Province to be regarded by you with indifference, nor indeed without deep regret, anxiety, and apprehension. The injurious effects of their influence, have already been experienced. They have tended apparently to discourage emigration, and the transfer of capital to this country, and have acted disadvantageously in respect to the terms on which the large loan authorised by the Legislature was recently negotiated in England.

But whatever measures may be adopted in consequence of the enquiry of the Commissioners, or whatever alterations may be proposed to remedy the evils, to which I have adverted, you may rest assured that the Constitution of these Provinces will be firmly upheld.

At this important, and I hope, favorable crisis, whether the interest of the Parent State, or the earnest wishes of the Colony be consulted, the Imperial Government cannot fail to deem it an essential duty to watch over, and zealously protect your institutions, and cherish the attachment of all classes to the crown.

It will afford me much satisfaction to hear of your diligent application during the Session to the measures which I have suggested for your consideration; and to all others, which can conduce to the welfare of this prosperous and highly valuable colony.

On motion made and seconded, it was

Ordered, that a Committee be appointed to draft an Address to His Excellency the Lieutenant Governor, thanking him for his speech at the opening of the Session, and

Ordered, that the Honorable Messieurs Hamilton, Adamson and Crooks, be appointed the Committee for that purpose.

On motion made and seconded the House adjourned.

FRIDAY 15th JANUARY, 1836.

The House met pursuant to adjournment.

PRESENT :

*The Honorable* JOHN B. ROBINSON, SPEAKER.

*The Honorable Messrs.* ELMSLEY,

*The Honorable Messrs.* CAMERON,

" " HAMILTON,

" " MARKLAND,

" " CROOKS.

" " P. ROBINSON.

Committee appointed to draft an Address in answer to His Excellency's Speech. Members composing same.

House adjourns.

House meets.

Members present.

Prayers were read.

The Minutes of yesterday were read.

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

House adjourns.

SATURDAY, 16th JANUARY, 1836.

At Three of the clock, P. M. there were

PRESENT :

*The Honorable* JOHN B. ROBINSON, SPEAKER.

*The Honorable Mr.* ELMSLEY;

*The Honorable Mr.* CROOKS.

Members present.

The Honorable the Speaker, declared the House adjourned for want of a quorum.

No Quorum.

18th &amp; 19th January, 1836.

## SECOND SESSION TWELFTH PROVINCIAL PARLIAMENT, 6th WILLIAM IV.

MONDAY, 18th JANUARY, 1836.

House meets.

The House met pursuant to adjournment.

## PRESENT :

Members present.	<i>The Honorable</i> JOHN B. ROBINSON, SPEAKER.	<i>The Honorable Messrs.</i> P. ROBINSON,
	<i>The Honorable Messrs.</i> CAMERON,	" " McDONELL,
	" " MARKLAND,	" " ELMSLEY,
	" " ALLAN,	" " CROOKS.

Prayers were read.

The Minutes of Friday and Saturday last, were read.

Report of the Committee appointed to draft an Address in answer to His Excellency's Speech.

The Honorable Mr. Crooks, from the Select Committee appointed to draft an Address to the Lieutenant Governor, in answer to His Excellency's Speech from the throne, reported a draft thereof.

Ordered, that the Report be received, and

Address read first time.

The Address was then read by the Clerk,

Leeds Election bill brought up from the Assembly.

A Deputation from the Commons House of Assembly, brought up a Bill, entitled, "An Act to ensure the freedom of Elections in the County of Leeds," to which they requested the concurrence of this House, and then withdrew.

Read first time.

The said Bill was then read, and it was

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

Address in answer to His Excellency's Speech committed.

Ordered, that the Address of this House to His Excellency the Lieutenant Governor, be committed to a Committee of the Whole House presently.

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

The Honorable Mr. Markland, took the chair.

After some time the House resumed.

Amendments reported

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

Adopted.

Ordered, that the report be received, and

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

Petitions of John Young, and others.

The Honorable Mr. Crooks brought up the Petition of John Young and others, inhabitants and Freeholders of the District of Niagara, which was laid on the table.

Of William and James Gardiner; and of William Hatclie, and others brought up.

The Honorable Mr. Elmsley, brought up the Petition of William and James Gardiner, of Mosa, in the London District; and also the Petition of William Hatclie and others, inhabitants of Mosa, in the London District, which were laid on the table.

House adjourns.

On motion made and seconded, the House adjourned.

TUESDAY, 19th JANUARY, 1836.

House meets.

The House met pursuant to adjournment.

## PRESENT :

Members present.	<i>The Honorable</i> JOHN B. ROBINSON, SPEAKER.	<i>The Honorable Messrs.</i> ALLAN,
	<i>The Hon. &amp; Ven., The</i> ARCHDEACON OF YORK.	" " McDONELL,
	<i>The Honorable Messrs.</i> WELLS,	" " ELMSLEY,
	" " CAMERON,	" " CROOKS.

Prayers were read.

The Minutes of yesterday were read.

Address in answer to His Excellency's Speech read third time and passed.

Pursuant to the order of the day, the Address of this House to the Lieutenant Governor, in answer to His Excellency's speech at the opening of the Session, was read a third time, and passed.

Same signed.

Whereupon the Speaker signed the same, and it is as follows :

The Address.

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

MAY IT PLEASE YOUR EXCELLENCY,



Tuesday, 19th January, 1836.

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

We, His Majesty's dutiful and loyal subjects, the Legislative Council of Upper Canada, in Provincial Parliament assembled, return our most respectful thanks, for Your Excellency's speech from the throne.

The continuance, since we were last assembled, of uninterrupted tranquillity which has happily enabled and disposed the inhabitants of this Province, to turn their undivided attention to the improvement of the country, and the developement of its resources, calls from us an expression of gratitude to Providence, for vouchsafing to bestow upon us so many blessings.

Address in answer  
to His Excellency's  
Speech.

The proposed improvements in the Home, Midland, and Newcastle Districts, cannot fail if carried into effect, to add greatly to the benefits already enjoyed by Upper Canada, which occupies so fortunate a position on this vast continent.

We are gratified to learn from Your Excellency, that the people in the Lower Districts are intent on availing themselves of the natural advantages of their situation, and that the inhabitants of the Western part of the Province, have also during the past year projected several improvements of an interesting nature, and we do not doubt, that the free scope given to the spirit of enterprise, will secure to the inhabitants the rapid completion of works, calculated to confer important benefits on the whole Province.

We beg to assure Your Excellency, that all contemplated improvements of the nature alluded to, will receive from us the most attentive examination, and that we will second, by our cordial co-operation, the efforts of individuals and private associations, towards the attainment of such objects.

We learn, with much satisfaction, that the works in progress on the Saint Lawrence, are far advanced, and we trust, with Your Excellency, that the aid of Lower Canada will not be withheld in removing all obstacles to the navigation of that great River, the speedy and effectual completion of which must prove equally advantageous to the best interests of both Provinces.

The proportion of Emigrants from the Parent State to this Province being so much less in the last than in former years, is a matter of deep regret, unless indeed it has been caused by a more general employment at home of manufacturers and agricultural labourers: we hope that any other causes which may have led to it may be only of a temporary nature; and we beg to assure Your Excellency that we will not relax in our efforts to give to emigration every possible encouragement, and to render this Province a secure and convenient asylum for such of our countrymen as desire to resort to it. We are fully aware that by improving our system of constructing roads, and giving facilities to commerce, connected as it necessarily is with our agricultural prospects; by making the means of education general and easily available; and by displaying the condition of a people peaceably and prudently exercising the privileges of a free government, and firmly attached to the principles of the British Constitution, the strongest inducements will be held forth to our fellow subjects of the British Empire to unite their fortunes with ours, and to contribute by their wealth, intelligence and industry, to raise this Province, at no distant period, to the first rank in the Colonial possessions of the Crown.

We shall not fail to apply our attention to the foundation and support of Township Schools as we have hitherto done, and contribute, so far as depends upon this House, to the adoption of measures for rendering the School lands available which have been for some time subjected to the control of the Legislature.

We will willingly give our aid in improving the laws already in force in this Province for establishing Courts of Request in the several Districts, and in providing, if it shall be found expedient, for an appeal to the higher Courts, in order to secure to the inhabitants the impartial administration of Justice.

We thank Your Excellency for your intention of communicating to us by message the modification which Your Excellency had submitted to His Majesty's Government of the Charter for King's College, and shall be gratified if the arrangements proposed for the opening of the University shall be such as may receive our concurrence.

Tuesday, 19th January, 1836.

SECOND SESSION TWELFTH PROVINCIAL PARLIAMENT, 6th WILLIAM IV.

Address in answer to  
His Excellency's  
Speech.

The necessity for the erection of the Provincial Penitentiary is made manifest by the large number of convicts already confined therein, and we will not fail to give our aid in making that efficient provision for its support which the utility of such an establishment so strongly claims. We will also give an early attention to the enactment of such regulations as may seem desirable for the good government of an institution so important to the security of society, and to the effective administration of the laws.

Connected with this subject the state of the Gaols, and the treatment of Prisoners confined therein appear to render necessary the enactment of such regulations as will relieve the Magistrates from an undue responsibility, as well as ensure the humane care and safe custody of prisoners; and we shall be happy to receive from Your Excellency such suggestions on the matter as Your Excellency may deem proper, with a view of rendering this department complete.

We gratefully acknowledge the interest Your Excellency has at all times evinced on behalf of those who suffered loss by the late war with the United States, and fully agree with Your Excellency in opinion, that the people of this Province will not desire to be relieved from this debt at the expense of the claimants, more particularly as their sufferings from the non-payment of their claims has been very great, and the sum now required to be provided small in amount, when compared with that which His Majesty's Government is prepared so generously to pay, when this Province shall have made good its proportion.

We are gratified to learn from Your Excellency, that the amount of Duties received at the Port of Quebec, during the past year, has equalled that of the former, while the Duties collected within the Province have considerably increased.

We place entire confidence in the measures adopted by His Majesty's Government for investigating the different matters contained in the several Addresses to the King, the decision upon which, involves questions of the highest importance to the interests not only of this Colony, but of all the other British Colonies in North America.

Feeling as we do, that upon the continuation unimpaired of the Constitution under which we have so long happily lived, depends the security of property, and the maintenance of our political rights: we receive with peculiar satisfaction the assurance of Your Excellency, that our Constitution will be firmly upheld; and we fully concur with Your Excellency, that we cannot regard with indifference, nor without deep regret, anxiety, and apprehension, the injurious effects of the dissensions in Lower Canada, which enjoys a Constitution similar to our own, and which by its peculiar position, has so great an influence upon the happiness and prosperity of this Colony—and it is with sincere regret we learn from Your Excellency, that those dissensions have already had an injurious effect upon Emigration and the transfer of capital to this country, as well as in respect to the terms on which the large loan authorised by the Legislature, was recently negotiated in England. At this crisis, so important with reference to the interests of the Parent State, and to the earnest wishes of this Colony to remain an appendage of the British Crown, we deem it our duty to assure Your Excellency, that we will cheerfully unite with Your Excellency, in the adoption of any measures that may be deemed necessary to perpetuate that connection, and thus secure to our fellow-subjects the powerful protection of Great Britain, and the continuance of the many blessings which we have hitherto enjoyed.

On motion made and seconded, it was

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

Ordered, that the Honorable Messrs. Allan and Crooks do compose the same for that purpose.

Pursuant to the order of the day, the Bill entitled "An Act to ensure the freedom of Elections in the County of Leeds," was read a second time.

The Honorable Mr. Elmsley brought up the petition of Owen Richards, of the Township of Hallowell; also, the petition of Henry Burritt and others, Inhabitants of this Province; which were laid on the table.

Committee appointed  
to know when the  
foregoing address  
would be received.

Members composing  
same.

Leeds Election bill  
read second time.

Petitions of Owen  
Richards; of Henry  
Burritt, and others;

Wednesday, 20th January, 1836.

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

The Honorable Mr. Crooks brought up the petition of Edward J. Cortlandt and others, Inhabitants of certain Townships of the Bathurst and Ottawa Districts; which was laid on the table.

and of Edward J. Cortlandt, and others, brought up.

The Honorable Mr. Baldwin enters.

A Member enters.

The Honorable Mr. Allan, from the Select Committee appointed to wait upon the Lieutenant Governor to know when His Excellency would be pleased to receive this House with their Address, reported that they had done so, and that His Excellency had named the hour of two of the clock P. M. tomorrow for that purpose.

Report of the select Committee appointed to know when the Address of this House in answer to His Excellency's Speech would be received.

On motion made and seconded, it was,

Ordered, that the House be put into a Committee of the whole tomorrow, to take into consideration the Bill entitled, "An Act to ensure the freedom of Elections in the County of Leeds."

On motion made and seconded, the House adjourned.

House adjourns.

WEDNESDAY, 20th JANUARY, 1836.

The House met pursuant to adjournment.

House meets.

PRESENT :

*The Honorable* JOHN B. ROBINSON, SPEAKER.

*The Honorable Messrs.* P. ROBINSON,

*The Hon. & Ven. The* ARCHDEACON OF YORK.

" " McDONELL,

*The Honorable Messrs.* WELLS,

" " ELMSLEY,

" " CAMERON,

" " BALDWIN,

" " MARKLAND,

" " CROOKS.

" " ALLAN,

Members present.

Prayers were read.

The Minutes of yesterday were read.

The Honorable Mr. Crooks brought up the Petition of Thomas Servos, now of the Town of Niagara; and also, the Petition of Augustus Bates and others, inhabitants of the Counties of Halton, and Huron; which were laid on the Table.

Petitions of Thomas Servos; and of Augustus Bates, and others, brought up.

The Honorable Mr. Baldwin, brought up the Petition of J. Parker and others, inhabitants of the County of Hastings; which was laid on the Table.

Petition of J. Parker, and others, bro't. up.

At two of the clock, P. M., the House proceeded to the Government House with their Address, in answer to His Excellency's speech from the Throne, and having returned:

Address in answer to His Excellency's Speech from the Throne presented.

His Honor the Speaker, reported, that His Excellency had been pleased to give an answer thereto, of which he had obtained a copy, which he read, and it was again read by the Clerk, as follows:

Speaker reports His Excellency's reply thereto.

Read.

*Honorable Gentlemen:*

I thank you, for the assurances in this Address, of your desire to concur with the other Branches of the Legislature, in advancing the public welfare; and I am confident that your exertions will receive a just reward, in the approbation of your Sovereign, and in the gratitude of the inhabitants of the Province.

The reply.

Pursuant to the order of the day, the House was put into a Committee of the whole, upon the Bill, entitled, "An Act to ensure the freedom of Elections in the County of Leeds,"

Leeds Election bill, committed.

The Honorable Mr. Markland, took the chair.

After some time the House resumed.

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

Reported and leave asked to sit again.

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

Leave granted.

Pursuant to the order of the day, the Petition of John Young and others, inhabitants and Freeholders of the District of Niagara, praying for the incorporation of a Banking Company in the said District; and also, the Petition of William and James Gardiner, of Mosa, in the London District, praying for leave to construct a Mill Dam across the River Thames, were severally read.

Petitions of John Young, and others; and of William and James Gardiner, read.

The Honorable Mr. Elmsley, brought up the Petition of William Parsons and others; which was laid on the Table.

Petition of William Parsons and others, brought up.

On motion made and seconded, the House adjourned.

House adjourns.

21st &amp; 22nd January, 1836.

SECOND SESSION TWELFTH PROVINCIAL PARLIAMENT, 6th WILLIAM IV.

THURSDAY, 21st JANUARY, 1836.

House meets. The House met pursuant to adjournment.

## PRESENT :

Members present.	<i>The Honorable</i> JOHN B. ROBINSON, SPEAKER.	<i>The Honorable Messrs.</i> ELMSLEY,
	<i>The Hon. &amp; Ven. The</i> ARCHDEACON OF YORK.	BALDWIN,
	<i>The Honorable Messrs.</i> ALLAN,	CROOKS.
	" " McDONELL.	

Prayers were read.

The Minutes of yesterday were read.

Petitions of Owen Richards; Of Henry Burritt, and others; and Edward J. Cortlandt and others, read.

Pursuant to the order of the day, the petition of Owen Richards, of the Township of Hallowell, praying for an increase of salary as the Keeper of the Point Peter Light House; also the petition of Henry Burritt, and others, inhabitants of this Province, praying that the Townships of Edwardsburgh, Matilda, Mountain, Osgood, North and South Gower, Marlborough, Montague, and Wolford, may be erected into a separate District; and also the petition of Edward J. Cortlandt, and others, inhabitants of certain Townships of the Bathurst and Ottawa Districts, praying to be erected into a separate District, were severally read.

On motion made and seconded, it was

Leave of absence granted to the Hon. Mr. Crooks.

Ordered, that the Honorable Mr. Crooks, have leave of absence from this House for two weeks.

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

FRIDAY 22nd JANUARY, 1836.

House meets. The House met pursuant to adjournment.

## PRESENT :

Members present.	<i>The Honorable</i> JOHN B. ROBINSON, SPEAKER.	<i>The Honorable Messrs.</i> ALLAN,
	<i>The Hon. &amp; Ven. The</i> ARCHDEACON OF YORK.	P. ROBINSON,
	<i>The Honorable Messrs.</i> WELLS,	McDONELL,
	" " CAMERON,	ELMSLEY,
	" " MARKLAND,	BALDWIN.

Prayers were read.

The Minutes of yesterday were read.

Leeds Election bill recommitted.

Pursuant to the order of the day, the House was again put into a Committee of the whole, upon the Bill entitled, "An Act to ensure the freedom of Elections in the County of Leeds."

The Honorable Mr. Elmsley took the Chair.

After some time, the House resumed.

Amendments reported.

The Chairman reported, that the Committee had gone through the said Bill, and had made some amendments thereto, which they were ready to submit, whenever the House would be pleased to receive the same.

Ordered, that the report be received to-morrow.

Call of the House. Pursuant to the Fifth Standing Order, the House was called.

## PRESENT :

Members present.	<i>The Honorable</i> JOHN B. ROBINSON, SPEAKER.	<i>The Honorable Messrs.</i> ALLAN,
	<i>The Hon. &amp; Ven. The</i> ARCHDEACON OF YORK.	P. ROBINSON,
	<i>The Honorable Messrs.</i> WELLS.	McDONELL,
	" " CAMERON,	ELMSLEY,
	" " MARKLAND,	BALDWIN.

Friday, 22nd January, 1836.

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

## ABSENT :

HONORABLE MESSIEURS	DICKSON,.....	(Sick.)	
"	"	CROOKSHANK,.....	(Do.)
"	"	DUNN,.....	(Excused.)
"	"	JONES,.....	(Absent.)
"	"	GORDON,.....	(do.)
"	"	BURNHAM,.....	(do.)
"	"	HAMILTON,.....	(do.)
"	"	BOSWELL,.....	(do.)
"	"	ADAMSON,.....	(do.)
"	"	JAMES KERBY,.....	(do.)
"	"	JOHN KIRBY,.....	(do.)
"	"	CROOKS,.....	(Absent with leave.)
THE HON. & RIGHT REV'D.	BISHOP McDONELL,...	(Excused.)	
THE HONORABLE MESSIEURS	GRANT,.....	(Absent.)	
"	"	LLOYD,.....	(do.)
"	"	NELLES,.....	(do.)
"	"	STEWART,.....	(do.)

Members absent.

It was moved and seconded; that it be,

*Resolved*, 1st.—That the absence of many of the Members of this House, from their Legislative duties, calls for serious remark, and for the exercise of the authority of the House, to compel attendance.

*Resolved*, 2nd.—That this House feels deep regret, in observing, that several Honorable Members have repeatedly suffered, not only the regular call of the House to take place, without either appearing in person, or offering any reason for their absence; but have also permitted whole Sessions of the Legislature to pass, without once attending in their places.

Resolutions moved respecting the attendance of Members.

*Resolved*, 3rd.—That such omission, calls for the serious animadversion of this House, as involving a most reprehensible degree of negligence of the solemn duty imposed upon Members of this House, when they accepted the Honorable distinction bestowed upon them by their Gracious Sovereign, and as affording some ground for the dissatisfaction attempted to be excited in this respect, to the prejudice of the Legislative Council.

*Resolved*, 4th.—That with a view to the manifestation of the sense entertained by this House, of the very imperfect manner in which many Members comply with the obligation of punctual attendance, the Honorable and Learned Speaker be requested to direct, that a summons be forthwith issued to each of those Members, who at the regular call of the House were not in their places, or for whom no satisfactory excuse has been alleged, requiring their immediate attendance in their places, and that a copy of these Resolutions be sent together with the summons.

Upon which debates ensued; and it was,

Ordered, that the same be adjourned until Monday next.

Debated.

Same adjourned.

Pursuant to the order of the day, the Petition of William Servos, now of the Town of Niagara, praying for an increase of pension: also, the Petition of Augustus Bates and others, inhabitants of the Counties of Halton and Huron, praying for an Act incorporating a Company, for the construction of a Rail Road, from the most convenient place at Wellington Square, in the said County of Halton, terminating at Goderich Harbor, in the said County of Huron, with a capital of £350,000: also, the Petition of J. Parker and others, inhabitants of the County of Hastings, praying that the said County may be erected into a separate District; and also the Petition of William Parsons and others, praying for an Act authorising the appointment of Trustees, for the purpose of Macadamizing the Roads from the Holland Landing to the Eastern and Western limits of the Home District; were severally read.

Petitions of William Servos; of Augustus Bates, and others;

Of J. Parker, and others;

And of William Parsons and others, read.

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

House adjourns.

Monday, 25th January, 1836.

SECOND SESSION TWELFTH PROVINCIAL PARLIAMENT, 6th WILLIAM IV.

MONDAY 25th JANUARY, 1836.

House meets.

The House met pursuant to adjournment.

PRESENT :

Members present.	<i>The Honorable</i> JOHN B. ROBINSON, SPEAKER.	<i>The Honorable Messrs.</i> P. ROBINSON,
	<i>The Hon. &amp; Ven. The</i> ARCHDEACON OF YORK.	" " McDONELL,
	<i>The Honorable Messrs.</i> WELLS,	" " ELMSLEY,
	" " MARKLAND,	" " BALDWIN.
	" " ALLAN,	

Prayers were read.

The Minutes of Friday last, were read.

Amendments to  
Leeds Election bill  
presented.

Pursuant to the order of the day, the Honorable Mr. Elmsley, from the Committee of the whole, upon the Bill entitled, "An Act to ensure the freedom of Elections of the County of Leeds;" presented the amendments made thereto.

Read.

The same were then read by the Clerk, as follows :

The Amendments.

In the title, after "to," expunge "ensure the freedom of Elections," and insert "regulate the next Election."

Press 1, line 15.—Expunge "hereafter."

" 5, " 2.—After "situated," expunge to "and," in the eighth line.

" 6, " 14.—After "Election," insert "or not being exempt by law."

" " 20 & 21.—Expunge "unnecessary noise or interruption;" after "tumult," insert "or," expunge "or disorder."

" 7, " 1.—Expunge "or Justices."

" " " 9.—After "misdemeanor," expunge the remainder of the Clause.

" " " 19.—After "shall," expunge to "by," in line 20, and insert, "wilfully and corruptly swear falsely, in any matter which he is required to state upon oath or affirmation."

" 8, " 2.—After "shall," expunge the remainder, and insert, "not extend to any Election for the said County, except that which shall be holden next after the passing of this Act."

Read second time,  
and adopted.

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

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

Debate on the  
Resolutions respecting  
the attendance of  
Members resumed.

Pursuant to the order of the day, the debate on the subject of the Resolutions relative to the attendance of the Members of the Legislative Council, was resumed; and it was,

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

Same committed.

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

The Honorable Mr. Wells took the Chair.

After some time the House resumed.

Reported

The Chairman reported, that the Committee had gone through the said Resolutions, and recommended the same to the adoption of the House.

Ordered, that the Report be received, and

Ordered, that the said Resolutions be adopted.

Resolutions adopted.

Two petitions of the  
Rev. Thomas Creen  
and others, brought  
up.

The Honorable Mr. Allan, brought up two Petitions of the Rev. Thomas Creen and others, inhabitants of the Town and Township of Niagara, which were laid on the Table.

Speaker informs  
the House that a  
Member waits to be  
introduced.

The Honorable the Speaker acquainted the House that there was a Member without ready to be introduced :

Introduction of the  
Hon. William Morris.

When the Honorable Mr. William Morris was introduced between the Honorable Mr. Allan, and the Honorable Mr. Elmsley.

Presents his writ of  
Summons.  
Same read.

Then the Honorable Mr. Morris presented to the Speaker his writ of Summons, who delivered it to the Clerk, and it is as follows :—

25th &amp; 26th January, 1836.

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

UPPER CANADA.

J. COLBORNE,

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

To our trusty and well-beloved WILLIAM MORRIS, Esq., and to all, to whom these presents shall come,

The writ.

GREETING.

KNOW YE, That as well for the special trust and confidence we have manifested in you, as for the purpose of obtaining your advice and assistance in all weighty and arduous affairs, which may the state and defence of our said Province of Upper Canada, and the Church thereof concern, we have thought fit to summon you to the Legislative Council of our said Province: And we do therefore command you the said WILLIAM MORRIS, that all difficulties and excuses whatsoever laying aside; you be and appear, for the purposes aforesaid, at the Legislative Council of our said Province, at all times, whensoever and wheresoever our Provincial Parliament may be thereafter convoked and holden, and this you are in nowise to omit.

IN TESTIMONY WHEREOF, We have caused these our Letters to be made Patent, and the Great Seal of our said Province, to be hereunto affixed: WITNESS our trusty and well-beloved SIR JOHN COLBORNE, K. C. B., Lieutenant Governor of our said Province, and Major General, Commanding our Forces therein, at Toronto, this Twenty-second day of January, in the year of our Lord, one thousand eight hundred and thirty-six, and in the Sixth year of our Reign.

J. C.

By Command of His Excellency.

ROBERT S. JAMESON,  
*Attorney General.*D. CAMERON,  
*Secretary.*

Then the Honorable Mr. Morris came to the Table and took the oath prescribed by law, which was administered by Grant Powell, Esquire, one of the Commissioners appointed to administer the oath to the Members of the Legislative Council, and took his seat accordingly.

Takes the oath prescribed by law.

On motion made and seconded, the House adjourned.

House adjourns.

TUESDAY, 26th JANUARY, 1836.

The House met pursuant to adjournment.

House meets.

PRESENT:

*The Honorable* JOHN B. ROBINSON, *SPEAKER.**The Honorable Messrs.* ELMSLEY,*The Honorable Messrs.* CROOKSHANK,

" " BALDWIN,

" " ALLAN,

" " MORRIS,

" " McDONELL,

Members present.

Prayers were read.

The Minutes of yesterday were read.

Pursuant to the order of the day, the Bill entitled, "An Act to ensure the freedom of Elections in the County of Leeds;" was as amended, read a third time; and it was,

Leeds Election bill as amended, read third time.

Ordered, that the Bill be further amended, as follows:—

Further amendments ordered.

Press 1, line 1.—After "Whereas," expunge the remainder of the Preamble, and insert "it is expedient to make particular provision for regulating the next Election for the County of Leeds."

The further amendments.

" 5, " 8.—After "therein," expunge "and;" after "Provided," expunge "also."

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

Bill as amended passed.

Whereupon the Speaker signed the amendments; and it was,

Amendments signed;

Wednesday, 27th January, 1836.

SECOND SESSION TWELFTH PROVINCIAL PARLIAMENT, 6th WILLIAM IV.

And sent to the Assembly for concurrence.

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

Speaker reports His Excellency's intention of coming to the Legislative Council Chamber.

The Honorable the Speaker, acquainted the House, that he had received a communication from His Excellency the Lieutenant Governor, announcing his intention of coming to the Legislative Council Chamber, to-morrow, at three of the clock, P. M.

Libel Law amendment bill; and Official Printing regulation bill, brought up from the Assembly.

A Deputation from the Commons House of Assembly, brought up a Bill entitled, "An Act to amend the Law of Libel;" and also, a Bill entitled, "An Act to regulate the prices to be charged for Printing Official Advertisements:" to which they requested the concurrence of this House, and then withdrew.

Read first time.

The said Bills were then severally read; and it was Ordered, that they be read a second time to-morrow.

House adjourns.

On motion made and seconded, the House adjourned to two o'clock to-morrow.

WEDNESDAY, 27th JANUARY, 1836.

House meets.

The House met pursuant to adjournment.

PRESENT :

Members present.	<i>The Honorable</i> JOHN B. ROBINSON, SPEAKER.	<i>The Honorable Messrs.</i> P. ROBINSON,
	<i>The Honorable Messrs.</i> CROOKSHANK,	" " McDONELL,
	" " WELLS,	" " ELMSLEY,
	" " CAMERON,	" " BALDWIN,
	" " MARKLAND,	" " MORRIS.
	" " ALLAN,	

Prayers were read.

The Minutes of yesterday were read.

His Excellency Sir F. B. Head comes to the House and commands the attendance of the Assembly.

At three of the clock, P. M., His Excellency SIR FRANCIS BOND HEAD, Knight Commander of the Royal Hanoverian Guelphic Order, Knight of the Prussian Military Order of Merit, Lieutenant Governor, being seated on the Throne, the Honorable the Speaker of the Legislative Council, commanded the Gentleman Usher of the Black Rod, to inform the Members of the Assembly, that it was His Excellency's pleasure, that they do forthwith attend in this House: who being come, His Excellency the Lieutenant Governor was pleased to deliver a Gracious Speech to both Houses.

His Excellency retires.

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

Speaker reports a copy of His Excellency's speech. Same read.

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

*Honorable Gentlemen of the Legislative Council; and,  
Gentlemen of the House of Assembly.*

The speech.

As the Lieutenant Governor of this Province, I am commanded by the King, to lay before you, the answer His Majesty has been pleased to make to the separate Addresses and Representations which proceeded from the two branches of the Legislature, during your last Session.

This communication I shall submit to you in a Message, which will at once inform you of the difficult and most important duties about to devolve upon me, as well as upon yourselves.

As regards myself, I have nothing either to promise or profess; but I trust, I shall not call in vain upon you, to give that loyal, constitutional, unbiassed, and fearless assistance, which your King expects, and which the rising interests of the Province require.

On motion made and seconded, it was

Committee appointed to draft an Address in answer thereto.

Ordered, that a Committee be appointed to draft an Address to His Excellency the Lieutenant Governor, thanking him for his speech from the Throne; and,

Members composing same.

Ordered, that the Honorable Messieurs Elmsley, Baldwin, and Morris, be appointed the Committee for that purpose.



Wednesday, 27th January, 1836.

SIR FRANCIS BOND HEAD, K. C. H. *Lieutenant Governor.*

Pursuant to the order of the day, the Bill entitled "An Act to amend the Law of Libel;" was read a second time; and it was, Libel Law amendment bill read second time.

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

Pursuant to the order of the day, the Bill entitled, "An Act to regulate the prices to be charged for Printing Official Advertisements;" was read a second time; and it was Official Printing regulation bill read second time

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

Pursuant to the order of the day, the two Petitions of the Reverend Thomas Creen and others, inhabitants of the Town and Township of Niagara; praying against removing the County Town—and also, praying for an Act authorising the liquidation of the balance due to the sufferers during the late War with the United States of America; were severally read. Two petitions of the Rev. Thomas Creen and others, read.

The Honorable Mr. McDonell, brought up the Petitions of William L. Badger and others, and John Macklen and others, inhabitants of the Township of Bertie; which were laid on the Table. Petitions of William L. Badger and others; Of John Macklen, and others;

The Honorable the Speaker, brought up the Petition of Henry D. McMurdo, of Sherbrooke, in the County of Haldimand; which was laid on the Table. Of Henry D. McMurdo;

The Honorable Mr. Elmsley, brought up the Petition of William Lyons and others, of the Port of Presque Isle, in the District of Newcastle; and also, the Petition of Samuel Hughes and others, Trustees of the Farmers' Store, in the City of Toronto; which were laid on the Table. Of William Lyons, and others; And of Samuel Hughes, and others, brought up.

The Honorable the Speaker, brought in a bill for the further amendment of the Law, and the better advancement of Justice; and also, a Bill to abolish the distinction between Grand and Petit Larceny, and to enable Courts of General Quarter Sessions of the Peace, and any Court having the like powers, to try all cases of simple larceny, under certain restrictions, and to amend the Laws respecting the punishment of Larceny. Justice advancement bill; and Quarter Session Jurisdiction extension bill, brought in.

The said Bills were then severally read, and it was

Read first time.

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

A Deputation from the Commons House of Assembly, brought up a Bill, entitled, "An Act to ensure the more regular and economical Printing of the Statutes of this Province, and of those Statutes of the Imperial Parliament, which may particularly concern this Province: to provide that the said Statutes be Printed by Contract, and also to regulate their distribution," to which they requested the concurrence of this House;—and they returned the Bill entitled, "An Act to ensure the freedom of Elections in the County of Leeds;" and acquainted this House, that the Commons House of Assembly had made some amendments to the amendments of the Legislative Council, in and to the said Bill, to which they requested the concurrence of this House, and then withdrew. Statutes contract printing bill bro't up from the Assembly.

Leeds Election bill returned with the amendments amended.

The Bill entitled, "An Act to ensure the more regular and economical Printing of the Statutes of this Province, and of those Statutes of the Imperial Parliament, which may particularly concern this Province: to provide that the said Statutes be printed by contract, and also to regulate their distribution;" was read, and it was Statutes contract printing bill read first time.

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

The amendments of the Commons House of Assembly, to the amendments made by the Legislative Council in and to the Bill entitled, "An Act to ensure the freedom of Elections in the County of Leeds;" were read as follows:— Amendments to the amendments to Leeds Election bill, read first time.

Amendments made by the Commons House of Assembly, in and to the amendments made by the Honorable the Legislative Council, in and to the Bill entitled, "An Act to ensure the freedom of Elections in the County of Leeds."

Line 10, of the amendments:

Expunge "2," and insert "8."

Expunge "situated," and insert "be."

Expunge the words "in the eighth line."

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

On motion made and seconded, the House adjourned. The amendments of the Assembly.

House adjourns.

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Thursday, 28th January, 1836.

SECOND SESSION TWELFTH PROVINCIAL PARLIAMENT, 6th WILLIAM IV.

THURSDAY, 28th JANUARY, 1836.

The House met pursuant to adjournment.

House meets.

PRESENT :

Members present.	<i>The Honorable</i> JOHN B. ROBINSON, SPEAKER.	<i>The Honorable Messrs.</i> ELMSLEY,
	<i>The Hon. &amp; Ven. The</i> ARCHDEACON OF YORK.	" " BALDWIN,
	<i>The Honorable Messrs.</i> ALLAN,	" " MORRIS.
	" " McDONELL,	

Prayers were read.

Oath prescribed by law administered to the Hon. Charles Jones.

The Honorable Charles Jones came to the Table, and took and subscribed the oath prescribed by the Statute, 31st Geo. III. chap. 31st, as required by the Third Rule of this House, at the beginning of a Parliament.

The Minutes of yesterday were read.

Libel Law amendment bill committed.

Pursuant to the order of the day, the House was put into a Committee of the whole, upon the Bill entitled, "An Act to amend the Law of Libel."

The Honorable Mr. Allan took the Chair.

After some time the House resumed.

Members enter.

The Honorable Messieurs P. Robinson, and Crookshank enter.

Reported, and leave asked to sit again in three months.

The Chairman reported, that the Committee had gone through the last mentioned Bill, had made some progress therein, and asked leave to sit again this day three months.

Leave granted.

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

Official Printing regulation bill, committed.

Pursuant to the order of the day, the House was put into a Committee of the whole, upon the Bill entitled, "An Act to regulate the prices to be charged for Printing Official Advertisements."

The Honorable Mr. Baldwin took the Chair.

After some time, the House resumed.

Reported,

The Chairman reported, that the Committee had taken the said Bill into consideration, had made some progress therein, and recommended that it be referred to a Select Committee, with power to send for persons and papers, and to report thereon by amendment or otherwise.

Ordered, that the report be received; and,

And referred to a select committee.

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

Members composing same.

Ordered, that the Honorable Messrs. Allan and Jones, be appointed the Committee for that purpose.

Quarter Sessions jurisdiction extension bill, read second time.

Pursuant to the order of the day, the Bill to abolish the distinction between Grand and Petit Larceny, and to enable Courts of General Quarter Sessions of the Peace, and any Court having the like powers, to try all cases of simple Larceny, under certain restrictions, and to amend the Laws respecting the punishment of Larceny; was read a second time: and it was,

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

Justice advancement bill, read second time.

Pursuant to the order of the day, the Bill for the further amendment of the Law, and the better advancement of Justice, was read a second time; and it was,

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

Statutes contract printing bill, read second time;

Pursuant to the order of the day, the Bill entitled, "An Act to ensure the more regular and economical Printing of the Statutes of this Province, and of those Statutes of the Imperial Parliament, which may particularly concern this Province; to provide that the said Statutes be printed by contract, and also to regulate their distribution:" was read a second time; and it was,

And referred to the select committee upon official printing regulation bill.

Ordered, that the same be referred to the Select Committee, to whom was referred the Bill entitled, "An Act to regulate the prices to be charged for Printing Official Advertisements."

Amendments to the amendments to Leeds Election bill, read second time.

Pursuant to the order of the day, the amendments of the Commons House of Assembly, made to the amendments of the Legislative Council, in and to the Bill entitled, "An Act to

Thursday, 25th January, 1836.

SIR FRANCIS BOND HEAD, K.C.H. *Lieutenant Governor.*

ensure the freedom of Elections in the County of Leeds;" were read a second time; and it was,

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

The Honorable the Speaker, brought in a Bill, to appoint the time and place for holding the Court of General Quarter Sessions of the Peace, in each of the several Districts of this Province, and to repeal the several laws now in force, for that purpose; and also, a Bill to amend the law respecting Bills of Exchange and Promissory Notes.

Quarter Sessions time and place appointment bill; and Bill of Exchange law amendment bill, brought in.

The said Bills were then severally read; and it was,

Read first time.

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

The Honorable Mr. Elmsley, from the Select Committee, appointed to draft an Address to the Lieutenant Governor, in answer to His Excellency's Speech from the Throne; reported a draft thereof:

Report of the select Committee appointed to draft an Address in answer to His Excellency's speech.

Ordered, that the Report be received.

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

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

Address committed.

The Honorable Mr. Elmsley took the Chair.

After some time the House resumed.

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

Amendments reported

Ordered, that the report be received; and,

Adopted.

Ordered, that the said Address be engrossed, and read a third time this day.

The Honorable Mr. Morris, brought up the Petition of Robert C. Wilkins and others, inhabitants of the eastern parts of the District of Newcastle, and the western parts of the Midland District; also the Petition of Sheldon Hawley, of the Township of Murray, in the District of Newcastle; and also the Petition of Chester Gurney, of Furnace Falls, in the District of Johnstown; which were laid on the Table.

Petitions of Robert C. Wilkins, and others;

Of Sheldon Hawley;

Of Chester Gurney.

The Honorable Mr. Elmsley, brought up the Petition of Ebenezer T. Beach, of Newhaven, in the United States of America; and also the Petition of W. E. Clarke and others, inhabitants of this Province; which were laid on the Table.

Of Ebenezer T. Beach, Of W. E. Clarke, and others.

The Honorable the Speaker, brought up the Petition of William Henry Draper, of the City of Toronto, Esquire, Agent and Attorney for Messrs. Forsyth, Richardson, & Co., of the City of Montreal, in the Province of Lower Canada, Merchants; which was laid on the Table.

And of William Henry Draper, brought up.

A Deputation from the Commons House of Assembly, brought up a Bill entitled, "An Act to erect the County of Hastings into a separate District;" to which they requested the concurrence of this House, and then withdrew:

Hasting's division bill brought up from the Assembly.

The said Bill was then read; and it was,

Read first time.

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

A Deputation from the Commons House of Assembly, brought up a Bill entitled, "An Act to allow persons indicted for Felony, a full defence by Counsel, and for other purposes therein mentioned;" to which they requested the concurrence of this House, and then withdrew:

Felons' Counsel Bill brought up from the Assembly.

The said Bill was then read; and it was,

Read first time.

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

Pursuant to order, the Address of this House to the Lieutenant Governor, in answer to His Excellency's speech from the Throne; was read a third time, and passed:

Address in answer to His Excellency's Speech; read third time, and passed.

Whereupon the Speaker signed the same, and it is as follows:

Same signed.

*To His Excellency SIR FRANCIS BOND HEAD, Knight Commander of the Royal Hanoverian Guelphic Order, Knight of the Prussian Military Order of Merit, Lieutenant Governor of the Province of Upper Canada, &c., &c., &c.*

MAY IT PLEASE YOUR EXCELLENCY:

We, His Majesty's dutiful and loyal subjects, the Legislative Council of the Province of Upper Canada, in Provincial Parliament assembled, beg to express our thanks for Your Excel-

The Address.

Friday, 29th January, 1836.

SECOND SESSION TWELFTH PROVINCIAL PARLIAMENT, 6th WILLIAM IV.

lency's Gracious Speech from the Throne, on meeting for the first time, the two Houses of the Provincial Legislature.

We beg to congratulate Your Excellency on your assumption of the Government of one of the principal Colonial possessions of the Crown; and we feel exceedingly gratified in perceiving, by the tenor of Your Excellency's Speech, that the Constitution of this Province will be firmly upheld.

We feel deeply grateful to our most gracious Sovereign for the paternal solicitude which he has ever evinced with respect to the welfare of this Province; and we shall be happy at all times to receive such messages relative to the addresses which proceeded from the two branches of the Legislature during our last Session, as Your Excellency may be pleased to lay before us.

We observe that Your Excellency considers that the subject matter of His Majesty's answer to these addresses will call for the performance of difficult and most important duties both on the part of your Excellency and of ourselves.

With a firm determination to adhere strictly to the invaluable principles of the British Constitution, Your Excellency may rest assured that we are resolved to render Your Excellency that loyal, constitutional, unbiassed, and fearless assistance, which our King justly expects, and which the rising interests of our Country manifestly require.

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

Ordered, that the Honorable Messieurs Elmsley, and Morris, do compose the same for that purpose.

On motion made and seconded, the House adjourned.

FRIDAY 29th JANUARY, 1836.

The House met pursuant to adjournment.

PRESENT :

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

*The Honorable Messrs.* JONES,

*The Honorable Messrs.* CROOKSHANK,

" " McDONELL,

" " WELLS,

" " ELMSLEY,

" " CAMERON,

" " BALDWIN,

" " ALLAN,

" " MORRIS,

" " P. ROBINSON.

Prayers were read.

The Minutes of yesterday were read.

The Honorable Mr. Morris, from the Select Committee appointed to wait upon the Lieutenant Governor to know when His Excellency would be pleased to receive this House with their Address, reported that they had done so, and that His Excellency had named half an hour past one of the clock, P. M. this day, for that purpose.

Pursuant to the order of the day, the House was put into a Committee of the whole, upon the Bill to abolish the distinction between Grand and Petit Larceny, and to enable Courts of General Quarter Sessions of the Peace, and any Court having the like powers, to try all cases of simple Larceny, under certain restrictions, and to amend the Laws respecting the punishment of Larceny.

The Honorable Mr. Wells took the Chair.

After some time the House resumed.

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

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

At half an hour past one of the clock, P. M., the House proceeded to the Government House with their Address, in answer to His Excellency's speech from the Throne, and having returned :

The Honorable the Speaker, reported, that His Excellency the Lieutenant Governor had been pleased to give an answer thereto, of which he had obtained a copy, which he read, and it was again read by the Clerk, as follows :

Committee appointed to know when the foregoing address would be received. Members composing same.

House adjourns.

House meets.

Report of the Select Committee, appointed to know when the Address of this House in answer to His Excellency's speech, would be received.

Quarter Sessions Jurisdiction extension bill, committed.

Reported, and leave asked to sit again.

Leave granted.

Address in answer to His Excellency's Speech from the throne, presented.

Speaker reports His Excellency's reply thereto.

Read.

Friday, 29th January, 1836.

SIR FRANCIS BOND HEAD, K. C. H. *Lieutenant Governor.*

*Honorable Gentlemen :*

It is with much satisfaction that I receive your congratulations on my assumption of the Government of this important Province; and I cordially participate in the sentiments of gratitude you express for the paternal solicitude of our most Gracious Sovereign.

The reply.

Pursuant to the order of the day, the House was put into a Committee of the whole, upon the Bill for the further amendment of the Law, and the better advancement of Justice.

Justice advancement Bill committed.

The Honorable Mr. Morris took the Chair.

After some time the House resumed,

The Honorable and Venerable the Archdeacon of York enters.

A Member enters.

The Chairman reported that the Committee had gone through the last mentioned bill, and recommended the same to the adoption of the House.

Reported.

Ordered that the report be received; and,

Adopted.

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

Pursuant to the order of the day, the House was put into a Committee of the whole, upon the amendments of the Commons House of Assembly, made to the amendments of the Legislative Council, in and to the Bill entitled, "An Act to ensure the freedom of Elections in the County of Leeds."

Amendments to the amendments to Leeds Election Bill, Committed.

The Honorable Mr. Allan took the Chair.

After some time the House resumed.

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

Reported, and leave asked to sit again.

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

Leave granted.

Pursuant to the order of the day, the Bill to appoint the time and place for holding the Court of General Quarter Sessions of the Peace, in each of the several Districts of this Province, and to repeal the several laws now in force, for that purpose; was read a second time; and it was,

Quarter Sessions time and place, appointment bill, Read second time,

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

Pursuant to the order of the day, the Bill to amend the law respecting Bills of Exchange and Promissory Notes, was read a second time; and it was,

Bill of Exchange law amendment Bill, Read second time.

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

Pursuant to the order of the day, the Bill entitled "An Act to erect the County of Hastings into a separate District," was read a second time; and it was,

Hastings' division bill Read second time.

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

Pursuant to the order of the day, the Bill entitled "An Act to allow persons indicted for Felony, a full defence by Counsel, and for other purposes therein mentioned," was read a second time; and it was,

Felons' Counsel bill, Read second time.

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

Pursuant to the order of the day, the Petition of William Badger, and others, inhabitants of the Township of Bertie, praying for an Act authorising the construction of a Rail Road from the Town of Sandwich, in the Western District, to the foot of the Fort Erie Rapids, or Village of Waterloo, in the District of Niagara; also, the petition of John Macklen and others, of the Township of Bertie, praying for an Act authorising the construction of a Canal for Ship Navigation and Hydraulic purposes, to connect Lake Erie with the Niagara River, by avoiding the Fort Erie Rapids; also, the petition of Henry D. McMurdo, of Sherbrooke, in the County of Haldimand, praying for an Act granting a divorce from his wife Jane McMurdo; also, the Petition of William Lyons and others, of the Port of Presque Isle, in the District of Newcastle, praying to be incorporated under the style and title of the Freeman's Point Wharf and Harbor Company; and also, the Petition of Samuel Hughes and others, Trustees of the Farmers' Store, in the City of Toronto, praying for an Act of Incorporation—were severally read.

Petitions of William Badger, and others;

Of John Macklen, and others;

Of Henry D. McMurdo;

Of William Lyons, and others;

And of Samuel Hughes, and others, read.

Saturday, 30th January, 1836.

SECOND SESSION TWELFTH PROVINCIAL PARLIAMENT, 6th WILLIAM IV.

Petition of Catharine Effnor, brought up. The Honorable Mr. Baldwin brought up the Petition of Catharine Effnor, of the Township of York; which was laid on the Table.

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

SATURDAY, 30th JANUARY, 1836.

House meets. The House met pursuant to adjournment.

PRESENT :

Members present.	<i>The Honorable</i> JOHN B. ROBINSON, SPEAKER.	<i>The Honorable Messrs.</i> ELMSLEY.
	<i>The Honorable Messrs.</i> CROOKSHANK,	" " BALDWIN.
	" " JONES.	" " MORRIS.
	" " McDONELL.	

Prayers were read.

The Minutes of yesterday were read.

Quarter Sessions time and place appointment bill, committed. Pursuant to the order of the day, the House was put into a Committee of the whole, upon the Bill to appoint the time and place for holding the Court of General Quarter Sessions of the Peace in each of the several Districts of this Province, and to repeal the several laws now in force for that purpose.

The Honorable Mr. Jones took the Chair.

After some time the House resumed.

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

Adopted. Ordered, that the Report be received; and,

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

Petitions of Robert C. Wilkins, and others; Of Sheldon Hawley; Of Chester Gurney; Of Ebenezer T. Beach; Of W. E. Clarke, and others. And of William Henry Draper, read. Pursuant to the order of the day, the Petitions of Robert C. Wilkins and others, inhabitants of the eastern parts of the District of Newcastle, and the western parts of the Midland District; and of Sheldon Hawley, of the Township of Murray, in the Newcastle District, severally praying for an Act erecting the Townships of Cramahe, Murray, Sidney and Thurlow, with the Townships in their rear, into a separate District; also, the Petition of Chester Gurney, of Furnace Falls, in the District of Johnstown, praying to be naturalized by an Act of the Legislature; also, the Petition of Ebenezer Talman Beach, of Newhaven, in the United States of America, praying for an Act whereby he may be rendered capable of selling and disposing of the Real Estate which was belonging to his brother Abraham Beach at the time of his death; also, the Petition of William Eddy Clarke and others, inhabitants of this Province, praying to be naturalized; also, the Petition of William Henry Draper, of the City of Toronto, Esquire, Agent and Attorney for Messrs. Forsyth, Richardson, & Co., of the City of Montreal, in the Province of Lower Canada, Merchants, praying that Trustees may be appointed to carry into effect the Will of the late John White, Esquire—were severally read.

Petitions of John Steel, and others; and of Alexander Fletcher, brought up. The Honorable Mr. Elmsley brought up the Petition of John Steele and others, Magistrates of the Newcastle District, in General Quarter Sessions assembled; and also the Petition of Alexander Fletcher, and others, inhabitants of the Township of Darlington; which were laid on the Table.

Seduction provision bill; And Separatists privilege bill, bro't. in. The Honorable the Speaker, brought in a bill to make the remedy in cases of seduction, more effectual, and to render the fathers of illegitimate children liable for their support; and also a Bill to allow the people called Separatists, to make a solemn affirmation and declaration instead of an oath.

Read first time. The said Bills were then severally read; and it was, Ordered, that they be read a second time on Monday next.

Message from the Lieutenant Governor, transmitting the copy of a document from His Majesty's Government. A Message from His Excellency the Lieutenant Governor, was delivered by Mr. McMahan, from the Government Office, who being retired, the Speaker read the same, and it was again read by the Clerk together with the document accompanying it, as follows:

Monday, 1st February, 1836.

SIR FRANCIS BOND HEAD, K.C.H. *Lieutenant Governor.*

F. B. HEAD,

The Lieutenant Governor, transmits to the Legislative Council, the communication alluded to in his speech to the two Houses of the Legislature on the 27th instant.

The Lieutenant Governor was commanded by His Majesty, to communicate "the substance" of his instructions to both Houses of the Provincial Parliament; but considering it would be more satisfactory to them to receive the whole, he accordingly transmits it herewith.

*Government House,*  
30th January, 1836.

(For the Document See Appendix A.)

Ordered, that an Address be presented to His Excellency the Lieutenant Governor, respectfully thanking him for the important document received from His Majesty's Government, and,

Committee appointed to present an Address of thanks to His Excellency.

Ordered, that the Honorable Messieurs Crookshank and Jones, do present the same.

Members composing same.

Ordered, that three hundred copies of the above mentioned document, be printed for the use of Members.

The Document ordered to be printed.

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

House adjourns.

MONDAY 1st FEBRUARY, 1836.

The House met pursuant to adjournment.

House meets.

PRESENT :

*The Honorable JOHN B. ROBINSON, SPEAKER.*

*The Honorable Messrs. BALDWIN,*

*The Honorable Messrs. CROOKSHANK,*

" " ADAMSON,

" " ALLAN,

" " CROOKS,

" " JONES,

" " MORRIS.

" " ELMSLEY,

Members present.

Prayers were read.

The Minutes of Saturday were read.

Pursuant to the order of the day, the Bill for the further amendment of the Law, and the better advancement of Justice; was read a third time, and passed: and it was,

Justice advancement bill, read third time, and passed.

Ordered, that the title be, "An Act for the further amendment of the Law, and the better advancement of Justice:"

Title ordered.

Whereupon the Speaker signed the Bill; and it was,

Bill signed;

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

And sent to the Assembly for concurrence.

Pursuant to the order of the day, the Bill to appoint the time and place for holding the Court of General Quarter Sessions of the Peace, in each of the several Districts of this Province, and to repeal the several laws now in force, for that purpose; was read a third time, and passed: and it was,

Quarter Sessions time and place appointment bill, read third time and passed.

Ordered, that the title, be, "An Act to appoint the time and place for holding the Court of General Quarter Sessions of the Peace, in each of the several Districts of this Province; and to repeal the several laws now in force for that purpose:"

Title ordered.

Whereupon the Speaker signed the Bill; and it was,

Bill signed;

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

And sent to the Assembly for concurrence.

Pursuant to the order of the day, the House was again put into a Committee of the whole, upon the Bill to abolish the distinction between Grand and Petit Larceny, and to enable Courts of General Quarter Sessions of the Peace, and any Court having the like powers, to try all cases of simple Larceny, under certain restrictions, and to amend the Laws respecting the punishment of Larceny.

Quarter Sessions jurisdiction extension bill re-committed.

The Honorable Mr. Adamson, took the chair.

After some time the House resumed.

Tuesday, 2nd February, 1836.

SECOND SESSION TWELFTH PROVINCIAL PARLIAMENT, 6th WILLIAM IV.

Reported, and leave asked to sit again.	The Chairman reported, that the Committee had taken the said Bill into consideration, had made some progress therein, and asked leave to sit again on Wednesday next.
Leave granted.	Ordered, that the report be received, and leave granted accordingly.
Amendments to the amendments to Leeds Election bill, re-committed.	Pursuant to the order of the day, the House was again put into a Committee of the whole, upon the amendments of the Commons House of Assembly, made to the amendments of the Legislative Council in and to the Bill entitled, "An Act to ensure the freedom of Elections in the County of Leeds."
House resumes.	The Honorable Mr. Elmsley took the Chair.
House adjourns.	After some time the House resumed. On motion made and seconded, the House adjourned until to-morrow, at three of the clock, P. M.

TUESDAY, 2nd FEBRUARY, 1836.

House meets The House met pursuant to adjournment.

PRESENT :

Members present.	<i>The Honorable</i> JOHN B. ROBINSON. SPEAKER.	<i>The Honorable Messrs.</i> McDONELL,
	<i>The Honorable</i> Mr. CROOKSHANK.	" " BALDWIN,
	<i>The Hon. &amp; Ven. The</i> ARCHDEACON OF YORK.	" " ADAMSON,
	<i>The Honorable Messrs.</i> ALLAN.	" " CROOKS,
	" " JONES.	" " MORRIS.

Prayers were read.

Oath prescribed by law administered to the Hon. Mr. Boswell. The Honorable Mr. Boswell came to the Table, and took and subscribed the oath prescribed by the Statute, 31st Geo. III. chap. 31st, as required by the Third Rule of this House, at the beginning of a Parliament.

The Minutes of yesterday were read.

Bill of Exchange law amendment bill, committed. Pursuant to the order of the day, the House was put into a Committee of the whole, upon the Bill to amend the law respecting Bills of Exchange and Promissory Notes.

The Honorable Mr. Crooks took the Chair.

After some time, the House resumed.

Reported. The Chairman reported, that the Committee had gone through the said Bill, and recommended the same to the adoption of the House :

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

Petition of Christ'r. James Bell, brought up. The Honorable Mr. Morris, brought up the Petition of Christopher James Bell, of Castletford, in the District of Bathurst ; which was laid on the Table.

Hasting's division bill committed. Pursuant to the order of the day, the House was put into a Committee of the whole, upon the Bill entitled, "An Act to erect the County of Hastings into a separate District."

The Honorable Mr. Boswell took the Chair.

After some time the House resumed.

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

Ordered, that the report be received ; and,

And referred to a select committee. Ordered, that the said Bill be referred to a Select Committee, to report thereon by amendment or otherwise ; and,

Members composing same. Ordered, that the Honorable Messieurs Baldwin, Crooks and Morris, do compose the same for that purpose.

Petitions of the Hon. Wm Allan and others ; The Honorable Mr. Crookshank, brought up the Petition of the Honorable William Allan and others, members of the Board of Trade, and Merchants of the City of Toronto ; which was laid on the Table.

Of John Miller and others ;  
Of George Hamilton and others ;  
Of John McLean and others ;  
Of Absalom Shade and others ;  
The Honorable Mr. Crooks, brought up the Petition of John Millar and others, inhabitants of Dundas, in the District of Gore ; also the Petition of George Hamilton and others, Teachers and Trustees of the Common Schools in the District of Ottawa ; also the Petition of John McLean and others, inhabitants of the District of Niagara ; also the Petition of Absalom Shade and others, inhabitants of the Counties of Halton and Huron ; also the Petition



Wednesday, 3rd February, 1836.

SIR FRANCIS BOND HEAD, K. C. H. *Lieutenant Governor.*

of Archibald McNab and others, Frecholders and inhabitants of certain Townships of the Districts of Bathurst and Ottawa; and also the Petition of Richard Woodruffe and others, inhabitants of the District of Niagara: which were laid on the Table.

Of Archibald McNab and others; and Of Richard Woodruffe & others, brought up.

The Honorable Mr. Jones, from the Select Committee, to whom was referred the Bill entitled, "An Act to regulate the prices to be charged for Printing Official Advertisements;" and also, the Bill entitled, "An Act to ensure the more regular and economical Printing of the Statutes of this Province, and of those Statutes of the Imperial Parliament, which may particularly concern this Province; to provide that the said Statutes be printed by contract, and also to regulate their distribution:" reported a certain Resolution.

Resolution reported by the Select Committee upon Official Printing regulation bill, and Statutes contract printing bill.

Ordered, that it be received; and,

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

Read first time.

*Resolved*—That a Message be sent to the Commons House of Assembly, to request that that House will be pleased to communicate the proofs and documents (if any there be,) upon which the Bill entitled, "An Act to regulate the prices to be charged for Printing Official Advertisements;" and also the Bill entitled, "An Act to ensure the more regular and economical Printing of the Statutes of this Province, and of those Statutes of the Imperial Parliament, which may particularly concern this Province: to provide that the said Statutes be Printed by Contract, and also to regulate their distribution," were severally founded.

The Resolution.

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

Read second time and adopted.

Ordered, that a Message be sent to the Commons House of Assembly, to request that that House will be pleased to communicate the proofs and documents (if any there be,) upon which the Bill entitled, "An Act to regulate the prices to be charged for Printing Official Advertisements;" and also, the Bill entitled, "An Act to ensure the more regular and economical Printing of the Statutes of this Province, and of those Statutes of the Imperial Parliament, which may particularly concern this Province: to provide that the said Statutes be printed by contract, and also to regulate their distribution;" were severally founded.

Assembly requested to communicate the proofs and documents upon which the bills were founded.

The Honorable the Speaker, brought up the Petition of John Goessman; which was laid on the Table.

Petition of John Goessman, bro't up.

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

House adjourns.

WEDNESDAY, 3rd FEBRUARY, 1836.

The House met pursuant to adjournment.

House meets.

PRESENT:

*The Honorable* JOHN B. ROBINSON, SPEAKER.

*The Honorable Messrs.* BALDWIN.

*The Honorable Messrs.* ALLAN,

" " BOSWELL,

" " JONES,

" " ADAMSON,

" " GORDON,

" " CROOKS,

" " ELMSLEY,

" " MORRIS.

Members present.

Prayers were read.

The Minutes of yesterday were read.

Pursuant to the order of the day, the Bill to amend the law respecting Bills of Exchange and Promissory Notes, was read a third time, and passed; and it was,

Bill of Exchange law amendment Bill, read third time, and passed.

Ordered, that the title be, "An Act to amend the law respecting Bills of Exchange and Promissory Notes.

Title ordered.

Whereupon the Speaker signed the Bill: and it was,

Bill signed;

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

And sent to the Assembly for concurrence.

Pursuant to the order of the day, the House was put into a Committee of the whole; upon the Bill entitled, "An Act to allow persons indicted for Felony, a full defence by Counsel, and for other purposes therein mentioned.

Felons' Counsel bill, committed.

The Honorable Mr. Gordon took the Chair.

After some time the House resumed.

Thursday, 4th February, 1836.

SECOND SESSION TWELFTH PROVINCIAL PARLIAMENT, 6th WILLIAM IV.

Reported, and leave asked to sit again.	The Chairman reported, that the Committee had taken the said Bill into consideration, had made some progress therein, and asked leave to sit again to-morrow.
Leave granted.	Ordered, that the report be received, and leave granted accordingly.
A Member enters.	The Honorable and Venerable the Archdeacon of York enters.
Quarter Sessions jurisdiction extension bill re-committed.	Pursuant to the order of the day, the House was again put into a Committee of the whole, upon the Bill to abolish the distinction between Grand and Petit Larceny, and to enable Courts of General Quarter Sessions of the Peace, and any Court having the like powers, to try all cases of simple Larceny, under certain restrictions, and to amend the Laws respecting the punishment of Larceny.
	The Honorable Mr. Baldwin took the Chair.
	After some time the House resumed.
Amendments reported	The Chairman reported that the Committee had gone through the said Bill, and had made some amendments thereto, and recommended the Bill to the adoption of the House.
Adopted.	Ordered, that the report be received; and, Ordered, that the said Bill be engrossed; and the same read a third time, to-morrow.
Seduction provision bill; And Separatists privilege bill, read second time.	Pursuant to the order of the day, the Bill to make the remedy in cases of Seduction more effectual, and to render the fathers of illegitimate children, liable for their support; and also the Bill to allow the people called Separatists to make a solemn affirmation and declaration instead of an oath; were severally read a second time: and it was, Ordered, that the House be put into Committees of the whole to-morrow, to take the same into consideration.
Petitions of Catharine Effnor; Of John Steel, and others; and of Alexander Fletcher, and others, Read.	Pursuant to the order of the day, the Petition of Catherine Effnor, of the Township of York, widow, praying for relief; also the Petition of John Steele and others, Magistrates of the Newcastle District, in General Quarter Sessions assembled, praying for an Act authorising the sale of the site of the Old Gaol and Court House for the said District; and also the Petition of Alexander Fletcher and others, of the Township of Darlington, praying for an act confirming the survey made by Samuel Street Wilmot, of the First Concession; or, for authorising the First and Second Concessions to be re-surveyed, were severally read.
Petitions of Henry Taylor;	The Honorable Mr. Morris, brought up the Petition of Henry Taylor, of the City of Toronto; which was laid on the table.
Of Seneca Ketchum, and others;	The Honorable Mr. Adamson, brought up the Petition of Seneca Ketchum and others, inhabitants of the Home District; which was laid on the Table.
Of Robert Henry, and others; Of Ebenezer Perry, and others; Of William Ouston, and others; And of F. S. Clench, and others, bro't up	The Honorable Mr. Boswell, brought up the Petition of Robert Henry and others, Directors of the Cobourg Rail Road Company; also the Petition of Ebenezer Perry and others, inhabitants of Cobourg, in the District of Newcastle; also the Petition of William Ouston and others, inhabitants of the Township of Hamilton, in the District of Newcastle; and also the Petition of F. S. Clench and others, Members of the Cobourg Mechanics Institute; which were laid on the Table.
McMurdo's divorce bill, brought in.	The Honorable the Speaker, brought in a Bill to annul the marriage between Henry Douglass McMurdo and Jane his wife, and to allow him to intermarry again.
Read first time.	The said Bill was then read, and it was Ordered, that the same be read a second time, next Monday se'night.
House adjourns.	On motion made and seconded, the House adjourned until to-morrow, at three of the clock, P. M.

THURSDAY, 4th FEBRUARY, 1836.

House meets. The House met pursuant to adjournment.

PRESENT:

Members present.	The Honorable JOHN B. ROBINSON, SPEAKER.	The Honorable Messrs. BALDWIN,
	The Honorable Messrs. ALLAN,	" " BOSWELL,
	" " JONES,	" " ADAMSON,
	" " GORDON,	" " CROOKS,
	" " ELMSLEY,	" " MORRIS.

Prayers were read.

The Minutes of yesterday were read.

Friday, 5th February, 1836.

SIR FRANCIS BOND HEAD, K. C. H. *Lieutenant Governor.*

Pursuant to the order of the day, the Bill to abolish the distinction between Grand and Petit Larceny, and to enable Courts of General Quarter Sessions of the Peace, and any Court having the like powers, to try all cases of simple larceny, under certain restrictions, and to amend the Laws respecting the punishment of Larceny; was read a third time, and passed: and it was,

Quarter Sessions jurisdiction extension bill, read third time and passed.

Ordered, that the title be, "An Act to abolish the distinction between Grand and Petit Larceny, and to enable Courts of General Quarter Sessions of the Peace, and any Court having the like powers, to try all cases of simple Larceny, under certain restrictions, and to amend the laws respecting the punishment of Larceny."

Title ordered.

Whereupon the Speaker signed the Bill, and it was,

Bill signed;

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

And sent to the Assembly for concurrence.

Pursuant to the order of the day, the House was again put into a Committee of the whole, upon the Bill entitled, "An Act to allow persons indicted for Felony, a full defence by Counsel, and for other purposes therein mentioned."

Felons' Counsel bill, re-committed.

The Honorable Mr. Gordon took the Chair.

After some time, the House resumed.

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

Reported, and leave asked to sit again.

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

Leave granted.

Pursuant to the order of the day, the House was put into a Committee of the whole, upon the Bill to make the remedy in cases of seduction more effectual, and to render the fathers of illegitimate children liable for their support.

Seduction provision bill, committed.

The Honorable Mr. Allan took the Chair.

After some time the House resumed,

The Chairman reported that the Committee had gone through the said Bill, and recommended the same to the adoption of the House.

Reported.

Ordered, that the report be received; and,

Adopted.

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

The Honorable Mr. Boswell, brought up the Petition of Walter C. Crofton and others, Trustees of the District School, of the District of Newcastle; which was laid on the Table.

Petitions of Walter C. Crofton, and others;

The Honorable Mr. Crooks, brought up the Petition of the District of Gore Agricultural Society; which was laid on the Table.

And of the District of Gore Agricultural Society, brought up.

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

House adjourns.

FRIDAY 5th FEBRUARY, 1836.

The House met pursuant to adjournment.

House meets.

PRESENT :

*The Honorable* JOHN B. ROBINSON, SPEAKER.

*The Honorable Messrs.* BALDWIN,

*The Honorable Messrs.* ALLAN,

" " BOSWELL,

" " JONES,

" " ADAMSON,

" " GORDON,

" " CROOKS,

" " McDONELL,

" " MORRIS.

" " ELMSLEY.

Members present.

Prayers were read.

The Minutes of yesterday were read.

Pursuant to the order of the day, the Bill to make the remedy in cases of Seduction, more effectual, and to render the fathers of illegitimate children liable for their support; was read a third time, and passed: and it was,

Seduction provision bill read third time and passed.

Ordered, that the title be, "An Act to make the remedy in cases of Seduction, more effectual, and to render the fathers of illegitimate children liable for their support:"

Title ordered.

Whereupon the Speaker signed the Bill; and it was,

Bill signed;

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

And sent to the Assembly for concurrence.

Tuesday, 2nd February, 1836.

SECOND SESSION TWELFTH PROVINCIAL PARLIAMENT, 6th WILLIAM IV.

Separatist's privilege  
bill committed.

Pursuant to the order of the day, the House was put into a Committee of the whole, upon the Bill to allow the people called Separatists, to make a solemn affirmation and declaration instead of an oath.

The Honorable Mr. Jones took the Chair.

After some time the House resumed.

Reported.

The Chairman reported that the Committee had gone through the said Bill, and recommended the same to the adoption of the House.

Adopted.

Ordered, that the Report be received; and,

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

Petitions of  
Christ'r. James Bell;

Of the Hon W Allan  
and others;

Of John Millar  
and others;

Of George Hamilton  
and others;

Of John McLean  
and others;

Of Absalom Shade  
and others;

Of Archibald McNab  
and others;

Of Richard Woodruffe  
and others;

Of John Goessman;

Of Henry Taylor;

Of Seneca Ketchum  
and others;

Of Robert Henry  
and others;

Of Ebenezer Perry  
and others;

Of William Ouston  
and others; and

And of F. S. Clench,  
and others, read.

Petitions of James  
Maclen, sen'r. and  
others;

and of John D. Hatt,  
and others brought up.

House adjourns.

Pursuant to the order of the day, the Petition of Christopher James Bell, of Castleford, in the District of Bathurst, praying for an Act authorising him to collect Tolls on such Timber and Deals that may pass certain inclined planes, which have been erected on his property: Also, the Petition of the Honorable William Allan and others, members of the Board of Trade, and Merchants of the City of Toronto, praying that the Legislative Council will be pleased to bring before the Imperial Parliament, the expediency of authorising the importation and transport of British Goods, through the United States to the Canadas duty free, under certain regulations: also, the Petition of John Millar and others, inhabitants of Dundas, in the District of Gore, praying for an act incorporating the said town, &c.: also, the Petition of George Hamilton and others, Teachers and Trustees of the Common Schools in the District of Ottawa, praying for an amendment of the law, so as to authorise the payment of monies appropriated for the support of Common Schools, in cases where any District Treasurer shall have neglected or refused to render his accounts according to law, and who may have been removed from office by the Magistrates of the District: also the Petition of John McLean and others, inhabitants of the District of Niagara, praying for an act granting a Charter for the erection of a Harbor at or near the Thirty Mile Creek, in the Township of Clinton: also, the Petition of Absalom Shade and others, inhabitants of the Counties of Halton and Huron, praying for an act authorising the construction of a Rail Road from Wellington Square, on Lake Ontario, to the Goderich Harbor on Lake Huron: also, the Petition of Archibald McNab and others, freeholders and inhabitants of certain Townships of the Districts of Bathurst and Ottawa, praying for an act erecting them into a new District, and that By-Town may be the capital thereof: also the Petition of Richard Woodruffe and others, inhabitants of the District of Niagara, praying for an act authorising the liquidation of the balance due to the sufferers during the late war with the United States of America: also the Petition of John Goessman, praying that the Farmers' Store, in the City of Toronto, may remain under the original grant from the Crown, in trust: also the Petition of Henry Taylor, of the City of Toronto, praying that the Legislative Council will represent to the Home Government, the expediency of the British West India Islands being supplied with the surplus produce of the Canadas, to the exclusion of all foreign nations: also the Petition of Seneca Ketchum and others, inhabitants of the Home District, praying for an act authorising the opening of Hurontario Street, from Lake Huron to the Toll Gate Road in the Toronto Township: also the Petition of Robert Henry and others, Directors of the Cobourg Rail Road Company, praying for an act extending the period for commencing with the said Rail Road: also the Petition of Ebenezer Perry and others, inhabitants of Cobourg, in the District of Newcastle, praying for an act incorporating the village of Cobourg: also the Petition of William Ouston and others, inhabitants of the Township of Hamilton, in the District of Newcastle, praying for an act prohibiting the sale of Beer and other Liquors not spirituous, without a license being first obtained: and also the Petition of F. S. Clench and others, members of the Cobourg Mechanics Institute, were severally read.

The Honorable Mr. Crooks, brought up the Petition of James Macklen, sen'r. and others, inhabitants of the District of Niagara; and also the petition of John D. Hatt, and others, inhabitants of the District of Gore; which were laid on the table.

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

8th &amp; 9th February, 1836.

SIR FRANCIS BOND HEAD, K. C. H. *Lieutenant Governor.*

MONDAY 8th FEBRUARY, 1836.

The House met pursuant to adjournment.

House meets.

## PRESENT :

*The Honorable* JOHN B. ROBINSON, SPEAKER.*The Honorable Messrs.* ELMSLEY,*The Honorable Messrs.* ALLAN,

" " BALDWIN,

Members present.

" " JONES,

" " BOSWELL,

" " GORDON,

" " ADAMSON,

" " McDONELL,

" " MORRIS.

Prayers were read.

The Minutes of Friday last, were read.

Pursuant to the order of the day, the Bill to allow the people called Separatists to make a solemn affirmation and declaration instead of an oath, was read a third time and passed ; and it was,

Separatists privilege bill, read third time, and passed.

Ordered, that the title be, "An Act to allow the people called Separatists to make a solemn affirmation and declaration instead of an oath ;"

Title ordered.

Whereupon the Speaker signed the Bill ; and it was,

Bill signed ;

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

And sent to the Assembly for concurrence.

Pursuant to the order of the day, the Petition of Walter C. Crofton, and others, Trustees of the District School of the District of Newcastle, praying for aid ; also the Petition of the District of Gore Agricultural Society, praying that the act granting a sum of money to each District in this Province, for the encouragement of agriculture, may not be suffered to expire ; also the Petition of James Macklen, senr. and others, inhabitants of the District of Niagara, praying for an act authorising the liquidation of the balance due to the sufferers during the late war with the United States of America : and also the Petition of John D. Hatt and others, inhabitants of the District of Gore, praying that the Halton and Huron Rail Road may commence at Dundas and not at Wellington Square ; were severally read.

Petitions of Walter C. Crofton, and others ;

Of the District of Gore Agricultural Society ;

Of James Maclen, sen'r. and others ;

and of John D. Hatt, and others, read.

The Honorable Mr. Boswell, brought up the Petition of William Carr and others, inhabitants of the District of Newcastle ; which was laid on the Table.

Petitions of William Carr, and others, brought up.

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

House adjourns.

TUESDAY, 9th FEBRUARY, 1836.

The House met pursuant to adjournment.

House meets.

## PRESENT :

*The Honorable* JOHN B. ROBINSON, SPEAKER.*The Honorable Messrs.* BALDWIN,*The Honorable Messrs.* ALLAN,

" " BOSWELL,

Members present.

" " JONES,

" " ADAMSON,

" " GORDON,

" " MORRIS.

" " ELMSLEY,

Prayers were read.

The Minutes of yesterday were read.

The Honorable the Speaker, brought in a bill to appoint Trustees to carry into effect the provisions of the Will of John White, Esquire, deceased :

White's Trustee bill brought in.

The said Bill was then read ; and it was,

Read first time.

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

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

House adjourns.

10th &amp; 11th February, 1836.

SECOND SESSION TWELFTH PROVINCIAL PARLIAMENT, 6th WILLIAM IV.

WEDNESDAY, 10th FEBRUARY, 1836.

House meets.

The House met pursuant to adjournment.

PRESENT :

Members present.	<i>The Honorable</i> JOHN B. ROBINSON, SPEAKER.	<i>The Honorable Messrs.</i> McDONELL,
	<i>The Honorable Messrs.</i> ALLAN,	“ “ BALDWIN,
	“ “ JONES,	“ “ BOSWELL,
	“ “ GORDON,	“ “ MORRIS.

Prayers were read.

Oath prescribed by law administered to the Hon. Thomas A. Stewart.

The Honorable Thomas Alexander Stewart came to the Table, and took and subscribed the oath prescribed by the Statute, 31st Geo. III. chap. 31st, as required by the Third Rule of this House, at the beginning of a Parliament.

The Minutes of yesterday were read.

White's Trustee bill read second time.

Pursuant to the order of the day, the Bill to appoint Trustees to carry into effect the provisions of the Will of John White, Esquire, deceased, was read a second time ; and it was,

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

Petition of Wm. Carr and others, read.

Pursuant to the order of the day, the Petition of William Carr and others, inhabitants of the District of Newcastle, praying for an act granting a sum of money, sufficient to open the navigation from Heeley's Falls to Peterboro', was read.

Quakers' fines repeal bill; and

A Deputation from the Commons House of Assembly, brought up a Bill entitled, "An Act to repeal the several laws now in force, imposing fines on Quakers, Menonists, and Tunkers, for non-performance of militia duty in time of peace;" and also a Bill entitled, "An Act to provide for the payment of wages to Members representing cities and incorporated towns within this Province;" to which they requested the concurrence of this House, and then withdrew :

Read first time.

The said Bills were then severally read ; and it was,  
Ordered, that they be read a second time to-morrow.

House adjourns.

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

THURSDAY 11th FEBRUARY, 1836.

House meets.

The House met pursuant to adjournment.

PRESENT :

Members present.	<i>The Honorable</i> JOHN B. ROBINSON, SPEAKER.	<i>The Honorable Messrs.</i> ELMSLEY,
	<i>The Honorable Messrs.</i> ALLAN,	“ “ BALDWIN,
	“ “ JONES,	“ “ BOSWELL,
	“ “ GORDON,	“ “ STEWART,
	“ “ McDONELL,	“ “ MORRIS.

Prayers were read.

The Minutes of yesterday were read.

White's Trustee bill committed.

Pursuant to the order of the day, the House was put into a Committee of the whole, upon the Bill to appoint Trustees to carry into effect the provisions of the Will of John White, Esq. deceased.

The Honorable Mr. Gordon took the Chair.

After some time the House resumed.

Reported.

The Chairman reported, that the Committee had gone through the said Bill, and recommended the same to the adoption of the House.

Adopted.

Ordered that the report be received ; and,

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

Quakers' fines repeal bill; and,

Pursuant to the order of the day, the Bill entitled, "An Act to repeal the several laws now in force imposing fines on Quakers, Menonists, and Tunkers, for non-performance of Militia duty in time of peace;" and also, the Bill entitled, "An Act to provide for the payment of wages to Members representing cities and incorporated towns within this Province;" were severally read a second time : and it was,

Town Members' Wages bill, read second time.

Friday, 12th February, 1836.

SIR FRANCIS BOND HEAD, K.C.H. *Lieutenant Governor.*

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

The Honorable Mr. Morris brought up the Petition of Andrew Deacon, Collector of Customs at the Port of Hallowell; and also, the Petition of William Beikman and others, inhabitants of the Township of Hallowell; which were laid on the Table.

The Honorable Mr. Boswell brought up the Petition of David Smart and others, merchants and traders of Port Hope; which was laid on the Table.

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

FRIDAY 12th FEBRUARY, 1836.

The House met pursuant to adjournment.

PRESENT :

*The Honorable* JOHN B. ROBINSON, SPEAKER.

*The Honorable Messrs.* ALLAN,

“ “ JONES,

“ “ GORDON,

“ “ McDONELL,

*The Honorable Messrs.* ELMSLEY,

“ “ BALDWIN.

“ “ BOSWELL,

“ “ STEWART,

“ “ MORRIS.

Petitions of Andrew Deacon; and of William Beikman, and others, brought up.

Petition of David Smart, and others, brought up.

House adjourns.

House meets.

Members present.

Prayers were read.

The Minutes of yesterday were read.

Pursuant to the order of the day, the Bill to appoint Trustees to carry into effect the provisions of the Will of John White, Esquire, deceased, was read a third time, and passed; and it was,

White's Trustee bill, read third time and passed.

Ordered, that the title be, “An Act to appoint Trustees to carry into effect the provisions of the Will of John White, Esquire, deceased.”

Title ordered.

Whereupon the Speaker signed the Bill; and it was,

Bill signed;

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

And sent to the Assembly for concurrence.

A Deputation from the Commons House of Assembly, brought up a Bill entitled, “An Act to exclude Judges from the Legislative and Executive Councils, and to declare Ecclesiastics and all religious Teachers, incapable of sitting and voting in the Legislative Council;” and also, a Bill entitled, “An Act to prevent the unnecessary increase of costs in lawsuits brought, on Notes of hand, Bonds, and Bills;” to which they requested the concurrence of this House, and then withdrew:

Judges Council exclusion bill;

And Law-suits prevention bill brought up from the Assembly.

The said Bills were then severally read; and it was,

Read first time.

Ordered, that the Bill entitled, “An Act to exclude Judges from the Legislative and Executive Councils, and to declare Ecclesiastics and all religious Teachers, incapable of sitting and voting in the Legislative Council;” be read a second time on Tuesday next: and,

Ordered, that the Bill entitled, “An Act to prevent the unnecessary increase of costs in lawsuits, brought on Notes of hand, Bonds, and Bills;” be read a second time on Monday next.

Pursuant to the order of the day, the House was put into a Committee of the whole, upon the Bill entitled, “An Act to repeal the several laws now in force, imposing fines on Quakers, Menonists, and Tunkers, for non-performance of Militia duty in time of peace.”

Quakers' fines repeal bill committed.

The Honorable Mr. Boswell took the Chair.

After some time the House resumed.

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

Reported and leave asked to sit again.

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

Leave granted.

The Honorable Mr. Gordon brought up the Petition of J. B. Baby and others, inhabitants of the London and Western Districts; which was laid on the Table.

Petitions of J. B. Baby and others;

The Honorable Mr. Allan brought up the Petition of Thomas Dehart and others of the Township of Pickering; which was laid on the Table.

Of Thomas Dehart, and others;

The Honorable Mr. Elmsley brought up the Petition of William Devenish and others, and also the Petition of John Bostwick and others, inhabitants of the County of Middlesex; which were laid on the Table.

Of William Devenish, and others; Of John Bostwick, and others;

Monday, 13th February, 1836.

SECOND SESSION TWELFTH PROVINCIAL PARLIAMENT, 6th WILLIAM IV.

And of George Hamilton, and others, brought up.

The Honorable Mr. Morris, brought up the Petition of George Hamilton and others, Teachers and Trustees of the the Common Schools in the District of Ottawa ; which was laid on the Table.

House adjourns.

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

MONDAY 15th FEBRUARY, 1836.

House meets.

The House met pursuant to adjournment.

PRESENT :

Members present.	<i>The Honorable</i> JOHN B. ROBINSON, SPEAKER.	<i>The Honorable Messrs.</i> BOSWELL,
	<i>The Honorable Messrs.</i> ALLAN,	ADAMSON,
	" " GORDON,	CROOKS,
	" " McDONELL,	STEWART,
	" " ELMSLEY,	MORRIS.
	" " BALDWIN,	

Prayers were read.

Oath prescribed by law administered to the Hon. James Kerby.

The Honorable James Kerby came to the Table, and took and subscribed the oath prescribed by the Statute 31st Geo. III. chap. 31st, as required by the Third Rule of this House, at the beginning of a Parliament.

The Minutes of Friday last were read.

Quakers' fines repeal bill re-committed.

Pursuant to the order of the day, the House was again put into a Committee of the whole, upon the Bill entitled, "An Act to repeal the several laws now in force, imposing fines on Quakers, Menonists and Tunkers, for non-performance of Militia duty in time of peace."

The Honorable Mr. Boswell took the Chair.

House resumes.

After some time the House resumed.

Town Members' wages Bill committed.

Pursuant to the order of the day, the House was put into a Committee of the whole upon the Bill entitled, "An Act to provide for the payment of wages to Members representing cities and incorporated towns within this Province."

The Honorable Mr. Elmsley took the Chair.

After some time the House resumed,

Reported.

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

Adopted.

Ordered, that the report be received ; and,

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

McMurdo's divorce bill read second time.

Pursuant to the order of the day, the Bill to annul the marriage between Henry Douglass McMurdo and Jane his wife, and to allow him to intermarry again ; was read a second time : and it was,

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

Law-suits prevention bill read second time.

Pursuant to the order of the day, the Bill entitled, "An Act to prevent the unnecessary increase of costs in lawsuits, brought on Notes of hand, Bonds and Bills," was read a second time ; and it was,

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

Petition of Andrew Deacon ;

Of William Beickman, and others ;

Of David Smart, and others ;

Of J. B. Baby, and others ;

Of Thomas Dehart, and others ;

Pursuant to the order of the day, the Petition of Andrew Deacon, Collector of Customs at the Port of Hallowell, praying for relief ; also the Petition of William Beickman and others, inhabitants of the Township of Hallowell, praying for an act confirming the survey made by Samuel S. Wilmot ; also the Petition of David Smart and others, merchants and traders of Port Hope, praying that the Government will assume the Capital Stock of the Port Hope Harbor and Wharf Company ; also the Petition of J. B. Baby and others, inhabitants of the London and Western Districts, praying for an act incorporating the petitioners, and all other persons who shall become Stockholders in a Joint Stock Company, with a capital of £500,000 under the style and title, of the Niagara and Detroit Rivers Rail Road Company ; also the Petition of Thomas Dehart and others, of the township of Pickering, praying for an act authorising the Court of King's Bench, or any other legal tribunal, to give titles to certain lands



Tuesday, 16th February, 1836.

SIR FRANCIS BOND HEAD, K. C. H. *Lieutenant Governor.*

purchased by the Petitioners of the Agent and Attorney for one William Holmes, now deceased; also the Petition of William Devenish and others, praying for an act authorising the appointment of Trustees, for the purposes of Macadamising the roads from the Holland Landing to the Eastern and Western limits of the Home District; also the Petition of John Bostwick and others, inhabitants of the County of Middlesex, praying for an act authorising the granting of a further sum of money for effecting the completion of the Harbor at the mouth of Kettle Creek; and also the Petition of George Hamilton and others, Teachers and Trustees of the Common Schools in the District of Ottawa, praying for an amendment of the law, so as to authorise the payment of monies appropriated for the support of Common Schools, in cases where any District Treasurer shall have neglected or refused to render his accounts according to law, and who may have been removed from office by the Magistrates of the District: were severally read.

Of William Devenish and others;

Of John Bostwick and others; and

Of George Hamilton and others, read.

The Honorable Mr. Crooks brought up the Petition of the Rev'd. Thomas Green and others, Trustees of the Niagara District School; also the Petition of the President and Directors of the Desjardin's Canal Company; and also the Petition of John Gamble and others, inhabitants of the District of Gore; which were laid on the Table.

Petitions of the Rev. Thos. Green and others;

Of the Desjardins canal Company; And of John Gamble, and others, bro't. up.

The Honorable Mr. Cameron enters.

A Member enters.

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

Public Accounts presented.

On motion made and seconded, the House adjourned.

House adjourns.

TUESDAY, 16th FEBRUARY, 1836.

The House met pursuant to adjournment.

House meets.

PRESENT :

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

*The Honorable Messrs.* BOSWELL,

*The Honorable Messrs.* ALLAN,

" " ADAMSON,

" " GORDON,

" " JAMES KERBY,

" " McDONELL,

" " CROOKS,

" " ELMSLEY,

" " STEWART,

" " BALDWIN,

" " MORRIS.

Members present.

Prayers were read.

The Minutes of yesterday were read.

Pursuant to the order of the day, the bill entitled "An Act to provide for the payment of wages to Members representing cities and incorporated towns within this Province;" was read a third time, and passed:

Town Members' wages bill read third time and passed.

Whereupon the Speaker signed the same; and it was,

Same signed.

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

And the Assembly acquainted thereof.

Pursuant to the order of the day, the House was put into a Committee of the whole, upon the Bill entitled, "An Act to prevent the unnecessary increase of costs in lawsuits, brought on Notes of hand, Bonds, and Bills."

Law-suits prevention bill committed.

The Honorable Mr. James Kerby took the Chair.

After some time, the House resumed.

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

Reported and leave asked to sit again.

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

Leave granted.

Pursuant to the order of the day, the Bill entitled, "An Act to exclude Judges from the Legislative and Executive Councils, and to declare Ecclesiastics and all Religious Teachers incapable of sitting and voting in the Legislative Council," was read a second time; and it was,

Judges Council exclusion bill read second time;

Ordered, that the same be referred to a Select Committee, to report thereon by amendment or otherwise; and,

And referred to a select committee.

Ordered, that the Honorable Messieurs Gordon, Elmsley, and Morris, do compose the same for that purpose.

Members composing same.

Tuesday, 16th February, 1836.

SECOND SESSION TWELFTH PROVINCIAL PARLIAMENT, 6th WILLIAM IV.

Report of the Select  
Committee upon  
Hastings division bill  
presented.

The Honorable Mr. Baldwin from the Select Committee, to whom was referred the Bill entitled, "An Act to erect the County of Hastings into a separate District;" presented their report,

Ordered, that it be received; and,

Read.

The same was then read as follows:

The Select Committee to whom was referred the Bill sent up from the Commons House of Assembly, entitled, "An Act to erect the County of Hastings into a separate District," respectfully report:

The report.

That at the close of the last Session Your Honorable House passed an Address to His Excellency the Lieutenant Governor Sir John Colborne, praying that His Excellency would be pleased, during the prorogation of the Legislature, to take such means as to him might seem proper, for the purpose of obtaining information on a new and permanent division of the Province, as well as relating to the measures which may be necessary to provide for the increased duties of the Courts of Justice that may result from such new division; and that His Excellency would be pleased to cause the same to be communicated to the Legislature at the next Session of the Provincial Parliament; which Address was sent to the Assembly, with a request that they would concur therein, but no message was received by your Honorable House on the subject, from that branch of the Legislature.

The same reason which induced Your Honorable House to adopt said Address; namely, that a general and uniform system of division of the Province into Districts, seemed as more likely to be useful to the people, than the adoption of partial and temporary measures appears to your committee to remain in their full force, indeed, if any thing rendered stronger, by the delay which has taken place, than at the former Session; and as the Address alluded to failed to meet the concurrence of the Assembly, all that remains to them now to do, is to procure the best information they can on the Bill submitted to them: and as your committee are of opinion, that a general map of the Province, shewing the present division thereof into Districts, Counties and Ridings by coloured lines, would give much information, they beg leave to submit a resolution authorising the Clerk to procure such a map, with as little delay as possible.

All which is respectfully submitted,

(Signed)

A. BALDWIN,

Chairman.

*Legislative Council Committee Room,*

Sixteenth day of February, 1836.

It was moved and seconded; that it be,

Motion for authori-  
sing the Clerk to pro-  
cure a general Map  
of the Province.

*Resolved,*—That the Clerk of this House be directed to procure a general Map of the Province, shewing the present division thereof into Districts, Counties and Ridings by colored lines, with as little delay as possible, the expense of which to be charged to the contingent account of this Session.

Adopted.

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

The order.

Ordered, that the Clerk of this House be directed to procure a general Map of the Province, shewing the present division thereof into Districts, Counties and Ridings, by coloured lines, with as little delay as possible; the expense of which to be charged to the contingent account of this Session.

Petitions of Charles  
Ward and others;  
Of Robert McDowall  
and others;  
Of the Rev. Dr. Phil-  
lips, and others; and  
Of W. M. Gray and  
others, brought up.  
Petitions of John  
Pierce, and others;  
Of Archd McDonald,  
and others;

The Honorable Mr. Morris brought up the Petition of Charles Ward and others; also, the Petition of Robert McDowall and others; also, the Petition of the Rev. Dr. Phillips and others; and also the Petition of W. M. Gray, and others; which were laid on the Table.

The Honorable Mr. Stewart brought up the Petition of John Pierce and others, contractors for constructing a Canal and Locks, to connect the navigation between Sturgeon and Pigeon Lakes; and also the Petition of Archibald McDonald and others, inhabitants of the District of Newcastle; which were laid on the Table.

And of Thos. Smith,  
brought up

The Honorable Mr. Adamson brought up the Petition of Thomas Smith, of the Township of Toronto; which was laid on the table.

Thursday, 18th February, 1836.

SIR FRANCIS BOND HEAD, K.C.H. *Lieutenant Governor.*

The Honorable Mr. Elmsley gave notice, that he would on Thursday next move certain Resolutions, on the expediency of allowing wages to the Members of this House.

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

Notice of moving certain resolutions on the subject of allowing wages to the Members of the Legislative Council. House adjourns.

THURSDAY, 18th FEBRUARY, 1836.

The House met pursuant to adjournment.

House meets.

PRESENT :

*The Honorable* JOHN B. ROBINSON, SPEAKER.

*The Honorable Messrs.* ADAMSON,

*The Honorable Messrs.* GORDON,

" " JAMES KERBY.

" " McDONELL,

" " CROOKS,

" " ELMSLEY,

" " STEWART,

" " BOSWELL,

" " MORRIS.

Members present.

Prayers were read.

The Minutes of Tuesday last were read.

The Honorable Mr. Allan enters.

A Member enters.

Pursuant to the order of the day, the House was again put into a Committee of the whole, upon the Bill entitled, "An Act to allow persons indicted for Felony, a full defence by Counsel, and for other purposes therein mentioned."

Felons' Counsel bill, re-committed.

The Honorable Mr. Elmsley took the Chair.

After some time the House resumed,

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

Reported.

Ordered, that the report be received; and,

Adopted.

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

The order of the day being read for putting the House into a Committee of the whole, upon the Bill to annul the marriage between Henry Douglass McMurdo and Jane his wife, and to allow him to intermarry again; it was

McMurdo's divorce bill, discharged from the order of the day.

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

The Honorable Mr. Crooks gave notice, that he would to-morrow, move certain Resolutions on the subject of divorce.

Notice of moving certain Resolutions on Divorce.

The Honorable Mr. Baldwin enters.

A Member enters.

Pursuant to the order of the day, the House was again put into a Committee of the whole upon the Bill entitled, "An Act to prevent the unnecessary increase of costs in lawsuits, brought on Notes of hand, Bonds and Bills,"

Lawsuits' prevention Bill, recommitted.

The Honorable Mr. Crooks took the Chair.

After some time the House resumed.

House resumes.

Pursuant to notice, the Honorable Mr. Elmsley moved certain Resolutions on the expediency of allowing wages to the Members of this House; which being seconded, they were then read as follows :

Resolutions on the subject of allowing wages to the Members of the Legislative Council, moved, and read.

*Resolved*—That in the opinion of this House, the principal cause of the non-attendance of the Members of the Legislative Council, is to be found in the circumstance that the expense attending a residence of many weeks at the seat of Government, and at a distance from their respective homes, is too great to be incurred by those who have not either the advantage of the house of a friend, to repair to, or who do not possess a large private income, independent of business or professional pursuits.

The Resolutions.

*Resolved, 2nd*—That in the infant state of this Colony, it is very difficult to find suitable persons to become Members of this House, whose private means are sufficiently competent to meet the unavoidable outlay of a protracted residence at the capital.

*Resolved, 3rd*—That with a view to secure to those Members of the Legislative Council who do not reside at the metropolis, the reimbursement of the necessary expenses of the Session, it is expedient that a provision similar to that made for the Members of the House of Assembly, should be extended to the Members of this House.

Thursday, 18th February, 1836.

SECOND SESSION TWELFTH PROVINCIAL PARLIAMENT, 6th WILLIAM IV.

*Resolved, 4th*—That a copy of these Resolutions be sent to the House of Assembly, and that they be requested to concur therein.

On motion made and seconded; it was,

Ordered, that the foregoing Resolutions be committed to a Committee of the whole House to-morrow.

Petitions of the Rev. Thomas Creen, and others

Of the President and Directors of the Desjardins Canal Company.

Of John Gamble and others.

Of Charles Ward and others.

Of Robert McDowall and others.

Of the Rev'd. Dr. Phillips and others

Of W. M. Gray and others.

Of John Pierce and others.

Of Archibald McDonald, and others.

And of Thomas Smith read.

Petition of Robert McGill and others, brought up.

Report of the Select Committee upon Judges Council exclusion bill, presented.

Read.

The Report.

Pursuant to the order of the day, the Petition of the Rev. Thomas Creen and others, Trustees of the Niagara District School, praying that provision may be made for the erection of suitable buildings for the said District School; for advancing the allowance to the Teacher thereof; providing for the salary of two assistants, and granting £30 annually for the purchase of scientific apparatus: also the Petition of the President and Directors of the Desjardins Canal Company, praying that the Legislature will accept in the name and on the behalf of the Province, 350 shares in the said Company, and authorising the Petitioners to divert Morden's Creek into the Canal, at such place as the said Company may deem proper: also the Petition of John Gamble, and others, inhabitants of the District of Gore, praying that the Halton and Huron Rail Road may commence at Dundas, and not at Wellington Square: also the Petitions of Charles Ward and others, and of Robert McDowall and others, praying for an act authorising the giving of a premium to distillers and others, who will abstain from manufacturing and selling intoxicating liquors: also the Petitions of the Rev. Dr. Phillips and others, and of W. M. Gray, and others, praying for an act incorporating every Relief Union, which may be established in this Province, on the plan of uniting manual labor with mental cultivation: also the Petition of John Pierce and others, contractors for constructing a Canal and Locks to connect the navigation between Sturgeon and Pigeon Lakes, praying for relief: also the Petition of Archibald McDonald and others, inhabitants of the District of Newcastle, praying for the establishment of a Bank at Cobourg; and also, the Petition of Thomas Smith, of the Township of Toronto, praying for an act authorising the Court of King's Bench to afford him relief: were severally read.

The Honorable Mr. Crooks, brought up the Petition of Robert McGill, and others, inhabitants of the Town of Niagara; which was laid on the Table.

The Honorable Mr. Gordon, from the Select Committee, to whom was referred the Bill entitled, "An Act to exclude Judges from the Legislative and Executive Councils, and to declare Ecclesiastics and all religious Teachers, incapable of sitting and voting in the Legislative Council;" presented their report:

Ordered, that it be received; and,

The same was then read as follows:

The Select Committee, to whom was referred the Bill sent up from the Commons House of Assembly, entitled, "An Act to exclude Judges from the Legislative and Executive Councils, and to declare Ecclesiastics and all Religious Teachers, incapable of sitting and voting in the Legislative Council:" respectfully report:

That your Committee have carefully examined the Act 31st Geo. III, chap. 31st, with reference to the constitutional power of the Provincial Legislature to enact a law of the nature proposed by this Bill, and are of opinion, that any Provincial Act, interfering with the right of His Majesty to call whomsoever he pleases to the Legislative or Executive Councils, would be repugnant to the spirit and letter of the Act of the Imperial Parliament, from which this Province derives its constitution: they therefore forbear either to recommend the Bill, or to amend it.

Your Committee, however, think that it would be well if His Majesty were apprised of the sentiments of the Legislative Council, with respect to the objects sought to be obtained by the Bill; and therefore recommend, that an humble Address be presented to His Majesty, praying him not to appoint in future any of the descriptions of persons named in the Bill, to the Legislative or Executive Councils, and that he will be pleased to recommend to His Parliament the amendment of the Constitutional Act, so as to exclude the Judges of the Court of King's Bench from holding seats in the House of Assembly, in this Province.

Your Committee cannot concur in any measure that would have the effect of removing the present members of the Legislative Council, who are of the classes enumerated in the bill.

Friday, 19th February, 1836.

SIR FRANCIS BOND HEAD, K. C. H. *Lieutenant Governor.*

They conceive that specific charges should be proved against any Members of this House before their removal should form the subject of a Legislative enactment, either here or in England.

Your Committee know of no such charges, and although aware of the grounds upon which the future exclusion of these classes from the Legislative Council is formed; yet, they respectfully submit, that the removal of the Members in question, would convey a censure which is not merited.

Your Committee cannot suffer that part of the Bill which prohibits the Judges from giving counsel, advice, or opinion to His Majesty, His Ministers, &c., to pass without expressing their astonishment, that such a provision should have made part of a measure emanating from either branch of a Colonial Legislature. These functionaries are sworn to give counsel to His Majesty, and it seems to be most unwise to deprive His Majesty of the assistance he reasonably expects from men who are, or ought to be, of all His Majesty's Subjects, best able to render wholesome advice.

All which is respectfully submitted,

(Signed) JAMES GORDON,  
*Chairman.*

*Legislative Council Committee Room,*  
18th February, 1836.

On motion made and seconded; it was,

Ordered, that the last mentioned Bill and Report, be committed to a Committee of the whole House to-morrow.

On motion made and seconded; it was,

Ordered, that the Honorable Messrs. Gordon and Crooks be added to the Select Committee, to whom was referred the Bill entitled, "An Act to regulate the prices to be charged for Printing Official Advertisements;" and also the Bill entitled, "An Act to ensure the more regular and economical printing of the Statutes of this Province, and of those Statutes of the Imperial Parliament which may particularly concern this Province; to provide that the said Statutes be printed by contract; and also to regulate their distribution."

A Deputation from the Commons House of Assembly, brought up a Bill entitled, "An Act to declare the rights of certain persons therein mentioned, to vote at the Election of Members for the several Towns within this Province, now or hereafter sending Representatives to Parliament;" to which they requested the concurrence of this House, and then withdrew:

The said Bill was then read; and it was,

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

The Honorable the Speaker, brought in a bill to continue the law now in force for facilitating legal remedies against Corporations.

The said Bill was then read; and it was,

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

On motion made and seconded, the House adjourned.

FRIDAY, 19th FEBRUARY, 1836.

The House met pursuant to adjournment.

PRESENT:

*The Honorable* JOHN B. ROBINSON, SPEAKER.

*The Honorable Messrs.* BOSWELL,

*The Honorable Messrs.* ALLAN,

" " ADAMSON,

" " GORDON,

" " JAMES KERBY,

" " McDONELL,

" " CROOKS,

" " ELMSLEY,

" " STEWART,

" " BALDWIN,

" " MORRIS.

Members present.

Prayers were read.

The Honorable John Kirby came to the Table, and took and subscribed the oath prescribed by the Statute 31st Geo. III. chap. 31st, as required by the Third Rule of this House, at the beginning of a Parliament.

Oath prescribed by law administered to the Hon. John Kirby.

Friday, 19th February, 1836.

SECOND SESSION TWELFTH PROVINCIAL PARLIAMENT, 6th WILLIAM IV.

Speaker informs the House, that a Member waits to be introduced.

The Minutes of yesterday were read.

The Honorable the Speaker acquainted the House, that there was a Member without ready to be introduced.

Introduction of the Hon. John Macaulay.

When the Honorable Mr. Macaulay was introduced between the Honorable Mr. Allan, and the Honorable Mr. Gordon.

Presents his writ of summons. Same read.

Then the Honorable Mr. Macaulay presented to the Speaker his writ of summons, who delivered it to the Clerk, and it is as follows :

UPPER CANADA.

J. COLBORNE,

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

The writ.

To our trusty and well-beloved JOHN MACAULAY, Esquire, and to all to whom these presents shall come,

GREETING.

KNOW YE, That as well for the special trust and confidence we have manifested in you, as for the purpose of obtaining your advice and assistance in all weighty and arduous affairs, which may the state and defence of our said Province of Upper Canada, and the Church thereof concern, we have thought fit to summon you to the Legislative Council of our said Province : And we do therefore command you the said JOHN MACAULAY, that all difficulties and excuses whatsoever laying aside, you be and appear, for the purposes aforesaid, at the Legislative Council of our said Province, at all times, whensoever and wheresoever our Provincial Parliament may be thereafter convoked and holden, and this you are in nowise to omit.

IN TESTIMONY WHEREOF, We have caused these our Letters to be made Patent, and the Great Seal of our said Province, to be hereunto affixed : WITNESS our trusty and well-beloved SIR JOHN COLBORNE, K. C. B., Lieutenant Governor of our said Province, and Major General, Commanding our Forces therein, at Toronto, this Twenty-third day of January, in the year of our Lord, one thousand eight hundred and thirty-six, and in the Sixth year of our Reign.

J. C.

By Command of His Excellency.

ROBERT S. JAMESON,  
*Attorney General.*

D. CAMERON,  
*Secretary.*

Takes the oath prescribed by law.

Then the Honorable Mr. Macaulay came to the Table and took the oath prescribed by law, which was administered by Grant Powell, Esquire, one of the Commissioners appointed to administer the oath to the Members of the Legislative Council, and took his seat accordingly.

Felon's Counsel bill, read third time, and passed :

Pursuant to the order of the day, the Bill entitled "An Act to allow persons indicted for Felony, a full defence by Counsel, and for other purposes therein mentioned," was read a third time, and passed.

Same signed :

Whereupon the Speaker signed the same : and it was,

And the Assembly acquainted thereof.

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

Certain Resolutions on the subject of divorce, moved. Read.

Pursuant to notice, the Honorable Mr. Crooks moved certain Resolutions on the subject of divorce ; which being seconded ; they were then read as follows :

The Resolutions.

*Resolved*—That a Petition has been presented to this House by Henry Douglass McMurdo, formerly of Dumfries, in the County of Dumfries, in that part of the United Kingdom of Great Britain and Ireland, called Scotland ; and now of the Township of Sherbrooke, in the County of Haldimand, in this Province ; praying to be divorced from his wife, formerly Jane Lockhart, for causes therein set forth : To meet the prayer of which Petition, a Bill has been prepared, and once read.

Friday, 19th February, 1836.

SIR FRANCIS BOND HEAD, K.C.H. *Lieutenant Governor.*

*Resolved*,—That in similar cases in the United Kingdom, the usual course has been to examine witnesses upon oath at the Bar of the House of Lords, to establish the facts upon which so important a measure is proposed to be founded, and by such examination to give to both parties an opportunity of establishing the necessity of such divorce, or the contrary.

*Resolved*,—That this course of procedure necessarily occupies much time, and interferes materially with the usual Legislative business of the Session, as well as entails upon the parties very serious inconvenience and expense, in bringing witnesses from a distance and employing Counsel, to which it would not be desirable to expose them, until some ground exists for the assurance that the House of Assembly would be disposed to concur in Legislating upon the subject of Divorce.

*Resolved*,—That in the opinion of the Legislative Council, it is expedient in the present advanced state of this Province, that relief should be afforded in cases where an adulterous intercourse is clearly found, by dissolving the marriage, and enabling the unoffending party to marry again.

*Resolved*,—That in the opinion of the Legislative Council, such relief should be afforded when the grounds are unquestionable, as well in relation to marriages solemnized abroad, as to marriages solemnized in this Province; and that the mode of affording such relief, should be by passing a private Act, in such manner as Acts are passed in the Imperial Parliament for that purpose.

*Resolved*,—That these Resolutions be communicated to the House of Assembly by message, and that they be requested to concur in the Fourth and Fifth Resolutions.

On motion made and seconded; it was,

Ordered, that the foregoing resolutions be committed to the Committee of the whole House, upon the Bill to annul the marriage between Henry Douglass McMurdo, and Jane his wife, and to allow him to intermarry again.

Pursuant to the order of the day, the House was put into a Committee of the whole, upon the Resolutions relative to the payment of wages to the Members of the Legislative Council.

Resolutions on the payment of wages to the Members of the Legislative Council, committed.

The Honorable Mr. Baldwin took the Chair.

After some time the House resumed.

House resumes.

Pursuant to the order of the day, the House was put into a Committee of the whole upon the Bill entitled "An Act to exclude Judges from the Legislative and Executive Councils, and to declare Ecclesiastics and all Religious Teachers, incapable of sitting and voting in the Legislative Council;" together with the report of the select Committee thereon.

Judges Council exclusion bill, and the report thereon, committed.

The Honorable Mr. Allan took the Chair.

After some time the House resumed.

The Chairman reported, that the Committee had taken the said Bill and report into consideration, and recommended that the Bill be referred back to the same select Committee to report further thereon.

Reported.

Ordered, that the report be received; and,

Ordered, that the said Bill be referred back to the same select Committee to report further thereon; and,

And referred back to the same select committee.

Ordered, that the Honorable Messieurs Crooks and Macaulay be added to that Committee.

Members added thereto.

Pursuant to the order of the day, the Bill entitled "An Act to declare the rights of certain persons therein-mentioned to vote at the election of Members for the several Towns within this Province, now or hereafter sending Representatives to Parliament;" was read a second time, and it was

Town voters qualification bill, read second time.

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

Pursuant to the order of the day, the Bill to continue the law now in force for facilitating legal remedies against Corporations, was read a second time; and it was,

Corporation's legal remedy continuation bill, read second time.

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

Monday, 22nd February, 1836.

SECOND SESSION TWELFTH PROVINCIAL PARLIAMENT, 6th WILLIAM IV.

Petitions of John H. Crawford, and others: The Honorable Mr. Morris brought up the Petition of John H. Crawford, and others, inhabitants of the County of Carleton; which was laid on the table.

And of Chas. Walsh, brought up. The Honorable Mr. Crooks brought up the Petition of Charles Walsh, of the District of Niagara; which was laid on the table.

Notice of moving certain Resolutions on the sale of Crown Lands. The Honorable Mr. Morris gave notice, that on Monday next, he would move certain Resolutions respecting the sale of Crown Lands.

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

MONDAY, 22nd FEBRUARY, 1836.

House meets The House met pursuant to adjournment.

PRESENT:

Members present.	<i>The Honorable</i> JOHN B. ROBINSON, SPEAKER.	<i>The Honorable Messrs.</i> BOSWELL,
	<i>The Honorable Messrs.</i> CROOKSHANK,	ADAMSON,
	" " ALLAN,	" " JAMES KERBY,
	" " JONES,	" " JOHN KIRBY,
	" " GORDON,	" " CROOKS,
	" " McDONELL,	" " MORRIS,
	" " ELMSLEY,	" " MACAULAY.
	" " BALDWIN,	

Prayers were read.

The Minutes of Friday were read.

McMurdo's divorce bill, and the resolutions on divorce, committed. Pursuant to the order of the day, the House was put into a Committee of the whole, upon the Bill to annul the Marriage between Henry Douglass McMurdo, and Jane his wife, and to allow him to intermarry again; together with certain resolutions on the subject of divorce.

The Honorable Mr. James Kerby took the Chair.

After some time the House resumed.

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

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

Town voters qualification bill, committed. Pursuant to the order of the day, the House was put into a Committee of the whole, upon the Bill entitled "An Act to declare the rights of certain persons therein-mentioned to vote at the election of Members for the several Towns within this Province, now or hereafter sending Representatives to Parliament."

The Honorable Mr. Baldwin took the Chair.

After some time the House resumed.

Reported; The Chairman reported, that the Committee had taken the said Bill into consideration, had made some progress therein, and recommended that it be referred to a select Committee, with power to report thereon by amendment or otherwise.

Ordered, that the report be received; and,

And referred to a select committee. Ordered, that the said Bill be referred to a select Committee, to report thereon by amendment or otherwise; and,

Members composing same. Ordered, that the Honorable Messieurs Baldwin, Stewart, and Macaulay, do compose the same for that purpose.

Corporations legal remedy continuation bill, committed. Pursuant to the order of the day, the House was put into a Committee of the whole, upon the Bill to continue the law now in force for facilitating legal remedies against Corporations.

The Honorable Mr. Macaulay took the Chair.

After some time the House resumed.

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

Adopted. Ordered, that the report be received; and,

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

Resolutions on the sale of Crown Lands, moved. Pursuant to notice, the Honorable Mr. Morris moved certain Resolutions respecting the sale of Crown Lands; which being seconded, they were then read as follows:

Read.



Tuesday, 23rd February, 1836.

SIR FRANCIS BOND HEAD, K. C. H. *Lieutenant Governor.*

*Resolved*—That it is highly important to the prosperity of this Province that every facility should be afforded to the settlement of emigrants, and other persons, who may desire to locate the waste lands of the Crown, whether by purchase or otherwise.

The Resolutions.

*Resolved*—That after the experience of many years, it is found that the present system of selling the public lands has the injurious tendency of driving vast numbers of settlers to a neighbouring country, where periodical sales and an exorbitant upset price do not present the discouraging uncertainty which is felt by applicants for location in Upper Canada.

*Resolved*—That it would be attended with the most satisfactory and beneficial results, if His Majesty's Government would appoint a resident Agent at each District, or other principal Town in the Province, with power to sell the waste lands of the Crown, by public auction, at a reduced upset price, and that such sales should be held every three months; and also, that during the interval of sales the Agent should be authorised, on every lawful day, to dispose of all unsold lots to the first applicant at the upset price; without any other condition than that which may be established with regard to terms of payment and settlement of the land.

*Resolved*—That the change sought for in these resolutions, with respect to the waste lands of the Crown, should also apply to the disposal of the Clergy and Crown Reserves.

*Resolved*—That an humble Address be presented to His Excellency the Lieutenant Governor, founded on the foregoing resolutions, and requesting His Excellency to communicate the same to His Majesty's Principal Secretary of State for the Colonies to be laid at the foot of the Throne.

On motion made and seconded; it was,

Ordered, that the foregoing Resolutions be committed to a Committee of the whole House to-morrow.

Pursuant to the order of the day, the Petition of Robert McGill, and others, inhabitants of the Town of Niagara, praying for an Act establishing in each County, at the expense of the District, a Poor-house and Farm under proper regulations, for the benefit of the indigent; also, the Petition of John H. Crawford, and others, inhabitants of the County of Carleton, praying for a division of the District of Bathurst; and also, the Petition of Charles Walsh, and others, of the District of Niagara, praying for an amendment in the law of arrest for debt—were severally read.

Petitions of Robert McGill, and others;

Of John H. Crawford and others;

And of Cha's. Walsh, and others, read.

The Honorable Mr. Jones brought up the Petition of James McLean, and others, inhabitants of the District of Johnstown; which was laid on the table.

Petitions of James McLean and others;

The Honorable Mr. Macaulay brought up the Petition of Solomon Johns, and others, inhabitants of the western parts of the Midland District, and eastern parts of the Newcastle District; which was laid on the table.

And of Solomon Johns brought up.

On motion made and seconded, the House adjourned.

House adjourns.

TUESDAY, 23rd FEBRUARY, 1836.

The House met pursuant to adjournment.

House meets.

PRESENT:

The Honorable JOHN B. ROBINSON, SPEAKER.

The Honorable Messrs. BOSWELL,

The Honorable Messrs. CROOKSHANK,

" " ADAMSON,

" " ALLAN,

" " JAMES KERBY.

" " JONES,

" " JOHN KIRBY,

" " GORDON,

" " CROOKS,

" " McDONELL,

" " STEWART,

" " ELMSLEY,

" " MORRIS,

" " BALDWIN,

" " MACAULAY.

Members present.

Prayers were read.

The Minutes of yesterday were read.

Pursuant to the order of the day, the Bill to continue the law now in force for facilitating legal remedies against Corporations, was read a third time and passed; and it was,

Corporations legal remedy continuation bill read third time and passed.

Wednesday, 24th February, 1836.

SECOND SESSION TWELFTH PROVINCIAL PARLIAMENT, 6th WILLIAM IV.

Title ordered.	Ordered, that the title be "An Act to continue and amend an Act passed in the third year of His present Majesty's reign, entitled 'An Act to facilitate legal remedies against Corporations.'"
Bill signed;	Whereupon the Speaker signed the Bill; and it was,
And sent to the Assembly for concurrence.	Ordered, that the same be sent to the Commons House of Assembly by the Master in Chancery, for the concurrence of that House.
McMurdo's divorce bill, and the resolutions on divorce, re-committed	Pursuant to the order of the day, the House was again put into a Committee of the whole, upon the Bill to annul the marriage between Henry Douglass McMurdo and Jane, his wife, and to allow him to intermarry again; together with certain resolutions on the subject of divorce. The Honorable Mr. James Kerby took the Chair.
House resumes.	After some time the House resumed.
Resolutions on the sale of Crown Lands, committed.	Pursuant to the order of the day, the House was put into a Committee of the whole upon certain resolutions respecting the sale of the waste lands of the Crown. The Honorable Mr. Crooks took the Chair. After some time the House resumed.
Reported;	The Chairman reported that the Committee had taken the said resolutions into consideration, and recommended that the same be referred to a select Committee, with power to send for persons and papers, and to report thereon. Ordered, that the report be received; and,
And referred to a select committee.	Ordered, that the said resolutions be referred to a select Committee, with power to send for persons and papers, and to report thereon; and,
Members composing same.	Ordered, that the Honorable Messieurs Jones, Crooks, Stewart, Morris and Macaulay, do compose the same for that purpose. On motion made and seconded; it was,
Address to His Excellency the Lieutenant Governor, upon the latter subject.	Ordered, that an Address be presented to His Excellency the Lieutenant Governor, requesting that His Excellency will be pleased to communicate to this House such instructions or parts of instructions as have been received from time to time from His Majesty's Government on the subject of land granting in this Province, and which now guide the Land Granting Department in the disposal of the waste lands of the Crown; and,
Committee to present same.	Ordered, that the Honorable Messieurs Jones and Macaulay, be a Committee to present the same.
House adjourns.	On motion made and seconded, the House adjourned.

WEDNESDAY, 24th FEBRUARY, 1836.

The House met pursuant to adjournment.

House meets.

PRESENT:

Members present.	<i>The Honorable</i> JOHN B. ROBINSON, SPEAKER.	<i>The Honorable Messrs.</i> JAMES KERBY,
	<i>The Honorable Messrs.</i> ALLAN,	" " JOHN KIRBY,
	" " JONES,	" " CROOKS,
	" " GORDON,	" " STEWART,
	" " ELMSLEY,	" " MORRIS,
	" " BALDWIN,	" " MACAULAY,
	" " BOSWELL,	

Prayers were read.

The Minutes of yesterday were read.

Petitions of James McLean, and others;

And of Solomon Johns, and others, read.

Petitions of Allan Cameron, and others;

Of John Edwards, and others;

Of George McGibbon, and others, and

Of Joseph S. Whitcomb; and others, brought up.

Pursuant to the order of the day, the Petition of James McLean, and others, inhabitants of the District of Johnstown, praying against dividing the said District; and also, the Petition of Solomon Johns, and others, inhabitants of the western parts of the Midland District, and the eastern parts of the Newcastle District, praying for an Act erecting certain Townships into a separate District—were severally read.

The Honorable Mr. Elmsley brought up the Petition of Allan Cameron, and others, inhabitants of parts of the Townships of Lochiel and Kenyon, and part of the Indian reservation in the Eastern District; also, the Petition of John Edwards, and others, inhabitants of the Ottawa District; also, the Petition of George McGibbon, and others, inhabitants of the Township of Hawkesbury; and also, the Petition of Joseph S. Whitcomb, and others, inhabitants of the County of Prescott, in the Ottawa District—which were laid on the table.

Wednesday, 24th February, 1836.

SIR FRANCIS BOND HEAD, K. C. H. *Lieutenant Governor.*

On motion made and seconded; it was,

Ordered, that the House be again put into a Committee of the whole, upon the amendments of the Commons House of Assembly, to the amendments made by this House in and to the Bill entitled "An Act to ensure the freedom of Elections in the County of Leeds."

Amendments to the amendments to the Leeds Election bill, restored to the order of the day.

The Honorable Mr. Gordon, from the select Committee to whom was referred the Bill, entitled "An Act to exclude Judges from the Legislative and Executive Councils, and to declare Ecclesiastics and all Religious Teachers, incapable of sitting and voting in the Legislative Council;" presented their further report.

Further report upon Judges Council exclusion bill, presented.

Ordered, that it be received; and,

The same was then read as follows:

Read.

The Select Committee, to whom was referred the Bill sent up from the Commons House of Assembly, entitled, "An Act to exclude Judges from the Legislative and Executive Councils, and to declare Ecclesiastics and all Religious Teachers, incapable of sitting and voting in the Legislative Council;" together with the report of the select Committee thereon, respectfully report:

The report.

That after careful enquiry into the Constitutional powers of the Legislature, they have arrived at the conclusion that any attempt to limit and restrain, by Provincial enactments similar to this Bill, the right expressly reserved to His Majesty of calling whomsoever he pleases from the various professions and classes of his people, to seats in this House, must be regarded as repugnant to the spirit and letter of the Imperial Act of the 31st Geo. III. chap. 31st: by virtue of which, alone, His Majesty has the power, "by and with the advice and consent of the Legislative Council and Assembly of the Province, to make laws for its peace, welfare, and good government."

The several sections of that Statute from the second to the twelfth, relate to the Constitution and composition of the Legislative Council. In the sixth section, Your Committee find a concise statement of the only disqualifications which contract the scope of the Royal choice: It is by this section provided, that no person shall be summoned to the Legislative Council, who shall not be of the full age of twenty-one years, and a natural born subject of His Majesty, or a subject of His Majesty naturalized by Act of the British Parliament, or a subject of His Majesty, having become such by the conquest and cession of Canada.

With respect to the Executive Council, as "appointed by His Majesty within this Province, for the affairs thereof," the act which forms our Constitution, does not appear to assign limits to the Royal discretion in the selection of its members; and Your Committee are not aware that restraints are imposed on its exercise by any other Statute.

By a Message from the Lieutenant Governor, dated 30th November, 1831, His Majesty has signified to the Legislature, his "settled purpose to nominate on no future occasion, any Judge a member either of the Executive or of the Legislative Council; and that the single exception to this general rule, will be that of the Chief Justice of Upper Canada, who will be a Member of the Legislative Council, in order that they may have the benefit of his assistance in framing laws of a general and permanent character."

It is the opinion of Your Committee, that this explicit and formal declaration of the course which the Government intends in future to pursue in this particular, should not only calm the alleged anxiety of all classes of people, and remove any apprehension of the danger which may be imagined to threaten their rights and liberties from that quarter, but also induce the Legislature to rest satisfied; that the Royal Prerogative will be scrupulously exercised in conformity to the pledge thus frankly given.

Of the policy of hereafter appointing Ecclesiastics or Religious Teachers, of any denomination to seats in the Legislative Council, your Committee cannot approve.

Your Committee, are however, bound to observe that no injury, of which they are cognizant, has been produced by the present Constitutional provisions for the composition of this Branch of the Legislature, or the manner in which they have been acted on.

It is but a simple act of justice to the Honorable Gentleman, who now fills the Speaker's chair with such eminent ability, and to the present Ecclesiastical Members of the House, to say, that they have in no respect infringed or jeopardized the rights and liberties of the people: It is due to these Honorable Members to declare the firm belief of Your Committee, that they

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are behind none, in their anxiety for the welfare and happiness of all His Majesty's subjects in this Province: it is more especially due to the Honorable Chief Justice, to bear witness on this occasion to his invaluable services as a member of this House, which has always derived the most solid advantages from his talents and information on all subjects, as well his skill in the framing and amending of laws.

Your Committee cannot suffer that part of the Bill which prohibits the Judges from giving counsel, advice, or opinion to His Majesty, His Ministers, &c., to pass without expressing their astonishment, that such a provision should have made part of a measure emanating from either branch of a Colonial Legislature. These functionaries are sworn to give counsel to His Majesty, and it seems to be most unwise to deprive His Majesty of the assistance he reasonably expects from men who are, or ought to be, of all His Majesty's Subjects, most capable of rendering wholesome advice.

In conclusion, Your Committee beg to remark, that viewing the Bill in all its bearings, they abstain for the reasons already stated, either to recommend or amend it.

All which is respectfully submitted,

(Signed) JAMES GORDON,  
Chairman.

Legislative Council Committee Room,  
24th February, 1836.

Ordered, that the last mentioned Bill, and the further report of the Select Committee thereon, be committed to a Committee of the whole House to-morrow.

The Honorable Mr. Elmsley, brought up the Petition of Lyman Chapin and others, inhabitants of the Eastern Townships of the District of London, Western part of the District of Niagara, and South Western part of the District of Gore: also, the Petition of Reuben White and others, inhabitants of the Newcastle, Prince Edward, and Midland Districts: also the Petition of R. B. Sullivan and others, inhabitants of the Home District: also the Petition of James Nickalls and others, being the Committee of Management of the Kingston Mechanics' Institution: also the Petition of C. W. Grant and others, inhabitants of the Town of Kingston: also the Petition of Thomas Markland and others, interested in the Midland District School Society: also the Petition of Henry Smith, Warden of the Provincial Penitentiary: also the Petitions of W. Holditch and others, and of William Simkins and others, inhabitants of the Township of Loughborough: also the Petition of W. L. McKenzie, of the City of Toronto, acting Executor to the estate of the late Robert Randal: and also the Petition of Stephen Dutton and others, inhabitants of the Township of York; which were laid on the Table.

On motion made and seconded, the House adjourned.

THURSDAY, 25th FEBRUARY, 1836.

House meets.

The House met pursuant to adjournment.

PRESENT:

Members present.	The Honorable JOHN B. ROBINSON, SPEAKER.	The Honorable Messrs. BOSWELL,
	The Honorable Messrs. ALLAN,	" " ADAMSON,
	" " JONES,	" " JAMES KERBY,
	" " GORDON,	" " JOHN KIRBY,
	" " McDONELL,	" " CROOKS,
	" " ELMSLEY,	" " MORRIS.
	" " BALDWIN,	

Prayers were read.

The Minutes of yesterday were read.

Pursuant to the order of the day, the House was again put into a Committee of the whole upon the amendments of the Commons House of Assembly made to the amendments of this House, in and to the Bill, entitled, "An Act to ensure the freedom of Elections in the County of Leeds."

The Honorable Mr. Crooks took the Chair.

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

Amendments to the amendments to Leeds Election bill, re-committed.

Petitions of Lyman Chapin, and others;  
Of Reuben White, and others;  
Of R. B. Sullivan, and others;  
Of James Nickalls, and others;  
Of C. W. Grant, and others;  
Of Thomas Markland, and others;  
Of Henry Smith;  
Of W. Holditch, and others;  
Of Wm. Simkins, and others;  
Of W. L. McKenzie;  
And of Stephen Dalton, and others; brought up.  
House adjourns.

Thursday, 25th February, 1836

SIR FRANCIS BOND HEAD, K. C. H. *Lieutenant Governor.*

A Deputation from the Commons House of Assembly, brought up a Bill, to which they requested the concurrence of this House; and they delivered at the Bar of this House a message, and then withdrew.

A bill and message, brought up from the Assembly

The House was then again put into a Committee of the whole, upon the amendments of the Commons House of Assembly made to the amendments of this House, in and to the Bill entitled, "An Act to ensure the freedom of Elections in the County of Leeds."

Amendments to the amendments to Leeds Election bill, re-committed.

The Honorable Mr. Crooks took the Chair.

After some time the House resumed.

The Chairman reported that the Committee had taken the said amendments in and to the last mentioned Bill into further consideration, and recommended that a conference be asked with the Commons House of Assembly on the subject matter thereof.

Reported:

Ordered, that the report be received; and,

Ordered, that a conference be desired with the Commons House of Assembly on the subject of their amendments made to the amendments of the Legislative Council, in and to the said Bill; and,

And a conference ordered.

Ordered, that the Honorable Messieurs Elmsley and Crooks be appointed the Conferrees on the part of this House for that purpose; and,

Conferrees appointed;

Ordered, that the Master in Chancery do go down to the Assembly, and acquaint that House, that the Legislative Council request a conference with the Commons House of Assembly on the subject matter of their amendments made to the amendments of this House in and to the said bill; and have appointed the Honorable Messrs. Elmsley and Crooks to be the Conferrees on the part of the Legislative Council, who will be ready to meet a Committee on the part of the Commons House of Assembly, to-morrow, at the hour of three of the clock P. M. in the Committee Room of the Legislative Council, for that purpose.

And the Assembly acquainted thereof.

The Honorable the Speaker reported to the House that a deputation from the Commons House of Assembly had brought up a bill, entitled, "An Act to loan two thousand pounds to the Welland Canal Company," to which they requested the concurrence of this House:—and that they had delivered at the bar of this House the following message:

Speaker reports the receipt of Welland Canal Company's loan bill; and a message from the Assembly.

MR. SPEAKER,

The Commons House of Assembly has passed an Address to His Majesty respecting a reduction of the Duties on Tobacco Imported into Great Britain from this Province; and communicates copy of same to the Honorable the Legislative Council for its concurrence in the measure.

Transmitting an address to the King praying for a reduction of the duties on Tobacco.

(Signed)

MARSHALL S. BIDWELL,

SPEAKER.

*Commons House of Assembly,*

19th February, 1836.

The bill entitled "An Act to loan two thousand pounds to the Welland Canal Company," was read; and it was,

Welland Canal Company's loan bill, read first time.

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

The Address of the Commons House of Assembly to His Majesty respecting a reduction of the Duties on Tobacco Imported into Great Britain from this Province, was then read as follows:

Address of the Assembly to the King, read first time.

(See Appendix B.)

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

A Deputation from the Commons House of Assembly, brought up a Bill, entitled, "An Act to authorise the erection of a mill-dam upon the River Thames, in the London District;" to which they requested the concurrence of this House, and then withdrew.

Thames Mill dam erection bill, brought up from the Assembly.

The said Bill was then read; and it was,

Read first time.

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

Pursuant to the order of the day, the House was put into a Committee of the whole, upon the Bill entitled, "An Act to exclude Judges from the Legislative and Executive Councils, and to declare Ecclesiastics and all Religious Teachers incapable of sitting and voting in the Legislative Council," together with the further report of the Select Committee thereon.

Judges Council exclusion bill, and the further report thereon committed.

Friday, 26th February, 1836.

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The Honorable Mr. Adamson took the Chair.

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

Bills brought up from the Assembly.

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

Judges Council exclusion bill, and the further report thereon, re-committed

The House was then again put into a Committee of the whole upon the Bill entitled, "An Act to exclude Judges from the Legislative and Executive Councils, and to declare Ecclesiastics and all Religious Teachers, incapable of sitting and voting in the Legislative Council," together with the further report of the Select Committee thereon.

The Honorable Mr. Adamson took the Chair.

After some time the House resumed.

Reported.

The Chairman reported, that the Committee had gone through the last mentioned Bill, as also the report of the Select Committee thereon, and recommended the said report to the adoption of the House.

Ordered, that the report be received; and,

Report of the Select Committee, adopted.

Ordered, that the said report of the Select Committee, be adopted.

Speaker reports the receipt of Jury law amendment bill; Intestate distribution bill; and Clergy Reserve Sale bill, from the Assembly.

The Honorable the Speaker reported to the House, that a Deputation from the Commons House of Assembly, had brought up a Bill entitled, "An Act to amend the Jury Laws of this Province;" also a Bill entitled, "An Act for the more equal distribution of the property of persons dying intestate;" and also, a Bill entitled, "An Act for the disposal of the Clergy Reserves in this Province, for the purposes of general education;" to which they requested the concurrence of this House.

Read first time.

The said Bills were then severally read; and it was,

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

Report of the Select Committee appointed to present an Address to His Excellency on the subject of land granting.

The Honorable Mr. Jones, from the Select Committee appointed to present an Address to His Excellency the Lieutenant Governor, on the subject of Land Granting in this Province; reported that they had done so, and that His Excellency had been pleased to make thereto the following reply.

*Gentlemen:*

The reply.

The documents requested in this Address, shall be transmitted to the Legislative Council, as soon as they can be prepared.

Petition of George Hamilton brought up.

The Honorable Mr. Crooks brought up the Petition of George Hamilton, Chairman of the Quarter Sessions of the District of Gore; which was laid on the Table.

House adjourns.

On motion made and seconded, the House adjourned.

FRIDAY, 26th FEBRUARY, 1836.

House meets.

The House met pursuant to adjournment.

PRESENT:

Members present.

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

*The Honorable Messrs.* ADAMSON,

*The Honorable Messrs.* ALLAN,

" " JAMES KERBY,

" " GORDON,

" " JOHN KIRBY,

" " McDONELL,

" " CROOKS,

" " BALDWIN,

" " MORRIS,

" " BOSWELL,

" " MACAULAY.

Prayers were read.

The Minutes of yesterday were read.

Welland Canal Company's loan bill read second time.

Pursuant to the order of the day, the Bill entitled, "An Act to loan two thousand pounds to the Welland Canal Company;" was read a second time: and it was,

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

Address of the Assembly to the King, praying for a reduction of the duties on Tobacco, read second time.

Pursuant to the order of the day, the Address of the Commons House of Assembly to His Majesty, respecting a reduction of the duties on Tobacco imported into Great Britain from this Province, was read a second time; and it was,

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

Friday, 26th February, 1836.

SIR FRANCIS BOND HEAD, K. C. H. *Lieutenant Governor.*

Pursuant to the order of the day, the Bill entitled, "An Act to authorise the erection of a mill-dam upon the River Thames, in the London District;" and also the Bill entitled, "An Act to amend the Jury Laws of this Province," were severally read a second time; and it was,

Thames Mill-dam erection bill; and Jury Law Amendment bill, read second time.

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

Pursuant to the order of the day, the Bill entitled, "An Act for the more equal distribution of the property of persons dying intestate," was read a second time; and it was,

Intestate distribution bill read second time;

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

and referred to a select committee.

Ordered, that the Honorable Messieurs Adamson, Morris, and Macaulay, do compose the same for that purpose.

Members composing same.

Pursuant to the order of the day, the Bill entitled, "An Act for the disposal of the Clergy Reserves in this Province, for the purposes of general education:" was read a second time; and it was,

Clergy Reserve sale bill, read second time.

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

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

Message from the Assembly.

MR. SPEAKER,

The Commons House of Assembly accedes to the request of the Honorable the Legislative Council, for a conference on the subject matter of the amendments made by that House to the amendments of the Honorable the Legislative Council, in and to the Bill entitled, "An Act to ensure the freedom of Elections in the County of Leeds:" and have appointed four of its Members for that purpose, who will be ready to meet the Conferrees on the part of the Honorable the Legislative Council, at the time and place appointed.

Acceding to conference upon the Amendments to the amendments to Leeds Election bill.

(Signed,) MARSHALL S. BIDWELL,  
SPEAKER.

*Commons House of Assembly,*  
25th February, 1836.

The Honorable Mr. Elmsley enters.

A Member enters.

Ordered, that the Committee of Conference on the part of this House, on the subject matter of the amendments made by the Commons House of Assembly in and to the amendments of the Legislative Council, made in and to the bill entitled, "An Act to ensure the freedom of Election in the County of Leeds;" be instructed to represent:

Instructions to the conferrees on the part of this House.

That the Legislative Council sees no reason for making any provision for enabling Electors to vote in any other section, provided for in the bill, than that in which they reside or have their freehold; on the contrary, if retained, the Legislative Council is of opinion, it would lead to many of the difficulties, to obviate which the bill is specially framed.

Pursuant to the order of the day, the Petition of Allan Cameron and others, inhabitants of parts of the Townships of Lochiel and Kenyon, and part of the Indian Reservation in the Eastern District, praying to be annexed to the Ottawa District; also the Petition of John Edwards and others, inhabitants of the Ottawa District, praying for an act establishing a market and public Fair at L'Orignal, in the said District: also the Petition of George McGibbon and others, inhabitants of the Township of Hawkesbury, praying for an Act erecting the two Divisions, called the Eastern and Western Divisions into two separate Townships; also, the Petition of Joseph S. Whitcomb and others, inhabitants of the County of Prescott, in the Ottawa District, praying that certain Townships in the Eastern District, may be annexed to the District of Ottawa: also the Petition of Lyman Chapin and others, inhabitants of the Eastern Townships of the District of London, Western part of the District of Niagara, and South Western part of the District of Gore, praying to be formed into a new District: also the Petition of Reuben White and others, inhabitants of the Newcastle, Prince Edward, and Midland Districts, praying for an act authorising the construction of a Canal, which would unite the waters of Lake Ontario with the head of the Bay of Quinté: also the Petition of R. B. Sulli-

Petitions of Allan Cameron, and others;

Of John Edwards, and others;

Of George McGibbon, and others;

Of Joseph S. Whitcomb, and others;

Of Lyman Chapin, and others;

Of Reuben White, and others;

Of R. B. Sullivan, and others;

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Of James Nickalls, and others ;  
 Of C. W. Grant, and others ;  
 Of Thomas Markland, and others ;  
 Of Henry Smith ;  
 Of W. Holditch, and others ;  
 Of Wm. Simkins, and others ;  
 Of W. L. Mackenzie ;  
 And of Stephen Dutton, and others, read.

van and others, inhabitants of the Home District, praying for an act of Incorporation, for the purpose of establishing a single or double Rail Way, between the City of Toronto and the navigable waters of Lake Huron : also the Petition of James Nickalls and others, being a Committee of Management of the Kingston Mechanics' Institution, praying for further aid : also the Petition of C. W. Grant and others, inhabitants of the Town of Kingston, praying for an act of Incorporation, for the purpose of constructing a Canal across Wolf Island : also the Petition of Thomas Markland, and others, interested in the Midland District School Society, praying for an amendment of the Act of Incorporation : also the Petition of Henry Smith, Warden of the Provincial Penitentiary, praying for an increase of salary : also the Petitions of W. Holditch and others, and of William Simkins, and others, inhabitants of the Township of Loughborough, praying for an act making void the new survey of the said Township as far as it interferes with original survey : also the Petition of W. L. McKenzie, of the City of Toronto, acting Executor to the estate of the late Robert Randall, praying for certain relief to his heir : and also the Petition of Stephen Dutton and others, of the Township of York, praying for the privileges of Naturalization, were severally read.

Petition of Presbytery of Toronto, brought up.

The Honorable Mr. Morris brought up the Petition of the Presbytery of Toronto in connexion with the Church of Scotland ; which was laid on the Table :

On motion made and seconded ; it was,

Petitions on Trade referred to a select Committee.

Ordered, that the several Petitions presented to this House during the present Session on the subject of trade, be referred to a Select Committee, to report on the subject matter thereof ; and,

Members composing same.

Ordered, that the Honorable Messrs. Allan, Gordon, Morris, and Macaulay, be appointed the Committee for that purpose.

Messages from His Excellency the Lieutenant Governor :

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

Transmitting copies of documents relative to the Burlington Bay Canal.

F. B. HEAD,  
 The Lieutenant Governor, transmits for the information of the Legislative Council, the accompanying copies of Documents relative to the Burlington Bay Canal.  
*Government House,*  
 25th February, 1836.

Transmitting a schedule of Debentures redeemed and outstanding.

F. B. HEAD,  
 The Lieutenant Governor, transmits to the Legislative Council, the accompanying schedule of Government Debentures redeemed and outstanding, issued under the authority of Acts of the Provincial Legislature.  
*Government House,*  
 25th February, 1836.

Transmitting a report from the Kingston Hospital Commissioners.

F. B. HEAD,  
 The Lieutenant Governor transmits to the Legislative Council, the accompanying report of the Commissioners of the Kingston Hospital, for the year 1835.  
*Government House,*  
 25th February, 1836.

Transmitting school reports.

F. B. HEAD,  
 The Lieutenant Governor transmits to the Legislative Council, such reports of Trustees of District Schools, and of Boards of Education, as have been received for the year 1835.  
*Government House,*  
 25th February, 1836.

Transmitting population and assessment returns.

F. B. HEAD,  
 The Lieutenant Governor transmits to the Legislative Council, copies of the Population returns of the several Districts of the Province, and also of such Assessment returns as have been received for the year 1835.  
*Government House,*  
 25th February, 1836.



Friday, 26th February, 1836.

SIR FRANCIS BOND HEAD, K.C.H. *Lieutenant Governor.*

F. B. HEAD,

The Lieutenant Governor transmits, for the information of the Legislative Council, the accompanying copy of a report of the Officer at the head of an exploring party appointed to examine the Country on the East shore of Lake Huron, during the past season.

Transmitting copy of a report of the officer at the head of a certain exploring party.

*Government House,*

25th February, 1836.

On motion made and seconded; it was,

Ordered, that an Address be presented to the Lieutenant Governor, respectfully thanking His Excellency for his several Messages just received; and,

Committee appointed to present an Address of thanks to His Excellency, ordered. Members composing same.

Ordered, that the Honorable Messieurs Boswell, and Morris, do present the same.

The Honorable Mr. Elmsley from the Committee of Conference, on the subject matter of the amendments made by the Commons House of Assembly to the amendments of this House, in and to the Bill entitled, "An Act to ensure the freedom of Elections in the County of Leeds;" reported that the Honorable Mr. Crooks, and he, had met the Conferrees on the part of the Commons House of Assembly, at the time and place appointed, and delivered to them the instructions of this House.

Report of the Committee of conference on the amendments to the amendments to Leeds Election bill.

The Honorable Mr. Baldwin, from the Select Committee to whom was referred the Bill entitled "An Act to declare the rights of certain persons therein-mentioned to vote at the election of Members for the several Towns within this Province, now or hereafter sending Representatives to Parliament;" presented their report:

Report of the select Committee upon Town Voters' qualification bill, presented.

Ordered, that it be received; and,

The same was then read as follows:

Read.

The Select Committee to whom has been referred the Bill entitled, "An Act to declare the rights of certain persons therein mentioned, to vote at the Election of Members for the several Towns within this Province, now or hereafter sending Representatives to Parliament;" respectfully report:

The report.

That they have examined the said Bill, and compared its provisions with the Imperial and Provincial Statutes to which it has reference: the results of their enquiries they now beg to submit, as follows:

The first, second, and sixth sections profess to declare the meaning of the British Statute, 31st Geo. III. chap 31st, section 20; and in obviating doubts, do in fact appear to undertake an extension of the elective franchise.

1st. To persons resident for twelve months, next before the date of the writ of summons for the Elections, who have actually paid a year's rent, and who shall be authorised to vote, although they may have removed from one dwelling house to another, rented at not less than Ten Pounds sterling, in the course of the year.

2nd. To persons who may hold lots of land on building leases, or by payment of ground rent, and who shall have erected houses thereon of the yearly value of Ten Pounds sterling, and occupied the same for twelve months.

3rd. To Landlords and Tenants who shall both be allowed votes on the same premises.

Now, though the Constitution grants to this Legislature the power of disqualifying voters, it is silent as respects the power to enlarge the elective franchise; and Your Committee are satisfied that this House will ever studiously forbear to transcend its rightful authority, and as in this instance, they consider that the Imperial Parliament alone is capable of declaring the intention and proper construction of its own act: they would now suggest the expediency of addressing His Majesty conjointly with the Assembly, and requesting that a declaratory enactment may be passed in England.

Your Committee consider the provisions stated in the foregoing part of this report as judicious and desirable, and quite in conformity to the wishes and circumstances of the inhabitants of Upper Canada.

Were it advisable at present, Your Committee might point out some loose terms used in these sections, but they will not occupy the time of the House with needless criticism.

Your Committee understand, that in some instances, Landlords and Tenants have in fact both been allowed to vote at Elections on the same premises, while in the majority of

Friday, 26th February, 1836.

## SECOND SESSION TWELFTH PROVINCIAL PARLIAMENT, 6th WILLIAM IV.

cases, this right has been refused on the principle of English Law, that but one vote can be given on one tenement: Nevertheless, it is to be wished that all doubts were removed on this point, and that the British Parliament were forthwith solicited to declare in favor of an enlargement of the right of voting in this particular.

There are two classes of persons, of whom this Bill has lost sight, but who should not be debarred the exercise of the right of voting at Elections, viz:—Landlords and Tenants of what are commonly termed, water lots, with store-houses thereupon erected, and owned or occupied for the receiving and forwarding of goods, wares, and merchandize, for hire or gain. These store-houses are rated on the assessment rolls, at the value of two hundred pounds, besides the rate assessed on the lot itself, which varies in the several towns of the Province, from twenty to fifty pounds: some of these store-houses are leased at a yearly rent as high as eighty pounds, which is about seven times the amount of rent which now confers a right of voting on the occupants of dwelling-houses.

In proceeding to advert to the remaining sections of the Bill, viz:—the third, fourth and fifth, Your Committee have briefly to state, that they are merely explanatory sections or modifications of a part of the Provincial Act, 4th Geo. IV. chap. 3, of no very material importance, and to which as they can oppose no objection, they request the favorable consideration of the House.

All which is respectfully submitted,

(Signed,)

A. BALDWIN,

*Chairman.*

*Legislative Council Committee Room,*

Twenty-sixth day of February, 1836.

On motion made and seconded; it was,

Ordered, that the last mentioned Bill, and the report of the Select Committee thereon, be committed to a Committee of the whole House on Tuesday next.

The Honorable Mr. Allan from the Select Committee, to whom was referred the Bill entitled, "An Act to regulate the prices to be charged for Printing Official Advertisements;" and also the Bill entitled, "An Act to ensure the more regular and economical printing of the Statutes of this Province, and of those Statutes of the Imperial Parliament which may particularly concern this Province; to provide that the said Statutes be printed by contract; and also to regulate their distribution;" presented their report:

Ordered, that it be received; and,

The same was then read as follows:

The Committee to whom was referred the Bill from the Assembly, entitled, "An Act to regulate the prices to be charged for Printing Official Advertisements;" and also, one other Bill entitled, "An Act to ensure the more regular and economical printing of the Statutes of this Province, and of those Statutes of the Imperial Parliament, which may particularly concern this Province; to provide that the said Statutes be printed by contract, and also to regulate their distribution:" beg leave to report,

That having given the above recited Bills every consideration in their power, and also having had before them many of those conducting Printing Establishments in this city, from whom they obtained much valuable information, on the subject matter of the said Bills, have arrived at the conclusion, that the Bills referred to them, do not contain such matter as would attain the object sought for. They therefore beg leave to submit, as a substitute, the draft of another Bill, limiting its operation to four years; as in their opinion, if adopted, would establish the prices of Printing, upon a more just and equitable footing, than in the Bills submitted to them, and also ensure greater regularity and responsibility.

All of which are submitted,

(Signed,)

W. ALLAN,

*Chairman.*

*Legislative Council Committee Room,*

26th February, 1836.

The Bill reported by the last mentioned Committee, relating to the Public Printing, was read; and it was,

Report of the select Committee upon Official Printing regulation bill; and Statutes Contract Printing bill, presented.

Read.

The report.

Public Printing regulation bill, read first time.

Monday, 29th February, 1836.

SIR FRANCIS BOND HEAD, K. C. H. *Lieutenant Governor.*

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

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

MONDAY, 29th FEBRUARY, 1836.

The House met pursuant to adjournment.

House meets.

PRESENT :

*The Honorable* JOHN B. ROBINSON, SPEAKER.

*The Honorable Messrs.* BOSWELL,

*The Honorable Messrs.* ALLAN,

" " ADAMSON,

Members present.

" " JONES,

" " JAMES KERBY,

" " GORDON,

" " JOHN KIRBY,

" " McDONELL,

" " STEWART,

" " ELMSLEY,

" " MORRIS,

" " BALDWIN,

" " MACAULAY.

Prayers were read.

The Minutes of Friday were read.

Pursuant to the order of the day, the House was put into a Committee of the whole upon the Bill entitled, "An Act to loan two thousand pounds to the Welland Canal Company."

Welland Canal Company's loan bill committed.

The Honorable Mr. Gordon took the Chair.

After some time the House resumed.

The Chairman reported that the Committee had taken the said Bill into consideration, and recommended that it be referred to a Select Committee, with power to send for persons and papers, and to report thereon:

Reported;

Ordered, that the report be received; and,

Ordered, that the said Bill be referred to a Select Committee, with power to send for persons and papers, and to report thereon; and,

And referred to a select Committee.

Ordered, that the Honorable Messieurs Elmsley, Baldwin, and Macaulay, do compose the same for that purpose.

Members composing same.

Pursuant to the order of the day, the House was put into a Committee of the whole upon the Address of the Commons House of Assembly to the King, respecting a reduction of the duties on Tobacco imported into Great Britain from this Province.

Address of the Assembly to the King, praying for a reduction of the duties on Tobacco, committed.

The Honorable Mr. Macaulay took the Chair.

After some time the House resumed.

The Chairman reported, that the Committee had taken the said Address into consideration, and recommended that it be referred to a Select Committee, with power to send for persons and papers and to report thereon:

Reported;

Ordered, that the report be received; and, Ordered, that the said Address be referred to a select Committee, with power to send for persons and papers, and to report thereon; and,

And referred to a select Committee.

Ordered, that the Honorable Messieurs Gordon, James Kerby, Stewart, and Morris, do compose the same for that purpose.

Members composing same.

Pursuant to the order of the day, the House was put into a Committee of the whole, upon the Bill entitled, "An Act to authorise the erection of a mill-dam upon the River Thames, in the London District."

Thames Mill-dam erection bill, committed.

The Honorable Mr. Stewart took the Chair.

After some time the House resumed.

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

Reported.

Ordered, that the report be received; and,

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

Adopted.

Pursuant to the order of the day, the House was put into a Committee of the whole, upon the Bill entitled, "An Act to amend the Jury Laws of this Province."

Jury Law amendment bill, committed.

The Honorable Mr. Elmsley took the Chair.

After some time the House resumed.

Monday, 1st March, 1836.

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Reported; The Chairman reported, that the Committee had taken the said Bill into consideration, and recommended that it be referred to a select Committee, to report thereon by amendment or otherwise.

And referred to a select Committee. Ordered, that the report be received; and, Ordered, that the said Bill be referred to a Select Committee, to report thereon by amendment or otherwise; and,

Members composing same. Ordered, that the Honorable Messieurs Jones, Gordon, Morris and Macaulay, do compose the same for that purpose.

Public Printing regulation bill, read second time. Pursuant to the order of the day, the Bill relating to the public printing, was read a second time; and it was, Ordered, that the House be put into a Committee of the whole to-morrow, to take the same into consideration.

Petitions of George Hamilton; Pursuant to the order of the day, the Petition of George Hamilton, Chairman of the Quarter Sessions of the District of Gore, praying for an Act authorizing the magistrates to levy an additional rate, of one half-penny in the pound of the assessed valuation of property in the said District, for the purpose of liquidating its debt: and also the Petition of the Presbytery of Toronto in connexion with the Church of Scotland, praying for an act for reducing the number of Taverns, and placing those which may be licensed under certain restrictions; and for affording relief and shelter to the destitute; were severally read.

And of the Presbytery of Toronto, read. The Honorable Mr. Gordon brought up the Petition of George Adams and others, inhabitants of the District of Niagara; which was laid on the Table.

Petition of George Adams, and others, brought up. On motion made and seconded, the House adjourned.

House adjourns.

TUESDAY, 1st MARCH, 1836.

House meets. The House met pursuant to adjournment.

PRESENT :

Members present.	<i>The Honorable</i> JOHN B. ROBINSON, SPEAKER.	<i>The Honorable Messrs.</i> BOSWELL,
	<i>The Honorable Messrs.</i> ALLAN,	" " ADAMSON,
	" " JONES,	" " JAMES KERBY,
	" " GORDON,	" " JOHN KIRBY,
	" " McDONELL,	" " STEWART,
	" " ELMSLEY,	" " MORRIS.
" " BALDWIN,	" " MACAULAY.	

Prayers were read.

The Minutes of yesterday were read.

Thames Mill-dam erection bill, read third time, and passed. Pursuant to the order of the day, the Bill entitled, "An Act to authorise the erection of a mill-dam upon the River Thames, in the London District;" was read a third time, and passed: Whereupon the Speaker signed the same; and it was,

Same signed;

And Assembly acquainted thereof.

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

Quarter Sessions time and place appointment bill returned from the Assembly amended.

A Deputation from the Commons House of Assembly, returned the Bill, entitled, "An Act to appoint the time and place for holding the Court of General Quarter Sessions of the Peace, in each of the several Districts of this Province, and to repeal the several Laws now in force for that purpose," and acquainted this House that the Commons House of Assembly had made certain amendments in and to the same, to which they requested the concurrence of the Legislative Council: the same Deputation brought up a Bill entitled, "An Act to incorporate the City of Toronto and Lake Huron Rail Road Company;" also a Bill, entitled, "An Act to authorise the sale of the old site of the Gaol and Court-House in the District of Newcastle;" and also a Bill entitled, "An Act to amend the Charter of the Port Hope Harbour and Wharf Company," to which they requested the concurrence of this House, and then withdrew.

Toronto and Lake Huron Rail Road Company's incorporation bill;

Newcastle Old Gaol Site sale bill; And Port Hope Harbour Company's Charter amendment bill, brought up from the Assembly.

Quarter Sessions time and place appointment bill, read first time.

The amendments of the Commons House of Assembly in and to the Bill sent down from this House, entitled, "An Act to appoint the time and place for holding the Court of General Quarter Sessions of the Peace, in each of the several Districts of this Province, and to repeal the several laws now in force for that purpose," were then read as follows:

Tuesday, 1st March, 1836.

SIR FRANCIS BOND HEAD, K.C.H. *Lieutenant Governor.*

Amendments made by the Commons House of Assembly, in and to the Bill sent down from the Honorable the Legislative Council, entitled, "An Act to appoint the time and place for holding the Court of General Quarter Sessions of the Peace, in each of the several Districts of this Province, and to repeal the several laws now in force for that purpose."

Press 3, Line 1.—After the words "Ottawa, in the" expunge the words "Township of Hawkesbury," and insert "Village of L'Original."

The Amendments.

" " " 18.—After the word "repealed," insert "Provided always that it shall and may be lawful, to pass an Act during the present Session of the Provincial Parliament, to alter and amend the provisions in this Act contained."—  
Expunge the last clause of the Bill.

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

The Bill entitled, "An Act to incorporate the City of Toronto and Lake Huron Rail Road Company:" also the Bill entitled, "An Act to authorise the sale of the old site of the Gaol and Court House in the District of Newcastle:" and also, the Bill entitled, "An Act to amend the charter of the Port Hope Harbour and Wharf Company," were then severally read: and it was,

Toronto and Lake Huron Rail Road Company's incorporation bill; Newcastle Old Gaol Site sale bill; And Port Hope Harbour Company's Charter amendment bill, read first time.

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

Pursuant to the order of the day, the House was put into a Committee of the whole, upon the Bill entitled, "An Act for the disposal of the Clergy Reserves in this Province, for the purposes of general education."

Clergy Reserve sale bill, committed.

The Honorable Mr. Macaulay took the Chair.

After some time the House resumed.

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

Reported, and leave asked to sit again.

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

Leave granted.

Pursuant to the order of the day, the House was again put into a Committee of the whole, upon the Bill entitled "An Act to declare the rights of certain persons therein-mentioned to vote at the election of Members for the several Towns within this Province, now or hereafter sending Representatives to Parliament;" and the report of the Select Committee thereon.

Town Voters' qualification bill, and the report thereon committed.

The Honorable Mr. Baldwin took the Chair.

After some time the House resumed.

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

Reported;

Ordered, that the report be received; and,

Ordered, that the report of the Select Committee, be adopted.

And the report of the select Committee adopted.

Pursuant to the order of the day, the House was put into a Committee of the whole, upon the Bill relating to the public Printing.

Public Printing regulation bill, committed.

The Honorable Mr. Allan took the Chair.

After some time the House resumed.

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

Reported, and leave asked to sit again.

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

Leave granted.

The Select Committee to whom was referred the Address of the Commons House of Assembly to the King, respecting a reduction of the Duties on Tobacco Imported into Great Britain from this Province; presented their report:

Report of the select Committee upon the Address of the Assembly to the King, praying for a reduction of the duties on Tobacco, presented.

Ordered, that it be received; and,

The same was then read as follows:

Read.

The Select Committee, to whom was referred the Address to His Majesty sent up by the House of Assembly, praying for a further abatement of duty on Tobacco grown in Upper Canada, when imported into Great Britain for Home consumption; have agreed to report by amendment, which they beg leave to submit herewith.

The report.

*Committee Room, Legislative Council,*

1st March, 1836.

O

Tuesday, 1st March, 1836.

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Amendment to the  
Address read.

The said amendment was then read as follows :

Page 1, Line 4.—After “subjects,” expunge the remainder of the Address, and insert “the Legislative Council and Assembly of the Province of Upper Canada, in Provincial Parliament assembled, humbly beg leave to represent to Your Majesty, that in the year one thousand eight hundred and twenty-four, the Legislative Council and Assembly of this Province, united in a representation to His late Majesty, humbly setting forth that the Western Districts of the Province, though highly favored in regard to climate and soil, are from their remote situation, subjected to greater difficulty and expense than the other portions of Upper Canada, in transporting their productions to market ; that the uncertainty of a profitable market for their staple commodities, necessarily depreciates their value, and tends to check the commercial and agricultural prosperity of those remote sections of the Province—that actual experiment had proved that the climate and soil of the Western Districts are well adapted to the cultivation of Tobacco, and that if the inhabitants of those Districts were sufficiently encouraged to turn their attention to that article, the Province must derive great advantages from its culture.

The amendment.

Upon this prayer of the Legislative Council and Assembly, His Majesty’s Government obtained from Parliament such an abatement of the duty upon Tobacco grown in this Province, as it was supposed would enable the growers of the article to obtain a remunerating price, and to compete in the English market with the producers of Tobacco in the Southern States of America.

Experience, however, has shown, that the abatement of three pence per pound, which was then conceded, is not sufficient to afford that decisive encouragement, which was intended by the Government and desired by this Legislature.

Besides, the greater distance from the sea, and the expense of free labour, the growers of Tobacco in Upper Canada, are exposed to the further disadvantage, as compared with the growers of the same article in the Southern States—that although in ordinary seasons the climate admits of the production of Tobacco of a superior quality, and the soil is exceedingly favorable, yet, there is always a risk of a total loss of crop from an early frost ; and although this may occur but once in several years, the apprehension of such a failure, operates as a discouragement to the investing of capital, and increases the necessity for such protection as the Government of the Parent State can extend.

We beg further to represent, that the experience acquired since the abatement of duty was obtained, has greatly confirmed our hope, that the article of Tobacco, may be raised in Upper Canada of an excellent quality, and to such an extent as to form a most considerable branch of our export trade ; thereby contributing most essentially to the wealth of the Province, and to the ability of its inhabitants to supply themselves with the manufactures of Great Britain.

We earnestly hope, that from these considerations, Your Majesty may be graciously pleased to recommend to Parliament, a further abatement of three pence per pound upon the duty chargeable upon the Tobacco of this Province, when taken out of the warehouse for consumption, making the whole amount of abatement of duty six pence per pound, in favor of the Tobacco grown in Upper Canada.”

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

The Honorable Mr. Stewart brought up the Petition of Duncan McIntyre and others, inhabitants of the County of Northumberland ; and also the Petition of Robert Reid and others,

Petitions of Duncan  
McIntyre, and others ;  
And of Robert Reid,  
and others, brought  
up.

Wednesday, 2nd March, 1836.

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inhabitants of Peterborough and the neighboring Townships; which were laid on the Table.

The Honorable Mr. Jones moved, that the Printing of this House during the present Session, be under the superintendence of a Select Committee, to be composed of Messieurs Gordon, Adamson and Morris; and that it be an instruction to the said Committee to procure the printing of—copies of the Journals daily, in addition to the number formerly required for the use of Members; which being seconded; it was,

Ordered to lie on the Table.

On motion made and seconded, the House adjourned.

WEDNESDAY, 2nd MARCH, 1836.

The House met pursuant to adjournment.

PRESENT :

*The Honorable* JOHN B. ROBINSON, SPEAKER.

*The Honorable Messrs.* ADAMSON,

*The Honorable Messrs.* ALLAN,

" " JAMES KERBY,

" " GORDON,

" " JOHN KIRBY,

" " BURNHAM,

" " STEWART,

" " ELMSLEY,

" " MORRIS.

" " BOSWELL.

" " MACAULAY.

Motion on the subject of the Printing of the House;

Laid on the table.

House adjourns.

House meets.

Members present.

Prayers were read.

The Minutes of yesterday were read.

Pursuant to the order of the day, the Amendments of the Commons House of Assembly made in and to the bill sent down from this House entitled, "An Act to appoint the time and place for holding the Court of General Quarter Sessions of the Peace, in each of the several Districts of this Province, and to repeal the several Laws now in force for that purpose," were read a second time; and it was,

Amendments of the Assembly to Quarter Sessions time and place appointment bill, read second time.

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

Pursuant to the order of the day, the Bill entitled, "An Act to incorporate the City of Toronto and Lake Huron Rail Road Company;" also the Bill, entitled, "An Act to authorise the sale of the old site of the Gaol and Court-House in the District of Newcastle;" and also the Bill entitled, "An Act to amend the Charter of the Port Hope Harbour and Wharf Company," were severally read a second time; and it was,

Toronto and Lake Huron Rail Road Company's incorporation bill; Newcastle Old Gaol Site sale bill; And Port Hope Harbour Company's Charter amendment bill, read second time.

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

Pursuant to the order of the day, the House was put into a Committee of the whole upon the amendment reported by the Select Committee of this House to the Address of the Commons House of Assembly to the King, respecting a reduction of duties on Tobacco imported into Great Britain from this Province.

Amendment to the Address of the Assembly to the King, praying for a reduction of the duties upon Tobacco, committed.

The Honorable Mr. Burnham took the Chair.

After some time the House resumed.

The Chairman reported that the Committee had gone through the said amendment, and recommended the same to the adoption of the House.

Reported.

Ordered, that the report be received; and,

Ordered, that the said amendment be adopted; and,

Amendment adopted.

Ordered, that it be engrossed; and read a third time, to-morrow.

Pursuant to the order of the day, the Petition of George Adams and others, inhabitants of the Niagara District, praying for An Act incorporating the petitioners an Insurance Company, upon the system successfully in operation in the State of Vermont; was read,

Petition of George Adams, and others, read.

The Honorable Mr. Baldwin enters.

A Member enters.

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

Message from the Assembly;

Wednesday, 2nd March, 1836.

SECOND SESSION TWELFTH PROVINCIAL PARLIAMENT, 6th WILLIAM IV.

requesting another conference upon the amendments to the Leeds Election bill.

MR. SPEAKER,

The Commons House of Assembly request a conference with the Honorable the Legislative Council, on the subject of the last conference.

(Signed,) MARSHALL S. BIDWELL,  
SPEAKER.

*Commons House of Assembly,*  
2nd day of March, 1836.

Acceded to by this House.

Ordered, that a conference with the Commons House of Assembly, on the subject matter of their last conference, be acceded to; and,

Conferrees appointed;

Ordered, that the Honorable Messieurs Elmsley and Adamson, be appointed the Conferrees on the part of this House; and,

And the Assembly acquainted thereof.

Ordered, that the Master in Chancery do go down to the Assembly, and acquaint that House, that the Legislative Council accede to the request of the Commons House of Assembly, for a conference on the subject matter of their last conference, and have appointed the Honorable Messieurs Elmsley and Adamson, to be the Conferrees on the part of this House, who will be ready to meet a Committee on the part of the Commons House of Assembly, this day at three of the clock, P. M., in the Committee Room of the Legislative Council for that purpose.

Petitions of George Burger;

And of the President, &c. of the Port Hope Harbour and Wharf Company, brought up.

The Honorable Mr. Morris, brought up the Petition of George Burger, confined for debt in the Gaol of the District of Niagara; and also the Petition of the President, Directors and Company of the Port Hope Harbour and Wharf Company; which were laid on the Table.

Report of the last mentioned Committee of Conference.

The Honorable Mr. Elmsley from the Committee of Conference last named, reported that the Honorable Mr. Adamson, and he, had met the Conferrees on the part of the Commons House of Assembly, at the time and place appointed, who delivered to them the following instructions of their House.

Instructions of the Committee on the part of the Assembly.

The Conferrees on the part of the House of Assembly, have been instructed to deliver the following as the reasons of that House, for adopting the amendment to the amendments of the Honorable the Legislative Council, in and to the Bill entitled, "An Act to ensure the freedom of Elections in the County of Leeds;" and also to express the hope of the House of Assembly, that the Honorable the Legislative Council may yet accede to the said amendment for the said reasons.

The House of Assembly adopted the amendment to the amendments made by the Honorable the Legislative Council, in and to the Bill entitled, "An Act to ensure the freedom of Elections in the County of Leeds;" in the full belief that it was a most important improvement, inasmuch as it would enable honest, peaceable, and quiet Electors, who might be in fear of receiving personal injury if they attempted to give in their votes in the Section where they resided, to resort to the poll in any of the other Sections where they had reason to apprehend less danger, and there tender their votes for the Candidates of their choice, upon making oath, "that they apprehend personal injury or insult, if they attempt to vote in the Section in which they are so resident."

The House of Assembly in adopting the said amendment, thus guarded, did not apprehend, that any difficulties or inconvenience could arise by it, or any improper advantage be extended or held out to one party more than another.

The House of Assembly has taken into its consideration the report of their Committee of Conference on the subject, by which they observe, the Honorable the Legislative Council states, that "the Legislative Council sees no reason for making any provision for enabling Electors to vote in any other Section provided for in the Bill than that in which they reside or have their freehold; on the contrary, if retained, the Legislative Council is of opinion it would lead to many of the difficulties to obviate which the Bill is specially framed;" notwithstanding which opinion, so stated by the Honorable the Legislative Council, and in the absence of any reasons advanced by that Honorable House for their said opinion—the former deliberate opinion of the House of Assembly in regard to the beneficial effect likely to accrue to the Electors of the County of Leeds, should the amendment in question be retained, (for the reasons above stated,) remains unchanged: and when it is considered that it may possibly be



Wednesday, 2nd March, 1836.

SIR FRANCIS BOND HEAD, K.C.H. *Lieutenant Governor.*

the means of securing to some, if not many of His Majesty's faithful subjects the peaceful and quiet enjoyment and exercise of that most valuable birthright and constitutional privilege the elective franchise, who, without such provision, may be deterred from doing so; and as it does not appear that the Honorable the Legislative Council have expressly rejected the said amendment, the House of Assembly are not without an anxious hope that the Honorable the Legislative Council will, upon more full and mature deliberation, accede to the same; nevertheless, the House of Assembly consider it right frankly to state, that in the event of the Honorable the Legislative Council expressly declining to agree to said amendment, the House of Assembly actuated by the strongest and most anxious desire to see the County of Leeds represented in Parliament, and having used every constitutional means according to the best of their judgment, to make provision whereby a fair, free, peaceable and independent Election might be had in the said County, will feel itself in a great measure relieved from the great responsibility which might attach to the House of Assembly in the event of any difficulty arising from the want of such a provision; and will feel bound to take into its serious and favourable consideration the urgent necessity for receding from the said amendment, in order that so desirable an object may be attained."

On motion made and seconded; it was,

Ordered, that the said Instructions of the Commons House of Assembly, together with the Bill referred to, be committed to a Committee of the whole House this day.

The Honorable Mr. Adamson, from the select Committee to whom was referred the Bill entitled, "An Act for the more equal distribution of the property of persons dying intestate;" presented their report.

Ordered, that it be received; and,

The same was then read as follows:

The Select Committee to whom has been referred the Bill entitled, "An Act for the more equal distribution of the property of persons dying intestate," beg leave to report:

That on examining this Bill, they find it a transcript of a Bill, bearing the same title, which was under consideration last session.

Upon this subject, Your Committee have had reference to the able report made by the Select Committee of this House in the year 1830, which they annex as an Appendix to this Report.

In the view taken on that occasion, of the great principles of law, relative to the inheritance of property, Your Committee fully concur.

Since the date of that report, an Act has been passed, amending the law relating to real estates, by making certain alterations in the Law of Inheritance, and respecting the conveyance of real property by devise and deed: and it is material to observe, that the Legislature upon that occasion, having the existing law of Inheritance distinctly before them, did not deem it advisable to depart from the principle of primogeniture, which forms so leading a feature in the English law of real property.

It is further worthy of being noticed, that by the recent Provincial Statute referred to, several provisions were made, which very materially facilitate the disposal of property by will, and diminish the force of any arguments that might otherwise be advanced for a change in our Laws, which in the opinion of the Committee, will on many grounds be exceedingly objectionable.

Your Committee therefore cannot recommend the adoption of this Bill.

All which is humbly submitted, (Signed,) T. ADAMSON,  
Committee Room, Legislative Council, Chairman.  
Second March, 1836.

(For the Report of 1830, see Appendix C.)

Ordered, that the last mentioned Bill, and the report of the Select Committee thereon, be committed to a Committee of the whole House to-morrow.

Pursuant to order, the House was put into a Committee of the whole, upon the Instructions of the Commons House of Assembly, on the subject matter of their amendments made

P

Report of the select Committee upon Intestate distribution bill, presented.

Read.

The report.

Instructions of the Assembly, upon the amendments to the amendments to Leeds Election bill, committed.

Thursday, 3rd March, 1836.

SECOND SESSION TWELFTH PROVINCIAL PARLIAMENT, 6th WILLIAM IV.

to the amendments of this House, in and to the Bill entitled, "An Act to ensure the freedom of Elections in the County of Leeds."

The Honorable Mr. Elmsley took the Chair.

After some time the House resumed.

Reported;

Amendments of the Assembly adopted.

The Chairman reported, that the Committee had gone through the said Instructions, and recommended the amendments of the Commons House of Assembly to the amendments of this House in and to the said Bill, to the adoption of the House :

Ordered, that the report be received; and,

Ordered, that the amendments to the Bill, as amended by the Assembly, be read a third time to-morrow.

Resolution on the appointment of a Printing Committee debated;

and adopted.

The Resolution moved yesterday by the Honorable Mr. Jones, for the appointment of a Printing Committee during the present Session, was brought up and debated : and,

The question being put thereon, it was carried in the affirmative; and it was,

A Committee ordered.

Ordered, that the Printing of this House during the present Session, be under the superintendence of a Select Committee, to be composed of Messieurs Gordon, Adamson, and Morris; and that it be an instruction to the said Committee to procure the Printing of two hundred copies of the Journals daily, in addition to the number formerly required for the use of Members.

Petition of George Ham, and others, brought up.

House adjourns.

The Honorable Mr. Burnham brought up the Petition of George Ham, and others, inhabitants of the Village of Cobourg, in the District of Newcastle; which was laid on the Table.

On motion made and seconded, the House adjourned.

THURSDAY, 3rd MARCH, 1836.

House meets.

The House met pursuant to adjournment.

PRESENT :

Members present.

*The Honorable* JOHN B. ROBINSON, SPEAKER.

*The Honorable Messrs.* JONES,

" " GORDON,

" " McDONELL,

" " BURNHAM,

" " ELMSLEY,

" " BALDWIN,

*The Honorable Messrs.* BOSWELL,

" " ADAMSON,

" " JAMES KERBY,

" " JOHN KIRBY,

" " STEWART,

" " MORRIS,

" " MACAULAY.

Prayers were read.

The Minutes of yesterday were read.

Amendment to the Address of the Assembly to the King, read third time, and passed.

Pursuant to the order of the day, the amendment of this House to the Address of the Commons House of Assembly to the King, respecting a reduction of duties on Tobacco imported into Great Britain from this Province, was read a third time; and,

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

Same signed;

Whereupon the Speaker signed the Amendment; and it was,

And sent to the Assembly for concurrence.

Ordered, that the Master in Chancery do go down to the Assembly, and acquaint that House, that the Legislative Council have made an amendment to the said Address, to which they desire the concurrence of the Commons House of Assembly.

Amendments to Leeds Election bill, (as amended,) read third time, and passed.

Pursuant to the order of the day, the amendments to the Bill entitled, "An Act to ensure the freedom of Elections in the County of Leeds," as amended by the Commons House of Assembly; were read a third time, and passed;

Whereupon the Speaker signed the amendments of the Assembly: and it was,

Amendments of the Assembly signed; And that House acquainted thereof.

Ordered, that the Master in Chancery do go down to the Assembly, and acquaint that House, that the Legislative Council has adopted their amendments made to the amendments of this House, in and to the Bill entitled, "An Act to ensure the freedom of Elections in the County of Leeds."

Public Printing regulation bill, committed.

Pursuant to the order of the day, the House was put into a Committee of the whole, upon the Bill relating to the Public Printing.

The Honorable Mr. James Kerby took the Chair.

After some time the House resumed.

Thursday, 3rd March, 1836.

SIR FRANCIS BOND HEAD, K. C. H. *Lieutenant Governor.*

The Honorable Mr. Allan enters.

A Member enters.

The Chairman reported that the Committee had gone through the said Bill, and recommended the same to the adoption of the House.

Reported.

Ordered, that the report be received; and,

Adopted.

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

Pursuant to the order of the day, the House was put into a Committee of the whole, upon the amendments of the Commons House of Assembly made to the Bill entitled, "An Act to appoint the time and place for holding the Court of General Quarter Sessions of the Peace, in each of the several Districts of this Province, and to repeal the several laws now in force for that purpose."

Amendments to Quarter Sessions time and place appointment bill, committed.

The Honorable Mr. Stewart took the Chair.

After some time the House resumed.

The Chairman reported that the Committee had taken the said amendments to the Bill into consideration, had made some progress therein, and recommended that a Conference be desired with the Commons House of Assembly on the subject matter thereof.

Reported;

Ordered, that the report be received; and,

Ordered, that a Conference be desired with the Commons House of Assembly on the subject matter of their amendments made in and to the said Bill; and,

And a conference ordered.

Ordered, that the Honorable Messieurs Baldwin and Stewart be appointed the Conferrees on the part of this House for that purpose; and,

Conferrees appointed.

Ordered, that the Master in Chancery do go down to the Assembly, and acquaint that House that the Legislative Council request a conference with the Commons House of Assembly, on the subject matter of their amendments made to the Bill sent down from this House, entitled "An Act to appoint the time and place for holding the Court of General Quarter Sessions of the Peace in each of the several Districts of this Province, and to repeal the several laws now in force for that purpose;" and have appointed the Honorable Messieurs Baldwin and Stewart to be the Conferrees on the part of this House, who will be ready to meet a Committee on the part of the Commons House of Assembly, to-morrow at two of the clock, P. M., in the Committee Room of the Legislative Council, for that purpose.

And the Assembly acquainted thereof.

Pursuant to the order of the day, the House was put into a Committee of the whole upon the bill, entitled "An Act to incorporate the City of Toronto and Lake Huron Rail Road Company."

Toronto and Lake Huron Rail Road Company's incorporation bill, committed.

The Honorable Mr. Morris took the Chair.

After some time the House resumed.

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

Reported.

Ordered, that the report be received; and,

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

Adopted.

Pursuant to the order of the day, the House was put into a Committee of the whole upon the Bill, entitled "An Act to authorise the sale of the old site of the Gaol and Court House in the District of Newcastle."

Newcastle Old Gaol Site sale bill, committed.

The Honorable Mr. Burnham took the Chair.

After some time the House resumed.

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

Reported.

Ordered, that the report be received; and,

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

Adopted.

Pursuant to the order of the day, the House was put into a Committee of the whole, upon the Bill, entitled "An Act to amend the Charter of the Port Hope Harbour and Wharf Company."

Port Hope Harbour Company's Charter amendment bill, committed.

The Honorable Mr. Boswell took the Chair.

After some time the House resumed.

The Chairman reported, that the Committee had taken the said Bill into consideration, and recommended that it be referred to a select Committee, with power to send for persons and papers, and to report thereon by amendment or otherwise.

Reported;

Ordered, that the report be received; and,

Friday, 4th March, 1836.

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And referred to a select Committee.	Ordered, that the said Bill be referred to a select Committee, with power to send for persons and papers, and to report thereon by amendment or otherwise; and,
Members composing same.	Ordered, that the Honorable Messieurs Elmsley and Boswell do compose the same for that purpose.
Intestate distribution bill, and the report thereon committed.	Pursuant to the order of the day, the House was put into a Committee of the whole, upon the Bill, entitled "An Act for the more equal distribution of the property of persons dying Intestate;" as also the report of the select Committee thereon.
	The Honorable Mr. Adamson took the Chair.
	After some time the House resumed.
Reported;	The Chairman reported, that the Committee had gone through the said Bill, and recommended the report of the select Committee to the adoption of the House.
And the report of the select Committee adopted.	Ordered, that the report be received; and, Ordered, that the report of the select Committee be adopted.
Petitions of Duncan McIntyre, and others;	Pursuant to the order of the day, the Petition of Duncan McIntyre, and others, inhabitants of the County of Northumberland, praying for aid in the building of a Bridge over the Indian River in rear of the Rice Lake; and also, the Petition of Robert Reid, and others, inhabitants of Peterborough and the neighbouring Townships, praying for an Act authorising a further encouragement for the destruction of Wolves, were severally read.
And of Robert Reid, and others, read.	
Rideau Navigation bill brought in.	The Honorable Mr. Jones brought in a Bill relating to the Rideau Navigation.
Read first time.	The said Bill was then read; and it was, Ordered, that it be read a second time on Monday next.
House adjourns.	On motion made and seconded, the House adjourned.

FRIDAY, 4th MARCH, 1836.

House meets. The House met pursuant to adjournment.

PRESENT:

Members present.	<i>The Honorable</i> JOHN B. ROBINSON, SPEAKER.	<i>The Honorable Messrs.</i> ADAMSON,
	<i>The Honorable Messrs.</i> ALLAN,	" " JAMES KERBY,
	" " GORDON,	" " JOHN KIRBY,
	" " McDONELL,	" " STEWART,
	" " BURNHAM,	" " MORRIS,
	" " BALDWIN,	" " MACAULAY.
	" " BOSWELL,	

Prayers were read.

The Minutes of yesterday were read.

Public Printing regulation bill, read third time, but not passed; Pursuant to the order of the day, the Bill relating to the public Printing, was read a third time; and it was,

Ordered to be re-committed along with the two other bills on Printing. Ordered, that the Bill do not now pass, but that it be recommitted to a Committee of the whole House, on Monday next; together with the Bill entitled, "An Act to regulate the prices to be charged for Printing Official Advertisements;" and also the Bill entitled, "An Act to ensure the more regular and economical Printing of the Statutes of this Province, and of those Statutes of the Imperial Parliament, which may particularly concern this Province; to provide that the said Statutes be printed by contract; and also to regulate their distribution."

Toronto and Lake Huron Rail Road Company's incorporation bill, read third time, but not passed; Pursuant to the order of the day, the Bill entitled, "An Act to incorporate the City of Toronto and Lake Huron Rail Road Company;" was read a third time: and it was,

Ordered, that the Bill do not now pass, but that the House be again put into a Committee of the whole forthwith, to take the same into further consideration.

Same re-committed. The House was then put into a Committee of the whole accordingly.

The Honorable Mr. Morris took the Chair.

After some time the House resumed.

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

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

A Member enters. The Honorable Mr. Elmsley enters.

Monday, 7th March, 1836.

SIR FRANCIS BOND HEAD, K. C. H. *Lieutenant Governor.*

Pursuant to the order of the day, the Bill entitled, "An Act to authorise the sale of the old site of the Gaol and Court House in the District of Newcastle:" was read a third time, and passed:

Newcastle Old Gaol Site sale bill, read third time, and passed.

Whereupon the Speaker signed the same; and it was,

Same signed;

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

And the Assembly acquainted thereof.

Pursuant to the order of the day, the Petition of George Burger, confined for debt in the Gaol of the Niagara District, praying for an amendment to the Law of Arrest for Debt; also the Petition of the President, Directors and Company of the Port Hope Harbour and Wharf Company, praying for an increase of the Stock: and also the Petition of George Ham, and others, inhabitants of the village of Cobourg, in the District of Newcastle, praying against the passing of an Act for the Incorporation of the said village; were severally read.

Petitions of George Burger;  
Of the President, &c. of the Port Hope Harbour and Wharf Company;  
And of George Ham, and others, read.

The Honorable Mr. McDonell, brought up the Petition of Luther Smith, of the Town of Hamilton, in the District of Gore; also the Petition of the President, Directors and Company of the Gore Bank; and also the Petition of the President and Directors of the London and Gore Rail Road Company; which were laid on the Table.

Petitions of Luther Smith;  
Of the President, &c. of the Gore Bank;  
And of the President, &c. of the London and Gore Rail Road Company, brought up.

The Honorable Mr. James Kerby, prayed that he might have leave of absence during the remainder of the present Session; and it was,

Leave of absence granted to the Hon. Mr. James Kerby.

Ordered, that he take leave for that time accordingly.

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

House adjourns.

MONDAY, 7th MARCH, 1836.

House meets

The House met pursuant to adjournment.

PRESENT:

*The Honorable* JOHN B. ROBINSON, SPEAKER.

*The Honorable Messrs.* ELMSLEY,

*The Hon. & Ven. The* ARCHDEACON OF YORK.

" " BALDWIN,

*The Honorable Messrs.* JONES,

" " BOSWELL,

" " GORDON,

" " STEWART,

" " McDONELL,

" " MORRIS,

" " BURNHAM,

" " MACAULAY.

Members present.

Prayers were read.

The minutes of yesterday were read.

Pursuant to the order of the day, the House was again put into a Committee of the whole, upon the Bill entitled, "An Act for the disposal of the Clergy Reserves in this Province, for the purposes of general education."

Clergy Reserve sale bill, re-committed.

The Honorable Mr. Macaulay took the Chair.

A Message being announced, the Chairman left the Chair, and the House formed.

A Deputation from the Commons House of Assembly, returned their Address to the King, on the subject of duties upon Tobacco, and acquainted this House, that they had adopted the amendment made thereto by the Legislative Council; and they brought up a Bill, to which they requested the concurrence of this House, and then withdrew.

Amendment of the Council to the Address to the King, praying for a reduction of the duties upon Tobacco, acceded to by the Assembly; and a bill brought up.

The House was then again put into a Committee of the whole, upon the Bill entitled "An Act for the disposal of the Clergy Reserves in this Province, for the purposes of general education."

Clergy Reserves sale bill, re-committed.

The Honorable Mr. Macaulay took the Chair.

After some time the House resumed.

The Chairman reported, that the Committee had taken the said Bill into consideration, and had made some further progress therein, and recommended that it be referred to a Select Committee, with instructions so to amend the said Bill, as to re-invest the Clergy Reserves in the Crown, for the support of religion; and to report thereon,

Reported;

Ordered, that the report be received; and,

Ordered, that the said Bill be referred to a Select Committee, with instructions so to amend the said Bill, as to re-invest the Clergy Reserves in the Crown for the support of religion, and to report thereon; and,

And referred to a select Committee.

Q

Monday, 7th March, 1836.

SECOND SESSION TWELFTH PROVINCIAL PARLIAMENT, 6th WILLIAM IV.

Members composing same.

Ordered, that the Honorable Messieurs Stewart, Morris and Macaulay do compose the same for that purpose.

Speaker reports the receipt of Belleville Police Law Amendment bill, from the Assembly.

The Honorable the Speaker reported to the House, that a deputation from the Commons House of Assembly had brought up a bill, entitled, "An Act to amend an Act passed in the fourth year of His present Majesty's reign, entitled, "An Act to establish a Board of Police in the Town of Belleville, and to make further provisions for the establishment of a Police in said Town;" to which they requested the concurrence of this House.

Mutual Insurance Companies bill, brought up from the Assembly.

A Deputation from the Commons House of Assembly, brought up a Bill entitled, "An Act to authorise the establishment of Mutual Insurance Companies in the several Districts of this Province, to which they requested the concurrence of this House, and then withdrew.

Members enter.

The Honorable Messieurs Wells, Cameron and Allan, enter.

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

At two of the clock, P. M. His Excellency the Lieutenant Governor having come to the Legislative Council Chamber, and being seated on the Throne, the Gentleman Usher of the Black Rod, was ordered to direct the immediate attendance of the Speaker and Members of the House of Assembly in this House; who being come thereto, His Excellency was pleased, in His Majesty's name, to assent to the following Bills:—

He Assents to Leeds Election bill;

1.—"An Act to regulate the next Election in the County of Leeds."

Town Members' Wages bill;

2.—"An Act to provide for the payment of wages to Members representing cities and incorporated towns, within this Province."

Thames Mill-dam erection bill;

3.—"An Act to authorise the erection of a Mill Dam upon the River Thames, in the London District."

And Newcastle Old Gaol Site sale bill;

4.—"An Act to authorise the sale of the old site of the Gaol and Court House, in the District of Newcastle."

And His Excellency reserves for the King's pleasure,

And His Excellency the Lieutenant Governor was pleased to reserve the following Bill for the signification of His Majesty's pleasure :

Felons' Counsel bill;

1.—"An Act to allow persons indicted for Felony, a full defence by Counsel, and for other purposes therein mentioned."

And retires.

Then the House of Assembly retired, and His Excellency and suite withdrew; after which the House formed.

Messages from His Excellency the Lieutenant Governor:

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

F. B. HEAD,

Transmitting copies of Despatches on the subject of Midland District Banks Charter Amendment bill; Gore District Bank establishment bill; And Life Assurance and Trust Company's bill.

The Lieutenant Governor transmits to the Legislative Council, the accompanying copies of Despatches from His Majesty's Secretary of State for the Colonies, respecting the Bills passed by the Legislative Council and the House of Assembly at the last Session, for altering the Charter of the Commercial Bank of the Midland District: for establishing a Bank in the Gore District: and for Incorporating a Life Assurance and Trust Company.

Government House,  
7th March, 1836.

(For the Copies, see Appendix D.)

F. B. HEAD,

Transmitting a copy of a Despatch on the subject of the Clergy Reserves.

The Lieutenant Governor transmits to the Legislative Council, the accompanying Copy of a Despatch from His Majesty's Secretary of State for the Colonies, with reference to an Address from the Legislative Council to the King, at the last Session, on the subject of the Clergy Reserves.

Government House,  
7th March, 1836.

(For the Copy, see Appendix E.)

Monday, 7th March, 1836.

SIR FRANCIS BOND HEAD, K. C. H. *Lieutenant Governor.*

F. B. HEAD,

The Lieutenant Governor transmits to the Legislative Council, the accompanying Copy of a Despatch from His Majesty's Secretary of State for the Colonies, on the subject of Prison Discipline, together with the copy of an Act recently passed by the Imperial Parliament, relative thereto.

Transmitting a copy of a Despatch on the subject of Prison Discipline;

The Lieutenant Governor also forwards to the Legislative Council, copies of Reports of the Chief Justice and Judges, and of the Magistrates of several Districts, respecting the condition of the Gaols, and the treatment of Prisoners therein; to which important subject, he invites the attentive consideration of the Legislative Council.

And various reports respecting the condition of the Gaols.

28th Nov. 1835.

*Government House,*

7th March, 1836.

(For the Copy of the Despatch, see Appendix F.)

F. B. HEAD,

The Lieutenant Governor transmits to the Legislative Council, the accompanying Report of the Commissioners of the late pretended Bank at Kingston.

Transmitting a report of the Commissioners of the late Pretended Bank at Kingston.

*Government House,*

7th March, 1836.

F. B. HEAD,

The Lieutenant Governor transmits to the Legislative Council, the accompanying Report of the Trustees appointed by an Act of the Provincial Legislature, passed in the year 1833; to make and improve the three principal approaches to the City of Toronto.

Transmitting a report of the Trustees appointed to make and improve the three principal approaches to the City of Toronto.

*Government House,*

7th March, 1836.

On motion made and seconded; it was,

Ordered, that an Address be presented to His Excellency the Lieutenant Governor, respectfully thanking His Excellency for His Messages of this day; and assuring His Excellency that this House will not fail to direct their earnest attention to such matters as are recommended to their consideration; and,

Committee appointed to present an Address of thanks to His Excellency for his Messages.

Ordered, that the Honorable Messieurs Gordon and Morris do present the same.

Members composing same.

The Bill entitled, "An Act to amend an Act passed in the fourth year of His present Majesty's reign, entitled, 'An Act to establish a Board of Police in the Town of Belleville, and to make further provisions for the establishment of a Police in said Town;'" and also the Bill entitled, "An Act to authorise the establishment of Mutual Insurance Companies in the several Districts of this Province;" were severally read: and it was,

Belleville Police Law Amendment bill;

And Mutual Insurance Companies bill, read first time.

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

Pursuant to the order of the day, the House was again put into a Committee of the whole, upon the Bill relating to the public Printing; also the Bill sent up from the Assembly entitled, "An Act to regulate the prices to be charged for Printing Official Advertisements;" and also the Bill entitled, "An Act to ensure the more regular and economical Printing of the Statutes of this Province, and of those Statutes of the Imperial Parliament, which may particularly concern this Province; to provide that the said Statutes be printed by contract; and also to regulate their distribution."

Public Printing regulation bill;

Official Printing regulation bill;

And Statutes Contract Printing bill, re-committed.

The Honorable Mr. Jones took the Chair.

After some time the House resumed.

The Chairman reported that the Committee had taken the said Bills into consideration, had made some progress therein, and recommended that they be referred back to the same Select Committee, with instructions to convert the Bill relating to the Public Printing, into an amendment.

Reported;

Ordered, that the report be received; and,

Ordered, that the said Bills be referred back to the same Select Committee, with instructions to convert the Bill relating to the Public Printing into an amendment.

And referred back to same select Committee.

Monday, 7th March, 1836.

SECOND SESSION TWELFTH PROVINCIAL PARLIAMENT, 6th WILLIAM IV.

Toronto and Lake  
Huron Rail Road  
Company's incorpora-  
tion bill, re-com-  
mitted.

Pursuant to the order of the day, the House was again put into a Committee of the whole, upon the Bill entitled, "An Act to incorporate the City of Toronto and Lake Huron Rail Road Company."

The Honorable Mr. Morris took the Chair.

After some time the House resumed.

Amendments  
reported.

The Chairman reported, that the Committee had gone through the said Bill, and had made some amendments thereto, which they were ready to submit, whenever the House would be pleased to receive the same.

Ordered, that the report be received to-morrow.

Rideau Navigation bill  
read second time.

Pursuant to the order of the day, the Bill relating to the Rideau Navigation, was read a second time : and it was,

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

Petitions of Luther  
Smith ;

Pursuant to the order of the day, the Petition of Luther Smith, of the Town of Hamilton, in the District of Gore, praying for the privilege of Naturalization ; also the Petition of the President, Directors and Company, of the Gore Bank, praying for an enlargement of their Capital Stock : and also the Petition of the President and Directors of the London and Gore Rail Road Company, praying for an amendment of their charter ; were severally read.

Of the President, &c.  
of the Gore Bank ;

And of the President,  
&c. of the London  
and Gore Rail Road  
Company. read.

Report of the select  
Committee upon  
Welland Canal  
Company's loan bill,  
presented.

The Honorable Mr. Elmsley, from the select Committee to whom was referred the Bill sent up from the Commons House of Assembly, entitled, "An Act to loan two thousand pounds to the Welland Canal Company ;" presented their report.

Ordered, that it be received ; and,

Read.

The same was then read by the Clerk as follows :

The Select Committee to whom has been referred the Bill entitled, "An Act to loan two thousand pounds to the Welland Canal Company ; respectfully report :

The report.

That they have called before them the President and Vice President of the Welland Canal Company, from whom they have collected the following facts :

The Tolls for the past year amounted to £5,807 5 11 $\frac{1}{2}$ , and have been already expended on the Canal.

The sum which the Directors of the Company have considered it expedient to provide for the settlement of damages, contingencies, work specified in the report of the Engineer, dated 26th December, 1835, and other purposes, amounts to £9,832 17 8 $\frac{3}{4}$  : but in order to place the Canal in a suitable state of repair, at an early period of the ensuing Spring, it is represented as important, that an immediate payment of two thousand pounds should be made to the parties now engaged in working on the line of the Canal.

It is the object of the Bill now before your Committee, to place the Company in funds for this exigency, by making them a loan to the extent above mentioned. The person to whom the application of the money is to be confided, (viz:) Mr. Francis Hall, is admitted by the President to be the Engineer of the Company, as stated in the Preamble of the Bill.

The objections to the Bill, which have occurred to your Committee, are these :

1st.—The Engineer in expending this money, is released from that control, which your Committee think the Company should have been allowed to retain over him. He is to submit detailed statements of his disbursements, not to the Company whose servant he is, but to the Legislature.

2nd.—No security is required from the Engineer for the due application of the funds committed to his management.

3rd.—No time is specified for the return of the money thus loaned from the Public Treasury.

Nevertheless your Committee submit, whether it would not be advisable, in consideration of the urgency of the case, to waive these objections, rather than by amending the bill cause a total failure of the measure, or at least such a delay as might defeat its object, namely—the immediate relief of the Company.

All which is humbly submitted,

Committee Room, Legislative Council,  
Seventh March, 1836.

(Signed,) J. ELMSLEY,  
Chairman.



Tuesday, 8th March, 1836.

SIR FRANCIS BOND HEAD, K. C. H. *Lieutenant Governor.*

On motion made and seconded ; it was,

Ordered, that the last mentioned Bill, and the report of the Select Committee thereon, be committed to a Committee of the whole House to-morrow.

The Honorable Mr. Morris brought up the petition of Patrick Anderson, and others, Inhabitants of the County of Leeds ; which was laid on the table.

Petitions of Patrick Anderson, and others ;

The Honorable Mr. Allan brought up the petition of William Proudfoot, and others, Inhabitants of the City of Toronto ;—and also the petition of Lewis Bright, first Messenger to the Honorable the Legislative Council ; which were laid on the table.

Of William Proudfoot, and others ;  
And of Lewis Bright, brought up.

Ordered, that a Committee be appointed to draft an address to His Excellency the Lieutenant Governor, respectfully requesting that His Excellency will be pleased to cause the address to His Majesty, on the subject of Duties upon Tobacco, to be laid at the foot of the Throne ; and,

Committee appointed to draft an Address to His Excellency, requesting him to cause the Joint Address to the King, praying for a reduction of duties upon Tobacco to be laid at the foot of the Throne.

Ordered, that the Honorable Messieurs Jones and McDonell do compose the same for that purpose.

Members composing same.

On motion made and seconded, the House adjourned.

House adjourns.

TUESDAY, 8th MARCH, 1836.

The House met pursuant to adjournment.

House meets.

PRESENT :

*The Honorable* JOHN B. ROBINSON, SPEAKER.

*The Honorable Messrs.* BOSWELL,

*The Honorable Messrs.* JONES,

" " JOHN KIRBY,

" " GORDON,

" " CROOKS,

" " McDONELL,

" " STEWART,

" " BURNHAM,

" " MORRIS,

" " EILMSLEY,

" " MACAULAY,

" " BALDWIN,

Members present.

Prayers were read.

The Minutes of yesterday were read.

Pursuant to the order of the day, the House was put into a Committee of the whole upon the Bill relating to the Rideau Navigation.

Rideau Navigation Bill committed.

The Honorable Mr. Burnham took the Chair.

After some time the House resumed.

The Chairman reported, that the Committee had gone through the said Bill, and had made an amendment thereto, and recommended the Bill to the adoption of the House.

Amendment reported.

Ordered, that the report be received ; and,

Adopted.

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

Pursuant to the order of the day, the House was again put into a Committee of the whole upon the Bill entitled, "An Act to loan Two Thousand Pounds to the Welland Canal Company," as also the report of the Select Committee thereon.

Welland Canal Company's Loan Bill, and the report thereon, recommitted.

The Honorable Mr. Gordon took the Chair.

After some time the House resumed.

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

Reported.

Ordered, that the report be received ; and,

Adopted.

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

Pursuant to the order of the day, the Honorable Mr. Morris from the Committee of the whole upon the Bill entitled, "An Act to incorporate the City of Toronto and Lake Huron Rail Road Company," presented the amendments made in and to the same ; and,

Amendments to Toronto and Lake Huron Rail Road Company's incorporation bill, presented.

They were then read by the Clerk as follows :

Read first time.

Press 2 Line 15.—After the words "shall be" insert, "only such as shall be."

The amendments.

Press 8.—Expunge the eleventh clause.

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

Read second time and adopted.

It was moved and seconded that the said Bill be further amended, as follows :

Further amendment moved.

R

Tuesday, 5th March, 1836.

SECOND SESSION TWELFTH PROVINCIAL PARLIAMENT, 6th WILLIAM IV.

The further amendment.

Add to the first Clause—"And provided also, that nothing herein contained shall be construed to prohibit His Majesty, his Heirs or Successors, at any time hereafter, from granting any quantity of land to the said Company."

Question put and negatived.

Upon which the question of concurrence was put, and it was carried in the negative, and it was,

Ordered, that the said amendments be engrossed, and the said Bill as amended read a third time tomorrow.

Belleville Police Law amendment Bill, read second time.

Pursuant to the order of the day, the Bill entitled, "An Act to amend an Act passed in the fourth year of His present Majesty's reign, entitled, 'An Act to establish a Board of Police in the Town of Belleville, and to make further provisions for the establishment of a Police in said Town,'" was read a second time; and it was,

And referred to a select Committee.

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

Members composing same.

Ordered, that the Honorable Messieurs Burnham and Boswell, do compose the same for that purpose.

Mutual Insurance Companies bill, read second time.

Pursuant to the order of the day, the Bill entitled, "An Act to authorise the establishment of Mutual Insurance Companies in the several Districts in this Province," was read a second time; and it was,

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

Report of the Select Committee upon Port Hope Harbour Company's Charter amendment bill, presented.

The Honorable Mr. Elmsley, from the Select Committee, to whom was referred the Bill, entitled "An Act to amend the Charter of the Port Hope Harbour and Wharf Company;" presented their report:

Ordered, that it be received; and,

Read.

The same was then read as follows:

The Select Committee, to whom was referred the Bill entitled, "An Act to amend the Charter of the Port Hope Harbour and Wharf Company;" respectfully report:

The report.

That your Committee find that the rules of the House have been complied with. They have had before them, the map, plan, estimate, and report of Francis Hall, the Civil Engineer employed by the Company to examine the present plan of the Harbour, and to point out the necessary works to make the said Harbour more safe, commodious, and easy of access.

Detailed accounts of the sums already expended on the work, were also laid before your Committee, by which it appears, that £7,485 10 8 has already been expended—£1,623 15 9 is the amount of the estimate of the contemplated improvements.

Your Committee are of opinion, that the Navigation of Lake Ontario would be benefited by the further outlay of capital upon the work, and the extension of the period limited for the completion of the Harbour would then be essential.

Your Committee therefore recommend the Bill for the adoption of the House without amendment.

On motion made and seconded; it was,

Ordered, that the House be again put into a Committee of the whole to-morrow, upon the said Bill, as also the report of the Select Committee thereon.

Draft of an Address reported, requesting His Excellency to transmit the Joint Address to the King, praying for a reduction of the duties upon Tobacco.

Read and adopted.

The Honorable Mr. Jones, from the Select Committee appointed to draft an Address to His Excellency the Lieutenant Governor, respectfully requesting that His Excellency will be pleased to cause the Joint Address to His Majesty, on the subject of duties upon Tobacco, to be laid at the foot of the throne: reported a draft thereof;

The same was then read by the Clerk, and adopted as follows:

*To His Excellency SIR FRANCIS BOND HEAD, Knight Commander of the Royal Hanoverian Guelphic Order, Knight of the Prussian Military Order of Merit, Lieutenant Governor of the Province of Upper Canada, &c., &c., &c.*

MAY IT PLEASE YOUR EXCELLENCY:

The Address.

We His Majesty's dutiful and loyal subjects the Legislative Council and Assembly of the Province of Upper Canada, have agreed to an Address to the King, humbly praying His Ma-

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jesty to recommend to His Parliament, a further reduction of the Excise Duty on Tobacco the growth of this Province, as an encouragement to the more extensive cultivation of that article: which we pray Your Excellency will be pleased to transmit to the Secretary of State for the Colonies; in order that it may be laid at the foot of the Throne.

On motion made and seconded; it was,

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

The Honorable Messieurs Boswell and Stewart, prayed that they might have leave of absence from Friday next until the first Monday in April; and it was, Leave of absence granted to the Hon. Messrs. Boswell and Stewart.

Ordered, that they take leave for that time accordingly.

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

WEDNESDAY, 9th MARCH, 1836.

The House met pursuant to adjournment. House meets

PRESENT :

*The Honorable* JOHN B. ROBINSON, SPEAKER.

*The Honorable Messrs.* BOSWELL,

*The Honorable Messrs.* JONES,

" " ADAMSON,

" " GORDON,

" " JOHN KIRBY,

" " McDONELL,

" " STEWART,

" " BURNHAM,

" " MORRIS,

" " ELMSLEY,

" " MACAULAY.

" " BALDWIN,

Members present.

Prayers were read.

The Minutes of yesterday were read.

Deputations from the Commons House of Assembly brought up a Bill entitled, "An Act to incorporate sundry persons, under the style and title of the President, Directors and Company, of the Johnstown District Bank: also a Bill entitled, "An Act to incorporate sundry persons, under the style and title of the President, Directors and Company, of the Bank of the Niagara District:" and also a Bill entitled, "An Act to incorporate sundry persons under the style and title of the President, Directors and Company, of the Bank of Niagara:" to which they requested the concurrence of this House, and then withdrew:

Johnstown District Bank incorporation Bill;

Niagara District Bank incorporation Bill; and,

Niagara Bank incorporation Bill, brought up from the Assembly.

The said Bills were then severally read; and it was,

Read first time.

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

Pursuant to the order of the day, the bill relating to the Rideau Navigation, was read a third time, and passed; and it was,

Rideau Navigation bill read third time and passed.

Ordered, that the title be, "An Act to alter and amend an Act passed in the eighth year of His late Majesty's reign, entitled, 'An Act to confer upon His Majesty certain powers and authorities necessary to the making, maintaining and using, the Canal intended to be completed under His Majesty's direction, for connecting the waters of Lake Ontario with the River Ottawa, and for other purposes therein mentioned:'"

Title ordered.

Whereupon the Speaker signed the Bill; and it was,

Bill signed,

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

And sent to the Assembly for concurrence.

Pursuant to the order of the day, the Bill entitled, "An Act to loan two thousand pounds to the Welland Canal Company;" was read a third time, and passed:

Welland Canal Company's loan bill, read third time, and passed.

Whereupon the Speaker signed the same: and it was,

Same signed;

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

And the Assembly acquainted thereof.

Pursuant to the order of the day, the bill, entitled "An Act to incorporate the City of Toronto and Lake Huron Rail Road Company;" was, as amended, read a third time; and,

Toronto and Lake Huron Rail Road Company's incorporation bill as amended, read third time and passed.

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

Whereupon the Speaker signed the amendments; and it was,

Amendments signed;

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

And sent to the Assembly for concurrence.

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Mutual Insurance  
Companies Bill,  
committed.

Pursuant to the order of the day, the House was put into a Committee of the whole upon the Bill entitled, "An Act to authorise the establishment of Mutual Insurance Companies, in the several Districts of this Province."

The Honorable Mr. Elmsley took the Chair.

After some time the House resumed.

Reported, and leave  
asked to sit again.

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

Leave granted.

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

Bill ordered to be  
printed.

Ordered, that the said Bill be in the mean time printed for the use of Members.

Port Hope Harbour  
Company's Charter  
amendment bill, and  
the report thereon,  
recommitted.

Pursuant to the order of the day, the House was again put into a Committee of the whole upon the Bill entitled, "An Act to amend the Charter of the Port Hope Harbour and Wharf Company," together with the Report of the Select Committee thereon.

The Honorable Mr. Baldwin took the Chair.

After some time the House resumed.

Reported.

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

Adopted.

Ordered, that the report be received; and,

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

Petitions of Patrick  
Anderson, and others:

Pursuant to the order of the day, the Petition of Patrick Anderson, and others, inhabitants of the County of Leeds, praying for an Act incorporating the Petitioners as a Joint Stock Company, for the improvement of the Gananoque and Wiltsie Waters; also the Petition of William Proudfoot, and others, inhabitants of the City of Toronto, praying for a Charter incorporating the Petitioners under the style and title of the City of Toronto Gas Light Company; and also the Petition of Lewis Bright, first Messenger to the Honorable the Legislative Council, praying for a further remuneration; were severally read.

And of Lewis Bright,  
read.

Petition of Alfred  
Hooker, and others,  
brought up.

The Honorable Mr. Jones, brought up the Petition of Alfred Hooker, and others, inhabitants of the District of Johnstown; which was laid on the Table.

Leave of absence  
granted to the Hon.  
John Kirby.

The Honorable John Kirby, prayed that he might have leave of absence after the end of this week, for the remainder of the present Session; and it was,

Ordered, that he take leave for that time accordingly.

House adjourns.

On motion made and seconded, the House adjourned.

THURSDAY, 10th MARCH, 1836.

House meets.

The House met pursuant to adjournment.

PRESENT :

Members present.	<i>The Honorable</i> JOHN B. ROBINSON, SPEAKER.	<i>The Honorable Messrs.</i> BOSWELL,
	<i>The Honorable Messrs.</i> ALLAN,	" " ADAMSON,
	" " GORDON,	" " JOHN KIRBY,
	" " McDONELL,	" " STEWART,
	" " BURNHAM,	" " MORRIS,
	" " ELMSLEY,	" " MACAULAY.
	" " BALDWIN.	

Prayers were read.

The minutes of yesterday were read.

Port Hope Harbour  
Company's Charter  
amendment bill,  
read third time and  
passed.

Pursuant to the order of the day, the Bill entitled, "An Act to amend the Charter of the Port Hope Harbour and Wharf Company;" was read a third time, and passed;

Whereupon the Speaker signed the same; and it was,

Same signed;

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

And the Assembly  
acquainted thereof.

Johnstown District  
Bank incorporation  
Bill;

Pursuant to the order of the day, the Bill entitled, "An Act to incorporate sundry persons under the style and title of the President, Directors and Company, of the Johnstown District Bank;" also the Bill entitled, "An Act to incorporate sundry persons under the style and title of the President, Directors and Company, of the Bank of the Niagara District;" and also the Bill entitled, "An Act to incorporate sundry persons under the style and title of the President, Directors and Company, of the Bank of Niagara;" were severally read a second time: and it was,

Niagara District  
Bank incorporation  
Bill; and,

Niagara Bank incor-  
poration bill, read  
second time.

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Ordered, that they be referred to a Select Committee, with power to send for persons and papers, and to report thereon by amendment or otherwise. And referred to a Select Committee.

Ordered, that the Honorable Messieurs Allan, Gordon, Burnham, Elmsley, Morris and Macaulay, do compose the same for that purpose. Members composing same.

The Honorable Mr. Adamson, brought up the Petition of the Stockholders of the Bank of the People; which was laid on the Table. Petition of the Stockholders of the Bank of the People, brought up.

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

FRIDAY, 11th MARCH, 1836.

The House met pursuant to adjournment. House meets.

PRESENT :

*The Honorable* JOHN B. ROBINSON, SPEAKER.

*The Honorable Messrs.* BOSWELL,

*The Honorable Messrs.* GORDON,

“ “ ADAMSON,

“ “ McDONELL,

“ “ JOHN KIRBY.

“ “ BURNHAM,

“ “ STEWART,

“ “ ELMSLEY,

“ “ MORRIS.

“ “ BALDWIN,

“ “ MACAULAY,

Members present.

Prayers were read.

The Minutes of yesterday were read.

A Deputation from the Commons House of Assembly, brought up a Bill entitled, “An Act to increase the Capital Stock of the Gore District Bank, and extend the provisions of the same;” also a Bill entitled, “An Act to incorporate certain persons under the style and title of the President, Directors and Company, of the People’s Bank;” also a Bill entitled, “An Act to incorporate a Company, under the style and title of the President, Directors and Company, of the Prince Edward District Bank;” also a Bill entitled, “An Act to authorise His Majesty’s Justices, to hold a Court of Oyer and Terminer, Assize and Nisi Prius and General Gaol Delivery, in the Ottawa District :” also a Bill entitled, “An Act to divide the Township of Hawkesbury, in the Ottawa District, into two separate and distinct Townships of East and West Hawkesbury :” also a Bill entitled, “An Act to incorporate certain persons under the style and title of the President, Directors and Company, of the Cobourg Bank ;” and also a Bill entitled, “An Act to incorporate a Joint Stock Company, under the style and title of the President, Directors and Company, of the Grafton Harbour :” to which they requested the concurrence of this House, and then withdrew :

Gore Bank Stock increase bill;

People’s Bank Incorporation bill;

Prince Edward Bank Incorporation bill;

Ottawa District Assize Court bill;

Hawkesbury division bill;

Cobourg Bank Incorporation bill;

And Grafton Harbour Company’s Incorporation bill, brought up from the Assembly.

Read first time.

The said Bills were then severally read ; and it was,

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

Pursuant to the order of the day, the Petition of Alfred Hooker, and others, inhabitants of the District of Johnstown, praying to be established a Banking Company in the Town of Prescott ; was read. Petition of Alfred Hooker, and others, read.

The Honorable Mr. Macaulay brought up the Petition of Robert Stanton ; which was laid on the Table. Petition of Robert Stanton, brought up.

The Honorable Mr. Burnham, from the Select Committee to whom was referred the Bill entitled, “An Act to amend an Act passed in the fourth year of His present Majesty’s reign, entitled, ‘An Act to establish a Board of Police in the Town of Belleville, and to make further provisions for the establishment of a Police in said Town;’” presented their report: Report of the select Committee upon Belleville Police Law Amendment bill, presented.

Ordered, that it be received ; and,

The same was then read by the Clerk as follows :

Read.

The Select Committee to whom was referred the Bill sent up from the Commons House of Assembly, entitled, “An Act to repeal an Act passed in the fourth year of His present Majesty’s reign, entitled, “An Act to establish a Board of Police in the Town of Belleville, and to make further provisions for the establishment of a Police in said Town;” beg leave to report the following amendments, which they recommend to the adoption of your Honorable House, viz :

The report.

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- Press 3, Line 18.—Expunge “April,” and insert “May.”  
 “ “ “ 19.—Expunge “Seventh,” and insert “Tenth.”  
 “ 5 “ 4.—Expunge “persons,” and insert “purposes.”  
 “ 7 “ 21.—After “or,” insert “the.”  
 “ 10 “ 10.—Expunge “Taverns,” after “victuals,” expunge to “shall,” in line 11.  
 “ 10 “ 11.—Expunge “or drank:”  
 “ “ 10 & 11.—After “victuals,” expunge “and liquors distilled or not distilled.”  
 “ 13 “ 12.—After “shall,” insert “not.”  
 “ 14 “ 15.—Expunge “each Member of.”  
 “ 14 “ 16.—After “Peace,” insert “acting within their divisions, with respect to making or amending any Street, or Highway, or Road within the said Town.”

All which is respectfully submitted,

(Signed,)

Z. BURNHAM,

Chairman.

Legislative Council Committee Room,  
 Eleventh day of March, 1836.

On motion made and seconded ; it was,

Ordered, that the last mentioned Bill, and the report of the Select Committee thereon, be committed to a Committee of the whole House on Monday next.

Amendment to Clergy  
 Reserves sale bill,  
 reported by the  
 Select Committee.

The Honorable Mr. Morris, from the Select Committee to whom was referred the Bill sent up from the Commons House of Assembly, entitled, “An Act for the disposal of the Clergy Reserves in this Province, for the purposes of general education;” reported an amendment in and to the same.

Ordered, that the report be received ; and,

Read first time.

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

The Amendment.

Press. 1, line 1—After “Whereas,” expunge the remainder of the Bill, and insert, “in and by an Act of the Parliament of Great Britain, passed in the thirty-first year of the reign of His late Majesty King George the Third, entitled “An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty’s reign, entitled ‘An Act for making more effectual provision for the Government of the Province of Quebec in North America, and to make further provision for the Government of the said Province,’ it is among other things recited and declared, that His said late Majesty had been graciously pleased, by message to both Houses of Parliament, to express His Royal desire to be enabled to make a permanent appropriation of lands in the said Provinces for the support and maintenance of a Protestant Clergy within the same, in proportion to such lands as had been already granted within the same by His Majesty; and further, that such provision might be made with respect to all future grants of Land within the said Provinces respectively, as might best conduce to the due and sufficient support and maintenance of a Protestant Clergy within the said Provinces, in proportion to such increase as should happen in the population and cultivation thereof: And whereas, for the purpose of more effectually fulfilling His said Majesty’s gracious intentions as aforesaid, and of providing for the due execution of the same in all time to come, certain provisions were made, in and by the said Act, respecting the support and maintenance of a Protestant Clergy within the said Provinces, which provisions are contained in the thirty-fifth, thirty-sixth, thirty-seventh, thirty-eighth, thirty-ninth, fortieth, forty-first and forty-second clauses of the said Statute, passed in the thirty-first year of the reign of His late Majesty King George the Third, and are in the words following, that is to say:

35. And whereas by the above mentioned Act, passed in the fourteenth year of the reign of His present Majesty, it was declared, that the Clergy of the Church of Rome, in the Province of Quebec, might hold, receive and enjoy their accustomed dues and rights, with respect to such persons only as

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should profess the said Religion: Provided, nevertheless, that it should be lawful for His Majesty, his Heirs or Successors, to make such provision out of the rest of the said accustomed dues and rights for the encouragement of the Protestant religion, and for the maintenance and support of a Protestant Clergy within the said Province, as he or they should from time to time think necessary and expedient; and whereas by His Majesty's Royal Instructions, given under His Majesty's Royal Sign-Manual, on the third day of January, in the year of our Lord one thousand seven hundred and seventy-five, to Guy Carleton, Esquire, now Lord Dorchester, at that time His Majesty's Captain General and Governor-in-Chief in and over His Majesty's Province of Quebec, His Majesty was pleased, amongst other things, to direct "That no Incumbent professing the religion of the Church of Rome, appointed to any parish in the said Province, should be entitled to receive any tythes for lands or possessions occupied by a Protestant, but that such tythes should be received by such persons as the said Guy Carleton, Esquire, His Majesty's Captain General and Governor-in-Chief in and over His Majesty's said Province of Quebec, should appoint, and should be reserved in the hands of His Majesty's Receiver General of the said Province, for the support of a Protestant Clergy in His Majesty's said Province, to be actually resident within the same, and not otherwise, according to such directions as the said Guy Carleton, Esquire, His Majesty's Captain General and Governor-in-Chief in and over His Majesty's said Province, should receive from His Majesty in that behalf; and that in like manner all growing rents and profits of a vacant benefice should, during such vacancy, be reserved for and applied to the like uses:" And whereas, His Majesty's pleasure has likewise been signified to the same effect in His Majesty's Royal Instructions, given in like manner to Sir Frederick Haldimand, Knight of the Most Honorable Order of the Bath, late His Majesty's Captain General and Governor-in-Chief in and over His Majesty's said Province of Quebec; and also in His Majesty's Royal Instructions, given in like manner to the said Right Honorable Guy, Lord Dorchester, now His Majesty's Captain General and Governor-in-Chief in and over His Majesty's said Province of Quebec: *Be it enacted by the authority aforesaid,* That the said declaration and provision contained in the said above mentioned Act, and also the said provision so made by His Majesty in consequence thereof, by his Instructions above recited, shall remain and continue to be of full force and effect in each of the said two Provinces of Upper Canada and Lower Canada respectively, except in so far as the said declaration or provisions respectively, or any part thereof, shall be expressly varied or repealed by any Act or Acts which may be passed by the Legislative Council and Assembly of the said Provinces respectively, and assented to by His Majesty, his Heirs or Successors, under the restriction hereinafter provided.

36. *And whereas,* His Majesty has been graciously pleased, by message to both Houses of Parliament, to express his Royal desire to be enabled to make a permanent appropriation of lands in the said Provinces, for the support and maintenance of a Protestant Clergy within the same, in proportion to such lands as have been already granted within the same by His Majesty: And whereas, His Majesty has been graciously pleased, by his said message, further to signify his Royal desire that such provision may be made, with respect to all future grants of land within the said Provinces respectively, as may best conduce to the due and sufficient support and maintenance of a Protestant Clergy within the said Provinces, in proportion to such increase as may happen in the population and cultivation thereof: therefore, for the purpose of more effectually fulfilling His Majesty's gracious intentions, as aforesaid, and of providing for the due execution of the same in all time to come—*Be it enacted by the authority aforesaid,* That it shall and may be lawful for His Majesty, his Heirs

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or Successors, to authorise the Governor, or Lieutenant Governor, of each of the said Provinces respectively, or the person administering the Government therein, to make, from and out of the lands of the Crown within such Provinces, such allotment and appropriation of lands, for the support and maintenance of a Protestant Clergy within the same, as may bear a due proportion to the amount of such lands within the same as have at any time been granted by or under the authority of His Majesty; and that whenever any grant of lands within either of the said Provinces shall hereafter be made, by or under the authority of His Majesty, his Heirs or Successors, there shall at the same time be made, in respect of the same, a proportionable allotment and appropriation of lands for the above mentioned purpose, within the Township or Parish to which such lands so to be granted shall appertain or be annexed, or as nearly adjacent thereto as circumstances will admit; and that no such grant shall be valid or effectual unless the same shall contain a specification of the lands so allotted and appropriated, in respect of the lands to be thereby granted; and that such lands, so allotted and appropriated, shall be, as nearly as the circumstances and nature of the case will admit, of the like quality as the lands in respect of which the same are so allotted and appropriated, and shall be, as nearly as the same can be estimated at the time of making such grant, equal in value to the seventh part of the lands so granted.

37. *And be it further enacted by the authority aforesaid,* That all and every the rents, profits, or emoluments, which may at any time arise from such lands, so allotted and appropriated as aforesaid, shall be applicable solely to the maintenance and support of a Protestant Clergy, within the Province in which the same shall be situated, and to no other use or purpose whatever.

38. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for His Majesty, his Heirs or Successors, to authorize the Governor or Lieutenant Governor of each of the said Provinces respectively, or the person administering the Government therein, from time to time, with the advice of such Executive Council as shall have been appointed by His Majesty, his Heirs or Successors, within such Province, for the affairs thereof, to constitute and erect, within every township or parish which now is or hereafter may be formed, constituted, or erected within such Province, one or more Parsonage or Rectory, or Parsonages or Rectories, according to the establishment of the Church of England; and from time to time, by an instrument under the Great Seal of such Province, to endow every such Parsonage or Rectory with so much or such a part of the lands so allotted and appropriated as aforesaid, in respect of any lands within such township or parish, which shall have been granted subsequent to the commencement of this Act, or of such lands as may have been allotted and appropriated for the same purpose, by or in virtue of any instruction which may be given by His Majesty, in respect of any lands granted by His Majesty before the commencement of this Act, as such Governor, Lieutenant Governor, or person administering the Government, shall, with the advice of the said Executive Council, judge to be expedient under the then existing circumstances of such township or parish.

39. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for His Majesty, his Heirs or Successors, to authorise the Governor, Lieutenant Governor, or person administering the government of each of the said Provinces respectively, to present to every such Parsonage or Rectory, an Incumbent or Minister of the Church of England, who shall have been duly ordained, according to the rites of the said Church, and to supply from time to time, such vacancies as may happen therein: and that every person so presented to any such Parsonage or Rectory, shall hold and enjoy the same, and all rights, profits, and emoluments thereunto belonging, or granted, as fully and amply, and in the same manner, and on the same terms and conditions, and



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liable to the performance of the same duties, as the Incumbent of a Parsonage or Rectory in England.

40. *Provided always, and be it further enacted by the authority aforesaid,* That every such presentation of an Incumbent or Minister, to any such Parsonage or Rectory, and also the enjoyment of any such Parsonage or Rectory, and of the rights, profits, and emoluments thereof, by any such Incumbent or Minister, shall be subject and liable to all rights of institution, and all other spiritual and ecclesiastical jurisdiction and authority, which have been lawfully granted by His Majesty's Royal Letters Patent to the Bishop of Nova Scotia, or which may hereafter, by His Majesty's royal authority, be lawfully granted or appointed to be administered and executed within the said Provinces, or either of them, respectively, by the said Bishop of Nova Scotia, or by any other person or persons according to the laws and canons of the Church of England, which are lawfully made and received in England.

41. *Provided always, and be it further enacted by the authority aforesaid,* That the several provisions hereinbefore contained, respecting the allotment and appropriation of lands for the support of a Protestant Clergy within the said Provinces; and also respecting the constituting, erecting, and endowing Parsonages or Rectories within the said Provinces; and also respecting the presentation of Incumbents or Ministers to the same; and also respecting the manner in which such Incumbents or Ministers shall hold and enjoy the same, shall be subject to be varied or repealed by any express provisions for that purpose, contained in any Act or Acts which may be passed by the Legislative Council and Assembly of the said Provinces, respectively, and assented to by His Majesty, his Heirs or Successors, under the restriction hereinafter provided.

42. *Provided nevertheless, and be it further enacted by the authority aforesaid,* That whenever any Act or Acts shall be passed by the Legislative Council and Assembly of either of the said Provinces, containing any provisions to vary or repeal the above recited declaration and provisions contained in the said Act passed in the fourteenth year of the reign of his present Majesty; or to vary or repeal the above recited provision contained in His Majesty's Royal Instructions, given on the third day of January, in the year of our Lord, one thousand seven hundred and seventy-five, to the said Guy Carleton, Esquire, now Lord Dorchester; or to vary or repeal the provisions hereinbefore contained for continuing the force and effect of the said declaration and provisions; or to vary or repeal any of the several provisions hereinbefore contained, respecting the allotment and appropriation of lands for the support of a Protestant Clergy within the said Provinces; or respecting the constituting, erecting, or endowing Parsonages or Rectories within the said Provinces; or respecting the presentation of Incumbents or Ministers to the same; or respecting the manner in which such Incumbents or Ministers shall hold and enjoy the same: and also, that whenever any Act or Acts shall be so passed, containing any provisions which shall in any manner relate to, or affect the enjoyment or exercise of any religious form or mode of worship; or shall impose or create any penalties, burthens, disabilities, or disqualifications, in respect of the same; or shall in any manner relate to, or affect the payment, recovery, or enjoyment of any of the accustomed dues or rights hereinbefore mentioned; or shall in any manner relate to the granting, imposing, or recovering any other dues, or stipends, or emoluments whatever, to be paid to or for the use of any minister, priest, ecclesiastic, or teacher, according to any religious form or mode of worship, in respect of his said office or function; or shall in any manner relate to, or affect the establishment or discipline of the Church of England, amongst the ministers and members thereof, within the said Provinces; or shall in any manner relate to, or affect the King's prerogative, touching the granting of waste lands of the Crown, within the said Provinces; every such Act or Acts shall, previous to any declaration or signifi-

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cation of the King's assent thereto, be laid before both Houses of Parliament, in Great Britain; and that it shall not be lawful for his Majesty, his Heirs or Successors, to signify his or their assent to any such Act or Acts, until thirty days after the same shall have been laid before the said Houses, or to assent to any such Act or Acts, in case either House of Parliament shall, within the said thirty days, address His Majesty, his Heirs or Successors, to withhold his or their assent from such Act or Acts; and that no such Act shall be valid or effectual to any of the said purposes, within either of the said Provinces, unless the Legislative Council and Assembly of such Province, shall, in the Session in which the same shall have been passed by them, have presented to the Governor, Lieutenant Governor, or person administering the Government of such Province, an Address or Addresses, specifying that such Act contains provisions for some of the said purposes hereinbefore specially described, and desiring that, in order to give effect to the same, such Act should be transmitted to England without delay, for the purpose of being laid before Parliament, previous to the signification of His Majesty's assent thereto.

And whereas, since the passing of the said Act, divers allotments and appropriations of land, have been made within the Province of Upper Canada, in pursuance of the aforesaid provisions for the support and maintenance of a Protestant Clergy; which allotments are commonly known by the name of Clergy Reserves, and have been made in the proportion of one-seventh of the lands granted, or to be granted within the said Province: and whereas, of these allotments of land, some portions have been demised by His said late Majesty or his Successors, for term of years; and other portions have been from time to time sold, under the authority of an Act of the Parliament of the United Kingdom of Great Britain and Ireland, passed in the seventh and eighth years of the reign of His late Majesty King George the Fourth, entitled, "An Act to authorise the sale of a part of the Clergy Reserves in the Provinces of Upper and Lower Canada:" under the provisions of which Act the monies accruing from such lands sold, are to be appropriated, applied, and disposed of, for the purposes for which the said lands were so reserved as aforesaid, and for no other purpose whatsoever, and the residue of the said allotments or reserves, not being leased or otherwise disposed of, continue vested in the Crown, subject to the provisions of the Act first herein recited.

And whereas doubts have arisen, respecting the proper legal construction of the said Act, passed in the thirty-first year of the reign of His late Majesty King George the Third; and it has been made a question to what sects or denominations of Protestants the term "Protestant Clergy," used in the said Act was intended to be applicable, and what clergy can of right claim to participate or can be legally admitted to participate, in the advantages of the said allotments or reserves.

And whereas, the continuance of such doubts, and the controversies to which they have given rise, are in a high degree prejudicial to the peace and good government of this Province, and unfavorable to the spiritual and temporal interests of the people thereof, and it is expedient to put an end to such doubts and controversies, by enabling His Majesty, his Heirs or Successors, to dispose of the said allotments or appropriations of land, and of the monies which have accrued or may hereafter accrue from the sale or other disposal of the same, or any part thereof, in such manner as to His Majesty, his Heirs or Successors, may seem just and fit for the maintenance of public worship and the support of religion within this Province.

*Be it therefore enacted &c.* That the thirty-sixth and thirty-seventh clauses of the said Statute, and so much of the thirty-eighth clause thereof, as relates to the endowment of any Parsonage or Rectory with land, shall be, and the same are hereby repealed; and that all and every the lands which are now

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vested in His Majesty, and which before the passing of this Act, were reserved, allotted, and appropriated for the maintenance and support of a Protestant Clergy within this Province, under the authority of the said Act of the Parliament of Great Britain, passed in the thirty-first year of His said late Majesty's reign, shall be, and remain vested in His Majesty, his Heirs and Successors, freed, and absolutely discharged from all and every of the trusts, conditions, limitations, or restrictions contained in, or imposed, or declared by the said last mentioned Act. *Provided always*, nevertheless, that the said lands are by this Act vested in His Majesty, his Heirs and Successors, discharged from the trusts and conditions aforesaid, to the intent and in order that the same lands may be by His Majesty, his Heirs and Successors, or by and under the authority of the Parliament of the United Kingdom of Great Britain and Ireland, applied and appropriated, by way of endowment or otherwise, solely for the maintenance of Public Worship, and the support of Religion within this Province, and to no other use or purpose whatsoever.

II. *And be it further enacted, &c.* That nothing in this Act contained, shall extend to interfere with, or make void any sale or lease which before the passing of this Act, may have been made of any part or portion of the said allotments or appropriations of land, called Clergy Reserves: *Provided, nevertheless*, that the monies which shall have arisen and accrued, and which now remain unexpended, or which shall hereafter arise and accrue from such sale, or in consequence of such lease having been made, shall be applicable to the same purposes, to which the lands so allotted and appropriated as aforesaid shall be applicable after the passing of this Act, and to no other; and that such monies shall be paid over, applied, and accounted for, in such manner and form as His Majesty, his Heirs or Successors, shall be graciously pleased to direct.

III. *And be it further enacted, &c.* That from and after the passing of this Act, no grant, sale, lease, or other disposition of any of the said allotments or appropriations of land, or of any part thereof, shall be made otherwise than in pursuance of instructions which shall from time to time be given by His Majesty, his Heirs or Successors, after the passing of this Act.

Ordered, that the foregoing amendment be read a second time on Monday next; and,

Ordered, that in the mean time five hundred copies thereof be printed for the use of Members. Ordered to be printed.

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

MONDAY, 14th MARCH, 1836.

The House met pursuant to adjournment. House meets.

PRESENT:

The Honorable JOHN B. ROBINSON, SPEAKER.

The Honorable Messrs. ELMSLEY,

The Honorable Messrs. CROOKSHANK,

" " BALDWIN.

" " ALLAN,

" " ADAMSON.

" " GORDON,

" " CROOKS.

" " McDONELL,

" " MORRIS,

" " BURNHAM,

" " MACAULAY.

Members present.

Prayers were read.

The Minutes of Friday last were read.

The order of the day being read, for putting the House into a Committee of the whole, upon the Bill entitled, "An Act to authorise the establishment of Mutual Insurance Companies, in the several Districts of this Province:" it was,

Mutual Insurance Companies Bill, discharged from the order of the day.

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

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SECOND SESSION TWELFTH PROVINCIAL PARLIAMENT, 6th WILLIAM IV.

Speaker acquaints the House of a Member waiting to be introduced.

The Honorable the Speaker acquainted the House, that there was a Member without ready to be introduced.

Introduction of the Hon. Mr. Vankoughnet.

When the Honorable Mr. Vankoughnet was introduced between the Honorable Mr. Elmsley and the Honorable Mr. Morris.

Presents his writ of summons.

Then the Honorable Mr. Vankoughnet presented to the Speaker his writ of summons, who delivered it to the Clerk, and it is as follows :

UPPER CANADA.

J. COLBORNE,

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

The writ.

To our trusty and well-beloved PHILIP VANKOUGHNET, Esquire, and to all to whom these presents shall come,

GREETING.

KNOW YE, That as well for the special trust and confidence we have manifested in you, as for the purpose of obtaining your advice and assistance in all weighty and arduous affairs, which may the state and defence of our said Province of Upper Canada, and the Church thereof concern, we have thought fit to summon you to the Legislative Council of our said Province : And we do therefore command you the said PHILIP VANKOUGHNET, that all difficulties and excuses whatsoever laying aside, you be and appear, for the purposes aforesaid, at the Legislative Council of our said Province, at all times, whensoever and wheresoever our Provincial Parliament may be thereafter convoked and holden, and this you are in nowise to omit.

IN TESTIMONY WHEREOF, We have caused these our Letters to be made Patent, and the Great Seal of our said Province, to be hereunto affixed : WITNESS our trusty and well-beloved SIR JOHN COLBORNE, K. C. B., Lieutenant Governor of our said Province, and Major General, Commanding our Forces therein, at Toronto, this Twenty-third day of January, in the year of our Lord, one thousand eight hundred and thirty-six, and in the Sixth year of our Reign.

J. C.

By Command of His Excellency.

ROBERT S. JAMESON,

*Attorney General.*

D. CAMERON,

*Secretary.*

Oath prescribed by law administered to him.

Then the Honorable Mr. Vankoughnet came to the Table, and took the oath prescribed by law, which was administered by Grant Powell, Esquire, one of the Commissioners appointed to administer the oath to the Members of the Legislative Council, and took his seat accordingly.

Belleville Police law amendment bill, and the report thereon, committed.

Pursuant to the order of the day, the House was put into a Committee of the whole, upon the Bill entitled, "An Act to amend an Act passed in the fourth year of His present Majesty's reign, entitled, 'An Act to establish a Board of Police in the Town of Belleville, and to make further provisions for the establishment of a Police in said Town ;'" as also the Report of the Select Committee thereon.

The Honorable Mr. Burnham took the Chair.

A Message being announced, the Chairman left the Chair, and the House formed.

Bills and messages, brought up from the Assembly.

A Deputation from the Commons House of Assembly brought up some Bills to which they requested the concurrence of this House ; they also brought up and delivered at the Bar of this House certain Messages ; and they returned the bill, entitled "An Act to incorporate the City of Toronto and Lake Huron Rail Road Company ;" and acquainted this House, that the Commons House of Assembly, had adopted the amendments made by the Legislative Council in and to the same, and then withdrew.

And they accede to amendments made to Toronto and Lake Huron rail road company's incorporation bill.

Belleville Police law amendment bill, and the report thereon re-committed.

The House was then again put into a Committee of the whole, upon the Bill entitled, "An Act to amend an Act passed in the fourth year of His present Majesty's reign, entitled, 'An Act to establish a Board of Police in the Town of Belleville, and to make further

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provisions for the establishment of a Police in said Town;" as also the Report of the Select Committee thereon.

The Honorable Mr. Burnham took the Chair.

After some time the House resumed.

The Chairman reported, that the Committee had taken the said Bill and Report into consideration, and recommended that the Bill be referred back to the same Select Committee, with instructions to ascertain whether the rules of this House have been complied with; and what is the change required to be made, when compared with the provisions of the Act proposed by the Bill to be repealed; and to report thereon :

Ordered, that the report be received; and,

Ordered, that the said Bill be referred back to the same Select Committee, with instructions to ascertain whether the rules of this House have been complied with; and what is the change required to be made, when compared with the provisions of the Act proposed by the Bill to be repealed; and to report thereon : and,

Ordered, that the Honorable Messieurs Baldwin and Crooks, be added to the said Committee.

The Honorable the Speaker reported to the House, that a Deputation from the Commons House of Assembly, had brought up a Bill, entitled, "An Act for better regulating of copartnerships of certain Bankers, in this Province; and for protecting the interests of the public:" and also, a Bill entitled, "An Act to appoint Commissioners to settle disputes respecting certain Lines, Roads, and Boundaries, in the Townships of Bertie and Humberstone, in the District of Niagara," to which they requested the concurrence of this House; and that they had brought up and delivered at the Bar of this House two Messages in the following words :

MR. SPEAKER,

The Commons House of Assembly has passed an Address to His Majesty, in favor of the prayer of certain Pensioners who commuted their pensions previously to emigrating for this Province; to which they request the concurrence of the Honorable the Legislative Council.

(Signed)

MARSHALL S. BIDWELL,  
SPEAKER.

*Commons House of Assembly,*  
12th March, 1836.

MR. SPEAKER,

The Commons House of Assembly, requests that the Honorable the Legislative Council, will be pleased to give leave to the Honorable Messieurs Dunn, Allan, and Macaulay, to attend the Committee of this House, appointed to investigate the affairs of the Welland Canal Company.

(Signed,)

MARSHALL S. BIDWELL,  
SPEAKER.

*Commons House of Assembly,*  
11th March, 1836.

The Address of the Commons House of Assembly to the King, relative to certain Chelsea Pensioners in this Province; was then read by the Clerk as follows :

(For the Address, see Appendix G.)

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

The Bill entitled, "An Act for better regulating of Copartnerships of certain Bankers in this Province, and for protecting the interests of the public," was read; and it was,

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

Ordered, that the Honorable Messieurs Allan and Macaulay, do have leave to attend a Select Committee of the Commons House of Assembly, as desired by that House in their Message of this day, if they think fit; and,

U

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And that House acquainted thereof. Ordered, that the Master in Chancery do go down to the Assembly, and acquaint that House, that the Honorable Messieurs Allan and Macaulay, have leave to attend a Select Committee of the Commons House of Assembly, as desired by that House in their Message of this day, if they think fit.

Bertie and Humberstone Commissioners Bill, read first time. The Bill entitled, "An Act to appoint Commissioners to settle disputes respecting certain Lines, Roads and Boundaries, in the Townships of Bertie and Humberstone, in the District of Niagara; was read.

Gore District Bank Stock increase Bill; Pursuant to the order of the day, the Bill entitled, "An Act to increase the Capital Stock of the Gore District Bank, and extend the provisions of the same;" also the Bill entitled, "An Act to incorporate certain persons under the style and title of the President, Directors and Company, of the People's Bank;" also the Bill entitled, "An Act to incorporate a Company, under the style and title of the President, Directors and Company, of the Prince Edward District Bank;" and also the Bill entitled, "An Act to incorporate certain persons under the style and title of the President, Directors and Company, of the Cobourg Bank;" were severally read a second time; and it was,

And referred to the Select Committee upon Johnstown District Bank incorporation bill. Ordered, that they be referred to the Select Committee to whom was referred the Bill entitled "An Act to incorporate sundry persons, under the style and title of the President, Directors and Company, of the Johnstown District Bank."

Ottawa District Assize Court bill, read second time. Pursuant to the order of the day, the Bill entitled, "An Act to authorise His Majesty's Justices, to hold a Court of Oyer and Terminer, Assize and Nisi Prius and General Gaol Delivery, in the Ottawa District:" was read a second time: and it was,

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

Hawkesbury division bill, read second time. Pursuant to the order of the day, the Bill entitled, "An Act to divide the Township of Hawkesbury, in the Ottawa District, into two separate and distinct Townships of East and West Hawkesbury:" was read a second time; and it was,

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

Members composing same. Ordered, that the Honorable Messieurs Gordon, Adamson, and Vankoughnet, do compose the same for that purpose.

Grafton Harbour Company's Incorporation bill, read second time. Pursuant to the order of the day, the Bill entitled, "An Act to incorporate a Joint Stock Company, under the style and title of the President, Directors and Company, of the Grafton Harbour:" was read a second time; and it was,

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

Members composing same. Ordered, that the Honorable Messieurs Crooks and Macaulay, do compose the same for that purpose.

Amendment to Clergy Reserves sale bill, read second time. Pursuant to the order of the day, the amendment of the Legislative Council, made in and to the Bill sent up from the Commons House of Assembly, entitled, "An Act for the disposal of the Clergy Reserves in this Province, for the purposes of general education;" was read a second time; and it was,

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

Petition of the Stockholders of the People's Bank, read. Pursuant to the order of the day, the Petition of the Stockholders of the Bank of the People, praying for an Act of Incorporation; was read.

Petition of Robert Stanton, read; Pursuant to the order of the day, the Petition of Robert Stanton, on the subject of the Printing of the Legislative Council, was read; and it was,

And referred to the Printing Committee. Ordered, that the same be referred to the Select Committee appointed by this House, for superintending its Printing during the present Session.

Petitions of S. Washburn and others; And of the Rev. Thomas Creen, and others, brought up. The Honorable Mr. Morris, brought up the Petition of S. Washburn, and others, inhabitants of the Prince Edward District; and also the Petition of the Rev'd. Thomas Creen, and others, inhabitants of the Town of Niagara; which were laid on the Table.

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

Tuesday, 15th March, 1836.

SIR FRANCIS BOND HEAD, K. C. H. *Lieutenant Governor.*

TUESDAY, 15th MARCH, 1836.

The House met pursuant to adjournment.

House meets.

PRESENT :

*The Honorable* JOHN B. ROBINSON, SPEAKER.

*The Honorable Messrs.* BALDWIN,

Members present.

*The Honorable Messrs.* ALLAN,

" " ADAMSON,

" " GORDON,

" " CROOKS,

" " McDONELL,

" " MORRIS,

" " BURNHAM,

" " MACAULAY,

" " ELMSLEY.

" " VANKOUGHET.

Prayers were read.

The Minutes of yesterday were read.

Pursuant to the order of the day, the House was put into a Committee of the whole, upon the Address of the Assembly to the King, relative to certain Chelsea Pensioners in this Province.

Address to the King, on the subject of certain Chelsea Pensioners in this Province, committed.

The Honorable Mr. Adamson took the Chair.

After some time the House resumed.

The Chairman reported that the Committee had gone through the said Address, and recommended the same to the adoption of the House.

Reported.

Ordered, that the report be received ; and,

Adopted.

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

Pursuant to the order of the day, the House was put into a Committee of the whole, upon the Bill entitled, "An Act to authorise His Majesty's Justices to hold a Court of Oyer and Terminer, Assize and Nisi Prius and General Gaol delivery, in the Ottawa District."

Ottawa District Assize Court bill, committed.

The Honorable Mr. Crooks took the Chair.

After some time the House resumed.

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

Reported, and leave asked to sit again.

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

Leave granted.

The order of the day being read, for putting the House into a Committee of the whole, upon the amendment of the Council, to the Bill sent up from the Assembly, entitled, "An Act for the disposal of the Clergy Reserves in this Province, for the purposes of general Education ;" it was,

Amendment to Clergy Reserve sale bill discharged from the order of the day.

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

Pursuant to the order of the day, the Bill entitled, "An Act for better regulating of copartnerships of certain Bankers in this Province, and for protecting the interests of the public ;" was read a second time ; and it was,

Banking Copartnerships regulation bill read second time ;

Ordered, that the same be referred to the Select Committee, to whom was referred the the Bill entitled, "An Act to incorporate sundry persons under the style and title of the President, Directors and Company, of the Johnstown District Bank."

And referred to the select committee upon Johnstown District Bank incorporation Bill.

The Honorable Mr. Allan, from the Select Committee, to whom was again referred the Bill entitled, "An Act to regulate the prices to be charged for Printing Official Advertisements ;" and also the Bill entitled, "An Act to ensure the more regular and economical Printing of the Statutes of this Province, and of those Statutes of the Imperial Parliament, which may particularly concern this Province ; to provide that the said Statutes be printed by contract ; and also to regulate their distribution ;" reported, that pursuant to the instructions of this House, they had converted the Bill which was reported by them on a former occasion, into an amendment to the Bill entitled, "An Act to regulate the prices to be charged for Printing Official Advertisements ;" and they presented their further report :

Second report of the Select Committee upon Official Printing regulation bill, and Statutes Contract Printing bill, presented.

Ordered, that the report be received ; and,

The same was then read by the Clerk as follows :

Read.

The Select Committee to whom was referred the Bill, sent up from the Commons House of Assembly, entitled, "An Act to ensure the more regular and economical Printing of the Statutes of this Province, and of those Statutes of the Imperial Parliament, which may parti-

The report.

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SECOND SESSION 'TWELFTH PROVINCIAL PARLIAMENT', 6th WILLIAM IV.

cularly concern this Province; to provide that the said Statutes be printed by contract; and also to regulate their distribution:" and also, the Bill entitled, "An Act to regulate the prices to be charged for Printing Official Advertisements;" beg leave to report:

That Your Committee having given to the said Bills, due consideration, and referred to what has heretofore been done in this Province, relative to Printing the Statutes; and the authority under which the King's Printer has had the exclusive right, to the emoluments derived from the same, were at once satisfied that the prerogative of the Crown in regard thereto, was satisfactory and conclusive.

Your Committee are aware, that many years ago, the Statutes were printed by contract, confined however, as your Committee believe, to one solitary instance; and it appears obvious to them, that not having been continued, is a proof of the inconvenience attendant upon such a mode; and confirms the opinion of your Committee, that by pursuing it, no security was given in the important matter of their being done correctly.

Your Committee, beg leave further to report, that in their opinion, the prices to be hereafter charged by the King's Printer, ought to be established by law; which object will be attained by the amendments, if adopted by all the branches of the Legislature, proposed to the last mentioned Bill, from the Assembly; and upon which, they also beg leave to submit a report for its consideration, in the form of a new Bill, embracing all kinds of Printing.

All which is respectfully submitted,

(Signed,)

W. ALLAN,  
Chairman.

Committee Room of the Legislative Council,  
Fourteenth day of March, 1836.

Amendment to Official  
Printing regulation  
bill, read.

The said amendment was then read by the Clerk, as follows:

Press 1.—After "whereas," expunge the remainder of the Bill, and insert, "the appointment designated as Printer to the King's Most Excellent Majesty, which has been in force from the first formation of this Province, has been found advantageous to the public service: and whereas, the publication of the Official Gazette by the King's Printer, by authority, has been, and continues to be indispensably necessary for the promulgation of various laws, notices, and public advertisements, of a legal and official nature, in which the inhabitants of this Province are interested; and it is expedient to regulate the duties, and define the rights of the said office, and the charges to be made by the person holding the said appointment. Be it therefore enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled, by virtue of, and under the authority of an Act passed in the Parliament of Great Britain, entitled, "An Act to repeal certain parts of an Act, passed in the fourteenth year of His Majesty's reign, entitled, "An Act for making more effectual provision for the Government of the Province of Quebec, in North America, and to make further provision for the Government of the said Province;" and by the authority of the same, that from and after, the passing of this Act, all such Laws, Legal and Official Notices, or Public Advertisements, as now are, or may hereafter be required, by any law or usage of this Province, to be inserted in the Upper Canada Gazette, published by authority, shall be so inserted in such Gazette, under the direction and superintendence of the King's Printer; who shall be paid for the same, at the following rates, (that is to say:) at the rate of four pence per line, for the first insertion, of any such notice, or other matter, as aforesaid; and one penny per line, for every subsequent insertion of the same in such Gazette."

The amendment.

2.—And whereas it is expedient, further to regulate the duties to be performed, and the prices to be paid for the Public Printing, and to designate the rights appertaining to the said office.

Be it further enacted by the authority aforesaid, That it shall be the duty of the said King's Printer, to be at all times prepared to execute, in an efficient



Tuesday, 15th March, 1836.

SIR FRANCIS BOND HEAD, K.C.H. *Lieutenant Governor.*

and prompt manner, all the Public Printing which may be required to be done by virtue of, and in right of his said Office, by the several branches of the Government of this Province and the public departments thereof; and for which he shall be paid at the following rates according to the particular description of type or letter in which the work may be performed, viz :

Description of Type.	Size of Paper—Plain Matter.								Statutes with Marginal Notes, Demy P'r.		Circulars, &c.
	Quarto Post.		Foolscap.		Post or Crown.		Demy.		Price per Page.		
	First hundred Sheets.	Each additional hundred.	First hundred Sheets.	Each additional hundred.	First hundred Sheets.	Each additional hundred.	First hundred Sheets.	Each additional hundred.	First hundred Sheets.	Each additional hundred Sheets.	
Double Pica,.....	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	100—20s.  Each additional hundred 10s.
Great Primer,.....	1 10 0	.....	1 13 4	.....	2 0 0	.....	2 6 8	.....	.....	.....	
English,.....	1 13 4	.....	1 16 8	.....	2 5 4	.....	2 13 4	.....	.....	.....	
Pica,.....	1 16 8	.....	2 0 0	.....	2 10 8	.....	3 0 0	.....	.....	.....	
Small Pica,.....	2 0 0	10	2 3 4	0 11 4	2 16 0	0 13 4	3 6 8	0 16 8	1 16 6	0 11 3	
Long Primer,.....	2 3 4	.....	2 6 8	.....	3 1 4	.....	3 13 4	.....	.....	.....	
Brevier,.....	2 6 8	.....	2 10 0	.....	3 6 8	.....	4 0 0	.....	.....	.....	

Provided always, that in the foregoing rates shall be included the stationery, which in all cases shall be furnished for the work so to be performed by the said King's Printer at his own expense, without any extra charge being made or allowed for the same, and which shall be of good quality: and that any number of sheets of such work less than one hundred shall be computed and considered as a full hundred; and that schedule work shall be rated at price and a half; and rule and figure work at double prices of the foregoing rates.

3.—And whereas, it is deemed inexpedient that the person who may hold the situation of King's Printer, should be engaged in the Printing of or employed as Editor of any publication of a political nature, as a newspaper, or otherwise. Be it further enacted by the authority aforesaid, that it shall not be lawful for such King's Printer so to be employed or engaged.

4.—And be it further enacted by the authority aforesaid, That for the due fulfilment of the duties required by this Act, and in consideration of the rights herein secured to the said office of King's Printer, he shall be required to enter into bonds to His Majesty, himself in the sum of five hundred pounds, and two good and sufficient sureties in the sum of two hundred and fifty pounds each, conditioned for the due and faithful discharge of the duties to be performed by him under the provisions of this Act: which Bond shall be drawn up in such manner and form, and the sureties in the same approved of as may be thought proper and sufficient by the Governor, Lieutenant Governor, or person administering the Government of this Province.

5.—And be it further enacted by the authority aforesaid, That this Act shall continue in force for four years, and from thence to the then next ensuing Session of Parliament."

Ordered, that the House be put into a Committee of the whole presently, to take the said amendment into consideration.

The Honorable Mr. Crookshank enters.

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

The Honorable Mr. Baldwin took the Chair.

After some time the House resumed.

The Chairman reported, that the Committee had gone through the said amendment, and recommended the said Bill as amended to the adoption of the House. Reported.

Ordered, that the report be received; and,

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

Wednesday, 16th March, 1836.

SECOND SESSION TWELFTH PROVINCIAL PARLIAMENT, 6th WILLIAM IV.

Petition of Abraham Cressman, and others, brought up. The Honorable Mr. Crooks, brought up the Petition of Abraham Cressman, and others, inhabitants of the District of Gore ; which was laid on the Table.

Committee appointed to report upon the Contingent Accounts. Ordered, that a Select Committee be appointed to investigate and report upon the Contingent Accounts of this House during the present Session ; and,

Members composing same. Ordered, that the Honorable Messieurs Allan, Elmsley, and Morris, do compose the same for that purpose.

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

WEDNESDAY, 16th MARCH, 1836.

House meets. The House met pursuant to adjournment.

PRESENT :

Members present.	<i>The Honorable</i> JOHN B. ROBINSON, SPEAKER.	<i>The Honorable Messrs.</i> ELMSLEY,
	<i>The Honorable Messrs.</i> CROOKSHANK,	" " BALDWIN.
	" " ALLAN,	" " ADAMSON,
	" " GORDON,	" " CROOKS,
	" " McDONELL,	" " MACAULAY.
	" " BURNHAM,	" " VANKOUGHNET.

Prayers were read.

The minutes of yesterday were read.

Address to the King respecting certain Chelsea Pensioners, read third time and passed. Pursuant to the order of the day, the Address of the Commons House of Assembly to the King, respecting certain Chelsea Pensioners in this Province ; was read a third time, and passed :

Same signed ;

Whereupon the Speaker signed the same : and it was,

And the Assembly acquainted thereof.

Ordered, that the Master in Chancery do go down to the Assembly, and acquaint that House, that the Legislative Council has concurred in and to the said Address.

Official Printing Regulation Bill, as amended ; read third time :

Pursuant to the order of the day, the Bill entitled, "An Act to regulate the prices to be charged for Printing Official Advertisements:" was as amended, read a third time ; and it was,

Further amendment ordered.

Ordered, that the Bill be further amended, as follows :

The further amendment.

In the title, Line 2.—After "for," insert "Official," expunge "Official Advertisements."

Bill as amended passed.

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

Amendments signed :

Whereupon the Speaker signed the amendments ; and it was,

And sent to the Assembly for concurrence.

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

Mutual Insurance Companies Bill, re-committed.

Pursuant to the order of the day, the House was again put into a Committee of the whole, upon the Bill entitled, "An Act to authorise the establishment of Mutual Insurance Companies, in the several Districts of this Province."

The Honorable Mr. Vankoughnet took the Chair.

After some time the House resumed.

Reported.

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

Ordered, that the report be received ; and,

And referred to a Select Committee

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

Members composing same.

Ordered, that the Honorable Messieurs Allan, Elmsley, and Macaulay, do compose the same for that purpose.

Petitions of S. Washburn and others ;

Pursuant to the order of the day, the Petition of S. Washburn, and others, inhabitants of the Prince Edward District, praying for the establishment of a Banking Company therein ; and also the Petition of the Rev'd. Thomas Creen, and others, inhabitants of the Town of Niagara, praying for an Act incorporating the said Town, and creating a Police therein ; were read.

And of the Rev. Thomas Creen, and others, read.

On motion made and seconded ; it was,

Thursday, 17th March, 1836

SIR FRANCIS BOND HEAD, K. C. H. *Lieutenant Governor.*

Ordered, that the Honorable Mr. Crookshank, be added to the Select Committee to whom was referred the Bill entitled "An Act to incorporate sundry persons, under the style and title of the President, Directors and Company, of the Johnstown District Bank."

Members added to the select committee upon Johnstown District Bank incorporation Bill.

On motion made and seconded; it was,

Ordered, that the Petitions presented to this House for additional Banks in this Province be referred to the Committee to whom the Bank Bills are submitted; and also that the said Committee be instructed to ascertain, whether the proper notices have been given in the Upper Canada Gazette.

The several Petitions for new Banks, referred to the same Select Committee.

On motion made and seconded, the House adjourned.

House adjourns.

THURSDAY, 17th MARCH, 1836.

The House met pursuant to adjournment.

House meets.

PRESENT :

*The Honorable* JOHN B. ROBINSON, SPEAKER.

*The Honorable Messrs.* BALDWIN,

*The Honorable Messrs.* CROOKSHANK,

" " HAMILTON,

" " ALLAN,

" " ADAMSON,

" " GORDON,

" " CROOKS,

" " McDONELL,

" " MORRIS,

" " BURNHAM,

" " MACAULAY,

" " ELMSLEY,

" " VANKOUGHNET.

Members present.

Prayers were read.

The Minutes of yesterday were read.

Pursuant to the order of the day, the Petition of Abraham Cressman, and others, inhabitants of the District of Gore, praying that the Halton and Huron Rail Road, may commence at Dundas, and not at Wellington Square; was read.

Petition of Abraham Cressman, and others, read.

The Honorable Mr. Gordon, from the Select Committee to whom was referred the Bill entitled, "An Act to divide the Township of Hawkesbury, in the Ottawa District, into two separate and distinct Townships of East and West Hawkesbury:" presented their report.

Report of the select Committee upon Hawkesbury division bill, presented:

Ordered, that it be received; and,

The same was then read by the Clerk as follows:

Same read.

The Select Committee appointed to report upon the Bill sent up from the House of Assembly, entitled, "An Act to divide the Township of Hawkesbury in the Ottawa District, into two separate and distinct Townships of East and West Hawkesbury, beg leave to report, that the only objection which appears to be to the passage of the Bill, is, that the standing rule of the Honorable the Legislative Council, which requires notice to be given in the Upper Canada Gazette of the intention of any person or persons to apply to the Legislature for its interference respecting any local matter, should be publicly given in the Upper Canada Gazette, at least once in each month, for six months preceding the session in which such application is to be made; has not been complied with.

The report.

The Committee regret that this omission should have occurred, feeling satisfied, that the provisions of the Bill, if passed into a law, would be of advantage to the people of that part of the Province; but as the Committee consider the Bill in question to be decidedly of a local nature, they cannot recommend its passage; as such a departure from the standing rules of the House would establish a dangerous precedent.

All which is respectfully submitted,

(Signed,)

JAMES GORDON,

*Chairman.*

*Committee Room of the Legislative Council,*

Sixteenth day of March, 1836.

On motion made and seconded; it was,

Ordered, that the Honorable Mr. Dunn, having been notified of the message received from the Commons House of Assembly on Monday last; leave be given to him for the purpose of attending a Select Committee as desired thereby, if he thinks fit; and,

Leave given to the Honorable Mr. Dunn, to attend a Select Committee of the Assembly.

Friday, 18th March, 1836.

SECOND SESSION TWELFTH PROVINCIAL PARLIAMENT, 6th WILLIAM IV.

And that House acquainted thereof.

Ordered, that the Master in Chancery do go down to the Assembly, and acquaint that House, that the Honorable John H. Dunn, has leave to attend a Select Committee of the Commons House of Assembly; as desired by that House in their Message received on Monday last, if he thinks fit.

Petition of William Dawe, brought up.

The Honorable Mr. Macaulay, brought up the Petition of William Dawe, of the Town of Kingston; which was laid on the Table.

Report of the Select Committee upon the Resolutions respecting the Sale of Crown Lands; presented.

The Honorable Mr. Morris, from the Select Committee appointed to report upon certain Resolutions respecting the Sale of the Waste Lands of the Crown; presented their report.

Read.

Ordered, that it be received; and,  
The same was then read by the Clerk, as follows :  
(For the Report See Appendix II.)

On motion made and seconded; it was,

Ordered to be printed.

Ordered, that the last mentioned report be committed to a Committee of the whole House on Wednesday next, and that in the mean time it be printed for the use of Members.

House adjourns.

On motion made and seconded, the House adjourned.

FRIDAY, 18th MARCH, 1836.

House meets.

The House met pursuant to adjournment.

PRESENT :

Members present.

The Honorable JOHN B. ROBINSON, SPEAKER.  
The Honorable Messrs. CROOKSHANK,  
" " ALLAN,  
" " GORDON,  
" " McDONELL,  
" " BURNHAM,  
" " ELMSLEY,

The Honorable Messrs. BALDWIN,  
" " HAMILTON,  
" " ADAMSON,  
" " MORRIS,  
" " MACAULAY,  
" " VANKOUGHNET.

Prayers were read.

The Minutes of yesterday were read.

Niagara and Detroit Rail Road Bill, brought up from the Assembly;

A Deputation from the Commons House of Assembly brought up a Bill, entitled, "An Act to Incorporate certain persons therein mentioned under the name and style of the Niagara and Detroit Rivers Rail-road Company," to which they requested the concurrence of this House; and they brought up and delivered at the Bar of this House a Message in the following words, and then withdrew :

And a message,

MR. SPEAKER,

Concurring in the address to His Excellency requesting him to transmit the joint address to His Majesty, on the subject of a reduction of the duties upon Tobacco.

The Commons House of Assembly has concurred in the Address to His Excellency the Lieutenant Governor, sent down by the Honorable the Legislative Council, requesting His Excellency to transmit to the Secretary of State for the Colonies, the Address to His Majesty on the subject of a reduction of the duties on Tobacco.

(Signed)

MARSHALL S. BIDWELL,  
SPEAKER.

Commons House of Assembly,  
14th March, 1836.

Niagara and Detroit Rail-road Bill, read first time.

The Bill entitled "An Act to incorporate certain persons therein mentioned under the name and style of the Niagara and Detroit Rivers Rail-road Company," was then read; and it was,

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

On motion made and seconded; it was,

An address ordered to be presented to His Excellency the Lieutenant Governor;

Ordered, that an Address be presented to His Excellency the Lieutenant Governor, in the following terms:

Praying him to transmit the joint address to the King on the subject of certain Chelsea Pensioners in this Province.

To His Excellency SIR FRANCIS BOND HEAD, Knight Commander of the Royal Hanoverian Guelphic Order, Knight of the Prussian Military Order of Merit, Lieutenant Governor of the Province of Upper Canada, &c., &c., &c.

MAY IT PLEASE YOUR EXCELLENCY:

The Legislative Council and Assembly, have agreed to an Address to the King, on be-

Friday, 18th March, 1836.

SIR FRANCIS BOND HEAD, K.C.H. *Lieutenant Governor.*

half of certain inhabitants of this Province, heretofore Pensioners of Chelsea Hospital; which we pray Your Excellency to transmit to the Secretary of State for the Colonies; that it may be laid at the foot of the Throne.

Whereupon the Speaker signed the same; and it was,

Ordered, that it be sent to the Assembly, by the Master in Chancery, for their concurrence.

Same signed:

And sent to the Assembly for their concurrence.

The Honorable Mr. Allan, from the Select Committee to whom was referred the Bill, entitled, "An Act to incorporate sundry persons under the style and title of the President, Directors and Company, of the Johnstown District Bank;" also the Bill entitled, "An Act to incorporate sundry persons, under the style and title of the President, Directors and Company, of the Bank of the Niagara District:" also the Bill entitled, "An Act to incorporate sundry persons under the style and title of the President, Directors and Company, of the Bank of Niagara:" also the Bill entitled, "An Act to increase the Capital Stock of the Gore District Bank, and extend the provisions of the same;" also the Bill entitled, "An Act to incorporate certain persons under the style and title of the President, Directors and Company, of the People's Bank;" also the Bill entitled, "An Act to incorporate a Company, under the style and title of the President, Directors and Company, of the Prince Edward District Bank;" also the Bill entitled, "An Act to incorporate certain persons under the style and title of the President, Directors and Company, of the Cobourg Bank;" and also the Bill entitled, "An Act for better regulating of co-partnerships of certain Bankers in this Province, and for protecting the interests of the public," together with the several Petitions upon which the said Bills were founded; presented their report.

Report of the Select Committee upon the several Bank bills, presented.

Ordered, that it be received; and,

The same was then read by the Clerk as follows:

Read.

The Select Committee to whom was referred the Bill sent up from the Commons House of Assembly, entitled, "An Act to incorporate sundry persons under the style and title of the President, Directors and Company, of the Johnstown District Bank"; also the Bill entitled "An Act to incorporate sundry persons under the style and title of the President, Directors and Company, of the Bank of the Niagara District"; also, the Bill entitled "An Act to incorporate sundry persons under the style and title of the President, Directors and Company, of the Bank of Niagara"; also, the Bill entitled "An Act to increase the Capital Stock of the Gore District Bank, and extend the provisions of the same"; also, the Bill entitled "An Act to incorporate sundry persons under the style and title of the President, Directors and Company, of the People's Bank"; also, the Bill entitled "An Act to incorporate a Company under the style and title of the President, Directors and Company, of the Prince Edward District Bank"; also, the Bill entitled "An Act to incorporate certain persons under the style and title of the President, Directors and Company, of the Cobourg Bank"; and also, the bill entitled "An Act for the better regulating of Co-partnerships of certain Bankers in this Province, and for protecting the interests of the public"—beg leave to report:

The report.

That they have carefully examined the said Bills, and also ascertained that the regular notices have been given, and the necessary Petitions preferred; and they have agreed to recommend to the favorable consideration of your Honorable House, the Bill entitled, "An Act to incorporate sundry persons under the style and title of the President, Directors and Company, of the Bank of the Niagara District;" and also the Bill entitled, "An Act to incorporate certain persons under the style and title of the President, Directors and Company, of the Cobourg Bank;" with a capital of one hundred thousand pounds: to neither of which does it appear to your Committee, that any other amendment is required, than a clause to the following effect: "that each of the said Banks shall have a clause, providing that from and out of the surplus profits, after they can declare a dividend, at the rate of six per cent per annum, there be reserved five per cent on the Capital Stock paid in, to be appropriated or applied to the endowment and support of a Lunatic Asylum." And your Committee further recommend to the consideration of your Honorable House, the Bill entitled, "An Act for better regulating of Co-partnerships of certain Bankers in this Province, and for protecting the interests

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of the public:" but they do not recommend the further consideration of the several other bills referred to them.

All which is respectfully submitted,

(Signed,)

W. ALLAN,  
Chairman

On motion made and seconded; it was,

Ordered, that the House be put into a Committee of the whole, on Wednesday next, to take the last mentioned report of the Select Committee into consideration.

Petition of Edmonds  
Chandley and others,  
brought up.

The Honorable Mr. Baldwin, brought up the Petition of Edmonds Chandley and others, inhabitants of the Town of Belleville; which was laid on the Table.

House adjourns.

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

MONDAY, 21st MARCH, 1836.

House meets.

The House met pursuant to adjournment.

PRESENT:

Members present.	<i>The Honorable</i> JOHN B. ROBINSON, SPEAKER.	<i>The Honorable Messrs.</i> ELMSLEY,
	<i>The Honorable Messrs.</i> CROOKSHANK,	" " BALDWIN,
	" " ALLAN,	" " MORRIS,
	" " GORDON,	" " MACAULAY,
	" " McDONELL,	" " VANKOUGHNET.
	" " BURNHAM,	

Prayers were read.

The Minutes of Friday were read.

Amendments to  
Clergy Reserve sale  
bill, committed.

Pursuant to the order of the day, the House was put into a Committee of the whole, upon the amendments made by the Legislative Council, to the Bill entitled, "An Act for the disposal of the Clergy Reserves in this Province, for the purposes of general Education."

The Honorable Mr. Morris took the Chair.

After some time the House resumed.

Amendment to the  
amendments,  
reported.

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

Ordered, that the report be received; and,

Same read, and  
adopted.

The amendment to the amendments was then read, and adopted as follows:

The amendment to  
the amendment.

Press 9 of the Amendments, Line 13.—After "void any," insert "grant."

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

Petitions of  
William Dawe:

Pursuant to the order of the day, the Petition of William Dawe, of the Town of Kingston, praying to be allowed to practice as an Attorney in this Province, and as a Solicitor, whenever a Court of Equity is established therein; and also the Petition of Edmonds Chandley and others, Inhabitants of the Town of Belleville, praying that the Legislative Council will pass the Bill sent up from the Assembly this Session, for amending the Police Law of the said Town—were severally read.

And also of Edmonds  
Chandley, and others,  
read.

Niagara and Detroit  
rail-road bill, read  
second time.

Pursuant to the order of the day, the bill entitled "An Act to Incorporate certain persons therein mentioned under the name and style of the Niagara and Detroit Rivers Rail-road Company," was read a second time; and it was,

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

A Member enters.

The Honorable Mr. Hamilton enters.

On motion made and seconded, it was,

Petition of Edmonds  
Chandley, and others,  
referred to the select  
committee upon  
Belleville Police  
law amendment bill.

Ordered, that the petition of Edmonds Chandley and others, Inhabitants of the Town of Belleville, be referred to the Select Committee upon the Bill entitled, "An Act to amend an Act passed in the fourth year of His present Majesty's reign, entitled, 'An Act to establish

**Tuesday, 22nd March, 1836.**

**SIR FRANCIS BOND HEAD, K. C. H. Lieutenant Governor.**

a Board of Police in the Town of Belleville, and to make further provisions for the establishment of a Police in said Town."

On motion made and seconded, the House adjourned.

House adjourns.

**TUESDAY, 22nd MARCH, 1836.**

The House met pursuant to adjournment.

House meets.

**PRESENT :**

*The Honorable* JOHN B. ROBINSON, SPEAKER.

*The Honorable Messrs.* HAMILTON.

*The Honorable Messrs.* CROOKSHANK.

" " BOSWELL,

Members present.

" " GORDON,

" " ADAMSON,

" " McDONELL,

" " CROOKS,

" " BURNHAM,

" " MORRIS,

" " ELMSLEY,

" " MACAULAY.

" " BALDWIN,

" " VANKOUGHNET,

Prayers were read.

The Minutes of yesterday were read.

Pursuant to the order of the day, the Bill entitled, "An Act for the disposal of the Clergy Reserves in this Province, for the purposes of general education;" was, as amended, read a third time; and it was,

Clergy reserve sale bill, as amended, read third time;

Ordered, that the said Bill be further amended, as follows:

Further amendment ordered;

In the Title.—After "Act" expunge the remainder and insert, "to repeal part of an Act passed in the Parliament of Great Britain, entitled, 'An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's reign, entitled 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America, and to make further provision for the Government of the said Province,' and to vest certain lands therein mentioned in His Majesty, to be applied for the maintenance of Public Worship and the support of Religion, within this Province."

The further amendment.

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

Bill, as amended, passed;

Whereupon the Speaker signed the amendments; and it was,

Amendments signed;

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

And sent to the Assembly for concurrence.

Pursuant to the order of the day, the House was put into a Committee of the whole, upon the Bill entitled, "An Act to incorporate certain persons therein mentioned under the name and style of the Niagara and Detroit Rivers Rail Road Company."

Niagara and Detroit rail-road bill, committed.

The Honorable Mr. Crooks took the Chair.

After some time the House resumed.

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

Reported, and leave asked to sit again.

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

Leave granted.

The Honorable Mr. Morris brought up the petition of George Robertson, and others, proprietors and Freeholders of the Village of Milleroches;—also the petition of Andrew Miller, and others, Directors and Stockholders of the London and Gore Rail Road;—and also the petition of Richard Hare, and others, inhabitants of the Village of Grafton; which were laid on the table.

Petitions of George Robertson, and others; Of Andrew Miller, and others; and, Of Richard Hare, and others; brought up.

A Deputation from the Commons House of Assembly returned the Address requesting His Excellency the Lieutenant Governor to be pleased to cause the Joint Address to the King, on the subject of certain Chelsea Pensioners in this Province, to be laid at the foot of the Throne, and acquainted this House that they had concurred in and to the same, and then withdrew.

Address requesting His Excellency to transmit the joint address to the King on the subject of certain Chelsea Pensioners, adopted by the Assembly.

On motion made and seconded it was,

Wednesday, 23rd March, 1836

SECOND SESSION TWELFTH PROVINCIAL PARLIAMENT, 6th WILLIAM IV.

A Select Committee appointed to meet a Committee of the Assembly to know when the aforementioned address, and also that on the subject of Tobacco duties, would be received.

Members composing the committee of this House.

And the Assembly acquainted thereof.

Ordered, that a Committee be appointed on the part of this House, to meet a Committee of the Assembly, to wait upon His Excellency the Lieutenant Governor, to know when he will be pleased to receive the Joint Addresses to His Majesty, on the subject of duties on Tobacco, and Chelsea Pensioners, and to present the same; and.

Ordered, that the Honorable Messieurs Morris and Vankoughnet, do compose the Committee on the part of this House for that purpose; and,

Ordered, that the Master in Chancery do go down to the Assembly, and acquaint that House, that the Legislative Council has appointed the Honorable Messieurs Morris and Vankoughnet, a Committee on the part of this House, who will be ready tomorrow at eleven o'clock to meet a Committee of the Assembly, to wait upon His Excellency the Lieutenant Governor, to know when he will be pleased to receive the Joint Addresses to His Majesty, on the subject of duties on Tobacco, and Chelsea Pensioners, and to present the same.

A Deputation from the Commons House of Assembly brought up and delivered at the Bar of this House a message in the following words, and then withdrew:

Message from the Assembly;

MR. SPEAKER,

Announcing the appointment of a Committee on the part of that House for the purpose last mentioned.

The Commons House of Assembly has appointed a Committee of four of its Members, who will be ready to wait jointly, with the Committee appointed by your Honorable House, upon His Excellency the Lieutenant Governor, to know when His Excellency will be pleased to receive the Joint Addresses of the two Houses to His Majesty, on the subjects of a reduction of the duty on Tobacco, and certain commuted Pensioners, and to present the same.

(Signed)

MARSHALL S. BIDWELL,  
SPEAKER.

*Commons House of Assembly,*  
22nd March, 1836.

House adjourns.

On motion made and seconded, the House adjourned.

WEDNESDAY, 23rd MARCH, 1836.

House meets.

The House met pursuant to adjournment.

PRESENT:

Members present.

*The Honorable* JOHN B. ROBINSON, SPEAKER.  
*The Honorable Messrs.* CROOKSHANK,  
" " ALLAN,  
" " GORDON,  
" " McDONELL,  
" " BURNHAM,  
" " ELMSLEY,  
" " BALDWIN.

*The Honorable Messrs.* HAMILTON,  
" " BOSWELL,  
" " ADAMSON,  
" " CROOKS,  
" " MORRIS,  
" " MACAULAY,  
" " VANKOUGHNET.

Prayers were read.

The minutes of yesterday were read.

Report of the Select Committee on the subject of Crown Lands, committed.

Pursuant to the order of the day, the House was put into a Committee of the whole, upon the report of the Select Committee on the subject of the sale of Crown Lands.

The Honorable Mr. Vankoughnet took the Chair.

After some time the House resumed.

Reported & adopted;

The Chairman reported, that the Committee had gone through the said report of the Select Committee, as also the address therein referred to, and recommended them to the adoption of the House.

Ordered, that the report be received; and,

together with the address to His Excellency referred to.

Ordered, that the said report together with the address be adopted; and,

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

Report of the Select Committee on the various Bank bills, committed.

Pursuant to the order of the day, the House was put into a Committee of the whole, upon the report of the Select Committee to whom was referred the Bill entitled, "An Act to incorporate sundry persons under the style and title of the President, Directors and Company, of the Johnstown District Bank;"—also the Bill entitled, "An Act to incorporate sundry persons under the style and title of the President, Directors and Company, of the Bank of the Niagara



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SIR FRANCIS BOND HEAD, K. C. H. *Lieutenant Governor.*

District;"—also the Bill entitled, "An Act to incorporate sundry persons under the style and title of the President, Directors and Company, of the Bank of Niagara;"—also the Bill entitled, "An Act to increase the Capital Stock of the Gore District Bank, and extend the provisions of the same";—also, the Bill entitled, "An Act to incorporate certain persons under the style and title of the President, Directors and Company, of the People's Bank";—also the Bill entitled, "An Act to incorporate a Company under the style and title of the President, Directors and Company, of the Prince Edward District Bank";—also the Bill entitled, "An Act to incorporate certain persons under the style and title of the President, Directors and Company, of the Cobourg Bank";—and also the bill entitled, "An Act for better regulating of Co-partnerships of certain Bankers in this Province, and for protecting the interests of the public."

The Honorable Mr. Allan took the Chair.

After some time the House resumed.

The Chairman reported that the Committee had taken the said Report of the Select Committee into consideration, and recommended that the said Bills be referred back to the same Select Committee, with power further to report thereon, and with special instructions to inquire more particularly whether a Bank at St. Catharines has been prayed for by petition during the present session. Reported :

Ordered, that the report be received; and,

Ordered, that the said Bills be referred back to the same Select Committee, with power further to report thereon, and with instructions to inquire more particularly whether a Bank at Saint Catharines has been prayed for by petition during the present session. And referred back to the same Select Committee.

The Honorable Mr. Crooks, brought up the petition of John Rolph, and others; which was laid on the table. Petition of John Rolph and others, presented.

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

THURSDAY, 24th MARCH, 1836.

The House met pursuant to adjournment. House meets.

PRESENT :

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

*The Honorable Messrs.* ADAMSON,

*The Honorable Messrs.* GORDON,

" " CROOKS,

" " McDONELL,

" " MORRIS,

" " BURNHAM,

" " MACAULAY.

" " HAMILTON,

" " VANKOUGHNET.

" " BOSWELL,

Members present.

Prayers were read.

The Minutes of yesterday were read.

Pursuant to the order of the day, the address of this House to His Excellency the Lieutenant Governor, respecting the sale of the waste Lands of the Crown, was read a third time and passed : Address to His Excellency respecting the sale of the Waste Lands of the Crown, read third time and passed.

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

Ordered, that a Committee be appointed to wait on His Excellency to know when he would be pleased to receive the address, and to present the same; and, A committee appointed to know when it would be received.

Ordered, that the Honorable Messieurs Crooks and Morris, do compose the same for that purpose. Members composing same.

The Honorable Messieurs Crookshank, Allan, Elmsley, and Baldwin, enter. Members enter.

Pursuant to the order of the day, the House was put into a Committee of the whole, upon the bill entitled, "An Act to Incorporate certain persons therein mentioned under the name and style of the Niagara and Detroit Rivers Rail-road Company." Niagara and Detroit Rail-road bill, committed.

The Honorable Mr. Crooks took the Chair.

After some time the House resumed.

The Chairman reported that the Committee had gone through the said Bill, and had made some amendments thereto, which they were ready to submit whenever the House would be pleased to receive the same. Amendments reported.

Friday, 25th March, 1836.

## SECOND SESSION TWELFTH PROVINCIAL PARLIAMENT, 6th WILLIAM IV.

Ordered, that the report be received to-morrow.

Petitions of George Robertson, and others:

Of Andrew Miller, and others; and

Of Richard Hare, and others, read.

Petitions of the Venerable Archdeacon Stuart, and others; Of Joseph Wynn, and others; Of Robert Grant, and others; and Of John Stinson, and others, presented.

Petition of George Adams, and others, presented.

House adjourns.

Pursuant to the order of the day, the Petition of George Robertson and others, Proprietors and Frecholders of the Village of Millroches, praying for relief; also, the Petition of Andrew Miller and others, Directors and Stockholders of the London and Gore Rail-road, praying for an amendment of their Charter, by granting to the said Company the privileges of Banking; and also the Petition of Richard Hare, and others, inhabitants of the Village of Grafton, in the Township of Haldimand, in the Newcastle District, praying for an Act incorporating a Company for the purpose of constructing a Pier and Harbor on the Lake Shore in front of the said Village—were severally read.

The Honorable Mr. Macaulay brought up the Petition of the Venerable Archdeacon Stuart and others; also, the Petition of Joseph Wynn and others, inhabitants of Queenston and its vicinity; also, the Petition of Robert Grant and others, inhabitants of Queenston and its vicinity; and also the Petition of John Stinson and others, of the Town of Hamilton and its vicinity; which were laid on the table.

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

On motion made and seconded, the House adjourned.

FRIDAY, 25th MARCH, 1836.

House meets.

The House met pursuant to adjournment.

## PRESENT :

Members present.	<i>The Honorable</i> JOHN B. ROBINSON, SPEAKER.	<i>The Honorable Messrs.</i> BOSWELL,
	<i>The Honorable Messrs.</i> GORDON,	ADAMSON,
	“ “ McDONELL.	“ “ CROOKS,
	“ “ BURNHAM.	“ “ MORRIS,
	“ “ ELMSLEY,	“ “ MACAULAY,
	“ “ BALDWIN,	“ “ VANKOUGHNET.

Prayers were read.

The Minutes of yesterday were read.

Amendments to Niagara and Detroit rail-road bill, presented.

Pursuant to the order of the day, the Honorable Mr. Crooks, from the Committee of the whole upon the bill entitled “An Act to incorporate certain persons therein mentioned under the name and style of the Niagara and Detroit Rivers Rail-road Company,” presented the amendments made thereto; and,

Read first time.

They were then read by the Clerk as follows :

Press. 4, line 18.—After “erect” insert “and.”

“ 8, “ 3.—Expunge “for” and insert “upon.”

“ 7, “ 9.—After “remaining” insert “six.”

“ “ “ 13.—After “land” insert “on the taking of the.”

The amendments.

“ “ “ 16.—After “same” expunge the remainder of the clause, and insert “and two originals of such inquisition shall be made and executed on the same day, one of which shall be delivered to the said Company, and the other to the person claiming compensation; and the property taken, and the boundaries of the land occupied by the said Company, shall be set forth in such inquisition; and if upon motion made in the Court of King’s Bench in the term following, the Court, on hearing the parties, shall find just cause for setting such inquisition or award aside, then an order may be made by the said Court for that purpose; and it shall be lawful for the person claiming compensation to proceed in the same manner as hereinbefore directed for obtaining another valuation: and the inquisition or award that may be made thereupon shall be in like manner subject to the control of the Court of King’s Bench, upon hearing of the parties: Provided always, that upon the money assessed as the valuation in any such inquisition being paid or legally tendered to the person entitled to the same, the property so taken and valued shall immediately thereupon vest in the said Corporation, as fully as if

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the same had been legally transferred by the owner thereof, for such term of time as the same may be required for the purposes authorized by this Act; and if the money when tendered shall not be received, it shall nevertheless be incumbent on the said Corporation at any time thereafter to pay the same on demand, without costs; and that the Sheriff and Coroner and the Jurors to be summoned under this Act shall be entitled for the services rendered by them to be compensated in the same manner as is provided for similar services by the twentieth clause of an Act of the Parliament of this Province, passed in the third year of His present Majesty's reign, entitled 'An Act granting to His Majesty a sum of money, to be raised by Debenture, for the improvement of the navigation of the River St. Lawrence.'

- Press. 9, line 2.—After "road" insert "as."  
 " " " 4.—Expunge "shall be entitled to" and insert "to recover."  
 " " " 11.—Expunge "or cross the same with" and insert "the same with or to cross."  
 " " " 14.—Expunge "any" and insert "such."  
 " " " 15.—After "for" insert "the."  
 " " " 16.—Expunge "any" and insert "such."  
 " " " 17.—After "incorporated" insert "as may be necessary in that respect."  
 " 10, " 2.—After "aforesaid" insert "and."  
 " 11, " 7.—Expunge "thereafter" and insert "hereafter."  
 " 14, " 7.—After "per cent" insert "upon the stock"; after "them" insert "shall"; after "respectively" insert "have."  
 " " " 8.—Expunge "sum or shares of" and insert "stock subscribed by."  
 " " " 20.—After "any" insert "such."  
 " 16, " 14.—After "steam" insert "or"; after "or" insert "by."  
 " " " 15.—After "or" expunge "of" and insert "by."  
 " " " " Expunge "them" and insert "such powers."  
 " " " 21.—Expunge "or in" and insert "then on."  
 " 17, " 2.—Expunge "then."  
 " " " 10.—After "Commissioners" insert "first herein mentioned."  
 " " " 16.—Expunge "as" and insert "who."  
 " 19, " 7.—After "them" insert "and that."  
 " 20, " 20.—After "stead" add "Provided, that the intention to propose such removal shall have been specified as one of the reasons for calling such meeting."

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

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

Pursuant to the order of the day, the Petition of John Rolph and others, praying that the Legislative Council will be pleased to pass the People's Bank Bill now before them—was read. Petition of John Rolph, and others, read.

The Honorable Mr. Morris brought up the Petition of Robert Fennel and others, inhabitants of the Town of London and its vicinity; which was laid on the table. Petition of Robert Fennel, and others, presented.

The Honorable Messieurs Crookshank and Allan enter. Members enter.

The Honorable Mr. Allan, from the Select Committee to whom was referred the Bill entitled, "An Act to authorise the establishment of Mutual Insurance Companies, in the several Districts of this Province"—presented their report. Report of the Select Committee upon Mutual Insurance Companies Bill, presented.

Ordered, that the report be received; and,

The same was then read by the Clerk as follows: Read.

The Committee to whom has been referred the Bill entitled "An Act to authorise the establishment of Mutual Insurance Companies in the several Districts of this Province"—respectfully report: The report.

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That they have examined the several provisions of the Bill, and compared it with one that has been in operation for the space of nearly nine years in the State of Vermont, where it is stated to have been successfully acted on, and to have given general satisfaction.

Your Committee have to add, that a measure of this nature has been favorably entertained in the Province of Lower Canada; and as this Bill may facilitate the Insurance of houses, especially in the rural parts of this Country, your Committee beg leave to recommend it to the adoption of the House.

All which is respectfully submitted,

(Signed,)

W. ALLAN,  
Chairman.

*Committee Room, Legislative Council,*  
Twenty-fifth day of March, 1836.

On motion made and seconded; it was,

Ordered, that the House be put into a Committee of the whole, on Monday next, to take the said Bill, and the report of the Select Committee thereon, into consideration.

Further report of the  
Select Committee  
upon the various Bank  
bills, presented.

The Honorable Mr. Allan, from the Select Committee to whom was referred the Bill, entitled, "An Act to incorporate sundry persons under the style and title of the President, Directors and Company, of the Johnstown District Bank;" also the Bill entitled, "An Act to incorporate sundry persons, under the style and title of the President, Directors and Company, of the Bank of the Niagara District;" also the Bill entitled, "An Act to incorporate sundry persons under the style and title of the President, Directors and Company, of the Bank of Niagara;" also the Bill entitled, "An Act to increase the Capital Stock of the Gore District Bank, and extend the provisions of the same;" also the Bill entitled, "An Act to incorporate certain persons under the style and title of the President, Directors and Company, of the People's Bank;" also the Bill entitled, "An Act to incorporate a Company, under the style and title of the President, Directors and Company, of the Prince Edward District Bank;" also the Bill entitled, "An Act to incorporate sundry persons under the style and title of the President, Directors and Company, of the Cobourg Bank;" and also the Bill entitled, "An Act for better regulating of co-partnerships of certain Bankers in this Province, and for protecting the interests of the public"—presented their further report.

Ordered, that the report be received; and,

Read

The same was then read by the Clerk as follows:

The further report.

The Select Committee to whom was referred the Bill sent up from the Commons House of Assembly, entitled, "An Act to incorporate sundry persons under the style and title of the President, Directors and Company, of the Johnstown District Bank"; also the Bill entitled "An Act to incorporate sundry persons under the style and title of the President, Directors and Company, of the Bank of the Niagara District"; also, the Bill entitled "An Act to incorporate sundry persons under the style and title of the President, Directors and Company, of the Bank of Niagara"; also, the Bill entitled "An Act to increase the Capital Stock of the Gore District Bank, and extend the provisions of the same"; also, the Bill entitled "An Act to incorporate certain persons under the style and title of the President, Directors and Company, of the People's Bank"; also, the Bill entitled "An Act to incorporate a Company under the style and title of the President, Directors and Company, of the Prince Edward District Bank"; also, the Bill entitled "An Act to incorporate sundry persons under the style and title of the President, Directors and Company, of the Cobourg Bank"; and also the Bill entitled "An Act for better regulating of Co-partnerships of certain Bankers in this Province, and for protecting the interests of the public"—beg leave further to report:

That with respect to the St. Catharines Bank, your Committee have to state that no petition has this year been presented to the Legislative Council.

Your Committee were in this particular misled by the circumstance that the petition presented in the year 1835 had been so altered as to appear as if it had been presented during the present Session. In what manner this alteration was effected your Committee cannot ascertain, but they are of opinion it must have been done since the petition was

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brought from the Clerk's Room and laid on the Table of the Room occupied by the Committee.

And with regard to the several other Banks already mentioned, no notice of application appears to have been given, except for those of Niagara and Prescott.

If the rules of the House as respects any of the others have been complied with, no evidence thereof appears before your Committee.

And your Committee recommend that if the Bill entitled "An Act to incorporate certain persons under the style and title of the President, Directors and Company, of the Cobourg Bank," should be entertained by your Honorable House, in such case the Capital Stock thereof to be reduced to £100,000.

All which is respectfully submitted.

(Signed,)

W. ALLAN,  
*Chairman.*

*Committee Room of the Legislative Council,  
Twenty-fifth March, 1836.*

On motion made and seconded, it was,

Ordered, that the House be put into a Committee of the whole presently to take the several Bills, and the two reports of the Select Committee thereon, into consideration.

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

The Honorable Mr. Allan took the Chair.

After some time the House resumed.

The Chairman reported that the Committee had taken the said Bills and reports of the Select Committee into consideration, and had made some amendments to the Bill entitled "An Act to incorporate sundry persons under the style and title of the President, Directors and Company, of the Bank of Niagara," which they were ready to submit whenever the House would be pleased to receive the same.

Ordered, that the report be received to-morrow.

The Honorable Mr. Elmsley gave notice that he would, on to-morrow, move that the House be put into a Committee of the whole upon the Bill entitled, "An Act for better regulating of Co-partnerships of certain Bankers in this Province, and for protecting the interests of the public."

The Honorable Mr. Burnham gave notice that he would, on to-morrow, move that the House be put into a Committee of the whole upon the Bill entitled, "An Act to incorporate certain persons under the style and title of the President, Directors and Company, of the Cobourg Bank."

The Honorable Mr. Elmsley gave notice that he would, on to-morrow, move that the House be put into a Committee of the whole, upon the Bill entitled, "An Act to increase the Capital Stock of the Gore District Bank, and extend the provisions of the same."

The Honorable Mr. Baldwin gave notice that he would, on Monday next, move that the House be put into a Committee of the whole upon the Bill entitled, "An Act to incorporate certain persons under the style and title of the President, Directors and Company, of the People's Bank."

The Honorable Mr. Morris, from the Joint Committee appointed to present His Excellency the Lieutenant Governor, with the several Addresses of the two Houses, praying His Excellency to cause the Joint Addresses to His Majesty, on the subject of a reduction of the duties upon Tobacco, and relative to certain Chelsea Pensioners in this Province; reported, that His Excellency had been pleased to receive the same, and to return thereto the following replies.

*Gentlemen of the Legislative Council; and,  
Gentlemen of the House of Assembly—*

I shall lose no time in forwarding to the Secretary of State for the Colonies, this Joint Address to the King, of the Legislative Council and House of Assembly; to be laid at the foot of the Throne.

The bills and reports committed.

Amendments to Niagara Bank bill, reported.

Notice of a motion for recommitting Banking Co-partnerships regulation bill to a Committee of the whole.

Notice of a motion for committing Cobourg Bank incorporation bill to a Committee of the whole.

Notice of a motion for committing Gore Bank Stock increase bill to a Committee of the whole.

Notice of a motion for committing People's Bank incorporation bill to a Committee of the whole.

Report of the Joint Committee appointed to present the addresses on the subjects of Tobacco duties, and Chelsea Pensioners.

Reply of His Excellency to the address on the subject of certain Chelsea Pensioners.

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

Reply of His Excellency to the address on the subject of a reduction of duties on Tobacco.

I shall take an early opportunity of transmitting to the Secretary of State for the Colonies, this Joint Address to the King, of the Legislative Council and Assembly, to be laid at the foot of the Throne.

Report of the Select Committee upon Grafton Harbour Company's incorporation bill presented.

The Honorable Mr. Crooks, from the Select Committee to whom was referred the Bill entitled, "An Act to incorporate a Joint Stock Company under the style and title of the President, Directors and Company, of the Grafton Harbour," presented their report.

Ordered, that it be received; and,

Read.

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

The Committee to which has been referred the Bill entitled, "An Act to incorporate a Joint Stock Company under the style and title of the President, Directors and Company, of the Grafton Harbour"—beg leave to report:

The Report.

That this Charter has been applied for by petition in a regular manner, and that a notice respecting it appears in the Upper Canada Gazette, dated 15th May, 1833.

On a careful comparison of its sections with various Statutes of a similar character, now in force in this Province, Your Committee have prepared some amendments, which they herewith submit.

All which is respectfully submitted,

(Signed)

JAMES CROOKS,

CHAIRMAN.

*Committee Room, Legislative Council,  
25th day of March, 1836.*

Press 2, Line 20.—Expunge "Port" and insert, "Dean's Creek, near the Village of."

Press 4.—Add to the third Clause—"And that the said Company shall in no case take possession of any land, the value of which shall be so awarded, unless payment be made according to the said award, or a tender thereof made to the party or parties therein interested; and shall not in any manner obstruct or interfere with the Highway now passing the mouth of the said Dean's Creek, and shall construct and maintain a good and sufficient bridge across the same, without any charge to the public."

" 5, Line 2.—After "numbers" insert, "nineteen."

Add to the fourth Clause—"And all articles not enumerated to pay in proportion to the above rates, subject to the direction of the Directors appointed by virtue of this Act: Provided, nevertheless, that the said Directors shall have power to reduce the said rates of tolls, should they see fit."

Press 6, Line 11.—After "boats" insert, "or other craft."

" " " 15.—After "boats" insert, "or other craft."

" " " 16.—Expunge "thirty" and insert "ten."

" " " 24.—After "at" insert, "Village of;" after "Grafton" insert "aforesaid."

" 7, " 3.—After "Gazette" expunge "or," and insert "and."

" 8, " 11.—After "day" insert "thereafter."

" 9, " 2.—After "at" insert "Village of;" after "Grafton" insert "aforesaid."

" " " 11.—After "the" insert "Upper Canada;" expunge "or" and insert "and."

" 10, " 2.—Expunge from "the" to "for" in third line, and insert "manner before mentioned."

" " " 10.—After "notice," insert "given," after "the," expunge to "provided," and insert, "manner before mentioned."

" " " 13.—Expunge "be," and insert "have been,"

" 11, " 4.—After "such," insert "share or."

" " " 5.—After "days," insert "public."

" " " 6.—After "forfeited," insert "share or," after "the," expunge to "and," in line eight, and insert, "manner hereinbefore directed."

" 13, " " Add to the Bill, "18.—*And be it further enacted by the authority aforesaid,* That nothing herein contained, shall give to the said Company, or

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be construed to give to the said Company, the exclusive right of fishing within the Harbour or Lake Shore, within the limits before mentioned; and that it shall not be lawful for any person or persons, to take, catch, or kill; or to attempt to take, catch, or kill any fish, by torch or fire-light, within one hundred yards of any work erected by the said Company."

"19.—*And be it further enacted by the authority aforesaid, That if any person or persons shall be duly convicted, by the oath of one or more credible witness or witnesses, before any two of His Majesty's Justices for the said District, of having so caught or killed, or so attempted to catch or kill any fish, in manner aforesaid; such person or persons respectively, upon conviction as aforesaid, shall forfeit and pay a sum not exceeding five pounds, nor less than five shillings for every offence so committed, with all reasonable costs both before and after conviction; or in default of payment to be committed to the common Gaol of such District as aforesaid, for a term of not more than thirty days, nor less than two days, unless the fine and costs are sooner paid.*"

On motion made and seconded, it was,

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

The Honorable Mr. Baldwin gave notice that he would, on to-morrow, move that the House be again put into a Committee of the whole upon certain resolutions of this House on the subject of divorce.

Notice of a motion for recommitting the resolutions on Divorce to a Committee of the whole.

On motion made and seconded, the House adjourned.

House adjourns.

SATURDAY, 26th MARCH, 1836.

The House met pursuant to adjournment.

House meets.

PRESENT :

*The Honorable* JOHN B. ROBINSON, SPEAKER.

*The Honorable Messrs.* BALDWIN,

*The Honorable Messrs.* CROOKSHANK,

" " BOSWELL,

" " ALLAN,

" " CROOKS,

" " GORDON,

" " MORRIS,

" " McDONELL,

" " MACAULAY,

" " ELMSLEY,

" " VANKOUGHNET,

Members present.

Prayers were read.

The Minutes of yesterday were read.

Pursuant to the order of the day, the Bill entitled, "An Act to Incorporate certain persons under the name and style of the Niagara and Detroit Rivers Rail-road Company," was as amended, read a third time; and,

Niagara and Detroit rail-road bill, read third time and passed, as amended.

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

Whereupon the Speaker signed the amendments; and it was,

Amendments signed;

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

And sent to the Assembly for concurrence.

Pursuant to the order of the day, the Honorable Mr. Allan, from the Committee of the whole upon the bill entitled "An Act to incorporate sundry persons under the style and title of the President, Directors and Company, of the Bank of Niagara;" presented the amendments made in and to the same; and,

Amendments to Niagara Bank corporation bill, presented.

They were then read by the Clerk as follows:

Read first time.

Press 2, Line 10.—After "actions," insert "suits."

" 6, " 8.—After "Province," insert "in which a newspaper shall be printed."

The Amendments.

" 12, " 9.—After "same," insert "either in person or by proxy."

" 18, " Add to the Bill, "31.—*And be it further enacted by the authority aforesaid, That so soon after the passing of this Act, as the nett profits*

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made by the said Corporation in the course of their business, shall enable them to divide more than six pounds per centum per annum, upon the Capital Stock paid in, then they shall pay to the Receiver General of this Province for the time being, the amount of all their nett profits, which shall exceed such proportion of six pounds per centum per annum, upon the Stock paid in, until they shall have so paid to the Receiver General the sum of five thousand pounds, which monies shall remain in the hands of the Receiver General, subject to the disposition of the Legislature of this Province, for the purpose of erecting or endowing a Hospital or Asylum for insane persons; and shall be accounted for to His Majesty, through the Lords Commissioners of His Majesty's Treasury, in such manner and form as His Majesty, his Heirs and Successors shall be graciously pleased to direct."

" 32.—*And be it further enacted by the authority aforesaid, That whenever it shall appear by any such returns as are required by this Act to be made, of the state and affairs of the said Corporation, or whenever it shall appear to the satisfaction of the Legislature, from any inquiry which the Legislative Council or House of Assembly may think proper to order, that the provision in the last preceding clause of this Act contained, has not been complied with by the said Corporation, according to the intention of this Act, then it shall be competent to the Legislature of this Province, at any time afterwards, by an Act to be passed for that purpose, to annul and make void the charter of the said Corporation; or upon an address of the Legislative Council or House of Assembly to the Governor, Lieutenant Governor, or person administering the Government of this Province, a Proclamation shall be issued, under the Great Seal of this Province, declaring the charter of the said Corporation to be void: and it shall be lawful in either case for the Legislature, by any Act or Acts to be passed for that purpose, to make such provision as shall appear to them necessary and just for the settling the affairs of the said Corporation.*"

Read second time and adopted.

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

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

A Member enters.

The Honorable Mr. Burnham enters.

Motion for a Committee of the whole upon Banking Co-partnerships regulation bill.

Pursuant to notice, the Honorable Mr. Elmsley moved, that the House be again forthwith put into a Committee of the whole upon the Bill entitled, "An Act for better regulating of Co-partnerships of certain Bankers in this Province, and for protecting the interests of the public;" which being seconded,

Question put and carried.

The question of concurrence was put and carried in the affirmative; and,

Bill re-committed.

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

The Honorable Mr. Gordon took the Chair.

House resumes.

After some time the House resumed.

Motion for dispensing with the 47th Rule, as relates to Cobourg Bank incorporation bill.

The Honorable Mr. Boswell moved, that the forty-seventh Rule of this House be dispensed with, so far as the same relates to the Bill entitled, "An Act to incorporate certain persons under the style and title of the President, Directors and Company, of the Cobourg Bank," which being seconded,

Question put and carried.

The question of concurrence was put and carried in the affirmative; and it was,

Ordered, that the forty-seventh Rule of this House be dispensed with, so far as it relates to the same.

Motion for a Committee of the whole upon the said bill.

Pursuant to notice, the Honorable Mr. Burnham moved, that on Monday next the House be put into a Committee of the whole to take the said Bill into consideration, which being seconded,



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The question of concurrence was put and carried in the affirmative ; and it was,  
Ordered, that on Monday next the House be put into a Committee of the whole to take the same into consideration.

Question put and carried.

A Deputation from the Commons House of Assembly brought up a Bill entitled, "An Act to improve the navigation of the Inland Waters of the District of Newcastle;"—also a Bill entitled, "An Act to incorporate the Town of Cobourg, and to establish a Police therein;" also a Bill entitled, "An Act to incorporate certain persons under the style and title of the Cayuga Bridge Company;"—also a Bill entitled, "An Act to extend the time of commencing the Cobourg Rail-road;"—also a Bill entitled, "An Act to incorporate a Joint Stock Company under the style and title of the London and Devenport Rail-road and Harbour Company;"—and also a Bill entitled, "An Act to authorise the payment to the Treasurer of the District of Ottawa, of the appropriation towards the support of Common Schools in said District, for the years 1835 and 1836;" to which they requested the concurrence of this House, and then withdrew.

Newcastle Inland navigation bill ;  
Cobourg Police bill ;  
Cayuga Bridge Company's corporation bill ;  
Cobourg Rail-road bill ;  
London and Devenport Rail-road bill ;  
And Ottawa District School money bill, brought up from the Assembly.

The said Bills were then severally read ; and it was,

Read first time.

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

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

House adjourns.

MONDAY, 28th MARCH, 1836.

House meets.

The House met pursuant to adjournment.

PRESENT :

*The Honorable* JOHN B. ROBINSON, SPEAKER.

*The Honorable Messrs.* BALDWIN,

*The Honorable Messrs.* CROOKSHANK,

" " BOSWELL,

" " ALLAN,

" " ADAMSON,

" " GORDON,

" " CROOKS,

" " McDONELL,

" " MORRIS,

" " BURNHAM,

" " MACAULAY,

" " ELMSLEY,

" " VANKOUGHNET.

Members present.

Prayers were read.

The Minutes of Saturday last were read.

The order of the day being read for a third reading of the Bill entitled, "An Act to incorporate sundry persons under the style and title of the President, Directors and Company, of the Bank of Niagara," as amended,

Motion for not reading Niagara Bank incorporation bill, as amended, a third time, but referring it again to a Committee of the whole in three months.

It was moved and seconded, that the said Bill, as amended, be not now read a third time, but that it be recommitted to a Committee of the whole this day three months.

In amendment thereto, it was moved and seconded, that "this day three months" be expunged, and "to-morrow" inserted in lieu thereof ;

Motion in amendment thereto.

Upon which the question of concurrence was put, and it was carried in the negative.

Question put and negatived.

The original question was then put and carried in the negative ; and,

Original question put and negatived.

The said Bill, as amended, was read a third time ; and it was,

Bill as amended, read third time.

Ordered, that the Bill be further amended, as follows :

Further amendment ordered.

In the title, line 3—Expunge "Bank of Niagara," and insert "Niagara District Bank."

The further amendment.

Upon the question being put, whether this Bill as amended should pass ; it was,

Motion against passing the bill, as amended.

Moved and seconded, that it do not now pass, but that the same be committed to a committee of the whole House, on Thursday next.

Question put and negatived.

The question of concurrence being put, it was carried in the negative ;

Bill as amended passed.

Whereupon the Bill passed, and the Speaker signed the amendments ; and it was,

Amendments signed ; And sent to the Assembly for concurrence.

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

Pursuant to the order of the day, the House was again put into a Committee of the whole, upon the Bill entitled, "An Act to authorise the establishment of Mutual Insurance Companies, in the several Districts of this Province"—together with the report of the Select Committee thereon.

Mutual Insurance Companies Bill, re-committed.

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The Honorable Mr. Morris took the Chair.

After some time the House resumed.

Reported.

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

Adopted.

Ordered, that the report be received ; and,

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

Report of the Select Committee appointed to present an address to His Excellency, on the subject of the sale of Crown Lands.

The Honorable Mr. Morris, from the Select Committee appointed to present an Address of this House to His Excellency the Lieutenant Governor, respecting the sale of the waste Lands of the Crown, reported that they had done so, and that His Excellency had been pleased to return thereto the following reply :

GENTLEMEN,

His Excellency's reply.

I shall be happy to forward this Address, with the accompanying Report, to His Majesty's Secretary of State, to be laid at the foot of the Throne.

Motion for recommitting People's Bank incorporation bill, on tomorrow.

Pursuant to notice, the Honorable Mr. Baldwin moved, that the House be again put into a Committee of the whole to-morrow, to take into consideration the Bill entitled, "An Act to incorporate certain persons under the style and title of the President, Directors and Company, of the People's Bank;" which being seconded,

Question put and negatived.

The question of concurrence was put, and it was carried in the negative ; and it was,

Ordered to be re-committed in 3 months.

Ordered, that the House be again put into a Committee of the whole on the same, this day three months.

Cobourg Bank Incorporation bill re-committed.

Pursuant to the order of the day, the House was again put into a Committee of the whole upon the Bill entitled, "An Act to incorporate certain persons under the style and title of the President, Directors and Company, of the Cobourg Bank."

The Honorable Mr. Macaulay took the Chair.

A Message being announced, the Chairman left the Chair, and the House formed.

Messages from the Lieutenant Governor.

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

F. B. HEAD,

Transmitting a report of the Steam Dredging Machine Commissioners.

1st March, 1836.

The Lieutenant Governor, transmits to the Legislative Council, the accompanying Report of the Commissioners appointed by an Act of the Legislature, passed at the last Session, granting a sum of money, for the purpose of a Steam Dredging Machine.

*Government House,*  
March, 1836.

F. B. HEAD,

Transmitting printed copies of the reports of a Committee of the House of Lords, on the subject of Gaols, &c.

The Lieutenant Governor, transmits to the Legislative Council, with reference to His Message of the 7th instant, the accompanying printed copies of the Reports of a Committee of the House of Lords, on the subject of the Gaols and Houses of Correction in England and Wales, and the general subject of Prison Discipline.

*Government House,*  
28th March, 1836.

On motion made and seconded ; it was,

An address of thanks ordered to be presented to His Excellency, for the foregoing Messages.

Ordered, that an Address be presented to His Excellency the Lieutenant Governor, respectfully thanking him for the several Messages just received, transmitting a Report of certain Commissioners, and printed copies of Reports of a Committee of the House of Lords, on Gaols and Prison Discipline ; and,

Members composing same.

Ordered, that the Honorable Messieurs Burnham and Boswell, be appointed a Committee to present the same.

Cobourg Bank Incorporation bill, re-committed.

The House was then again put into a Committee of the whole, upon the Bill entitled, "An Act to incorporate certain persons under the style and title of the President, Directors and Company, of the Cobourg Bank."

Tuesday, 29th March, 1836.

SIR FRANCIS BOND HEAD, K. C. H. *Lieutenant Governor.*

The Honorable Mr. Macaulay took the Chair.

After some time the House resumed.

The Chairman reported that the Committee had gone through the said Bill, and had made some amendments thereto, which they were ready to submit whenever the House would be pleased to receive the same. Amendments reported.

Ordered, that the report be received to-morrow.

The Honorable Mr. Crooks brought up the Petition of Andrew Miller, and others, inhabitants of the Town of Hamilton; which was laid on the Table. Petition of Andrew Miller, and others, presented.

Pursuant to notice, the Honorable Mr. Elmsley moved, that the House be again put into a Committee of the whole to-morrow, upon the Bill entitled, "An Act to increase the Capital Stock of the Gore District Bank, and to extend the provisions of the same." Motion for re-committing Gore Bank Stock increase bill to a Committee of the whole.

Which being seconded, the question of concurrence was put and carried in the affirmative; and it was, Question put and carried.

Ordered, that the said Bill be referred to a Committee of the whole, to-morrow.

The Honorable Mr. Vankoughnet gave notice that he would, on to-morrow, move certain Resolutions on the subject of Banking. Notice of moving certain resolutions on Banking.

The Honorable the Speaker, reported the following communication received by him, from the Honorable the Speaker of the Legislative Council of the Province of Lower Canada. Speaker reports the receipt of a communication from the Speaker of the Legislative Council of Lower Canada.

(For the Communication, see Appendix I.)

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

TUESDAY, 29th MARCH, 1836.

The House met pursuant to adjournment. House meets.

PRESENT :

The Honorable JOHN B. ROBINSON, SPEAKER.

The Honorable Messrs. CROOKSHANK.

" " GORDON,

" " McDONELL,

" " BURNHAM,

" " ELMSLEY,

" " BOSWELL,

The Honorable Messrs. ADAMSON,

" " CROOKS,

" " STEWART,

" " MORRIS.

" " MACAULAY.

" " VANKOUGHNET.

Members present.

Prayers were read.

The Minutes of yesterday were read.

To the Bill passed yesterday, (as amended,) entitled "An Act to incorporate sundry persons under the style and title of the President, Directors and Company, of the Bank of Niagara."

DISSENTIENT :

Because we apprehend, that the Legislature, by their too ready acquiescence in the numerous Banking projects proposed to them, are laying the foundation of great future injuries to this Province; and because we entertain the opinion, that the issue of a paper currency, which is undoubtedly necessary to the commercial prosperity of the Province, could be provided for by measures that would better ensure the safety of the public. Protest of the Hon. the Speaker, and of the Hon. Messrs. Vankoughnet and Gordon, against the passing of Niagara Bank incorporation bill (as amended.)

(Signed,) JOHN B. ROBINSON,  
P. VANKOUGHNET,  
JAMES GORDON.

Pursuant to the order of the day, the Bill entitled "An Act to authorise the establishment of Mutual Insurance Companies in the several Districts of this Province"—was read a third time, and passed. Mutual Insurance Companies bill, read third time and passed.

Whereupon the Speaker signed the same; and it was,

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

The order of the day being read, for the House to be again put into a committee of the whole upon the Bill entitled, "An Act to increase the Capital Stock of the Gore District Bank, and extend the provisions of the same; it was, Motion for discharging Gore Bank Stock increase bill from the order of the day.

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<p>Question put and negatived. Bill re-committed.</p>	<p>Moved and seconded, that it be discharged, and that the same do stand upon the order of the day, for this day three months. Whereupon the question of concurrence was put, and it was carried in the negative. Then the House was put into a Committee of the whole on the said Bill accordingly. The Honorable Mr. Vankoughnet took the Chair. After some time the House resumed.</p>
<p>Members enter.</p>	<p>The Honorable Messieurs Allan, and Baldwin, enter.</p>
<p>Reported and leave asked to sit again in three months. Leave granted.</p>	<p>The Chairman reported, that the Committee had taken the said Bill into consideration, had made some further progress therein, and asked leave to sit again this day three months. Ordered, that the report be received, and leave granted accordingly.</p>
<p>Grafton Harbour Company's incorporation bill, committed.</p>	<p>Pursuant to the order of the day, the House was put into a Committee of the whole, upon the Bill entitled, "An Act to incorporate a Joint Stock Company under the style and title of the President, Directors and Company, of the Grafton Harbour;" together with the report of the Select Committee thereon. The Honorable Mr. Elmsley took the Chair. After some time the House resumed.</p>
<p>Reported, and the amendments of the select committee recommended for adoption.</p>	<p>The Chairman reported, that the Committee had gone through the said Bill, and had agreed to the amendments reported by the Select Committee, which they recommended to the adoption of the House. Ordered, that it be received ; and,</p>
<p>Amendments read first time. Read second time and adopted.</p>	<p>The said amendments were then read by the Clerk. The said amendments being read a second time, and the question of concurrence put on each, they were severally agreed to by the House ; and it was, Ordered, that they be engrossed, and the said Bill, as amended, read a third time to-morrow.</p>
<p>Motion for a Committee of the whole upon the resolutions relative to divorce.</p>	<p>Pursuant to notice, the Honorable Mr. Baldwin moved, that the House be put into a Committee of the whole to-morrow, upon the Resolutions of this House relative to Divorce ; which being seconded :</p>
<p>Question put and carried.</p>	<p>The question of concurrence was put, which was carried in the affirmative ; and it was, Ordered, that the House be put into a Committee of the whole to-morrow, upon the Resolutions of this House relative to Divorce.</p>
<p>Ottawa District School Money bill, read second time.</p>	<p>Pursuant to the order of the day, the Bill entitled, "An Act to authorise the payment to the Treasurer of the District of Ottawa, of the appropriation towards the support of Common Schools in said District, for the years 1835 and 1836,"—was read a second time ; and it was, Ordered, that the House be put into a Committee of the whole to-morrow, to take the same into consideration.</p>
<p>Cobourg Police bill, read second time.</p>	<p>Pursuant to the order of the day, the Bill entitled, "An Act to incorporate the Town of Cobourg, and to establish a Police therein, was read a second time ; and it was, Ordered, that the same be referred to a Select Committee, with power to send for persons and papers, and to report thereon by amendment or otherwise ; and,</p>
<p>And referred to a Select Committee ; Members composing same.</p>	<p>Ordered, that the Honorable Messieurs Burnham, Boswell, and Macaulay, do compose the same for that purpose.</p>
<p>Cayuga Bridge Company's incorporation bill ; And Cobourg Rail Road Company's time extension bill, read second time.</p>	<p>Pursuant to the order of the day, the Bill entitled, "An Act to incorporate certain persons, under the style and title of the Cayuga Bridge Company ; and also the Bill entitled, "An Act to extend the time of commencing the Cobourg Rail Road," were severally read a second time ; and it was, Ordered, that the House be put into Committees of the whole, to-morrow, to take the same into consideration.</p>
<p>London &amp; Devenport Rail Road bill, read second time ;</p>	<p>Pursuant to the order of the day, the Bill entitled, "An Act to incorporate a Joint Stock Company, under the style and title of the London and Devenport Rail Road and Harbour Company," was read a second time ; and it was,</p>
<p>And referred to the Select Committee upon Cobourg Police bill.</p>	<p>Ordered, that the same be referred to the Select Committee upon the Bill entitled, "An Act to incorporate the Town of Cobourg, and to establish a Police therein," with power to send for persons and papers, and to report thereon by amendment or otherwise.</p>
<p>Newcastle Inland Navigation bill, read second time.</p>	<p>Pursuant to the order of the day, the Bill entitled, "An Act to improve the Navigation of the inland waters of the District of Newcastle," was read a second time ; and it was,</p>

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SIR FRANCIS BOND HEAD, K.C.H. *Lieutenant Governor.*

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

Pursuant to the order of the day, the House was again put into a Committee of the whole, upon the Bill entitled, "An Act to authorise His Majesty's Justices to hold a Court of Oyer and Terminer, Assize and Nisi Prius, and General Gaol Delivery in the Ottawa District." Ottawa District Assize Court bill, re-committed.

The Honorable Mr. Baldwin took the Chair.

After some time the House resumed.

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

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

Pursuant to the order of the day, the Honorable Mr. Macaulay from the Committee of the whole upon the Bill entitled, "An Act to incorporate certain persons under the style and title of the President, Directors and Company, of the Cobourg Bank," presented the amendments made in and to the same; and, Amendments to Cobourg Bank incorporation bill, presented.

They were then read by the Clerk, as follows :

In the Title—Expunge "Cobourg Bank" and insert, "Bank of the Newcastle District." Read first time.

Press 2 Line 7.—Expunge "Cobourg Bank" and insert, "Bank of the Newcastle District."

" " " 22.—Expunge "sixteen" and insert "eight."

" 3 " 12.—Expunge "two hundred" and insert "eighty."

" " " 14.—Expunge "to be ready as a deposit at the time of subscribing," and insert, "on the amount of stock subscribed by any person, shall be deposited at the time of subscribing, with the Agent appointed to open the books of such Bank, or in some Chartered Bank within the Province, subject."

" 5 " 5.—Expunge "two" and insert "one."

" " " 7.—Expunge "fifty" and insert "twenty-five."

" 7 " 17.—Expunge "ten" and insert "twenty."

Add to the Bill.—"29. And be it further enacted by the authority aforesaid, That so soon after the passing of this Act as the nett profits made by the said Corporation in the course of their business, shall enable them to divide more than six pounds per centum per annum, upon the Capital Stock paid in, then they shall pay to the Receiver General of this Province for the time being, the amount of all their nett profits, which shall exceed such proportion of six pounds per centum per annum, upon the Stock paid in, until they shall have so paid to the Receiver General the sum of five thousand pounds, which monies shall remain in the hands of the Receiver General, subject to the disposition of the Legislature of this Province, for the purpose of erecting or endowing an Hospital or Asylum for insane persons; and shall be accounted for to His Majesty, his Heirs and Successors, through the Lords Commissioners of His Majesty's Treasury, in such manner and form as His Majesty, his Heirs and Successors shall be graciously pleased to direct."

"30. And be it further enacted by the authority aforesaid, That whenever it shall appear by any such returns as are required by this Act to be made of the state and affairs of the said Corporation, or whenever it shall appear to the satisfaction of the Legislature, from any inquiry which the Legislative Council or House of Assembly may think proper to order, that the provision in the last preceding clause of this Act contained has not been complied with by the said Corporation, according to the intention of this Act, then it shall be competent to the Legislature of this Province, at any time afterwards, by an Act to be passed for that purpose, to annul and make void the Charter of the said Corporation, or upon an address of the Legislative Council or House of Assembly to the Governor, Lieutenant Governor, or person administering the Government of this Province, a Proclamation shall be issued under the Great Seal of this Province, declaring the Charter of the said Corporation to

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be void: and it shall be lawful in either case for the Legislature, by any Act or Acts to be passed for that purpose, to make such provision as shall appear to them necessary and just for the settling the affairs of the said Corporation."

Read second time and adopted.

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

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

Petitions of the Venerable the Archdeacon of Kingston, and others;

Of Joseph Wynn, and others;

Of Robert Grant, and others;

Of John Stinson, and others;

Of George Adams, and others;

And of Robt Fennell, and others—read.

Pursuant to the order of the day, the Petition of the Venerable Archdeacon Stuart, and others, praying for an Act incorporating every Relief Union which may be established in this Province, on the plan of uniting manual labour with mental cultivation;—also the petition of Joseph Wynn, and others, inhabitants of Queenston, and its vicinity, praying for an Act of incorporation for the purpose of constructing a Suspension Bridge across the Niagara River; also the petitions of Robert Grant, and others, inhabitants of Queenston and its vicinity, and John Stinson, and others, inhabitants of the Town of Hamilton, and its vicinity, severally praying for an Act of incorporation for the construction of a Rail-road from Queenston to Hamilton;—also the petition of George Adams, and others, inhabitants of the District of Niagara, praying for the establishment of a Bank at St. Catharines;—and also the petition of Robert Fennell, and others, inhabitants of the Town of London, and its vicinity, praying for the removal of the District School from Vittoria to London, or to grant a salary to a Classical and Mathematical Teacher, in London, were severally read.

Second report of the Select Committee upon Belleville Police Law amendment bill presented.

The Honorable Mr. Burnham, from the Select Committee to whom was referred the Bill entitled, "An Act to amend an Act passed in the fourth year of His present Majesty's reign, entitled, 'An Act to establish a Board of Police in the Town of Belleville, and to make further provisions for the establishment of a Police in said Town,'" presented their second report.

Ordered, that it be received; and,

The same was then read by the Clerk as follows:

Read.

The second report.

The Select Committee to whom was again referred the Bill sent up from the Commons House of Assembly, entitled, "An Act to amend an Act passed in the fourth year of His present Majesty's Reign, entitled, "An Act to establish a Board of Police in the Town of Belleville, and to make further provisions for the establishment of a Police in said Town,"—beg leave further to report.

That a Petition is before Your Honorable House for the measure, and it has been duly notified in the Upper Canada Gazette.

That your Committee have compared the present Bill with the former Act, and find the limits of the said Town are very much enlarged, which are prayed for by the petitioners.

That we find great difference between this Bill and other Acts for establishing Boards of Police in the different Towns of this Province; inasmuch as it gives to each individual member of the Board, the powers of a Justice of the Peace within the said Town.

Your Committee recommend the passing of the Bill, with such amendments as will give no other power to the Board of Police, than is given to other Boards of a similar nature.

(Signed)

Z. BURNHAM,

CHAIRMAN.

*Legislative Council Committee Room,*

*29th day of March, 1836.*

On motion made and seconded, it was,

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

Petitions of William Conway Keele, and of Nicholas Sparks, presented.

The Honorable Mr. Morris, brought up the Petition of William Conway Keele, of the City of Toronto; and also the Petition of Nicholas Sparks, of By-Town; which were laid on the Table.

Report of the Select Committee upon Jury Law amendment bill presented.

The Honorable Mr. Gordon, from the Select Committee to whom was referred the Bill entitled, "An Act to amend the Jury Laws of this Province"—presented their report:

Ordered, that it be received; and,

Wednesday, 30th March, 1836.

SIR FRANCIS BOND HEAD, K. C. H. *Lieutenant Governor.*

The same was then read by the Clerk as follows :

(For the Report, see Appendix J.)

On motion made and seconded, it was,

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

On motion made and seconded, the House adjourned.

Read.

House adjourns.

WEDNESDAY, 30th MARCH, 1836.

The House met pursuant to adjournment.

House meets.

PRESENT :

*The Honorable* JOHN B. ROBINSON, SPEAKER.

*The Honorable Messrs.* BALDWIN,

*The Honorable Messrs.* DICKSON.

" " BOSWELL,

" " CROOKSHANK,

" " ADAMSON,

" " ALLAN,

" " CROOKS,

" " GORDON,

" " STEWART,

" " McDONELL,

" " MORRIS.

" " BURNHAM,

" " MACAULAY,

" " ELMSLEY,

" " VANKOUGHNET,

Members present.

Prayers were read.

The Minutes of yesterday were read.

Pursuant to the order of the day, the Bill entitled, "An Act to incorporate a Joint Stock Company under the style and title of the President, Directors and Company, of the Grafton Harbour"—was, as amended, read a third time; and,

Grafton Harbour Company's incorporation bill, as amended, read third time and passed.

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

Whereupon the Speaker signed the amendments; and it was,

Amendments signed;

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

And sent to the Assembly for concurrence.

Deputations from the Commons House of Assembly brought up a Bill, entitled, "An Act to provide for the establishment of limited partnerships in this Province;" also a Bill entitled, "An Act to provide for the making and keeping in repair, the West Gwillimbury Road and Bridge, and to authorise the erection of a Toll Gate thereon;" also a Bill entitled, "An Act to incorporate sundry persons under the style and title of the Gananoque and Wiltsie Navigation Company;" also a Bill entitled, "An Act to incorporate a Joint Stock Company, under the style and title of the Otter Creek Slack Water Navigation Company;" also a Bill entitled, "An Act to raise a sum of money to continue the improvement of certain Roads in the vicinity of the City of Toronto, and for other purposes therein mentioned;" and also a Bill entitled, "An Act to authorise certain persons calling themselves "Christians," to solemnize matrimony,"—to which they requested the concurrence of this House; and they returned the Bill sent down from this House entitled, "An Act to alter and amend an Act passed in the eighth year of His late Majesty's reign, entitled, 'An Act to confer upon His Majesty, certain powers and authorities necessary to the making, maintaining and using, the Canal intended to be completed under His Majesty's direction, for connecting the waters of Lake Ontario with the River Ottawa, and for other purposes therein mentioned;"—and acquainted this House, that the Commons House of Assembly had passed the same without amendment.—The same Deputations brought up, and delivered at the Bar of this House the following Messages, and then withdrew.

Limited partnerships provision bill;

Gwillimbury Toll-gate bill;

Gananoque Navigation bill;

Otter Creek Slack Water bill;

Toronto Road bill; and

Christians Marriage bill, brought up from the Assembly.

Rideau Navigation bill, passed by the Assembly.

Message from the Assembly;

MR. SPEAKER,

The Commons House of Assembly request, that the Honorable the Legislative Council, will be pleased to give leave to the Honorable Messieurs Allan, Elmsley and Baldwin, members of your Honorable House, to attend and give evidence before the Select Committee of this House, to which was referred the correspondence between the late Executive Council and His Excellency the Lieutenant Governor; and to the Honorable Peter Robinson, to at-

Requesting that the Hon. Messrs. Allan, Elmsley, Baldwin, and P. Robinson, may have leave to attend select committees of that House.

Wednesday, 30th March, 1836.

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tend and give evidence before the Select Committee, to which was referred the Petition of Edward Kennedy.

(Signed,) MARSHALL S. BIDWELL,  
SPEAKER.

*Commons House of Assembly,*  
28th day of March, 1836.

MR. SPEAKER,

The Commons House of Assembly, request that the Honorable the Legislative Council, will be pleased to give leave to the Honorable George H. Markland, to attend and give evidence before a Select Committee of this House, on the subject of the Library.

(Signed) MARSHALL S. BIDWELL,  
SPEAKER.

*Commons House of Assembly,*  
28th day of March, 1836.

Requesting that the Hon. George H. Markland may have leave to attend a select committee of that House.

Limited partnerships provision bill, read first time;

The Bill entitled, "An Act to provide for the establishment of limited Partnerships in this Province,"—was read, and it was,

And ordered to be printed.

Ordered, that the same be read a second time on Monday next; and that in the meantime it be printed for the use of Members.

Gwillimbury toll-gate bill;

The Bill entitled, "An Act to provide for the making and keeping in repair the West Gwillimbury Road and Bridge, and to authorise the erection of a Toll Gate thereon;" also

Gananoque navigation bill;

the Bill entitled, "An Act to incorporate sundry persons under the style and title of the Gananoque and Wiltsie Navigation Company;" also, the Bill entitled, "An Act to incorporate

Otter Creek slack water bill;

a Joint Stock Company, under the style and title of the Otter Creek Slack Water Navigation Company;" also the Bill entitled, "An Act to raise a sum of money to continue the improvement of certain roads in the vicinity of the City of Toronto, and for other purposes therein

Toronto road bill;

mentioned;" and also the Bill entitled, "An Act to authorise certain persons calling themselves "Christians," to solemnize matrimony,"—were then severally read; and it was,

And Christian's marriage bill, read first time.

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

Motion for a Committee of privilege to search for precedents in respect of the practice of the Imperial Parliament in certain cases.

It was moved and seconded, that a Committee of Privilege be appointed to search for precedents, and to report what is the practice of the Imperial Parliament, in cases where the attendance of Members of the House of Lords is requested by the Commons; and that the Honorable Messrs. Dickson, Morris, and Vankoughnet, do compose the same.

Question put and negatived.

The question of concurrence was put, and it was carried in the negative; and it was,

Leave given to the Hon. Messrs. Allan, Elmsley, and Baldwin, to attend a Select Committee of the Assembly.

Ordered, that the Honorable Messieurs Allan, Elmsley, and Baldwin, have leave to attend a Select Committee of the Commons House of Assembly, as desired by that House in their Message received this day, if they think fit; and,

And that House acquainted thereof.

Ordered, that the Master in Chancery do go down to the Assembly, and acquaint that House, that the Honorable Messieurs Allan, Elmsley, and Baldwin, have leave to attend a Select Committee of the Commons House of Assembly, as desired by that House in their Message received this day, if they think fit.

Another motion made similar to the last.

It was moved and seconded, that a Committee of Privilege be appointed to search for precedents, and to report what is the practice of the Imperial Parliament in cases where the attendance of Members of the House of Lords is requested by the Commons; and that the Honorable Messieurs Dickson, Morris, and Vankoughnet do compose the same.

Question put and carried.

The question of concurrence was put, and it was carried in the affirmative; and it was,

And a Committee of privilege ordered.

Ordered, that a Committee of Privilege be appointed to search for precedents, and to report what is the practice of the Imperial Parliament, in cases where the attendance of Members of the House of Lords is requested by the Commons, and that the Honorable Messieurs Dickson, Morris, and Vankoughnet, do compose the same.

Members composing same.

Pearse and others relief bill, brought up from the Assembly.

A Deputation from the Commons House of Assembly brought up a Bill entitled, "An Act for the relief of John Pearse, William Dumble, and William Hoar,"—to which they requested the concurrence of this House, and then withdrew.



Wednesday, 30th March, 1836.

SIR FRANCIS BOND HEAD, K.C.H. *Lieutenant Governor.*

The said Bill was then read ; and it was, Ordered, that it be read a second time to-morrow.	Read first time.
Pursuant to the order of the day, the Bill entitled, "An Act to incorporate certain persons under the style and title of the President, Directors and Company, of the Cobourg Bank,"—was, as amended, read a third time ; and, The question being put, whether this Bill as amended should pass, it was carried in the affirmative:	Cobourg Bank incorporation bill, as amended, read third time.
Whereupon the Speaker signed the amendments ; and it was, Ordered, that the Master in Chancery do go down to the Assembly, and acquaint that House, that the Legislative Council have passed this Bill with certain amendments, to which they desire the concurrence of the Commons House of Assembly.	Amendments signed ; And sent to the Assembly for concurrence.
Pursuant to the order of the day, the House was again put into a Committee of the whole upon certain Resolutions on the subject of Divorce. The Honorable Mr. Dickson took the Chair. After some time the House resumed.	Resolutions on the subject of Divorce recommitted.
The Chairman reported that the Committee had taken the said Resolutions into consideration, had made some further progress therein, and asked leave to sit again this day three months.	Reported, and leave asked to sit again in three months.
Ordered, that the report be received, and leave granted accordingly.	Leave granted.
Pursuant to the order of the day, the House was put into a Committee of the whole upon the Bill entitled, "An Act to authorise the payment to the Treasurer of the District of Ottawa, of the appropriation towards the support of Common Schools in said District, for the years 1835 and 1836."	Ottawa District School money bill committed.
The Honorable Mr. Boswell took the Chair. After some time the House resumed. The Chairman reported, that the Committee had gone through the said Bill, and recommended the same without amendment to the adoption of the House.	Reported ;
Ordered, that the report be received ; and, Ordered, that the said Bill be read a third time to-morrow.	Adopted.
Pursuant to the order of the day, the House was put into a Committee of the whole, upon the Bill entitled, "An Act to incorporate certain persons under the style and title of the Cayuga Bridge Company."	Cayuga Bridge Company's incorporation bill, committed.
The Honorable Mr. Crooks took the Chair. After some time the House resumed. The Chairman reported, that the Committee had taken the said Bill into consideration, had made some progress therein, and recommended that it be referred to a Select Committee with power to send for persons and papers, and to report thereon by amendment or otherwise.	Reported ;
Ordered, that the report be received ; and, Ordered, that the said Bill be referred to a Select Committee with power to send for persons and papers, and to report thereon by amendment or otherwise ; and,	And referred to a Select Committee.
Ordered, that the Honorable Messieurs Baldwin and Crooks, be a Committee for that purpose.	Members composing same.
Pursuant to the order of the day, the House was put into a Committee of the whole upon the Bill entitled, "An Act to extend the time of commencing the Cobourg Rail-road."	Cobourg Rail-road Company's time extension bill, committed.
The Honorable Mr. Crookshank took the Chair. After some time the House resumed. The Chairman reported that the Committee had gone through the said Bill, and had made an amendment thereto, and recommended the Bill as amended to the adoption of the House.	Amendment reported.
Ordered, that the report be received ; and, The said amendment was then read by the Clerk, as follows ; Line 17.—After "passing of" expunge the remainder, and insert "this Act."	Read first time. The amendment.
The said amendment being read a second time, and the question of concurrence put thereon, it was agreed to by the House ; and it was,	Read second time and adopted.

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

Newcastle Inland navigation bill, discharged from the order of the day:

The order of the day being read, for the House to be put into a Committee of the whole upon the Bill entitled, "An Act to improve the Navigation of the inland waters of the District of Newcastle;" it was,

And referred to a Select Committee.

Ordered, that it be discharged, and that the said Bill be referred to a Select Committee, to report thereon by amendment or otherwise; and,

Members composing same.

Ordered, that the Honorable Messieurs Boswell and Adamson, do compose the Committee for that purpose.

Niagara District Bank incorporation bill, restored to the order of the day.

Ordered, that the House be again put into a Committee of the whole on Saturday next, upon the Bill entitled, "An Act to incorporate sundry persons under the style and title of the President, Directors and Company, of the Bank of the Niagara District."

House adjourns.

On motion made and seconded, the House adjourned.

THURSDAY, 31st MARCH, 1836.

House meets.

The House met pursuant to adjournment.

PRESENT :

Members present.	<i>The Honorable</i> JOHN B. ROBINSON, SPEAKER.	<i>The Honorable Messrs.</i> BOSWELL,
	<i>The Honorable Messrs.</i> DICKSON,	" " ADAMSON,
	" " CROOKSHANK,	" " CROOKS,
	" " McDONELL,	" " STEWART,
	" " BURNHAM,	" " MACAULAY,
	" " ELMSLEY,	" " VANKOUGHNET.
	" " BALDWIN,	

Prayers were read.

The Minutes of yesterday were read.

Ottawa District School Money bill, read third time and passed:

Pursuant to the order of the day, the Bill entitled, "An Act to authorise the payment to the Treasurer of the District of Ottawa, of the appropriation towards the support of Common Schools in said District, for the years 1835 and 1836," was read a third time and passed.

Same signed;

Whereupon the Speaker signed the same; and it was,

And the Assembly acquainted thereof.

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

Cobourg Rail Road Company's time extension bill, as amended, read third time and passed.

Pursuant to the order of the day, the Bill entitled, "An Act to extend the time of commencing the Cobourg Rail-road," was, as amended, read a third time; and,

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

Amendment signed;

Whereupon the Speaker signed the amendment; and it was,

And sent to the Assembly for concurrence.

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

Belleville Police law amendment bill, recommitted.

Pursuant to the order of the day, the House was again put into a Committee of the whole upon the Bill entitled, "An Act to amend an Act passed in the fourth year of His present Majesty's reign, entitled, 'An Act to establish a Board of Police in the Town of Belleville, and to make further provisions for the establishment of a Police in said Town,' and the further report of the Select Committee thereon.

The Honorable Mr. Burnham took the Chair.

After some time the House resumed.

Reported and leave asked to sit again.

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

Leave granted.

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

Report of the Select Committee upon Jury Law amendment bill, committed.

Pursuant to the order of the day, the House was put into a Committee of the whole, upon the Report of the Select Committee, to whom was referred the Bill entitled, "An Act to amend the Jury Laws of this Province."

Thursday, 31st March, 1836.

SIR FRANCIS BOND HEAD, K. C. H. *Lieutenant Governor.*

The Honorable Mr. Elmsley took the Chair.

After some time the House resumed.

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

The Honorable Messieurs Gordon, and Morris, enter. Members enter.

Ordered, that the Report be received; and,

Ordered, that the said Report of the Select Committee be adopted; and,

Ordered, that one thousand copies thereof be printed for the use of Members; and,

Ordered, that the last mentioned Bill with the proceedings of this House thereon, and the existing Jury Laws of this Province be printed, with the said Report, in pamphlet form. The report of the select Committee adopted, and ordered to be printed, together with the bill and proceedings thereon, and the existing Jury Laws.

Pursuant to notice, the Honorable Mr. Vankoughnet moved certain Resolutions on the subject of Banking, which being seconded: Resolutions on Banking, moved.

They were then read by the Clerk as follows: Read.

*Resolved*—That there is scarcely any duty more imperative upon the Legislature than to guard with care the commercial credit of this Province with other colonies and countries, and to uphold the confidence and security of its inhabitants in their mutual dealings.

*Resolved*—That with a view to these objects, the regulation of the metallic currency, and the exercise of such a control, in regard to the creation and operation of Banks, as may seem most proper for securing the public against loss from a valueless or depreciated paper currency; and also, against the evils which may arise from a sudden increase or diminution of the circulating medium of commercial transactions, are matters which call for the vigilant and scrupulous attention of the Legislature. The Resolutions.

*Resolved*—That the admitted necessity of having a much larger capital actively employed in this Province, than could be represented by any attainable quantity of specie, has naturally and unavoidably led to the creation of a paper currency to meet the wants of a rapidly increasing population, and the demands of a growing spirit of enterprise.

*Resolved*—That while it was a perfectly new question, under what regulations the emission of a paper currency could be most safely authorised, it presented the following considerations:

1st.—That it might be provided for solely by the establishment of a Provincial Bank having a large capital, which might from time to time be increased, with Branches of Discount and Deposit in all the Districts of the Province, giving to each District the opportunity of subscribing within itself for a due proportion of the Capital Stock in the original creation of the Institution, and upon every occasion of the Capital being increased; and subjecting the affairs of the Corporation to such regulations and control, as would best secure their safe and satisfactory management—or,

2ndly.—By chartering one other Bank in addition to such Provincial Bank, in order to ensure to the public any benefit that might arise from competition, and to do away with any objection, or appearance of objection, on the ground of monopoly—or,

3rdly.—By chartering a number of Banks, but a number that should be limited with caution by the Legislature, and only suffered to be increased gradually, and in proportion to the increase in the population and trade of the country—or,

4thly.—By chartering, with little hesitation, as many Banking Companies as might apply to be incorporated, relying upon the sufficiency of the restrictions to be contained in their charters, and upon their prudent management of their affairs, for protecting the public against evil consequences from their operations—or,

5thly.—By permitting still greater, or rather an unlimited latitude, and leaving it to the discretion of individuals, or voluntary associations, freely to conduct all the business of Banking without Legislative authority or restriction—issuing Bills, which are to pass with those who are willing to take them as the representative of cash, in such quantities as they may choose, and with no other security for their redemption than the liability which the law attaches to these in common with all other undertakings.

*Resolved*—That the Legislature commenced by adopting the system first specified in the foregoing Resolution: that after some years it advanced, not without scruple and reluctance,

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to the second, and this first step of departure having been taken, the rapidity with which the Legislative Council finds itself pressed to advance even to the last, has led them to entertain serious apprehension of injury to the public, from the readiness with which the various projects for Banking, with and without charters, seem at the present moment to be encouraged.

*Resolved*—That the Legislative Council cannot forget the very great injury which a portion of this Province formerly sustained from the failure of an unauthorised and unregulated Bank: and without assuming the probability of any intentional wrong on the part of those who may be allowed to exercise the very important privilege of issuing their notes as a circulating medium, still looking at the actual state of the Province, and the present condition of its population, they cannot but dread the very probable occurrence of ruinous losses to individuals, and a calamitous shock to trade and public credit, from allowing such a privilege to be exercised in any other manner than under the strict and scrupulous control of the Legislature.

*Resolved*—That in the opinion of the Legislative Council, it is highly inexpedient to permit a paper currency to be issued otherwise than by a chartered Company or Companies, subjected to proper restrictions; and that it is an important question for consideration, whether the number of chartered Banks should not be limited in accordance with some principles that may be adopted by the Legislature.

*Resolved*—That in the opinion of the Legislative Council, it is most desirable that the Legislature should, without delay, apply their deliberate attention to this important subject, and endeavour to establish a system to which they shall deem it safe and practicable steadily to adhere, since every year will increase the difficulty of returning to a prudent course after it has been once unfortunately departed from.

On motion made and seconded, it was,

Ordered, that the House be put into a Committee of the whole, on Tuesday next, to take the said Resolutions into consideration, and that in the meantime they be printed for the use of Members.

Gwillimbury Toll-gate bill, read second time.

Pursuant to the order of the day, the Bill entitled, "An Act to provide for the making and keeping in repair, the West Gwillimbury Road and Bridge, and to authorise the erection of a Toll Gate thereon,"—was read a second time; and it was,

Ordered, that the House be put into Committees of the whole, on Saturday next, to take the same into consideration.

Gananoque Navigation bill, read second time:

Pursuant to the order of the day, the Bill entitled, "An Act to incorporate sundry persons under the style and title of the Gananoque and Wiltsie Navigation Company,"—was read a second time; and it was,

And referred to the select Committee upon Newcastle Inland Navigation bill.

Ordered, that the same be referred to the Select Committee upon the Bill entitled, "An Act to improve the navigation of the Inland Waters of the District of Newcastle;"—with power to send for persons and papers, and to report thereon by amendment or otherwise.

Otter Creek Slack water bill, read second time:

Pursuant to the order of the day, the Bill entitled, "An Act to incorporate a Joint Stock Company, under the style and title of the Otter Creek Slack Water Navigation Company,"—was read a second time; and it was,

And referred to the Select Committee upon the last mentioned bill.

Ordered, that the same be referred to the Select Committee upon the last mentioned Bill, with power to send for persons and papers, and to report thereon by amendment or otherwise; and,

Members added thereto.

Ordered, that the Honorable Messieurs Stewart and Macaulay, be added to that committee.

Toronto Road bill, read second time:

Pursuant to the order of the day, the Bill entitled, "An Act to raise a sum of money to continue the improvement of certain Roads in the vicinity of the City of Toronto, and for other purposes therein mentioned,"—was read a second time; and it was,

And referred to a select committee.

Ordered, that the same be referred to a Select Committee to report thereon; and,

Members composing same.

Ordered, that the Honorable Messieurs Crookshank and Elmsley, do compose the same for that purpose.

Christians Marriage bill, read second time;

Pursuant to the order of the day, the Bill entitled, "An Act to authorise certain persons calling themselves "Christians," to solemnize matrimony,"—was read a second time; and it was,

And ordered for committal in three months.

Ordered, that the House be put into a Committee of the whole on the same, this day three months.

Thursday, 31st March, 1836.

SIR FRANCIS BOND HEAD, K. C. H. *Lieutenant Governor.*

- Pursuant to the order of the day, the Bill entitled, "An Act for the relief of John Pearce, William Dumble, and William Hoar,"—was read a second time; and it was, Pearce, and others, relief bill, read second time;
- Ordered, that the same be referred to a Select Committee, with power to send for persons and papers, and to report thereon; and, And referred to a Select Committee.
- Ordered, that the Honorable Messieurs Baldwin and Stewart, do compose the same for that purpose. Members composing same.
- Pursuant to the order of the day, the Petition of William Conway Keele, of the City of Toronto, praying to be allowed to practice the Law in this Province; also the Petition of Andrew Miller, and others, inhabitants of the Town of Hamilton, praying for an Act of incorporation, for the purpose of supplying the said Town with water; and also the Petition of Nicholas Sparks, of By-Town, praying for remuneration from the Government for damages sustained by him, in consequence of constructing the Rideau Canal,—were severally read. Petitions of William Conway Keele; Of Andrew Miller, and others; And of Nicholas Sparks, read.
- On motion made and seconded; it was,
- Ordered, that fifty copies of the Report of the Select Committee of this House, upon the Bill for amending the Jury Laws, with the accompanying papers, be transmitted by the Clerk to the Sheriffs of the several Districts, for circulation. Fifty copies of the report upon the Jury Law amendment bill, ordered to be sent to the Sheriffs.
- The Honorable the Speaker, brought in a Bill relating to Private Banking in this Province: Private Banking bill, brought in.
- The said Bill was then read; and it was, Read first time.
- Ordered, that the same be read a second time on Saturday next.
- The Honorable Mr. Morris, brought in a Bill to enable William Conway Keele, to practice the Law in this Province. Keele's relief bill, brought in.
- The said Bill was then read; and it was, Read first time.
- Ordered, that the same be read a second time on Saturday next.
- The Honorable the Speaker, brought in a Bill for the more effectual punishment of certain offences. Certain offences punishment bill, brought in.
- The said Bill was then read; and it was, Read first time.
- Ordered, that the same be read a second time on Saturday next.
- On motion made and seconded, it was,
- Ordered, that the Committee of Privilege, named yesterday, be instructed to inquire by what description of notification the attendance of Members of either House of Parliament is desired by the other or by Committees, after communication by Message of leave having been granted. Instruction to the Committee of privilege, appointed yesterday.
- On motion made and seconded; it was,
- Ordered, that the Honorable Messieurs Markland and P. Robinson, have leave to attend the Select Committees of the Commons House of Assembly, as desired by that House in their several Messages received yesterday, if they think fit; and, Honorable Messrs. Markland and P. Robinson permitted to attend Select Committees of the Assembly;
- Ordered, that the Master in Chancery do go down to the Assembly, and acquaint that House, that the Honorable Messieurs Markland and P. Robinson, have leave to attend the Select Committees of the Assembly, as desired by that House in their several Messages received yesterday, if they think fit. And that House acquainted thereof.
- The Honorable Mr. Gordon, prayed that he might have leave of absence for the remainder of the Session; and it was, Leave of absence granted to the Hon. Mr. Gordon.
- Ordered, that he take leave for that time accordingly.
- The Honorable Mr. Burnham, from the Select Committee to whom was referred the Bill entitled, "An Act to incorporate the Town of Cobourg, and to establish a Police therein;" presented their report. Report of the Select Committee upon Cobourg Police bill, presented.
- Ordered, that it be received; and,
- The same was then read by the Clerk as follows: Read.
- The Select Committee to whom has been referred the Bill entitled, "An Act to incorporate the Town of Cobourg, and to establish a Police therein,"—respectfully report:
- That in the opinion of your Committee, the two villages of Amherst and Cobourg, ought to be united under a common name, and by virtue of a common Act of Incorporation, granting privileges with respect to representation in the Assembly, similar to those now enjoyed by The report.

Saturday, 2nd April, 1836.

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certain Towns in which the Quarter Sessions for the District may be lawfully holden, in other parts of the Province.

Your Committee, however find, that different views of this subject are entertained in other quarters, and they therefore do not press their opinion on the consideration of your Honorable House.

On looking over the Bill now before them, which has been introduced in due conformity to the rules of the House; your Committee have found certain amendments necessary, which they have prepared, and now beg leave to submit herewith, viz:

Press 2, Line 6.—After “beginning,” expunge the remainder of the clause, and insert, “Provided always, that so much of the said lot number nineteen, as may at any time be flooded by the mill-dam of George Ham, Esquire, situated on lot number twenty in the said Concession A., shall not be included while so flooded, within the limits of the said Town of Cobourg.”

“ 10, “ 2.—Expunge “or appointment.”

“ 11, “ 11.—After “shillings,” insert, “and to fix upon, and appoint such days and hours for the purpose of selling Butcher’s meat, butter, eggs, poultry, fish, and vegetables; and to make such other orders and regulations relative thereto, as they shall deem expedient.”

“ *And be it further enacted by the authority aforesaid, That if any action or suit shall be brought against any person or persons, for any matter or thing done in pursuance of this Act, such action or suit shall be brought within six calendar months next after the fact committed, and not afterwards; and the Defendant or Defendants in such action or suit may plead the general issue only, and give this Act and the special matter in evidence on the trial.*”

“ 15 “ 7.—Expunge “either,” and insert “any.”

All which is respectfully submitted,

(Signed)

Z. BURNHAM,  
CHAIRMAN.

*Legislative Council Committee Room,  
31st day of March, 1836.*

On motion made and seconded, it was,

Ordered, that the House be put into a Committee of the whole on Saturday next, upon the last mentioned Bill, and the Report of the Select Committee thereon.

House adjourns.

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

SATURDAY, 2nd APRIL, 1836.

House meets.

The House met pursuant to adjournment.

PRESENT:

Members present.

*The Honorable JOHN B. ROBINSON, SPEAKER.*

*The Honorable Messrs. DICKSON.*

“ “ CROOKSHANK.

“ “ ALLAN,

“ “ McDONELL,

“ “ BURNHAM,

“ “ ELSLEY,

*The Honorable Messrs. BALDWIN,*

“ “ HAMILTON.

“ “ BOSWELL,

“ “ STEWART,

“ “ MORRIS.

“ “ MACAULAY,

“ “ VANKOUGHNET.

Prayers were read.

The Minutes of Thursday last were read.

Niagara District Bank  
Incorporation bill,  
re-committed.

Pursuant to the order of the day, the House was again put into a Committee of the whole, upon the Bill entitled, “An Act to incorporate sundry persons under the style and title of the President, Directors and Company, of the Bank of the Niagara District.”

The Honorable Mr. Hamilton took the Chair.

House resumes.

After some time the House resumed.

Saturday, 2nd April, 1836.

SIR FRANCIS BOND HEAD, K.C.H. *Lieutenant Governor.*

Pursuant to the order of the day, the House was again put into a Committee of the whole upon the Bill entitled, "An Act to amend an Act passed in the fourth year of His present Majesty's Reign, entitled, 'An Act to establish a Board of Police in the Town of Belleville, and to make further provisions for the establishment of a Police in said Town,'"—and the further report thereon.

Belleville Police Law Amendment bill, and the further report, re-committed.

The Honorable Mr. Morris took the Chair.

After some time the House resumed.

The Chairman reported that the Committee had gone through the said Bill, and had made some amendments thereto, which they were ready to submit whenever the House would be pleased to receive the same.

Amendments reported.

Ordered, that the report be received on Monday next.

Pursuant to the order of the day, the House was put into a Committee of the whole, upon the Bill entitled, "An Act to provide for the making and keeping in repair the West Gwillimbury Road and Bridge, and to authorise the erection of a Toll Gate thereon."

Gwillimbury Toll-gate Bill, committed.

The Honorable Mr. Macaulay took the Chair.

After some time the House resumed.

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

Reported.

Ordered, that the Report be received; and,

Adopted.

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

Pursuant to the order of the day, the House was put into a Committee of the whole, upon the Bill entitled, "An Act to incorporate the Town of Cobourg, and to establish a Police therein,"—and the report of the Select Committee thereon.

Cobourg Police bill, committed.

The Honorable Mr. Elmsley took the Chair.

After some time the House resumed.

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

Reported, and leave asked to sit again.

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

Leave granted.

Pursuant to the order of the day, the Bill relating to Private Banking in this Province, was read a second time; and it was,

Private Banking bill, read second time.

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

Pursuant to the order of the day, the Bill to enable William Conway Keele, to practice the Law in this Province; and also the Bill for the more effectual punishment of certain offences; were severally read a second time: and it was,

Keele's Relief bill; and Certain Offences Punishment bill, read second time.

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

The Honorable Mr. Burnham, from the Select Committee to whom was referred the Bill entitled, "An Act to incorporate a Joint Stock Company, under the style and title of the London and Devenport Rail Road and Harbour Company," presented their report.

Report of the Select Committee upon London & Devenport Rail Road bill, presented.

Ordered, that it be received; and,

The same was then read by the Clerk as follows:

Read.

The Select Committee, to whom has been referred the Bill entitled, "An Act to incorporate a Joint Stock Company under the style and title of the London and Devenport Rail-road and Harbour Company,"—beg leave to report:

The report.

That they have examined the said Bill, which does not appear to them to require any amendment.

The usual notice was published in the Gazette, on the twenty-second day of October last; but no Petition has been presented to your Honorable House on the subject.

All which is respectfully submitted,

(Signed,)

Z. BURNHAM,  
*Chairman.*

*Legislative Council Committee Room,*  
Second day of March, 1836.

On motion made and seconded; it was,

Monday, 4th April, 1836.

SECOND SESSION TWELFTH PROVINCIAL PARLIAMENT, 6th WILLIAM IV.

Ordered, that the House be again put into a Committee of the whole on Monday next, upon the last mentioned Bill, and the Report of the Select Committee thereon.

Petition of Andrew Miller, and others, brought up.

The Honorable Mr. Elmsley brought up the Petition of Andrew Miller, and others; which was laid on the Table.

House adjourns.

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

MONDAY, 4th APRIL, 1836.

House meets.

The House met pursuant to adjournment.

PRESENT :

Members present.	<i>The Honorable</i> JOHN B. ROBINSON, SPEAKER.	<i>The Honorable Messrs.</i> BALDWIN,
	<i>The Honorable Messrs.</i> DICKSON,	“ “ HAMILTON,
	“ “ CROOKSHANK.	“ “ BOSWELL,
	“ “ McDONELL.	“ “ STEWART.
	“ “ BURNHAM,	“ “ MORRIS,
	“ “ ELMSLEY,	“ “ MACAULAY.

Prayers were read.

The Minutes of Saturday last were read.

Gwillimbury Toll-gate bill, read third time, and passed.

Pursuant to the order of the day, the Bill entitled, “An Act to provide for the making and keeping in repair, the West Gwillimbury Road and Bridge, and to authorise the erection of a Toll Gate thereon; was read a third time and passed:

Same signed;

Whereupon the Speaker signed the same; and it was,

And the Assembly acquainted thereof.

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

Cobourg Police bill, re-committed.

Pursuant to the order of the day, the House was again put into a Committee of the whole, upon the Bill entitled, “An Act to incorporate the Town of Cobourg, and to establish a Police therein,” together with the report of the Select Committee thereon.

The Honorable Mr. Elmsley took the Chair.

After some time the House resumed.

Reported, and leave asked to sit again.

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

Leave granted.

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

Keele's Relief Bill committed.

Pursuant to the order of the day, the House was put into a Committee of the whole upon the Bill to enable William Conway Keele, to practice the Law in this Province.

The Honorable Mr. Baldwin took the Chair.

After some time the House resumed.

Amendment reported.

The Chairman reported that the Committee had gone through the said Bill, and had made an amendment thereto, and recommended the said Bill to the adoption of the House.

Adopted.

Ordered, that the report be received; and,

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

Certain Offences punishment bill, committed.

Pursuant to the order of the day, the House was put into a Committee of the whole upon the Bill for the more effectual punishment of certain offences.

The Honorable Mr. Boswell took the Chair.

After some time the House resumed.

Reported;

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

Adopted.

Ordered, that the report be received; and,

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

London and Devenport Rail Road bill, re-committed.

Pursuant to the order of the day, the House was again put into a Committee of the whole upon the Bill entitled, “An Act to incorporate a Joint Stock Company, under the style and title of the London and Devenport Rail Road and Harbour Company,” and the report of the Select Committee thereon.

The Honorable Mr. Stewart took the Chair.

House resumes.

After some time the House resumed.

Limited partnership's provision bill, read second time.

Pursuant to the order of the day, the Bill entitled, “An Act to provide for the establishment of limited partnerships in this Province,”—was read a second time; and it was,



Monday, 4th April, 1836.

SIR FRANCIS BOND HEAD, K. C. H. *Lieutenant Governor.*

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

Pursuant to the order of the day, the Honorable Mr. Morris from the Committee of the whole, upon the Bill entitled, "An Act to amend an Act passed in the fourth year of His present Majesty's reign, entitled, 'An Act to establish a Board of Police in the Town of Belleville, and to make further provisions for the establishment of a Police in said Town,'" presented the amendments made thereto.

Amendments to Belleville Police law amendment bill, presented.

The same were then read by the Clerk, as follows :

Read first time.

Press 2, Line 17.—After "have," expunge "been liable to pay," and insert "paid."

" " " 18.—After "tenement," expunge "or," and insert "at the rate of ten pounds per annum or upwards, Provided always that,"—After "within," expunge "one," and insert "the."

The amendments.

" " " 20.—After "tenement," expunge to "and," and insert "they shall not thereby be disqualified from voting."

" 3 " 10.—After "Members," expunge the remainder of the clause.

" " " 18.—Expunge "April," and insert "June."

" " " 19.—Expunge "seventh," and insert "tenth."

" 5 " 4.—Expunge "persons," and insert "purposes."

" " " 20.—Expunge "seventh," and insert "tenth."

" 7 " 11.—Expunge "the said Corporation," and insert "any one of His Majesty's Justices of the Peace for the Midland District."

" " " 13.—Expunge "Corporation," and insert "said Justice."

" " " 20.—Expunge "seventh," and insert "tenth."

" " " 21.—After "or," insert "the."

" 3 " 4.—Expunge "seventh," and insert "tenth."

" 9 " 6.—Expunge "hereafter," and insert "hereinbefore."

" " " 23.—Expunge "seventh," and insert "tenth."

" 10 " 9.—After "regulate," expunge "and license."

" " " 10.—After "houses," expunge "taverns," after "fruit," insert "and," after "victuals," expunge "and liquors distilled, and not distilled."

" " " 11.—After "sold," expunge "to be eaten or drank in such Houses or Groceries."

" 12 Expunge the twenty-first clause.

" 14 " 15.—Expunge "each Member."

" " " 16.—After "Peace," add "acting within their divisions, with respect to making or amending any Street, Highway or Road, within the said Town."

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

Read second time and adopted.

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

Pursuant to the order of the day, the Petition of Andrew Miller, and others, praying against passing any Bill for incorporating a Company for the purpose of constructing a Rail Road from Bertie to Sandwich ; was read.

Petition of Andrew Miller, and others, read.

The Honorable Mr. Baldwin, from the Select Committee to whom was referred the Bill entitled, "An Act to incorporate sundry persons under the style and title of the Gananoque and Wiltsie Navigation Company ;" and also, the Bill entitled, "An Act to incorporate a Joint Stock Company, under the style and title of the Otter Creek Slack Water Navigation Company,"—presented their report.

Report of the Select Committee upon Gananoque Navigation bill ; and, Otter Creek Slack water bill, presented.

Ordered, that it be received ; and,

The same was then read by the Clerk as follows :

Read.

The Select Committee, to whom have been referred the Bills entitled, "An Act to incorporate a Joint Stock Company, under the style and title of the Otter Creek Slack Water Navigation Company ;" and also, "An Act to incorporate sundry persons under the style and title of the Gananoque and Wiltsie Navigation Company,"—beg leave to report :

The Report.

Monday, 4th April, 1836.

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With respect to the first named Bill, that though a notice of the intention to apply for an Act of incorporation was published in the Upper Canada Gazette, on the Twentieth of August last, no Petition has been laid before your Honorable House setting forth the wishes and objects of the parties to the measure.

With respect to the second Bill your Committee have to observe, that while the notice in the Gazette has been omitted, a Petition from Patrick Anderson, and others, praying to be incorporated for the purposes stated in the Bill, was presented to the House on the seventh day of March last.

Whether it will be proper to proceed further with these Bills after such omission of the usual formalities by the respective parties interested therein, your Committee submit for the consideration of your Honorable House.

All which is respectfully submitted.

(Signed,)

A. BALDWIN,

*Chairman.*

*Committee Room, Legislative Council,*

Fourth April, 1836.

On motion made and seconded; it was,

Ordered, that the House be put into a Committee of the whole to-morrow, upon the last mentioned Bills, and the Report of the Select Committee thereon.

The Honorable Mr. Morris, from the Committee of Privilege, appointed to search for precedents, and report what is the practice in the Imperial Parliament, in cases where Members of the House of Lords are requested to attend Committees of the Commons; presented their report.

Ordered, that it be received; and,

The same was then read by the Clerk as follows:

The Select Committee appointed to search for precedents, and to report what is the practice of the Imperial Parliament, in cases where the attendance of Members of the House of Lords is requested by the Commons—beg leave to report:

That they have examined the Journals of the House of Lords, to ascertain the practice which regulates the intercourse between that body and the House of Commons when the evidence of a Member of either House is required by a Committee of the other; and they are of opinion, that the proceedings hitherto observed by the Legislative Council in that respect, correspond as nearly as may be with the usage in the House of Lords. It would seem to be a matter of mere discretion on the part of the Member whose attendance is desired, to go or not, as he may think fit. Mr. Hatsell, says, that "the later practice has been, for the House of Commons not to send any answer to the message, till the member named in it is present in his place, and then, on his hearing the message read, and consenting to comply with it, the House have given him permission to go: but still adding in their Message to the Lords, that "he may attend if he thinks fit." The same author further states, "that the Commons have been always extremely jealous of admitting any proceeding which might seem to allow an authority in the Lords to command the attendance of any of their Members for any purpose whatever. And the Commons on the 18th May, 1675, resolve, that it is the undoubted right of this House, that none of their members be summoned to attend the House of Lords during the sitting or privilege of Parliament."

The result of the whole to be collected either from the Journals, or from the history of the proceedings in the House of Commons, is:

1st.—That the Lords have no right whatever, on any occasion, to summon, much less to compel the attendance of a Member of the House of Commons.

2ndly.—That in asking leave of the House of Commons for that attendance, the Message ought to express clearly the "cause" and "purpose," for which the attendance is desired, in order that when the Member appears before the Lords, no improper subject of examination may be tendered to him.

3rdly.—The Commons in answer to the Lords' Message, confine themselves to giving leave for the Member to attend, leaving him still at liberty to go or not, "as he shall think fit:"

Report of the Committee of Privilege upon the practice of the Imperial Parliament in certain cases, presented.

Read.

The Report.

Monday, 4th April, 1836.

SIR FRANCIS BOND HEAD, K.C.H. *Lieutenant Governor.*

And 4thly.—The later practice has been to wait until the Member named in the Message is present in his place; and to have his opinion whether he chooses to attend or not, before the House have proceeded even to take the Message into consideration.

From the preceding authorities it would appear, that so tender has been the House of Commons of the privileges of their Members, that they would not even consider a Message for the attendance of one of their number until he was present in his place, and had expressed his opinion whether he chose to attend or not; and as a similarity of usage prevails in the House of Lords, your Committee cannot but express their apprehension, that the Legislative Council, on Thursday the 31st day of March last, erred in having given leave to the Honorable William Allan, and the Honorable John Elmsley, to attend a Committee of the House of Assembly, as these Honorable Members informed the Legislative Council in their places, that they did not choose to go.

Your Committee in obedience to the instructions of the Legislative Council, to inquire by what description of notification the attendance of Members of either House of Parliament is desired by the other, or by Committees, after communication by Message of leave having been granted, have endeavored to discover what form of application is generally used in such cases, but without success: however, it is very clear, that whatever may be the expressions used by Committees of either House in the notices given to members whose evidence they may have occasion to call for, the "*desire*" of the Committee is invariably communicated to the Member, and no authority over his inclination is even attempted to be exercised by Committees of either House, as was the case in the instance complained of by the Honorable Members named above; the summons served on one of them is herewith appended.

Your Committee beg leave to close this Report with the following observation of Mr. Hatsell. "The leading principle which appears to pervade all the proceedings between the two Houses of Parliament is, that there shall subsist a perfect equality with respect to each other; and that they shall be in every respect totally independent, one of the other. From hence it is, that neither House can claim, much less exercise any authority over a Member of the other House."

All which is respectfully submitted,

(Signed,)

W. MORRIS,  
*Chairman.*

*Committee Room, Legislative Council,*  
4th April, 1836.

*Committee Room, Commons House of Assembly,*  
Thirtieth day of March, 1836.

You are hereby summoned and required to attend and give evidence before the Select Committee of the Commons House of Assembly, appointed with power to send for persons and papers, on the subject of the correspondence between His Excellency and the late Executive Council, at the hour of Eleven, A. M. on Thursday the Thirty-first day of March, inst., 1836.

(Signed)

PETER PERRY,  
CHAIRMAN.

To the Hon. JOHN ELMSLEY,  
Toronto.

It was moved and seconded, that the last mentioned Report be committed to a Committee of the whole House presently.

Upon which the question of concurrence was put, and it was carried in the negative.

On motion made and seconded, the House adjourned.

Motion for referring the report to a Committee of the whole.

Question put and negatived.

House adjourns.

Tuesday, 5th April, 1836.

SECOND SESSION TWELFTH PROVINCIAL PARLIAMENT, 6th WILLIAM IV.

TUESDAY, 5th APRIL, 1836.

The House met pursuant to adjournment.

House meets

PRESENT :

	<i>The Honorable</i> JOHN B. ROBINSON, SPEAKER.	<i>The Honorable Messrs.</i> HAMILTON.
Members present.	<i>The Honorable Messrs.</i> DICKSON.	“ “ BOSWELL,
	“ “ CROOKSHANK,	“ “ CROOKS,
	“ “ ALLAN,	“ “ STEWART,
	“ “ McDONELL,	“ “ MORRIS.
	“ “ BURNHAM,	“ “ MACAULAY.
	“ “ ELMSLEY,	“ “ VANKOUGHNET.
	“ “ BALDWIN.	

Prayers were read.

The Minutes of yesterday were read.

Keel's relief bill,  
read third time and  
passed;

Pursuant to the order of the day, the Bill to enable William Conway Keele, to practice the Law in this Province; was read a third time and passed: and it was,

Title ordered.

Ordered, that the title be, “An Act for the relief of William Conway Keele.”

Bill signed;

Whereupon the Speaker signed the Bill; and it was,

And sent to the  
Assembly for concu-  
rence.

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

Certain Offences pun-  
ishment bill, read third  
time and passed.

Pursuant to the order of the day, the Bill for the more effectual punishment of certain offences; was read a third time and passed: and it was,

Title ordered.

Ordered, that the title be, “An Act to provide more effectually for the punishment of certain offences, and to enable the Governor, Lieutenant Governor, or person administering the Government of this Province, to commute the sentence of death in certain cases for other punishment, in this Act mentioned.”

Bill signed;

Whereupon the Speaker signed the Bill; and it was,

And sent to the  
Assembly for concu-  
rence.

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

Speaker reports a  
communication from  
the Government Office  
on the subject of the  
prorogation.

The Honorable the Speaker reported to the House, that he had received a communication from the Government Office, stating the intention of His Excellency the Lieutenant Governor, to prorogue the present Session of the Legislature, on the Twentieth of April instant.

Prescott Police law  
amendment bill;

Deputations from the Commons House of Assembly, brought up a Bill entitled, “An Act to amend the Police Laws of the Town of Prescott;” also a Bill entitled, “An Act to repeal an Act passed in the forty-ninth year of the reign of His late Majesty King George the Third, entitled, “An Act to encourage the destroying of Wolves in this Province, and to make further provision for exterminating those destructive animals;” also a Bill entitled, “An Act to incorporate a Company, to construct a Rail Road from Burlington Bay to Lake Huron;” also a Bill entitled, “An Act to repeal and amend certain parts of an Act passed in the third year of His Majesty's reign, entitled, “An Act to incorporate a Company under the style and title of the British America Fire and Life Assurance Company;” also a Bill entitled, “An Act to provide additional aid in support of Common Schools in the several Districts of this Province;” also a Bill entitled, “An Act for the better regulation of Common Schools within this Province, and making further provision for the same;” also a Bill entitled, “An Act for the preservation of the Fishery within Burlington Bay;” and also a Bill entitled, “An Act granting to His Majesty a sum of money, for the improvement of Roads and Bridges in the several Districts of this Province,”—to which they requested the concurrence of this House. And they returned the Bill entitled, “An Act to extend the time of commencing the Cobourg Rail Road,”—and acquainted this House, that the Commons House of Assembly had acceded to the amendment made by the Legislative Council in and to the same; and then withdrew.

Wolf bounty bill;

Burlington Bay and  
Lake Huron rail-road  
bill;

British America fire  
and life assurance bill;

Common School ad-  
ditional aid bill;

Common School regu-  
lation bill;

Burlington Bay fishery  
preservation bill; and

General road grant  
bill, brought up from  
the Assembly.

Amendment to  
Cobourg Rail-road  
Company's time ex-  
tension bill, concurred  
in by the Assembly.

Bills read first time.

The said Bills were then severally read; and it was,

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

Belleville Police Law  
Amendment bill, read  
third time and passed,  
as amended.

Pursuant to the order of the day, the Bill entitled, “An Act to amend an Act passed in the fourth year of His present Majesty's reign, entitled, ‘An Act to establish a Board of Police in the Town of Belleville, and to make further provisions for the establishment of a Police in said Town,’—was as amended, read a third time; and,

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SIR FRANCIS BOND HEAD, K. C. H. *Lieutenant Governor.*

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

Whereupon the Speaker signed the amendments; and it was,

Amendments signed;

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

And sent to the Assembly for concurrence.

Pursuant to the order of the day, the House was again put into a Committee of the whole upon the Bill entitled, "An Act to authorise His Majesty's Justices to hold a Court of Oyer and Terminer, Assize and Nisi Prius, and General Gaol Delivery, in the Ottawa District."

Ottawa District Assize Court bill, recommitted.

The Honorable Mr. Boswell took the Chair.

After some time the House resumed.

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

Reported and leave asked to sit again.

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

Leave granted.

Pursuant to the order of the day, the House was put into a Committee of the whole, upon certain Resolutions on the subject of Banking.

Resolutions on banking, committed.

The Honorable Mr. Vankoughnet took the Chair.

A Message being announced, the Chairman left the Chair, and the House formed.

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

A bill brought up.

The House was then again put into a Committee of the whole, upon certain resolutions on the subject of Banking.

Resolutions on banking, recommitted.

The Honorable Mr. Vankoughnet took the Chair.

After some time the House resumed.

The Chairman reported that the Committee had gone through the said Resolutions, and recommended the same to the adoption of the House.

Reported.

Ordered, that the Report be received.

The said Resolutions being again read, and the question of concurrence put on each, they were severally agreed to by the House.

Read second time and adopted.

The Honorable the Speaker reported to the House, that a Deputation from the Commons House of Assembly, had brought up a Bill entitled, "An Act to amend the Charter of King's College,"—to which they requested the concurrence of this House.

Spencer reports the receipt of King's College Charter amendment bill, from the Assembly.

The said Bill was then read; and it was,

Read first time.

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

Pursuant to the order of the day, the House was put into a Committee of the whole, upon the Bill relating to Private Banking in this Province.

Private Banking bill, committed.

The Honorable Mr. Crooks took the Chair.

After some time the House resumed.

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

Reported, and leave asked to sit again.

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

Leave granted.

Pursuant to the order of the day, the House was again put into a Committee of the whole, upon the Bill entitled, "An Act to incorporate the Town of Cobourg, and to establish a Police therein,"—as also, the report of the Select Committee thereon.

Cobourg Police bill, re-committed.

The Honorable Mr. Elmsley took the Chair.

After some time the House resumed.

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

Amendments reported.

Ordered, that the report be received; and,

The said amendments were then read by the Clerk, as follows;

Read first time.

Press 1, Line 24.—After "say," expunge the remainder of the Section, and insert, "commencing on the Lake Shore, at the south-east angle of Lot number fourteen, in the broken concession B. of the said Township of Hamilton; thence north, sixteen degrees west; to the base line of said Township;

The Amendments.

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thence along the said base line, to the north-east angle of Lot number twenty; thence north, sixteen degrees west, in the first concession of said Township, ten chains; thence south, seventy-four degrees west, to the centre of Lot number twenty-one; thence south sixteen degrees east, to the Lake Ontario, thence along the water's edge to the place of beginning."

Press. 3, Line 7.—Expunge "five," and insert "ten."

" 10 " 2.—Expunge "or appointment,"

" 10 " 11.—Expunge "and license,"—after "fruit," insert "and,"—after "victuals," expunge "and liquors not distilled."

" 10 " 12.—Expunge "to be eaten or drunk in such Houses or Groceries."

" 10 " 21.—Expunge "Fire Engines," and insert "Fire Engineers."

" 11 " 11.—After "shillings," add, "and to fix upon, and to appoint such days and hours for the purpose of selling Butcher's meat, butter, eggs, poultry, fish, and vegetables; and to make such other orders and regulations relative thereto, as they shall deem expedient."

" 12 " 22.—After "discretion." insert "remove and."

" 14 Expunge the twenty-seventh clause, and insert "And be it further enacted by the authority aforesaid, that it shall and may be lawful for the said Corporation to fix upon a site for a market in the said Town, and to enter into, and make such arrangements or agreements in behalf of the said Town, for the purchase of such site as to them, or a majority of them, appear just and reasonable; and the said Corporation shall give at least six weeks notice in the newspapers published in the said Town of Cobourg, of the site intended for such market, and if any objection, in writing, to such site shall, within the period of six weeks, be presented or declared to the said Corporation, or any member thereof, signed by twelve persons entitled to vote within the said Town, a public meeting of the inhabitants shall be called, and a time and place for such meeting shall be fixed by the said Corporation, who shall give at least six days notice thereof, and a majority of the persons present at such meeting entitled to vote under this Act, shall decide whether such proposed site shall be confirmed or not; and the President of such Corporation shall preside at such meeting, and conduct the proceedings thereof; and that when the site for the said Market shall be established, it shall then and in such case be the market place of the said Town, any thing herein contained to the contrary in any wise notwithstanding."

" 15 " 7.—Expunge "either," and insert "any."

" 15 " 15.—After "the," insert "Board of."

Read second time and adopted.

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

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

Limited partnership's provision bill, discharged from the order of the day.

The order of the day being read, for the House to be put into a Committee of the whole upon the Bill entitled, "An Act to provide for the establishment of limited partnerships in this Province,"—it was,

Ordered, that it be discharged.

Otter Creek slack water bill, committed.

Pursuant to the order of the day, the House was put into a Committee of the whole upon the Bill entitled, "An Act to incorporate a Joint Stock Company, under the style and title of the Otter Creek Slack Water Navigation Company,"—and the report of the Select Committee thereon.

The Honorable Mr. Hamilton took the Chair.

After some time the House resumed.

House resumes.

Gananoque Navigation bill, discharged from the order of the day.

The order of the day being read for the House to be put into a Committee of the whole upon the Bill entitled, "An Act to incorporate sundry persons under the style and title of

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the Gananoque and Wiltsie Navigation Company,"—and the Report of the Select Committee thereon ; it was,

Ordered, that it be discharged.

The Honorable Mr. Baldwin, from the Select Committee to whom was referred the Bill entitled, "An Act for the relief of John Pearse, William Dumble, and William Hoar,"—presented their report. Report of the Select Committee upon Pearse, and others, relief bill, presented.

Ordered, that it be received ; and,

The same was then read by the Clerk as follows :

Read.

Your Committee, to whom was referred the Bill from the Assembly entitled, "An Act for the relief of John Pearse, William Dumble, and William Hoar," have examined the Bill, and made the necessary inquiry respecting the claim. Your Committee find that a Bill for the same purpose was sent up to the Legislative Council last year, but too late in the Session to be proceeded in ; and as there is no doubt of the facts set forth in the Bill, your Committee beg leave to recommend it to the favorable consideration of your Honorable House. The report.

(Signed,)

A. BALDWIN,

CHAIRMAN.

*Committee Room,*  
April 5th, 1836.

On motion made and seconded, it was,

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

The Honorable Mr. Baldwin, from the Select Committee to whom was referred the Bill entitled, "An Act to improve the Navigation of the inland waters of the District of Newcastle;" presented their report : Report of the Select Committee upon Newcastle inland navigation bill, presented.

Ordered, that it be received ; and,

The same was then read by the Clerk as follows :

Read.

The Select Committee, to which has been referred the Bill entitled, "An Act to improve the Navigation of the inland waters of the District of Newcastle,"—having duly considered the same—beg leave to report : The report.

That the improvements contemplated by this Bill, embrace an important part of the waters by which the District of Newcastle is intersected.

The first section extends from Heely's Falls on the River Trent, in the Township of Seymour, to the Town of Petersburg, where in consequence of the serious obstructions in the Otonabee River immediately above that place, it is proposed to adhere to the present communication road, (as it is termed,) between that Town and Mud, or Schemong Lake, until it shall be considered advisable to proceed with the whole plan of improvement from Lake Simcoe to the Bay of Quinté.—This section when executed, will furnish a continuous Navigation of fifty-eight miles.

The second section extends from the end of the continuation road at Schemong Lake to Cameron's Falls, and by means of the proposed works at Buckhorn and Bobcaygean Rapids, completes another uninterrupted line of navigation thirty-two miles in length, on the direct course from the Bay of Quinté to Lake Simcoe.

The third section, which has for its object the works at Purdy's Mills, in the Township of Ops, will open a divergent line of navigation into Scugog Lake, extending about forty miles in a southerly direction, connected with section No. 2.

The whole extent of navigable communications to be effected under the provisions of this Bill, may be thus stated :

Distance in Section 1st,.....	58 miles.
Do. " " 2nd.....	32 "
Do. " " 3rd.....	40 "
Do. from Buckhorn Rapids, to the main line of communication in Buckhorn Lake,.....	9 "
Total,.....	139 miles.

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For Section No. 1,—the Bill appropriates, under three distinct heads.....	£12,250
For the other Sections,—which together form a continuous navigation, under three other distinct heads,.....	3,750
	£16,000

Having called before them Mr. Baird, the Engineer, whose estimates are referred to in the Preamble of the Bill, your Committee have ascertained, that the intended appropriation is not as great as will in fact be required to complete the navigation at the several points designated; and therefore, as a matter of justice to him, as well as for the information of your Honorable House, it is conceived proper to annex to this Report the memorandum which he has supplied respecting the sums specified in his original estimates, which amount to £17,313 6 0 currency. As in the event of this Bill being entertained by your Honorable House, the whole of the appropriation cannot be expended during the present year, your Committee do not recommend any alteration in this part of the Bill.

In a subsequent Session, the sum now withheld by the other Branch of the Legislature, for reasons of which your Committee have no knowledge, will doubtless be granted.

This Bill is susceptible of improvement in its language, in which it is far inferior to many others of a similar character which have been under consideration during the present Session. Your Committee, however, abstain from suggesting any amendments, lest they might have the effect of defeating, for this year, a measure which they regard as most valuable, and likely to be attended with the most beneficial results to the general welfare and prosperity.

All which is respectfully submitted.

Committee Room, Legislative Council,  
Fifth April, 1836.

REMARKS ON ESTIMATE OF TRENT, &c.	£	s.	d.
1st item—£ 750 for Dam at Heely's Falls—10 per cent omitted,.....	75	0	0
2nd item—£7500 for Crooks Rapids—should be £7062—£438 too much.			
3rd item—£4000 for Whitlaw's Rapids—should be £4246 19 0—10 per cent difference,.....	671	6	0
4th item—£ 750 Dam Buckhorn Rapids—should be £800—10 per cent difference,.....	130	0	0
5th item—£ 500 Dams and completion of works at Bobcaygean—should be £1250—10 per cent difference,.....	875	0	0
	£1751	6	0
Deduct over allowance,.....	438	0	0
Deficient,.....	£1313	6	0

To which add Purdy's Mill improvement, unconnected with the other £2500—sufficient if executed as shown on the plan, but not so if located at the present Dam and Mill.

(Signed,) N. H. BAIRD,  
C. E.

2nd April, 1836.

Amount per Bill,.....	16,000	0	0
Deficiency,.....	1,313	6	0
	Real Estimate,.....	£17,313	6 0
	(Signed,) N. H. BAIRD,		C. E.

On motion made and seconded, it was,



Wednesday, 6th April, 1836.

SIR FRANCIS BOND HEAD, K. C. H. *Lieutenant Governor.*

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

The Honorable Mr. Crookshank brought up the Petition of George Lovel, and others, which was laid on the Table. Petition of George Lovel, and others, brought up.

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

WEDNESDAY, 6th APRIL, 1836.

The House met pursuant to adjournment. House meets.

PRESENT :

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

*The Honorable Messrs.* HAMILTON.

*The Honorable Messrs.* DICKSON.

" " BOSWELL,

Members present.

" " CROOKSHANK,

" " ADAMSON,

" " ALLAN,

" " CROOKS,

" " McDONELL,

" " STEWART,

" " BURNHAM,

" " MORRIS.

" " ELMSLEY,

" " MACAULAY.

" " BALDWIN,

" " VANKOUGHNET.

Prayers were read.

The Minutes of yesterday were read.

Pursuant to the order of the day, the Bill entitled, "An Act to incorporate the Town of Cobourg, and to establish a Police therein," was, as amended, read a third time; and, Cobourg Police bill, as amended, read third time and passed.

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

Whereupon the Speaker signed the amendments; and it was, Amendments signed;

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

Pursuant to the order of the day, the House was put into a Committee of the whole, upon the Bill entitled, "An Act for the relief of John Pearse, William Dumble, and William Hoar," and the report of the Select Committee thereon. Pearse and others relief bill, committed.

The Honorable Mr. Adamson took the Chair.

After some time the House resumed.

The Chairman reported that the Committee had taken the said Bill and report of the Select Committee into consideration, and recommended that the bill be referred back to the same Select Committee to report further thereon. Reported.

Ordered, that the report be received; and,

Ordered, that the said Bill be referred back to the same Select Committee to report further thereon. And referred back to the same Select Committee.

A Deputation from the Commons House of Assembly, returned the Bill entitled, "An Act to incorporate certain persons therein mentioned, under the name and style of the Niagara and Detroit Rivers Rail-road Company," and acquainted this House, that the Commons House of Assembly had acceded to the amendments made by the Legislative Council in and to the same, and then withdrew. Amendments to Niagara and Detroit Rail-road bill, concurred in by the Assembly.

Pursuant to the order of the day, the House was put into a Committee of the whole upon the bill entitled, "An Act to improve the navigation of the Inland Waters of the District of Newcastle," and the report thereon. Newcastle Inland Navigation bill, committed.

The Honorable Mr. Elmsley took the Chair.

After some time the House resumed. House resumes.

Pursuant to the order of the day, the Bill entitled, "An Act to amend the Police Laws of the Town of Prescott;" also the Bill entitled, "An Act to repeal an Act passed in the forty-ninth year of the reign of His late Majesty King George the Third, entitled, "An Act to encourage the destroying of Wolves in this Province, and to make further provision for exterminating those destructive animals;" also the Bill entitled, "An Act to repeal and amend certain parts of an Act passed in the third year of His Majesty's reign, entitled, "An Act to Prescott Police law amendment bill;  
Wolf bounty bill;  
British America fire and life assurance Company's amendment bill;

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- Common School additional aid bill;  
And King's College Charter amendment bill, read second time.
- incorporate a Company under the style and title of the British America Fire and Life Assurance Company ;" also the Bill entitled, " An Act to provide additional aid in support of Common Schools in the several Districts of this Province ;" and also the Bill entitled, " An Act to amend the Charter of King's College," were severally read a second time; and it was,  
Ordered, that the House be put into Committees of the whole tomorrow, to take the same into consideration.
- Burlington Bay and Lake Huron rail-road bill, read second time ;
- Pursuant to the order of the day, the Bill entitled, " An Act to incorporate a Company to construct a Rail Road from Burlington Bay to Lake Huron," was read a second time ; and it was,  
Ordered, that it be referred to a Select Committee, with power to send for persons and papers, and to report thereon by amendment or otherwise ; and,  
Ordered, that the Honorable Messieurs Baldwin and Crooks, do compose the same for that purpose.
- And referred to a select committee.
- Members composing same.
- Common School regulation bill, read second time ;
- Pursuant to the order of the day, the Bill entitled, " An Act for the better regulation of Common Schools within this Province, and making further provisions for the same," was read a second time ; and it was,  
Ordered, that it be referred to a Select Committee with power to send for persons and papers, and to report thereon by amendment or otherwise ; and,  
Ordered, that the Honorable Messieurs Morris and Macaulay, do compose the same for that purpose.
- And referred to a Select Committee.
- Members composing same.
- Burlington Bay fishery preservation bill, read second time ;
- Pursuant to the order of the day, the Bill entitled, " An Act for the preservation of the Fishery within Burlington Bay," was read a second time ; and it was,  
Ordered, that it be referred to a Select Committee with power to send for persons and papers, and to report thereon by amendment or otherwise ; and,  
Ordered, that the Honorable Messieurs Hamilton and Crooks, do compose the same for that purpose.
- And referred to a Select Committee.
- Members composing same.
- General road grant bill, read second time ;
- Pursuant to the order of the day, the Bill entitled, " An Act granting to His Majesty a sum of money, for the improvement of Roads and Bridges in the several Districts of this Province," was read a second time ; and it was,  
Moved and seconded, that it be referred to a Committee of the whole House this day three months.
- Motion for referring it to a Committee of the whole in three months.
- The question of concurrence being put, it was carried in the negative ; and it was then,  
Ordered, that the House be put into a Committee of the whole tomorrow, to take the said Bill into consideration.
- Question put and negatived.
- Niagara Bank bill, brought in.
- The Honorable Mr. Crooks brought in a Bill for the establishment of a Bank at the Town of Niagara.
- Read first time.
- The said Bill was then read ; and it was,  
Ordered, that the same be read a second time to-morrow.
- Petitions of John Logie, and others ;  
And of Joseph Huston and others, bro't. up.
- The Honorable Mr. Burnham brought up the Petition of John Logie, and others ; inhabitants of the Townships of Ops, Eldon, and Mariposa ; and also the petition of Joseph Huston, and others, inhabitants of the Townships of Cavan and Manvers ; which were laid on the table.  
On motion made and seconded ; it was,  
Ordered, that the Resolutions of this House, passed yesterday, on the subject of Banking, be sent to the Commons House of Assembly, by the Master in Chancery, for their concurrence.
- Resolutions on Banking sent to the Assembly for concurrence.
- House adjourns
- On motion made and seconded, the House adjourned until tomorrow, at twelve of the clock at noon.

Thursday, 7th April, 1836.

SIR FRANCIS BOND HEAD, K. C. H. *Lieutenant Governor.*

THURSDAY, 7th APRIL, 1836.

The House met pursuant to adjournment.

House meets.

PRESENT :

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

*The Honorable Messrs.* ADAMSON,

*The Honorable Messrs.* DICKSON,

" " CROOKS,

Members present.

" " CROOKSHANK,

" " STEWART,

*The Hon. & Ven. The* ARCHDEACON OF YORK.

" " MORRIS.

*The Honorable Messrs.* BURNHAM,

" " VANKOUGHNET.

" " BOSWELL,

Prayers were read.

The Minutes of yesterday were read.

Pursuant to the order of the day, the House was put into a Committee of the whole upon the Bill entitled, "An Act to amend the Police Laws of the Town of Prescott."

Prescott Police law amendment bill, committed.

The Honorable Mr. Stewart took the Chair.

After some time the House resumed.

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

Reported, and leave asked to sit again.

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

Leave granted.

The Honorable Messieurs Allan, McDonell, Elmsley, Baldwin, and Macaulay, enter.

Members enter.

Pursuant to the order of the day, the House was put into a Committee of the whole upon the Bill entitled, "An Act to repeal an Act passed in the forty-ninth year of the reign of His late Majesty King George the Third, entitled, 'An Act to encourage the destroying of Wolves in this Province, and to make further provision for exterminating those destructive animals.'"

Wolf bounty bill, committed.

The Honorable Mr. Burnham took the Chair.

After some time the House resumed.

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

Reported.

Ordered, that the report be received; and,

Adopted.

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

Pursuant to the order of the day, the House was put into a Committee of the whole upon the Bill entitled, "An Act to repeal and amend certain parts of an Act passed in the third year of His Majesty's reign, entitled, 'An Act to incorporate a Company under the style and title of the British America Fire and Life Assurance Company.'"

British America Fire and Life Assurance Company's amendment bill, committed.

The Honorable Mr. Crookshank took the Chair.

A Message being announced, the Chairman left the Chair, and the House formed.

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

A bill brought up from the Assembly.

The House was then again put into a Committee of the whole, upon the Bill entitled, "An Act to repeal and amend certain parts of an Act passed in the third year of His Majesty's reign, entitled, 'An Act to incorporate a Company under the style and title of the British America Fire and Life Assurance Company.'"

British America Fire and Life Assurance Company's amendment bill, re-committed.

The Honorable Mr. Crookshank took the Chair.

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

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

Bills brought up from the Assembly.

The House was then again put into a Committee of the whole upon the Bill entitled, "An Act to repeal and amend certain parts of an Act passed in the third year of His Majesty's reign, entitled, 'An Act to incorporate a Company, under the style and title of the British America Fire and Life Assurance Company.'"

British America Fire and Life Assurance Company's amendment bill, re-committed.

The Honorable Mr. Crookshank took the Chair.

After some time the House resumed.

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

Reported.

Thursday, 7th April, 1836.

SECOND SESSION TWELFTH PROVINCIAL PARLIAMENT, 6th WILLIAM IV.

Adopted.	Ordered, that the Report be received ; and, Ordered, that the said Bill be read a third time to-morrow.
Speaker reports the receipt of Provincial Commissioners appointment bill ;	The Honorable the Speaker reported to the House, that Deputations from the Commons House of Assembly, had brought up a Bill entitled, "An Act to appoint Commissioners to treat with Commissioners appointed on the part of the Province of Lower Canada, for the purposes therein mentioned ;" also a Bill entitled, "An Act to amend and extend the provisions of an Act passed in the fourth year of His Majesty's Reign, entitled, "An Act to incorporate certain persons under the style and title of the London and Gore Rail Road Company, and to grant to the said Company the privilege of Banking ;" also a Bill entitled, "An Act to appoint Trustees to the Will of the late John Wilmot, of the County of York, Gentleman, deceased, to carry into effect the provisions thereof ;" also a Bill entitled, "An Act affixing the value at which certain gold coins shall pass current in this Province, making the same a legal tender; and establishing the rate at which British silver money now in circulation shall be taken within the same ;" also a Bill entitled, "An Act to establish the Concession Lines in the Township of Ameliasburgh, and to provide for the survey of certain side lines in said Township ;" also a Bill entitled, "An Act continuing the Road Acts of 1833 and 1834, and rendering the Commissioners accountable for the expenditure of the road monies granted by the same ;" and also a Bill entitled, "An Act to amend an Act passed in the first Session of the present Parliament, entitled, 'An Act granting a sum of money for the erection of a Light House on Gull Island, or such other place as the Commissioners may select,'"—to which they requested the concurrence of this House.
London and Gore Rail-road Company's Banking bill ;	
Wilmot's Trustee bill ;	
Gold and Silver coins value establishment bill ;	
Ameliasburgh survey bill ;	
Road Acts of 1833, and 1834, continuation bill ;	
And Gull Island Light-house bill, from the Assembly.	
Read first time.	The said Bills were then severally read ; and it was, Ordered, that they be read a second time to-morrow.
Common School additional aid bill, committed.	Pursuant to the order of the day, the House was put into a Committee of the whole upon the Bill entitled, "An Act to provide additional aid in support of Common Schools in the several Districts of this Province." The Honorable Mr. Allan took the Chair. After some time the House resumed.
Reported.	The Chairman reported, that the Committee had gone through the said Bill, and recommended the same without amendment to the adoption of the House :
Adopted.	Ordered, that the report be received ; and, Ordered, that the said Bill be read a third time to-morrow.
King's College Charter amendment bill, committed.	Pursuant to the order of the day, the House was put into a Committee of the whole upon the Bill entitled, "An Act to amend the charter of King's College." The Honorable Mr. Elmsley took the Chair. After some time the House resumed.
Reported ;	The Chairman reported that the Committee had taken the said Bill into consideration, and recommended that it be referred to a Select Committee, with power to send for persons and papers, and to report thereon by amendment or otherwise :
And referred to a Select Committee.	Ordered, that the report be received ; and, Ordered, that the said Bill be referred to a Select Committee, with power to send for persons and papers, and to report thereon by amendment or otherwise ; and,
Members composing same.	Ordered, that the Honorable Messieurs Dickson, Morris, and Macaulay, do compose the same for that purpose.
General Road grant bill, committed.	Pursuant to the order of the day, the House was put into a Committee of the whole upon the Bill entitled, "An Act granting to His Majesty a sum of money, for the improvement of Roads and Bridges in the several Districts of this Province." The Honorable Mr. Morris took the Chair. After some time the House resumed.
Reported.	The Chairman reported that the Committee had taken the said Bill into consideration, and recommended that it be referred to a Select Committee, with power to send for persons and papers, and to report thereon ; upon which it was, Moved and seconded, that the Report be received this day three months.
Motion for receiving the report in three months.	The question being put, it was carried in the negative ; and it was then, Ordered, that the report be now received ; and,
Question put and negatived.	

Thursday, 7th April, 1836.

SIR FRANCIS BOND HEAD, K. C. H. *Lieutenant Governor.*

Ordered, that the said Bill be referred to a Select Committee, with power to send for persons and papers, and to report thereon; and, Bill referred to a Select Committee.

Ordered, that the Honorable Messieurs Burnham, Baldwin, and Crooks, do compose the same for that purpose; and, Members composing same.

Ordered, that the Committee just named, be instructed to ascertain whether there are disposable funds to meet the grant contemplated by the last mentioned Bill. Their Instructions.

Pursuant to the order of the day, the Bill for the establishment of a Bank in the Town of Niagara—was read a second time. Niagara Bank bill, read second time.

Pursuant to the order of the day, the Petition of George Lovel, and others, praying that the Toll Bar erected upon a certain cross road leading to the Macadamized road, west of the City of Toronto, may be removed; was read, Petition of George Lovel, and others, read.

The Honorable Mr. Baldwin from the Select Committee, to whom was again referred the Bill entitled, "An Act for the relief of John Pearse, William Dumble, and William Hoar;" presented their further report: Second report upon Pearse, and others, relief bill, presented.

Ordered, that it be received; and,

The same was then read by the Clerk as follows: Read.

The Committee, to whom was referred the Bill from the Assembly entitled, "An Act for the relief of John Pearse, William Dumble, and William Hoar,"—beg leave further to report: The second report.

That they have examined such Documents as could be procured, (viz:)—a copy of the specification of the contract, signed J. G. Bethune; the account current between J. G. Bethune and the Contractors; a certificate by John Hewitt, Civil Engineer, that the work was taken in his opinion, at £200 less than he would have estimated it.

By the printed Report of the Commissioners, it appears that the work was done to their satisfaction.

With respect to the charge for extra work, it is stated by Mr. Gilchrist, that J. G. Bethune directed an alteration in the work, which subjected the Contractors to an additional expense of forty pounds, and that on examination of the account current, a sum of thirty-three pounds was charged by Mr. Bethune, twice over; and that in consequence of the delay of payment by the Commissioners, and the vexatious law-suits and accruing interest on their debts, the Committee of the House of Assembly felt themselves justified in adding interest to the sum due the Petitioners.

It does not appear to your Committee, that any action was brought by the Petitioners against the Commissioners, but that they looked to Mr. Bethune alone for payment, as being the acting Commissioner, and through whom all payments were made. That finding all applications and threats useless, they now apply to the Legislature for relief.

(Signed,)

A. BALDWIN,  
*Chairman.*

*Committee Room, Legislative Council.*

On motion made and seconded; it was,

Ordered, that the House be put into a Committee of the whole to-morrow, upon the last mentioned Bill, as also the Reports of the Select Committee thereon.

The Honorable Mr. Macaulay gave notice, that he would on to-morrow move, that the House be again put into a Committee of the whole upon the Bill entitled, "An Act to improve the Navigation of the inland waters of the District of Newcastle." Notice of a motion for recommitting Newcastle Inland navigation bill.

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

Friday, 8th April, 1836.

SECOND SESSION TWELFTH PROVINCIAL PARLIAMENT, 6th WILLIAM IV.

FRIDAY, 8th APRIL, 1836.

House meets

The House met pursuant to adjournment.

PRESENT :

Members present.	<i>The Honorable</i> JOHN B. ROBINSON, SPEAKER.	<i>The Honorable Messrs.</i> ADAMSON,
	<i>The Honorable Messrs.</i> DICKSON,	" " CROOKS,
	" " ALLAN,	" " STEWART,
	" " McDONELL,	" " MORRIS,
	" " BURNHAM,	" " MACAULAY,
	" " BALDWIN.	" " VANKOUGHNET,
	" " BOSWELL.	

Prayers were read.

The Minutes of yesterday were read.

Wolf bounty bill;

Pursuant to the order of the day, the Bill entitled, "An Act to repeal an Act passed in the forty-ninth year of the reign of His late Majesty King George the Third, entitled, 'An Act to encourage the destroying of Wolves in this Province, and to make further provision for exterminating those destructive animals;'" also the Bill entitled, "An Act to repeal and amend certain parts of an Act passed in the Third year of His Majesty's reign, entitled 'An Act to incorporate a Company, under the style and title of the British America Fire and Life Assurance Company;'" and also the Bill entitled, "An Act to provide additional aid in support of Common Schools in the several Districts of this Province,"—were severally read a third time and passed :

British America Fire and Life Assurance Company's amendment bill;

And Common School additional aid bill, read third time and passed;

Same signed;

And the Assembly acquainted thereof.

Prescott Police Law amendment bill, re-committed.

Whereupon the Speaker signed the same; and it was, Ordered, that the Master in Chancery do go down to the Assembly, and acquaint that House, that the Legislative Council has passed these Bills without any amendment.

Pursuant to the order of the day, the House was again put into a Committee of the whole upon the Bill entitled, "An Act to amend the Police Laws of the Town of Prescott."

The Honorable Mr. Stewart took the Chair.

After some time the House resumed.

Reported;

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

Ordered, that the report be received; and,

And referred to a Select Committee.

Ordered, that the said Bill be referred to a Select Committee, to report thereon by amendment or otherwise.

Members composing same.

Ordered, that the Honorable Messieurs Burnham and Vankoughnet do compose the same for that purpose.

A Member enters.

The Honorable Mr. Crookshank enters.

Pearse, and others, relief bill, re-committed.

Pursuant to the order of the day, the House was again put into a Committee of the whole, upon the Bill entitled, "An Act for the relief of John Pearse, William Dumble, and William Hoar,"—as also the several reports of the Select Committee thereon.

The Honorable Mr. Adamson took the Chair.

After some time the House resumed.

Reported.

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

Adopted.

Ordered, that the Report be received; and,

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

Provincial Commissioners appointment bill, read second time.

Pursuant to the order of the day, the Bill entitled, "An Act to appoint Commissioners to treat with Commissioners appointed on the part of the Province of Lower Canada, for the purposes therein mentioned;" was read a second time—and it was,

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

London and Gore Rail-road Company's banking bill, read second time.

Pursuant to the order of the day, the Bill entitled, "An Act to amend and extend the provisions of an Act passed in the fourth year of His Majesty's reign, entitled, "An Act to incorporate certain persons under the style and title of the London and Gore Rail Road Company, and to grant to the said Company the privilege of Banking;" was read a second time.

Friday, 8th April, 1836.

SIR FRANCIS BOND HEAD, K.C.H. *Lieutenant Governor.*

Pursuant to the order of the day, the Bill entitled, "An Act to appoint Trustees to the Will of the late John Wilmot, late of the County of York, Gentleman, deceased—to carry into effect the provisions thereof,"—was read a second time; and it was,

Wilmot's Trustee bill—  
read second time.

Ordered that it be referred to a Select Committee, with power to send for persons and papers, and to report thereon by amendment or otherwise; and,

And referred to a  
Select Committee.

Ordered, that the Honorable Messieurs Crookshank and Adamson, do compose the same for that purpose.

Members composing  
same.

Pursuant to the order of the day, the Bill entitled, "An Act affixing the value at which certain gold coins shall pass current in this Province, making the same a legal tender, and establishing the rate at which British Silver money now in circulation, shall be taken within the same;" was read a second time—and it was,

Gold and Silver coins  
value establishment  
bill, read second time.

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

Pursuant to the order of the day, the Bill entitled, "An Act to establish the Concession Lines in the Township of Ameliasburgh, and to provide for the survey of certain side lines in said Township,"—was read a second time; and it was,

Ameliasburgh survey  
bill, read second time;

Ordered, that it be referred to the Select Committee upon the Bill entitled, "An Act to appoint Trustees to the Will of the late John Wilmot, late of the County of York, gentleman, deceased—to carry into effect the provisions thereof,"—to report thereon.

And referred to the  
Select Committee  
upon Wilmot's Trustee  
bill.

Pursuant to the order of the day, the Bill entitled, "An Act continuing the Road Acts of 1833 and 1834, and rendering the Commissioners accountable for the expenditure of the road monies granted by the same;" and also the Bill entitled, "An Act to amend an Act passed in the first Session of the present Parliament, entitled, 'An Act granting a sum of money for the erection of a Light House on Gull Island, or such other place as the Commissioners may select,'"—were severally read a second time; and it was,

Road Acts of 1833  
and 1834 continuation  
Bill; and,

Gull Island Light  
House amendment  
Bill—read second  
time.

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

Pursuant to notice, the Honorable Mr. Macaulay moved, that the House be again put into a Committee of the whole presently, to take into further consideration the bill entitled, "An Act to improve the navigation of the Inland Waters of the District of Newcastle," which being seconded:

Motion for referring  
Newcastle Inland na-  
vigation bill, to a com-  
mittee of the whole.

The question of concurrence was put, and it was carried in the affirmative; and,

Question put and  
carried.

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

Bill, committed.

The Honorable Mr. Vankoughnet took the Chair.

A Message being announced, the Chairman left the Chair, and the House formed.

A Deputation from the Commons House of Assembly brought up several Bills, to which they requested the concurrence of this House, and they returned a Bill with amendments made to the amendments, to which they also requested the concurrence of this House, and then withdrew.

Bills brought up from  
the Assembly, and a  
bill returned there-  
from, with amend-  
ments to the amend-  
ments.

The House was then again put into a Committee of the whole upon the Bill entitled, "An Act to improve the navigation of the inland waters of the District of Newcastle."

Newcastle Inland na-  
vigation Bill, recom-  
mitted.

The Honorable Mr. Vankoughnet took the Chair.

After some time the House resumed.

The Chairman reported that the Committee had taken the said Bill into further consideration, and recommended that the same be again referred to a Select Committee, to report thereon by amendment or otherwise.

Reported,

Ordered, that the report be received; and,

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

And referred to ano-  
ther Select Commit-  
tee.

Ordered, that the Honorable Messieurs Burnham, Crooks, and Vankoughnet do compose the same for that purpose.

Members composing  
same.

The Honorable the Speaker reported to the House, that a Deputation from the Commons House of Assembly had brought up a Bill entitled, "An Act to establish a Market in the West Ward of the Town of Brockville,"—also a Bill entitled, "An Act granting a sum of money for improving the hill at the River Rouge, and other purposes therein mentioned,"—and

Speaker reports the  
receipt of Brockville  
Market bill.

Rouge Hill grant bill.

Friday, 8th April, 1836.

## SECOND SESSION TWELFTH PROVINCIAL PARLIAMENT, 6th WILLIAM IV.

And Loughborough Survey Commissioners' bill, from the Assembly :

And the return of Clergy Reserves sale bill, with amendments to the amendments.

Loughborough Survey Commissioners' bill.

Rouge Hill grant bill:

And Brockville market bill—read first time.

Amendments to the amendments to Clergy Reserves sale bill—Read first time.

The amendments to the amendments.

also a Bill entitled, "An Act to appoint Commissioners to settle the disputed Survey of David Rankin, Deputy Surveyor, in the Township of Loughborough;" to which they requested the concurrence of this House. And that the same Deputation had returned the Bill entitled, "An Act for the disposal of the Clergy reserves in this Province for the purposes of general Education," and acquainted this House, that the Commons House of Assembly had made certain amendments to the amendments of the Legislative Council in and to the said Bill, to which they requested the concurrence of this House.

The Bill entitled, "An Act to appoint Commissioners to settle the disputed survey of David Rankin, Deputy Surveyor in the Township of Loughborough;" also the Bill entitled, "An Act granting a sum of money for improving the Hill at the River Rouge, and other purposes therein mentioned;" and also the bill entitled, "An Act to establish a market in the West Ward, in the Town of Brockville,"—were then severally read; and it was,

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

The amendments of the Commons House of Assembly made to the amendments of the Legislative Council, in and to the Bill entitled, "An Act for the disposal of the Clergy Reserves in this Province for the purposes of general education,"—were then read as follows :

Amendments made by the Commons House of Assembly in and to the amendments made by the Honorable the Legislative Council, in and to the bill entitled, "An Act for the disposal of the Clergy Reserves in this Province, for the purposes of general education."

Press 3, Line 22.—After the word "thereof," expunge the remainder of the Preamble, and insert "for the purposes of general education throughout this Province."

" 9 " 12.—After the words "Lands," insert "and the proceeds arising therefrom."

" 9 " 14.—After the word "appropriated," expunge the remainder of the clause, and insert, "for the purposes of general education throughout this Province, in such way and manner, as to enable all His Majesty's subjects of every religious creed and order, indiscriminately to partake in the benefits to be derived therefrom."

" 9 " 18.—Expunge the word "grant."

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

Petitions of John Logie, and others;

Pursuant to the order of the day, the Petition of John Logie and others, inhabitants of the Townships of Ops, Eldon, and Mariposa, praying that the freeholders of the said Townships, may in future assemble in the Township of Ops, for the purpose of voting for members to represent them in the Assembly; and also the Petition of Joseph Huston, and others, inhabitants of the Townships of Cavan and Manvers, praying that the freeholders of the said Townships may in future assemble in the Township of Cavan, for the purpose of voting for members to represent them in the Assembly,—were severally read.

And of Joseph Huston and others—read.

Petitions of Bartholemew Tench, and others; Of James Johnson, and others;

The Honorable Mr. Crooks brought up the Petitions of Bartholemew Tench, and others, and James Johnson and others, inhabitants of the Townships of Bertie and Humberstone,—which were laid on the Table.

Of William Weller;

The Honorable Mr. Macaulay brought up the Petition of William Weller,—which was laid on the Table.

Of John Brown;

The Honorable Mr. Vankoughnet brought up the Petition of John Brown, of Port Hope; which was laid on the Table.

and of Ezekiel Phillips and others, brought up.

The Honorable Mr. Morris brought up the petition of Ezekiel Phillips, and others, inhabitants of the Town of Brockville, residing in the West Ward thereof; which was laid on the table.

People's Bank Bill brought in.

The Honorable Mr. Baldwin, brought in a bill for incorporating the People's Banking Company."

Read first time.

The said Bill was then read; and it was,

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

Petitions of James Wilson, brought up.

The Honorable Mr. Stewart brought up the petition of James Wilson, in behalf of the Owners and Crews of steam and sailing Vessels of every description, navigating the Lake Ontario; which was laid on the table.

Leave of absence granted to the Hon. Mr. Burnham.

The Honorable Mr. Burnham, prayed that he might have leave of absence for the remainder of the session; and it was,



Saturday, 9th April, 1836.

SIR FRANCIS BOND HEAD, K. C. H. *Lieutenant Governor.*

Ordered, that he take leave for that time accordingly.

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

SATURDAY, 9th APRIL, 1836.

House meets.

The House met pursuant to adjournment.

PRESENT:

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

*The Honorable Messrs.* BOSWELL,

*The Honorable Messrs.* DICKSON,

" " ADAMSON,

Members present.

" " CROOKSHANK,

" " CROOKS,

" " ALLAN,

" " STEWART,

" " McDONELL,

" " MORRIS.

" " BURNHAM,

" " MACAULAY.

" " ELMSLEY,

" " VANKOUGHNET.

" " BALDWIN,

Prayers were read.

The Minutes of yesterday were read.

Pursuant to the order of the day, the Bill entitled, "An Act for the relief of John Pearse, William Dumble, and William Hoar," was read a third time and passed; Pearse and others, Relief Bill—read third time, and passed.

Whereupon the Speaker signed the same; and it was,

Same signed;

Ordered, that the Master in Chancery do go down to the Assembly, and acquaint that House that the Legislative Council has passed this Bill without any amendment. And the Assembly acquainted thereof.

Pursuant to the order of the day, the House was put into a Committee of the whole, upon the Bill entitled, "An Act to appoint Commissioners to treat with Commissioners appointed on the part of the Province of Lower Canada, for the purposes therein mentioned." Provincial Commissioners appointment Bill committed.

The Honorable Mr. Allan took the Chair.

After some time the House resumed.

The Chairman reported that the Committee had taken the said Bill into consideration, had made some progress therein, and had agreed to a certain resolution, which they recommended to the adoption of the House. A Resolution reported.

Ordered, that the report be received; and,

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

Read first time.

*Resolved.*—That it is the opinion of this Committee, that an address be presented to His Excellency the Lieutenant Governor, requesting to be informed whether His Excellency has any official information of any Act having been passed in Lower Canada for appointing Commissioners to treat with Commissioners to be appointed on the part of this Province, on any matters of common concern to both Provinces, and if so, what are the objects to be treated upon, who are the Commissioners on the part of Lower Canada, and what are the terms of any Act that may have passed on that subject, so far as His Excellency may have been informed thereof. The resolution for addressing His Excellency on the subject of the appointment of Commissioners.

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

Ordered, that it is the opinion of this Committee, that an address be presented to His Excellency the Lieutenant Governor, requesting to be informed whether His Excellency has any official information of any Act having been passed in Lower Canada for appointing Commissioners to treat with Commissioners to be appointed on the part of this Province, on any matters of common concern to both Provinces, and if so, what are the objects to be treated upon, who are the Commissioners on the part of Lower Canada, and what are the terms of any Act that may have passed on that subject, so far as His Excellency may have been informed thereof; and,

Ordered, that the Honorable Messieurs Elmsley and Baldwin, be appointed a committee to present the said Address. Committee appointed to present same.

Pursuant to the order of the day, the House was put into a Committee of the whole upon the Bill entitled, "An Act affixing the value at which certain gold coins shall pass cur- Gold and Silver coins value establishment bill, committed.

Saturday, 9th April, 1836.

SECOND SESSION TWELFTH PROVINCIAL PARLIAMENT, 6th WILLIAM IV.

rent in this Province, making the same a legal tender; and establishing the rate at which British silver money now in circulation shall be taken within the same."

The Honorable Mr. Crooks took the Chair.

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

A bill brought up from the Assembly.

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

Gold and Silver coins value establishment bill, recommitted.

The House was then again put into a Committee of the whole, upon the Bill entitled, "An Act affixing the value at which certain gold coins shall pass current in this Province, making the same a legal tender, and establishing the rate at which British Silver money now in circulation, shall be taken within the same."

The Honorable Mr. Crooks took the Chair.

After some time the House resumed.

Reported.

The Chairman reported that the Committee had taken the said Bill into consideration, had made some progress therein, and recommended that it be referred to a Select Committee, with power to send for persons and papers, and to report thereon by amendment or otherwise.

Ordered, that the Report be received; and,

And referred to a Select Committee.

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

Members composing same.

Ordered, that the Honorable Messieurs Allan, Elmsley, and Macaulay, do compose the same for that purpose.

Speaker reports the receipt of Ottawa River Navigation improvement bill, from the Assembly.

The Honorable the Speaker reported to the House, that a Deputation from the Commons House of Assembly had brought up a Bill entitled, "An Act granting a sum of money for the purpose of improving the Navigation of the River Ottawa; and appointing Commissioners to superintend the said improvement, and for other purposes therein mentioned,"—to which they requested the concurrence of this House.

Read first time.

The said Bill was then read; and it was,

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

Read Acts of 1833 and 1834 continuation Bill, committed.

Pursuant to the order of the day, the House was put into a Committee of the whole upon the Bill entitled, "An Act continuing the Road Acts of 1833 and 1834, and rendering the Commissioners accountable for the expenditure of the road monies granted by the same."

The Honorable Mr. Baldwin took the Chair.

After some time the House resumed.

Reported.

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

Adopted.

Ordered, that the report be received; and,

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

Gull Island Light House amendment Bill, committed.

Pursuant to the order of the day, the House was put into a Committee of the whole upon the Bill entitled, "An Act to amend an Act passed in the first Session of the present Parliament, entitled, 'An Act granting a sum of money for the erection of a Light House on Gull Island, or such other place as the Commissioners may select.'"

The Honorable Mr. Crookshank took the Chair.

After some time the House resumed.

Reported.

The Chairman reported that the Committee had taken the said Bill into consideration, had made some progress therein, and recommended that it be referred to a Select Committee, with power to send for persons and papers, and to report thereon by amendment or otherwise.

Ordered, that the report be received; and,

And referred to a Select Committee.

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

Members composing same.

Ordered, that the Honorable Messieurs Boswell and Crooks, do compose the same for that purpose.

Loughborough Survey Commissioners' bill, read second time.

Pursuant to the order of the day, the Bill entitled, "An Act to appoint Commissioners to settle the disputed survey of David Rankin, Deputy Surveyor in the Township of Loughborough;" was read a second time—and it was,

Saturday, 9th April, 1836.

SIR FRANCIS BOND HEAD, K.C.H. *Lieutenant Governor.*

Moved and seconded, that the rule of this House made on the fifth day of March, in the year of our Lord one thousand eight hundred and thirty, be dispensed with as it regards this Bill :

Motion for dispensing with the rule of 5th March, 1830.

Whereupon the question of concurrence was put, and it was carried in the negative.

Question put and negatived.

Pursuant to the order of the day, the Bill entitled, "An Act granting a sum of money for improving the Hill at the River Rouge, and other purposes therein mentioned;" and also the bill entitled, "An Act to establish a market in the West Ward, of the Town of Brockville,"—were severally read a second time; and it was,

Rouge Hill grant bill, And Brockville Market bill, read second time.

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

Pursuant to the order of the day, the amendments of the Commons House of Assembly made to the amendments of the Legislative Council, in and to the bill entitled, "An Act for the disposal of the Clergy Reserves in this Province, for the purposes of general education,"—were read a second time; and it was,

Amendments to the amendments to Clergy Reserves sale bill, read second time.

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

Pursuant to the order of the day, the bill for incorporating the People's Banking Company,—was read a second time; and it was,

People's Bank Bill, read second time;

Ordered, that the House be put into a Committee of the whole this day three months, to take the same into consideration.

And ordered for committal in three months.

The Honorable Mr. Boswell brought in a Bill to incorporate certain persons under the style and title of the President, Directors, and Company of the Newcastle District Bank.

Newcastle District Bank bill, brought in.

The said Bill was then read; and it was,

Read first time.

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

The Honorable Mr. Baldwin from the Select Committee, to whom was referred the Bill entitled, "An Act to erect the County of Hastings into a separate District;" presented their report.

Report of the Select Committee upon Hastings division bill, presented.

Ordered, that it be received; and,

The same was then read by the Clerk as follows :

Read.

The Select Committee, to whom was referred the Bill sent up from the Commons House of Assembly, entitled, "An Act to erect the County of Hastings into a separate District."—respectfully report :

That they find the provisions of the said Bill to correspond generally, with those for setting off the County of Prince Edward as a separate District, with the exception that no provision is contained in it for paying (should the Bill become a law,) any part of the debt of the Midland District, contracted whilst the County of Hastings formed a part of the said District. In the Prince Edward Division Act, the one District was bound to pay for this purpose the sum of £600—neither is there any provision in the event of said County being formed into a separate District, for abolishing the Courts appointed by law to be held at Adolphustown, the erection of which was for the special accommodation and convenience of the County of Hastings. The Bill submitted to them contains a provision for doubling the present rate of assessment, for a term not exceeding four years; and it authorises the Magistrates to borrow money to the extent of £3,000, for the purpose of building a Gaol and Court House in the Town of Belleville.

The Report.

The sum authorised to be borrowed in Prince Edward, was £1,200.

The said Bill also contains a clause, (the last in the Bill,) restraining the District Town from electing a Member to serve in the Commons House of Assembly, until the population amounts to five thousand souls.

Whether such an alteration in the Laws of the Province in this respect, is either just or expedient, is more than doubted by your Committee; and they beg leave to call the attention of your Honorable House, particularly to this provision of the Bill, which if established as a precedent, might operate greatly to the disadvantage of any other new Districts that may hereafter be formed in the Province.

Your Committee deem it their duty to report further to your Honorable House the circumstance, that part of Township of Murray, forming at present part of the County of Nor-

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thumberland, in the district of Newcastle, lies on the east side of the River Trent, crossing the said River at or near its mouth, whilst part of Sidney, in the County of Hastings, lies on the west side of said River. A considerable proportion of the Township of Seymour, in the said County of Northumberland, lies also on the east side of said river. Whether the Westerly boundary of the proposed new District, might not be more conveniently fixed by taking the course of the said river, is respectfully submitted for the consideration of your Honorable House, or whether it might not be most advantageously placed at the westerly boundary of the Townships of Murray, Seymour, Belmont, and Methuen, continuing as part of the Midland District those of Teyondenaga, Hungerford, Elzevir, and Grimsthorpe; in either case, the area of the proposed new District would remain nearly the same.

Your Committee can see no particular objection to establishing the proposed new District by law, unless indeed it might interfere with a general division of the Province into Districts, which they are given to understand, is a matter at present under the consideration of another branch of the Legislature.

They would also respectfully submit, whether in the present arrangement of the Court of King's Bench it would be possible, from their present limited number, unless an addition was made thereto, for the Judges to hold the usual Courts in the proposed new District.

All which is respectfully submitted,

(Signed,)

A. BALDWIN,  
Chairman.

Legislative Council Committee Room,  
9th day of April, 1836.

On motion made and seconded, it was,

Ordered, that the House be put into a Committee of the whole on Monday next, to take the last mentioned Bill, and the Report of the Select Committee thereon into consideration.

Reports of the Select Committees upon Toronto Road bill; Wilmot's Trustee bill; And Ameliasburgh survey bill, presented.

The Honorable Mr. Crookshank from the Select Committees, to whom were referred the Bill entitled, "An Act to raise a sum of money, to continue the improvement of certain Roads in the vicinity of the City of Toronto, and for other purposes therein mentioned;" also the Bill entitled, "An Act to appoint Trustees to the Will of the late John Wilmot, of the County of York, Gentleman, deceased, to carry into effect the provisions thereof;" and also, the Bill entitled, "An Act to establish the Concession Lines in the Township of Ameliasburgh, and to provide for the survey of certain side lines in said Township,"—presented their reports:

Ordered, that they be received; and,

Read.

The same were then severally read by the Clerk as follows:

The report upon Toronto Road Bill.

The Select Committee, to whom was referred the Bill entitled, "An Act to raise a sum of money, to continue the improvement of certain Roads in the vicinity of the City of Toronto, and for other purposes therein mentioned;"—respectfully report:

That the experience obtained from the operation of the Act 3d William the 4th, chap. 38, fully warrants the further extension of the improvements contemplated by the Act under consideration; and therefore, with some amendments in the detail of the Bill, your Committee recommend it to the favorable consideration of your Honorable House.

The Bill differs from the Act of 1833, in several important particulars:—First, in the power given to the Trustees, to compel persons residing within half a mile of the several roads to commute their Statute labour.

Secondly, in the power vested in the Trustees to settle the direction of, and to change, alter, or shorten the several roads.

Thirdly, in the nature of the security provided for the payment of the principal and interest on the Debentures to be issued on the credit of the Tolls: and,

Fourthly, in the independence of the Trustees for each road, of the Trustees on the other roads.

In these several particulars your Committee are of opinion, that the new Bill is an essential improvement upon the Act of 1833: there are several provisions however in the former Act, which are omitted in the present Bill; your Committee think that the omission of some

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SIR FRANCIS BOND HEAD, K. C. H. *Lieutenant Governor.*

of the clauses will be a serious disadvantage to the measure, both as respects the roads and the public:

They have therefore amended the Bill, by introducing the several clauses respecting avoiding the Tolls; also, the clauses which relate to the free passage of Funerals; to the three monthly payment of the proceeds of the Tolls into the hands of the Receiver General; to the power given to the Trustees to commute Tolls; and to the filling of vacancies occasioned by the death or resignation of any of the Trustees.

Press 6 Line 23.—After “road,” insert “Allan McLean, of the Township of Scarborough, Esquire; Thomas Helliwell, of the City of Toronto, Brewer; Richard Douglass Hamilton, Esquire; Stephen Pherrill, yeoman; Jonathan Gates, yeoman; and John Thom, yeoman, of the Township of Scarborough.”

- “ 7 “ 2.—Expunge “on,” and insert “across.”  
 “ “ “ 10.—Expunge “Commissioners,” and insert “Trustees.”  
 “ “ “ 13.—After “being,” insert “at least once in three months.”  
 “ 10 “ 1.—Expunge “Commissioners,” and insert “Trustees.”  
 “ “ “ 11.—Expunge “Commissioners,” and insert “Trustees.”  
 “ “ “ 12.—Expunge “Commissioners,” and insert “Trustees.”

At the end of the Bill add, “33.—*And be it further enacted by the authority aforesaid,* That the said Trustees, if they think proper, may commute the Tolls with any person or persons, by taking of him or them a certain sum, either monthly or annually, in lieu of such Tolls; and that the said Trustees shall affix in a conspicuous place at all such Toll Gates, a Table of the rates of Tolls to be exacted and taken, to be plainly and legibly printed.”

“34.—*And be it further enacted by the authority aforesaid,* That if any person or persons shall after proceeding upon any of the said Roads with any of the carriages or animals liable to Toll, turn out of the same into any other road, and shall enter the said roads beyond the said Turnpike Gate or Gates without paying Toll, whereby such payment shall be evaded; shall for every such offence, forfeit and pay the sum of Ten Shillings, which said sum shall be expended on the said roads, or towards the payment of the principal or interest of the sum expended thereon; and any one Magistrate of the said Home District, shall on conviction of said offender, fine such person in the said penalty, and from whose judgment there shall be no appeal.

“35.—*And be it further enacted by the authority aforesaid,* That if any person or persons occupying or possessing any enclosed lands near any Toll-houses or Toll-gates, which shall be erected in pursuance of this Act, shall knowingly permit or suffer any person or persons to pass through such lands, or through any gate, passage, or way thereon, with any carriage, or with any horse, mare, gelding, or other animal liable to the payment of the Toll, whereby such payment shall be avoided, every person or persons so offending, and also the persons riding or driving the animal or carriage whereon such payment is avoided, being thereof convicted, shall for every such offence, severally forfeit and pay any sum not exceeding Ten Shillings—which shall be laid out in improving such road.”

“36.—*Provided always, and it is hereby further enacted by the authority aforesaid,* That all persons, horses, or carriages going to, or attending, or returning from any funeral of any person, shall pass the gate free of Toll.”

“37.—*And be it further enacted by the authority aforesaid,* That it shall and may be lawful for the Governor, Lieutenant Governor, or person administering the Government of this Province for the time be-

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ing, from time to time, by commission under his hand and seal, to nominate and appoint such person or persons as he may think fit to fill any vacancy or vacancies which may happen in the said Board of Trustees, by death, resignation, or otherwise."

All which is respectfully submitted,  
(Signed,)

GEO. CROOKSHANK,  
*Chairman.*

*Legislative Council Committee Room,*  
Eighth day of April, 1836.

The report upon  
Wilmot's Trustee bill,  
and Ameliasburgh  
survey bill.

The Select Committee to whom was referred the Bill sent up from the Assembly, entitled, "An Act to appoint Trustees to the Will of the late John Wilmot, late of the County of York, gentleman, deceased—to carry into effect the provisions thereof;"—also the Bill entitled, "An Act to establish the Concession Lines in the Township of Ameliasburgh, and to provide for the survey of certain side lines in said Township,"—beg leave to report:

That these Bills come within the salutary rule of this House, made a standing order on the 5th March, 1830, for the better protection of private rights, the provisions of which not having in these instances, been complied with, and no sufficient reason for dispensing with it in favour of these Bills appearing to your Committee, they cannot recommend that any further proceedings should be had thereon.

All which is respectfully submitted,  
(Signed,)

GEO. CROOKSHANK,  
*Chairman.*

*Committee Room, Legislative Council,*  
Ninth day of April, 1836.

On motion made and seconded; it was,

Ordered that the Bill entitled, "An Act to raise a sum of money to continue the improvement of certain roads in the vicinity of the City of Toronto, and for other purposes therein mentioned;"—and the report of the Select Committee thereon, be committed to a Committee of the whole House on Monday next.

On motion made and seconded; it was,

Ordered, that the report of the Select Committee upon the Bill entitled, "An Act to appoint Trustees to the Will of the late John Wilmot, late of the County of York, Gentleman, deceased—to carry into effect the provisions thereof;"—and also the Bill entitled, "An Act to establish the Concession Lines in the Township of Ameliasburgh, and to provide for the survey of certain side lines in said Township,"—be adopted.

Report upon Wilmot's  
Trustee bill, and  
Ameliasburgh survey  
bill, adopted.

House adjourns.

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

MONDAY, 11th APRIL, 1836.

House meets.

The House met pursuant to adjournment.

PRESENT:

Members present.

*The Honorable* JOHN B. ROBINSON, SPEAKER.

*The Honorable Messrs.* DICKSON,

" " CROOKSHANK,

" " ALLAN,

" " McDONELL,

" " ELMSLEY,

" " BALDWIN,

" " HAMILTON.

*The Honorable Messrs.* BOSWELL,

" " ADAMSON,

" " CROOKS,

" " STEWART,

" " MORRIS,

" " MACAULAY,

" " VANKOUGHNET,

Prayers were read.

The Minutes of Saturday last were read.

Road Acts of 1833,  
and 1834, continua-  
tion bill, read third  
time and passed.

Pursuant to the order of the day, the Bill entitled, "An Act continuing the Road Acts of 1833 and 1834, and rendering the Commissioners accountable for the expenditure of the road monies granted by the same,"—was read a third time and passed:

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Whereupon the Speaker signed the same; and it was,  
 Ordered, that the Master in Chancery do go down to the Assembly, and acquaint that House, that the Legislative Council has passed this Bill without any amendment.  
 Pursuant to the order of the day, the House was again put into a Committee of the whole upon the Bill relating to Private Banking.  
 The Honorable Mr. Crooks took the Chair.  
 After some time the House resumed.  
 The Chairman reported that the Committee had gone through the said Bill, and recommended the same without amendment to the adoption of the House.  
 Ordered, that the report be received; and,  
 Ordered, that the said Bill be engrossed, and the same read a third time to-morrow.  
 Pursuant to the order of the day, the House was put into a Committee of the whole upon the Bill entitled, "An Act granting a sum of money for improving the hill at the River Rouge, and other purposes therein mentioned."  
 The Honorable Mr. Hamilton took the Chair.  
 A Message being announced, the Chairman left the Chair, and the House formed.  
 A Deputation from the Commons House of Assembly brought up a Bill, to which they requested the concurrence of this House, and then withdrew.  
 The House was then again put into a Committee of the whole, upon the Bill entitled, "An Act granting a sum of money for improving the Hill at the River Rouge, and other purposes therein mentioned."  
 The Honorable Mr. Hamilton took the Chair.  
 After some time the House resumed.  
 The Chairman reported that the Committee had taken the said Bill into consideration, had made some progress therein, and recommended that the same be referred to a Select Committee, with power to send for persons and papers, and to report thereon.  
 Ordered, that the Report be received; and,  
 Ordered, that the said Bill be referred to a Select Committee, with power to send for persons and papers, and to report thereon; and  
 Ordered, that the Honorable Messieurs Boswell, Stewart, and Macaulay, do compose the same for that purpose.  
 The Honorable the Speaker reported to the House, that a Deputation from the Commons House of Assembly had brought up a Bill entitled, "An Act to repeal certain parts of, and to amend an Act passed in the fourth year of His Majesty's Reign, entitled, "An Act to extend the limits of the Town of York, to erect the said Town into a City, and to incorporate it under the name of the City of Toronto, and for other purposes therein mentioned,"—to which they requested the concurrence of this House.  
 The said Bill was then read; and it was,  
 Ordered, that the same be read a second time to-morrow.  
 Pursuant to the order of the day, the House was put into a Committee of the whole upon the Bill entitled, "An Act to establish a market in the West Ward, of the Town of Brockville."  
 The Honorable Mr. Baldwin took the Chair.  
 After some time the House resumed.  
 The Chairman reported that the Committee had gone through the said Bill, and recommended the same without amendment to the adoption of the House.  
 Ordered, that the Report be received; and,  
 Ordered, that the said Bill be read a third time to-morrow.  
 Pursuant to the order of the day, the House was put into a Committee of the whole upon the amendments of the Commons House of Assembly made to the amendments of the Legislative Council, in and to the Bill entitled, "An Act for the disposal of the Clergy Reserves in this Province for the purposes of general education."  
 The Honorable Mr. Macaulay took the Chair.  
 After some time the House resumed.  
 Pursuant to the order of the day, the House was put into a Committee of the whole upon the Bill entitled, "An Act to erect the County of Hastings into a separate District,"—and the report of the Select Committee thereon.

Same signed;

And the Assembly acquainted thereof.

Private Banking bill, recommitted.

Reported.

Adopted.

Rouge Hill grant bill, committed.

A bill brought up from the Assembly.

Rouge Hill grant bill, recommitted.

Reported;

And referred to a Select Committee.

Members composing same.

Speaker reports the receipt of Toronto incorporation amendment bill from the Assembly.

Read first time.

Brockville Market bill, committed.

Reported.

Adopted.

Amendments to the amendments to Clergy Reserves sale bill, committed.

House resumes.

Hastings division bill, committed.

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The Honorable Mr. Boswell took the Chair.

After some time the House resumed.

Reported, and leave asked to sit again.

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

Leave granted.

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

Toronto Road bill; committed.

Pursuant to the order of the day, the House was put into a Committee of the whole upon the Bill entitled, "An Act to raise a sum of money, to continue the improvement of certain Roads in the vicinity of the City of Toronto, and for other purposes therein mentioned;" and the Report of the Select Committee thereon.

The Honorable Mr. Vankoughnet took the Chair.

After some time the House resumed.

Reported and leave asked to sit again.

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

Leave granted.

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

Ottawa River Navigation improvement bill, discharged from the order of the day.

The order of the day being read, for reading the Bill entitled, "An Act granting a sum of money for the purpose of improving the Navigation of the River Ottawa; and appointing Commissioners to superintend the said improvement, and for other purposes therein mentioned,"—a second time; it was,

Ordered, that it be discharged.

Newcastle District Bank bill, read second time.

Pursuant to the order of the day, the Bill to incorporate certain persons under the style and title of the President, Directors, and Company of the Newcastle District Bank,—was read a second time; and it was,

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

Petitions of Bartholemew Tench, and others;

Of James Johnson, and others;

Of William Weller;

Of John Brown;

Of Ezekiel Phillips, and others; and

Of James Wilson, read.

Pursuant to the order of the day, the Petitions of Bartholemew Tench and others; and of James Johnson, and others, inhabitants of the Townships of Bertie and Humberstone, respectively praying for an Act authorising the appointment of Commissioners to settle the lines and roads in the said Townships; also the Petition of William Weller, praying to be reimbursed a certain sum of money expended by him, over and above the appropriation authorised by the Legislature in 1834—for building a Bridge, and cutting down the Hill on the east side of the River Rouge; also the Petition of John Brown, praying for relief (under peculiar circumstances,) as a Contractor with the Commissioners appointed to superintend the erection of a Light House on Gull Island; also the Petition of Ezekiel Phillips, and others, inhabitants of the Town of Brockville, residing in the West Ward thereof, praying for an Act establishing a Market in that Ward of the said Town; and also the Petition of James Wilson, in behalf of the owners and crews of steam and sailing vessels of every description, navigating the Lake Ontario, praying for an Act authorising the erection of a Light House on the easternmost point of Presqu'isle,—were severally read.

Report of the Select Committee upon Newcastle Inland navigation Bill, presented.

The Honorable Mr. Crooks from the Select Committee, to whom was referred the Bill entitled, "An Act to improve the Navigation of the inland waters of the District of Newcastle,"—presented their report.

Ordered, that it be received; and,

Read.

The same was then read by the Clerk as follows:

The report.

The Select Committee to whom was referred the Bill entitled, "An Act to improve the navigation of the Inland Waters of the District of Newcastle,"—beg leave to report the following amendments made in and to the same, viz:—

- Press 1 Line 8.—Expunge "sixteen thousand," and insert "seventeen thousand three hundred and thirteen,"—after "pounds," insert "six shillings."
- " " " 11.—Expunge "seven hundred and fifty," and insert "eight hundred and twenty-five."
- " " " 12.—Expunge "seven thousand five hundred," and insert "seven thousand and sixty two."
- " " " 13.—After "four thousand," insert "six hundred and seventy-one,"—after "pounds," insert "six shillings."



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Press 1 Line 14.—Expunge “seven hundred and fifty,” and insert “eight hundred and eighty.”

“ “ “ 15.—Expunge “five hundred,” and insert “thirteen hundred and seventy-five.”

“ “ “ 18.—Expunge “sixteen thousand,” and insert “seventeen thousand three hundred and thirteen,”—after “pounds,” insert “six shillings to the making these several improvements.”

“ 2 “ 5.—After “Province,” insert “for the time being.”

“ “ “ 10.—Expunge “sixteen thousand,” and insert “seventeen thousand three hundred and thirteen;”—after “pounds,” expunge the remainder of the clause, and insert “six shillings, which said sum shall be raised by Debentures, which the Receiver General of this Province is hereby authorised, and directed to issue, at a rate of interest not exceeding six per centum per annum, and as much lower as can be obtained from any person or persons, body politic or corporate, who may be willing to advance the same upon the credit of the Government Bills or Debentures, authorised to be issued as hereinafter mentioned—a sum of money not exceeding seventeen thousand three hundred and thirteen pounds and six shillings, to aid in completing the navigation of the said waters.”

“And be it further enacted by the authority aforesaid, That it shall and may be lawful for the Receiver General for the time being, to cause or direct any number of Debentures to be made out for such sum or sums of money, not exceeding in the whole, the said sum of seventeen thousand three hundred and thirteen pounds six shillings, as any person or persons, bodies politic or corporate, shall agree to advance on the credit of the Debentures; which Debentures shall be prepared and made out in such method and form as His Majesty's Receiver General shall think most safe and convenient, and shall be signed by him; and that for each loan or advance four several Debentures shall issue at the same time, bearing date the day on which the same shall be actually issued, and being each for the payment of one-fourth of the sum so advanced, and payable out of the Tolls, dues, and rates authorised to be levied by this Act, and no other, at the expiration of periods not shorter than three, five, seven, and ten years respectively, with interest according to the rate at which such loan shall be negotiated, from the date of such Debenture until the same shall be discharged.”

“And be it further enacted by the authority aforesaid, That all such Debentures, with the interest thereon, shall be, and are hereby charged and chargeable upon, and shall be repaid and borne out of the monies that shall come into the hands of the Receiver General of this Province, arising out of the rates, Tolls and dues, hereafter to be collected upon the said navigation, and from no other source.”

“And be it further enacted by the authority aforesaid, That the whole of the net proceeds, arising out of the rates, tolls and dues, hereafter to be raised, levied, and collected on the said navigation, shall be applied to the purpose of redeeming the loan authorised to be made by this Act, until it shall be liquidated with the interest thereon: Provided always, that it shall be lawful for the Collector of the said Tolls to receive out of such rates, tolls and dues, to be collected on the said navigable waters, such sum or sums as the Commissioners hereinafter mentioned, or the majority of them shall appoint.”

“And be it further enacted by the authority aforesaid, that all and every the provisions contained in a certain Act of the Parliament of this Province, passed in the seventh year of His late Majesty's reign, entitled, “An Act to authorise the Government to borrow a certain sum of money upon Debenture, to be loaned to the Welland Canal Company,”

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respecting the submitting to the Legislature accounts of such Debentures, and the interest paid thereon—the payment of interest to holders of such Debentures—paying off and cancelling the said Debentures; and also the provision made in the seventh section of the said Act, for punishing the forging of any Debenture thereby authorised to be issued—or of any matter or thing relating thereto—or the knowingly uttering any such forged Debenture or other matter as aforesaid, shall apply to and be in force in respect to the Debentures which shall be issued according to this Act.”

“ And be it further enacted by the authority aforesaid, that the sum of money herein authorised to be raised by loan, shall not be subject to any deduction of poundage to the Receiver General of this Province.”

“ And be it further enacted by the authority aforesaid, that if any person or persons shall wilfully or maliciously break down, damage or destroy, any bank, gate, or any works, machine or device, to be erected or made by virtue of this Act, or do any other wilful act, hurt or mischief, to disturb, hinder, or prevent, the carrying into execution this Act, or completing, supporting, or maintaining the said navigation; every such person or persons so offending, shall be deemed guilty of a misdemeanor.”

- Press 2 Line 22.—After “and,” insert “who.”
- “ “ “ 24.—After “but,” insert “they.”
- “ 3 “ 16.—After “Province,” insert “for the time being.”
- “ 4 “ 1.—After “and,” insert “may.”
- “ 4 “ 9.—After “are,” insert “hereby.”
- “ “ “ 13.—After “constructing,” insert “using.”
- “ “ “ 19.—After “aforesaid,” insert “as.”
- “ 5 “ 12.—After “Navigation,” insert “the value of which to be ascertained and paid for in like manner as is hereinafter provided by this Act.”
- “ 6 “ 7.—After “administer,” insert “shall.”
- “ “ “ 8.—After “hands,” insert “or under the hands of any two of them.”
- “ 7 “ 4.—After “length,” insert “and,”—after “breadth,” expunge “and,” and insert “with,”—after “feet,” insert “depth of.”
- “ “ “ 14.—After “Navigation,” insert “Provided always, that nothing in this Act contained shall extend, or be construed to extend to deprive any person or persons, of any right which he or they may already possess and enjoy, of the use of any water or other privilege affected by the provisions of this Act.”
- “ 9 “ 6.—After “Barge,” expunge “or,”—after “Vessel,” insert “or other Craft.”
- “ 10 “ 4.—After “same,” insert “Provided always, that such rule, order, or by-law, shall not be repugnant to the Laws of this Province.”
- “ “ “ 9.—After “as,” expunge “others,” and insert “the.”
- “ “ “ 24.—After “be,” insert “so,”—after “done,” expunge “so.”
- “ 11 “ 16.—After “number,” insert “or some other person.”
- “ “ “ 21.—After “least,” insert “once in.”

(Signed,)

JAS. CROOKS,

Chairman.

Committee Room, Legislative Council,

Ninth April, 1836.

On motion made and seconded; it was,

Ordered, that the House be put into a Committee of the whole on Wednesday next, to take the last mentioned Bill into consideration, and the Report of the Select Committee thereon; and,

Members summoned.

Ordered, that the Members in Town, be summoned to attend in their places on that day, at one of the clock, P. M.

Tuesday, 12th April, 1836.

SIR FRANCIS BOND HEAD, K.C.H. *Lieutenant Governor.*

The Honorable Mr. Baldwin from the Select Committee, to whom was referred the Bill entitled, "An Act granting to His Majesty a sum of money, for the improvement of Roads and Bridges in the several Districts of this Province,"—presented their report. Report of the Select Committee upon General Road grant bill, presented.

Ordered, that it be received; and,

The same was then read by the Clerk as follows:

The Committee of the Legislative Council to whom was referred the Bill from the Assembly, entitled, "An Act granting to His Majesty a sum of money, for the improvement of Roads and Bridges in the several Districts of this Province,"—beg leave to report:

That following the instructions of your Honorable House, "to ascertain whether there are disposable funds to meet the grant contemplated by the Bill," they deem it necessary that a return should be prayed for from His Excellency the Lieutenant Governor, of all monies received under the different Laws of this Province, the proceeds of which are specially applicable to the improvement of the Roads and Bridges, since the last grant of the Legislature for those objects—and respectfully recommend to your Honorable House, that an Address be presented to His Excellency, requesting the said information.

All which is respectfully submitted,

(Signed,)

A. BALDWIN,

CHAIRMAN.

*Legislative Council Committee Room,*

11th day of April, 1836.

On motion made and seconded; it was,

Ordered, that the House be again put into a Committee of the whole tomorrow, to take the last mentioned Bill, and the Report thereon into consideration.

On motion made and seconded, the House adjourned until tomorrow, at ten of the clock, A. M. House adjourns.

TUESDAY, 12th APRIL, 1836.

The House met pursuant to adjournment. House meets.

PRESENT:

*The Honorable* JOHN B. ROBINSON, SPEAKER.

*The Honorable Messrs.* BOSWELL,

*The Honorable Messrs.* DICKSON,

" " ADAMSON,

" " CROOKSHANK,

" " CROOKS,

*The Hon. & Ven. The* ARCHDEACON OF YORK.

" " STEWART,

" " McDONELL,

" " MORRIS,

" " ELMSLEY,

" " VANKOUGHNET,

" " BALDWIN.

Members present.

Prayers were read.

The Minutes of yesterday were read.

Pursuant to the order of the day, the Bill relating to Private Banking in this Province, was read a third time and passed; and it was, Private banking bill, read third time and passed.

Ordered, that the title be, "An Act to protect the public against injury from Private Banks." Title ordered.

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

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

Pursuant to the order of the day, the Bill entitled, "An Act to establish a market in the West Ward, of the Town of Brockville,"—was read a third time, and passed: Brockville Market bill, read third time and passed.

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

Ordered, that the Master in Chancery do go down to the Assembly, and acquaint that House, that the Legislative Council has passed this Bill without any amendment. And the Assembly acquainted thereof.

The Honorable Messrs. Hamilton, and Macaulay, enter.

Members enter.

Pursuant to the order of the day, the House was again put into a Committee of the whole, upon the Bill entitled, "An Act to authorise His Majesty's Justices to hold a Court of Oyer and Terminer, Assize and Nisi Prius, and General Gaol Delivery, in the Ottawa District." Ottawa District assize court bill, recommitted.

Tuesday, 12th April, 1836.

SECOND SESSION TWELFTH PROVINCIAL PARLIAMENT, 6th WILLIAM IV.

The Honorable Mr. Baldwin took the Chair.

After some time the House resumed.

Amendment reported.

The Chairman reported, that the Committee had gone through the said Bill, and had made an amendment thereto, which they recommended to the adoption of the House.

Ordered, that the report be received; and,

Read first time.

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

The amendment.

Add to the Bill—"And be it further enacted by the authority aforesaid, that this Act shall not take effect until provision shall be made by law for increasing the number of Judges in His Majesty's Court of King's Bench in this Province, and for defraying such contingent charges of the circuits, in respect to the said District of Ottawa, as were accustomed to be paid before the surrender by the Crown, of the duties levied under a certain Act of the Parliament of Great Britain, passed in the fourteenth year of the Reign of His late Majesty King George the Third, entitled, "An Act to establish a fund towards further defraying the charges of the administration of justice, and support of the Civil Government within the Province of Quebec, in America."

Read second time and adopted.

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

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

Toronto Road Bill, recommitted.

Pursuant to the order of the day, the House was again put into a Committee of the whole upon the Bill entitled, "An Act to raise a sum of money, to continue the improvement of certain Roads in the vicinity of the City of Toronto, and for other purposes therein mentioned," as also the report of the Select Committee thereon.

The Honorable Mr. Vankoughnet took the Chair.

After some time the House resumed.

Reported, and leave asked to sit again.

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

Leave granted.

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

House adjourns.

On motion made and seconded, the House adjourned at half an hour past Eleven of the clock, A. M., until Three of the clock, P. M. this day.

House meets.

At Three of the clock P. M., the House met pursuant to adjournment.

PRESENT :

Members present.

The Honorable JOHN B. ROBINSON, SPEAKER.  
The Honorable Messrs. DICKSON,  
" " CROOKSHANK,  
" " ALLAN,  
" " McDONELI,  
" " ELMSLEY,  
" " BALDWIN,  
" " HAMILTON.

The Honorable Messrs. BOSWELL,  
" " ADAMSON,  
" " CROOKS,  
" " STEWART,  
" " MORRIS,  
" " MACAULAY,  
" " VANKOUGHNET.

General road grant bill, recommitted.

Pursuant to the order of the day, the House was put into a Committee of the whole upon the Bill entitled, "An Act granting to His Majesty a sum of money for the improvement of Roads and Bridges in the several Districts of this Province," and the report of the Select Committee thereon.

The Honorable Mr. Morris took the Chair.

After some time the House resumed.

Reported;

The Chairman reported, that the Committee had taken the said Bill and Report into consideration, and recommended the said report of the Select Committee to the adoption of the House.

Ordered, that the Report be received; and,

And the report of the Select Committee adopted.

A Select Committee appointed to present an address to His Excellency founded on the report.

Ordered that the report of the Select Committee be adopted; and,

Ordered that the Honorable Messieurs Baldwin and Adamson, do prepare and present an Address to His Excellency the Lieutenant Governor, founded on the said report.

Tuesday, 12th April, 1836.

SIR FRANCIS BOND HEAD, K. C. H. *Lieutenant Governor.*

Pursuant to the order of the day, the Bill entitled, "An Act to repeal certain parts of, and to amend an Act passed in the fourth year of His Majesty's Reign, entitled, "An Act to extend the limits of the Town of York, to erect the said Town into a City, and to incorporate it under the name of the City of Toronto, and for other purposes therein mentioned,"—was read a second time; and it was,

Toronto incorporation amendment bill, read second time.

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

Deputations from the Commons House of Assembly brought up a Bill entitled, "An Act to incorporate a Company under the style and title of the City of Toronto Gas Light Company;" also a Bill entitled, "An Act to authorise the raising by Debenture a sum of money, to be expended by Commissioners appointed by the same, in the improvement of the Harbour of Windsor Bay, in the Township of Whitby;" also a Bill entitled, "An Act for the relief of the heirs and devisees of the late Robert Randall, Esquire, in the matter of certain valuable landed estate claimed by them, near the Falls of Chaudière, in the District, and on the River Ottawa;" also a Bill entitled, "An Act to repeal and amend certain parts of an Act passed in the thirty-sixth year of the reign of King George the Third, entitled, "An Act to amend an Act for regulating the manner of licensing Public Houses, and for the more easy conviction of persons selling Spirituous Liquors without license, and for other purposes therein mentioned;" also a Bill entitled, "An Act authorising the appointment of Commissioners to examine the School and Crown Lands in this Province, for the purpose of ascertaining what exchange can be profitably made for the benefit of the people of this Province, and for other purposes therein mentioned;" and also a Bill entitled, "An Act to amend the Law respecting imprisonment for debt,"—to which they requested the concurrence of this House and then withdrew:

Toronto Gas light Company's bill;

Windsor Bay Harbor bill;

Randall's heirs relief bill;

Innkeepers license amendment bill;

School and Crown Lands Commissioners appointment bill; and

Debtors imprisonment amendment bill, brought up from the Assembly.

The said Bills were then severally read; and it was,

Read first time.

Ordered, that they be read a second time tomorrow.

A Deputation from the Commons House of Assembly, brought up a Bill entitled, "An Act to establish the boundary lines in front of lots on the River Thames, in the Townships of Chatham and Camden, in the Western District," to which they requested the concurrence of this House, and then withdrew.

Chatham and Camden boundary line bill, brought up from the Assembly.

The said Bill was then read.

Read first time.

Pursuant to order, the House was again put into a Committee of the whole, upon the Bill entitled, "An Act to raise a sum of money, to continue the improvement of certain Roads in the vicinity of the City of Toronto, and for other purposes therein mentioned;" and the Report of the Select Committee thereon.

Toronto Road bill; recommitted.

The Honorable Mr. Vankoughnet took the Chair.

After some time the House resumed.

The Chairman reported that the Committee had gone through the said Bill, and had made some amendments thereto, which they were ready to submit whenever the House would be pleased to receive the same.

Amendments reported.

Ordered, that the report be received to-morrow.

The Honorable Mr. Boswell, from the Select Committee, to whom was referred the Bill entitled, "An Act granting a sum of money for improving the hill at the River Rouge, and other purposes therein mentioned," presented their report.

Report of the Select Committee upon Rouge Hill grant bill, presented.

Ordered, that it be received; and,

The same was then read by the Clerk as follows:

Read.

The Select Committee to which has been referred the Bill entitled, "An Act granting a sum of money for improving the hill at the River Rouge, and other purposes therein mentioned"—Respectfully report as follows:

The Report.

By the Act 4th *William 4*, *Chap. 48*, entitled, "An Act granting to His Majesty a sum of money for the improvement of Roads and Bridges in the several Districts of this Province," the sum of five hundred pounds was appropriated for improving the Rouge Hill, in the Home District; and Messieurs Francis Leys, Charles Fothergill, and William Weller, were appointed Commissioners for expending the same.

Tuesday, 12th April, 1836.

SECOND SESSION TWELFTH PROVINCIAL PARLIAMENT, 6th WILLIAM IV.

According to the report of Mr. Francis Leys, attested on 8th January 1835, and transmitted to the Lieutenant Governor, a contract was entered into by the acting Commissioners with the petitioner William Weller, in the previous summer, for the performance of the work, in manner following, viz. :—“ To commence at the point marked letter A. in Mr. Esty’s plan, and then to carry on the road with an ascent of seven degrees eastward, towards the largest ravine on the east side of the River Rouge, near the old bridge; the road to be twenty-four feet wide on the top, with a sufficient base for the support of the same, and then continued through the said ravine and hill at the same angle, but to be thirty feet wide at the bottom or the deep cut, and ninety feet wide at the top. The embankments of the artificial mound or approach to the ravine, from the westward, to be piled and secured in a manner similar to what has been done at the Don Bridge, near the City of Toronto, and to erect a good and sufficient rail-way on each side of the top, for the security of passengers: likewise, to build a good and substantial wooden bridge across the River Rouge, to be floored with four inch plank or with sound hewn timber.”

For this work, on its completion, Mr. Weller was to be paid the full amount of the appropriation, namely, Five Hundred Pounds.

In the year 1834, the Contractor received on account the sum of £350, and expended, according to his statement published in the Journals of the Assembly and attested by Mr. D. J. Estey, £521 7s. 11½d.

In the year 1835, the Contractor paid out an additional sum of £246 3s. 11d. according to the attested statement submitted to the Committee, and received the further sum of £150, being the whole of the grant.

Mr. Weller has thus expended the sum of £273 2s. 0½d. beyond the amount of the appropriation.

The Bill now referred to the Committee proposes to vote an additional sum of £600, being in all £1,100, to be expended by Messieurs Asa Norton, Platt Betts, and Asa Post, Commissioners in constructing a bridge at the Rouge Hill, and improving the approaches thereto, as well as in remunerating Mr. Weller for any work he may have done under his contract which may be valued at a greater sum than £500.

Having called before them Mr. Weller, and Mr. Levy Fairbanks, a person who resided at the Rouge Hill in the year 1834, and whose evidence is appended to this report, and fully investigated the matter, the Committee consider that all circumstances concur to recommend the measure to the approbation of your Honorable House.

Mr. Weller states, and the Committee see no reason to doubt it, that he undertook the work not with the expectation of deriving profit from the contract, but for the purpose of improving the road in which his interest as Mail Contractor and Stage Proprietor is deeply concerned.

According to the Act no Commissioner is permitted to be a Contractor for any part of the work for which he shall have been appointed a Commissioner. Mr. Weller, however, did take a contract in contravention of this provision of the Statute. In explanation of this circumstance he states, that he was not aware of the impropriety of this Act; that the contract was made before the Statute itself was printed, and that he never acted in the capacity of Commissioner.

In the Appendix to the Journals of the Assembly, Vol. 2nd—Article No. 81—Folio 12, will be found the report of the Committee and the evidence in this case submitted to that House at its last Session. Mr. D. J. Estey, who was employed to superintend the work, there details the difficulties that were encountered in the prosecution of the contract.

It will appear by reference to his letter, that at the depth of two feet from the surface of the eastern bank of the River he unexpectedly came in contact with a hard marl, which required the use of a great quantity of powder to remove it, thereby, with other necessary preparations, rendering the task extremely tedious. He adds, that in July last, six men, miners, from Cornwall, in England, engaged to remove five hundred yards in the following manner: to dig out the clay, keeping it only twelve feet behind them, (which is not more than half the labour required to place it on the road) and as it would be their advantage, I have every reason to believe they used every means in their power to forward their work, and notwithstanding, at the end of six weeks they had only excavated 480 yards.

Tuesday, 12th April, 1836.

SIR FRANCIS BOND HEAD, K.C.H. *Lieutenant Governor.*

From this statement may be gathered the difficulties presented by the unlooked for nature of the excavation.

On the whole, your Committee consider that this Bill should be adopted without amendment—Its chief object is the completion of a work of considerable importance, on the main line of communication through the Province, for which a manifestly inadequate sum was, in the first instance, appropriated. The secondary object is the reimbursement of Mr. Weller, excess of expenditure beyond the amount of his contract. The amount of such reimbursement is not determined by the Bill, but judiciously left to the decision of the new Commissioners, all of whom are understood to be respectable persons.

All which is respectfully submitted,

(Signed)

WALTER BOSWELL,  
*Chairman.*

*Committee Room of the Legislative Council,  
Twelfth day of April, 1836.*

APPENDIX.—(*Evidence of Mr. LEVY FAIRBANK.*)

Mr. Fairbank states, that he has resided near the Rouge Hill; was in business as a Merchant there; left it last November; knows the work done by Mr. Weller; thinks himself as competent a judge as most people; has examined the work. The block work he thinks good enough; it is made of large green pine, and thinks of sufficient strength; it is well put together; it is intended to be covered with earth, the earth sloping from the said block work. He does not approve of the bridge—Would have preferred its being built with bents, but understands from the Commissioners it was built in its present manner by their order; it is built with square timber, locked at the corners and braced under the string pieces; thinks the bridge sufficiently strong; that it cost more money than if built in the ordinary way; the bridge is braced with six braces to each stretch; there are four stretches; the Commissioners frequently saw the work during its progress; that Mr. W. had the bents prepared, but they were thrown aside by order of the Commissioners; knows Mr. Weller paid more money than if built in the usual way; knows the excavation was what is called hard pan; and thinks the Contractor would have got on faster and cheaper if it had been Rock; that it had to be blasted with powder; he knows it could not be done for the money; that Mr. Esty paid regular attention to the work, being always in attendance; he would not have taken it for less than £300 at first, but sees since, that it could not have been done for that sum; thinks that Mr. Esty got as much work out of the men, as could be got; he knows Mr. Weller offered the contract to several, and during its progress, always stated, he never expected to make money out of it, his object being to improve the road, he being the Mail Contractor, and that if he did not lose more than £100, he was satisfied.

On motion made and seconded, it was,

Ordered, that the said Bill and the Report thereon, be committed to a Committee of the whole House to-morrow.

The Honorable Mr. Crooks from the Select Committee, to whom was referred the Bill entitled, "An Act for the preservation of the Fishery within Burlington Bay," presented their report.

Ordered, that it be received; and,

The same was then read by the Clerk as follows:

The Select Committee, to whom was referred the Bill sent up from the Commons House of Assembly, entitled, "An Act for the preservation of the Fishery within Burlington Bay," beg leave to report:

That they have examined the provisions of the said Bill, which propose to repeal An Act passed in the fourth year of His late Majesty's Reign, George the Fourth; the object of which seems to have been to regulate the fishery at the outlet of Burlington Bay, which outlet since the construction of the Canal uniting that Bay with Lake Ontario, no longer exists.

The Act proposed to be repealed by the present Bill, also regulated the days upon which Fish could be taken, reserving Saturday and Sunday. Your Committee are of opinion, that

Report of the select Committee upon Burlington Bay fishery preservation bill, presented.

Read.

The report.

Wednesday, 13th April, 1836.

SECOND SESSION TWELFTH PROVINCIAL PARLIAMENT, 6th WILLIAM IV.

it would have been well, had the Bill submitted to them continued the provisions as to Sunday, unless the Laws now in force are deemed sufficient for that purpose.

Your Committee further beg leave to report, that the whole scope of the present Bill, being to prevent nets of any kind being used within Burlington Bay, except within half a mile on either side of the Canal, and leaves without regulation the Fishery upon the whole of the beach on the outside—Your Committee are of opinion, that should it become a law, it will tend greatly to promote the public benefit.

(Signed,)

JAS. CROOKS,  
Chairman.

Legislative Council Committee Room,  
Twelfth day of April, 1836.

On motion made and seconded; it was,

Ordered, that the last mentioned Bill, and the Report of the Select Committee thereon, be committed to a Committee of the whole House to-morrow.

Report of the select Committee appointed to present an address to His Excellency on the subject of the appointment of Commissioners in Lower Canada, presented.

The Honorable Mr. Elmsley, from the Select Committee appointed to present an Address to His Excellency the Lieutenant Governor, on the subject of the appointment of certain Commissioners in Lower Canada, reported, that His Excellency had been pleased to receive the same, and to return thereto the following reply:

*Gentlemen,*

In reply to the requests contained in your Address, I have to inform you, that I possess "no official information of any Act having been passed in Lower Canada, for appointing Commissioners to treat with Commissioners to be appointed on the part of this Province, on any matters of common concern to both Provinces."

I have not been made sensible, that any good object could be effected by a meeting of this nature.

The Honorable Mr. Morris gave notice, that he would to-morrow move that the Bill entitled, "An Act to incorporate sundry persons under the style and title of the Gananoque and Wiltsie Navigation Company,"—should be restored to the order of the day.

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

WEDNESDAY, 13th APRIL, 1836.

The House met pursuant to adjournment.

PRESENT:

Members present.	<i>The Honorable</i> JOHN B. ROBINSON, SPEAKER.	<i>The Honorable Messrs.</i> ADAMSON,
	<i>The Honorable Messrs.</i> CROOKSHANK,	" " CROOKS,
	" " ELMSLEY,	" " STEWART,
	" " BALDWIN.	" " MORRIS.
	" " HAMILTON,	" " MACAULAY,
" " BOSWELL,	" " VANKOUGHNET.	

Prayers were read.

The Minutes of yesterday were read.

Pursuant to the order of the day, the Bill entitled, "An Act to authorise His Majesty's Justices to hold a Court of Oyer and Terminer, Assize and Nisi Prius, and General Gaol Delivery in the Ottawa District,"—was as amended, read a third time; and it was,

Ordered, that the said Bill be further amended as follows:

In the title—after "Justices," insert "under certain provisions therein mentioned!"

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

Whereupon the Speaker signed the amendments; and it was,

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

His Excellency's reply.

Notice of a motion for restoring Gananoque Navigation bill to the order of the day.

House adjourns.

House meets.

Ottawa District assize court bill, as amended, read third time.

Further amendment ordered.  
The further amendment.  
Bill as amended passed.

Amendments signed;

And sent to the Assembly for concurrence.



Wednesday, 13th April, 1836.

SIR FRANCIS BOND HEAD, K. C. H. *Lieutenant Governor.*

The Honorable Mr. Dickson enters.

A Member enters.

Pursuant to the order of the day, the House was put into a Committee of the whole upon the Bill to incorporate certain persons under the style and title of the President, Directors, and Company of the Newcastle District Bank.

Newcastle District Bank bill, committed.

The Honorable Mr. Hamilton took the Chair.

After some time the House resumed.

House resumes.

Pursuant to the order of the day, the House was put into a Committee of the whole upon the Bill entitled, "An Act to repeal certain parts of, and to amend an Act passed in the fourth year of His Majesty's Reign entitled, 'An Act to extend the limits of the Town of York, to erect the said town into a city, and to incorporate it under the name of the City of Toronto, and for other purposes therein mentioned."

Toronto incorporation amendment bill, committed.

The Honorable Mr. Macaulay took the Chair.

After some time the House resumed.

The Chairman reported that the Committee had taken the said Bill into consideration, had made some progress therein, and recommended that it be referred to a Select Committee, with power to send for persons and papers, and to report thereon by amendment or otherwise.

Reported ;

Ordered, that the report be received ; and,

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

And referred to a Select Committee.

Ordered, that the Honorable Messieurs Crookshank, Elmsley, and Morris, do compose the same for that purpose.

Members composing same.

The Honorable Messieurs Allan, and P. Robinson enter.

Members enter.

Pursuant to the order of the day, the House was again put into a Committee of the whole, upon the Bill entitled, "An Act granting a sum of money for improving the Hill at the River Rouge, and other purposes therein mentioned," as also the Report of the Select Committee thereon.

Rouge Hill grant bill, recommitted.

The Honorable Mr. Hamilton took the Chair.

A Message being announced, the Chairman left the Chair, and the House formed.

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

Bills from the Assembly brought up.

The House was then again put into a Committee of the whole upon the Bill entitled, "An Act granting a sum of money for improving the Hill at the River Rouge, and for other purposes therein mentioned,"—as also the Report of the Select Committee thereon.

Rouge hill grant bill, recommitted.

The Honorable Mr. Hamilton took the Chair.

After some time the House resumed.

The Honorable and Venerable the Archdeacon of York, and the Honorable Messieurs Cameron, and McDonell enter.

Members enter.

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

Reported and leave asked to sit again.

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

Leave granted.

The Honorable the Speaker reported to the House, that Deputations from the Commons House of Assembly, had brought up a Bill entitled, "An Act for the relief of John McMillan ;" also a Bill entitled, "An Act granting a sum of money to be expended in the erection of a Light House on Presqu'isle Point, in the District of Newcastle ;" also a Bill entitled, "An Act granting a sum of money to complete the payment of the War Losses ;" also a Bill entitled, "An Act to authorise the Commissioners of the late pretended Bank of Kingston, to dispose of certain Real Estate, and for other purposes therein mentioned ;" and also a Bill entitled, "An Act for erecting a Suspension Bridge over the Niagara River, at, or near Queenston in Upper Canada,"—to which they requested the concurrence of this House :

Speaker reports the receipt of McMillan's relief bill ;

Presqu'isle Point light-house erection bill ;

War Loss grant bill ;

Late pretended Bank of Kingston real estate sale bill ; and,

Niagara River suspension bridge erection bill, from the Assembly.

The said Bills were then severally read ; and it was,

Read first time.

Ordered that they be read a second time to-morrow.

Wednesday, 13th April, 1836.

SECOND SESSION TWELFTH PROVINCIAL PARLIAMENT, 6th WILLIAM IV.

Newcastle Inland navigation Bill, recommitted.

Pursuant to the order of the day, the House was again put into a Committee of the whole upon the Bill entitled, "An Act to improve the Navigation of the inland waters of the District of Newcastle,"—as also the report of the Select Committee thereon.

The Honorable Mr. Vankoughnet took the Chair.

After some time the House resumed.

Reported.

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

Adopted.

Ordered, that the Report be received ; and,

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

Burlington Bay fishery preservation bill, committed.

Pursuant to the order of the day, the House was put into a Committee of the whole upon the Bill entitled, "An Act for the preservation of the Fishery within Burlington Bay," and the report of the Select Committee thereon.

The Honorable Mr. Stewart took the Chair.

After some time the House resumed.

Reported.

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

Adopted.

Ordered, that the Report be received ; and,

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

Toronto Gas light Company's bill ;

Pursuant to the order of the day, the Bill entitled, "An Act to incorporate a Company under the style and title of the City of Toronto Gas Light Company;" also the Bill entitled, "An Act to authorise the raising by Debenture a sum of money, to be expended by Commissioners appointed by the same, in the improvement of the Harbour of Windsor Bay, in the Township of Whitby;" also the Bill entitled, "An Act for the relief of the heirs and devisees of the late Robert Randall, Esquire, in the matter of certain valuable landed estate claimed by them, near the Falls of the Chaudière, in the District, and on the River Ottawa;" also the Bill entitled, "An Act to repeal and amend certain parts of an Act passed in the thirty-sixth year of the reign of King George the Third, entitled, "An Act to amend an Act for regulating the manner of licensing Public Houses, and for the more easy conviction of persons selling Spirituous Liquors without license, and for other purposes therein mentioned;" also the Bill entitled, "An Act authorising the appointment of Commissioners to examine the School and Crown Lands in this Province, for the purpose of ascertaining what exchange can be profitably made for the benefit of the people of this Province, and for other purposes therein mentioned;" and also the Bill entitled, "An Act to amend the Law respecting imprisonment for debt,"—were severally read a second time; and it was,

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

Amendments to Toronto Road bill; presented.

The Honorable Mr. Vankoughnet, from the Committee of the whole upon the Bill entitled, "An Act to raise a sum of money, to continue the improvement of certain Roads in the vicinity of the City of Toronto, and for other purposes therein mentioned:" presented the amendments made thereto; and,

Read first time.

The same were then read by the Clerk as follows:

The Amendments.

Press 6 Line 23.—After "Road," insert "Allan McLean, of the Township of Scarborough, Esquire; Thomas Helliwell, of the City of Toronto, Brewer; Richard Douglass Hamilton, Esquire; Stephen Pherril, yeoman; Jonathan Gates, yeoman; and John Thom, yeoman, of the Township of Scarborough."

" 7 " 2.—Expunge "on," and insert "across."

" " " 10.—Expunge "Commissioners," and insert "Trustees."

" " " 18.—After "being," insert "at least once in three months."

" 10 " 1.—Expunge "Commissioners," and insert "Trustees."

" " " 11.—Expunge "Commissioners," and insert "Trustees."

" " " 12.—Expunge "Commissioners," and insert "Trustees."

At the end of the Bill, add "33.—And be it further enacted by the authority aforesaid, that the said Trustees, if they think proper, may commute the Tolls with any person or persons, by taking of him or them a certain sum, either monthly or annually in lieu of such Tolls; and that the said Trustees shall affix

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in a conspicuous place, at all such Toll Gates a table of the rates of Tolls to be exacted and taken ; to be plainly and legibly printed."

"34.—And be it further enacted by the authority aforesaid, that if any person or persons, shall after proceeding upon any of the said roads with any of the carriages or animals liable to Toll, turn out of the same into any other road, and shall enter the said roads beyond the said Turnpike Gate or Gates, without paying Toll, whereby such payment shall be evaded, shall for every such offence, forfeit and pay the sum of Ten Shillings, which said sum shall be expended on the said roads, or towards the payment of the principal or interest of the sum expended thereon ; and any one magistrate of the said Home District, shall on conviction of said offender, fine such person in the said penalty, and from whose judgment there shall be no appeal."

"35.—And be it further enacted by the authority aforesaid, that if any person or persons occupying or possessing any enclosed lands near any Toll Houses or Toll Gates, which shall be erected in pursuance of this Act, shall knowingly permit or suffer any person or persons to pass through such lands, or through any gate, passage, or way thereon, with any carriage, or with any horse, mare, gelding, or other animal, liable to the payment of the Toll, whereby such payment shall be avoided ; every person or persons so offending, and also the persons riding or driving the animal or carriage whereon such payment is avoided, being thereof convicted, shall for every such offence, severally forfeit and pay any sum not exceeding Ten Shillings, which shall be laid out in improving such road."

"36.—Provided always, and it is hereby further enacted by the authority aforesaid, that all persons, horses or carriages, going to, or attending, or returning from any funeral of any person, shall pass the Gate free of Toll."

"37.—And be it further enacted by the authority aforesaid, that it shall and may be lawful for the Governor, Lieutenant Governor, or person administering the Government of this Province for the time being, from time to time, by commission under his hand and seal, to nominate and appoint such person or persons as he may think fit to fill any vacancy or vacancies which may happen in the said Board of Trustees, by death, resignation, or otherwise.

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

Read second time and adopted.

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

It was moved and seconded, that the rule of this House, made on the fifth day of March, in the year of our Lord, one thousand eight hundred and thirty, be dispensed with as it regards the Bill entitled, "An Act to incorporate sundry persons under the style and title of the Gananoque and Wiltsic Navigation Company."

Motion for dispensing with the rule of 5th March, 1830, as regards Gananoque Navigation bill.

The question of concurrence being put, it was carried in the affirmative ; and it was,

Question put and carried.

Ordered, that the rule of this House, made on the fifth day of March, in the year of our Lord, one thousand eight hundred and thirty, be dispensed with as it regards the said Bill.

Pursuant to notice, it was moved and seconded, that the last mentioned Bill be referred to a Committee of the whole House to-morrow.

Motion for referring the bill to a Committee of the whole.

The question of concurrence being put, it was carried in the affirmative ; and it was,

Question put and carried.

Ordered, that the said Bill be referred to a Committee of the whole House to-morrow.

On motion made and seconded ; it was,

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Newcastle District Bank bill, restored to the order of the day.

Ordered, that the Bill to incorporate certain persons under the style and title of the President, Directors, and Company of the Newcastle District Bank, be again referred to a Committee of the whole House, and that the same do stand upon the order of the day for to-morrow.

Notice of a motion for referring Niagara Bank bill to a Committee of the whole

The Honorable Mr. Crooks gave notice, that he would on to-morrow move, that the Bill for the establishment of a Bank at the Town of Niagara, be referred to a Committee of the whole House.

Notice of a motion for referring Niagara District Bank incorporation bill to a Committee of the whole.

The Honorable Mr. Crookshank gave notice, that he would on to-morrow move, that the Bill entitled, "An Act to incorporate sundry persons under the style and title of the President, Directors, and Company of the Bank of the Niagara District," be again referred to a Committee of the whole House.

Notice of a motion for referring Johnstown District Bank incorporation bill to a Committee of the whole.

The Honorable Mr. Stewart gave notice, that he would on to-morrow move, that the Bill entitled, "An Act to incorporate sundry persons under the style and title of the President, Directors, and Company of the Johnstown District Bank," be again referred to a Committee of the whole House.

Report of the select Committee upon Prescott Police law amendment bill presented.

The Honorable Mr. Vankoughnet, from the Select Committee, to whom was referred the Bill entitled, "An Act to amend the Police Laws of the Town of Prescott," presented their report:

Ordered, that it be received; and,

Read.

The same was then read by the Clerk as follows:

The Select Committee to whom was referred the Bill entitled, "An Act to amend the Police Laws of the Town of Prescott,"—beg leave to report.

The Report.

That your Committee upon examination find, that the Rule of your Honorable House, which requires, "that proof, that notice of the intention of any person or persons to apply to the Legislature for its interference respecting any local matter, should be publicly given in the Upper Canada Gazette, at least once in each month, for six months preceding the Session in which such application is to be made," has not been complied with, nor has any Petition been presented to your Honorable House.

Independent of those material objections, your Committee could not recommend the Bill for the adoption of your Honorable House, inasmuch as the qualification for Members of the Corporation is reduced to a mere freehold, the assessed value of which is only twenty-five pounds, or to a household, of the yearly rent of ten pounds; and that of Elector, to the very low rent of three pounds.

Your Committee conceive, that when the Municipal Laws of any Corporation become of such unimportant consideration, as to be placed into the hands of persons possessing so little interest in the Town, that such corporation had far better be dissolved.

All which is respectfully submitted,

(Signed,) P. VANKOUGHNET,  
CHAIRMAN.

*Legislative Council Committee Room,*

12th April, 1836.

On motion made and seconded; it was,

Adopted.

Ordered that the last mentioned report of the Select Committee be adopted.

Report of the Select Committee upon Gold and Silver coins value establishment bill, presented.

The Honorable Mr. Allan, from the Select Committee to whom was referred the Bill entitled, "An Act affixing the value at which certain Gold Coins shall pass current in this Province, making the same a legal tender, and establishing the rate at which British Silver money now in circulation, shall be taken within the same," presented their report.

Ordered, that it be received; and,

Read.

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

The Report.

The Committee to whom has been referred the Bill entitled, "An Act affixing the value at which certain Gold Coins shall pass current in this Province, making the same a legal tender, and establishing the rate at which British Silver Money now in circulation shall be taken within the same"—beg leave to report:

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That they have devoted some time to the examination of this Bill, as well as to the various Statutes now in force for the regulation of the value of the Metallic Currency of the Province. They have also had reference to the enactments of the United States, establishing the value of Gold and Silver in that Country, and to other sources of information respecting currency.

To this subject, which is one of a very intricate nature, and should be approached with extreme caution, it is not possible that your Committee, at this stage of the Session, can give that full and minute inquiry which it merits. It is conceived that any measure now adopted must be partial in its bearings, and merely preliminary to a more general and deliberate investigation into the principles on which the Metallic Currency of the Province is to be established at some future day.

The first Act of this Legislature regulating the value of Coins current in the Province, is dated in the year 1796; that Act repeals an ordinance on the same subject made at Quebec in the seventeenth year of the reign of King George the Third, and it is itself modified, altered and amended, by subsequent Statutes passed in the years 1809, 1826, and 1830.

By the Statute of 1796, (36 *Geo.* 3rd, Chap. 2.) the Spanish milled Dollar is, in effect, made the standard of our Currency, being declared of the value of Five Shillings Currency, and equal to Four Shillings and Six Pence Sterling. The actual value, however, of the Spanish Dollar in the London bullion market is now, according to the authorities before the Committee, but Four Shillings and Two Pence, Sterling.

The difference between the legal value of the Spanish Dollar in this Province and in the London market is thus eight per cent, so that when exchange on London is nominally at this place at a premium of eight per cent, it is actually at par. The same relative value of the American Silver Coin has prevailed also in the United States, by whose laws respecting the precious metals, their value in this Country cannot fail to be affected, and in fact generally controlled.

Previously to the suggestion of any amendments to the Bill under consideration, your Committee beg leave to remark, that a Metallic Currency designed for the special convenience of the Canadian Provinces in the conducting of their internal trade, is much to be desired.

The Committee do not conceive that for such purposes the scheme recently entertained by His Majesty's Government, "of establishing the British Metallic Currency as the circulating medium of all the Colonial possessions of the Crown," can ever be carried into effect in Canada, particularly if the sterling be at the same time declared the Colonial money of account: our commercial relations with the United States would render the British sterling an exceedingly inconvenient currency for this Province; and besides, the attempt to do away with the system so long in use in Canada, whereby four Spanish Dollars form a Pound of twenty shillings, would be attended with no ordinary difficulty and embarrassment. It is believed, that were any change in this respect desirable, (which may reasonably be doubted,) the American currency of the Dollar and its decimal parts, could be more easily substituted for the present currency, and would certainly be more convenient than the British sterling.

Your Committee are of opinion, that His Majesty should be solicited to order a coinage to be executed at His Royal Mint, for the accommodation of the Canadian Provinces, amounting to about £125,000 in silver pieces of the respective denominations of shillings, six pences, and three pences, calculated at the rate of five shillings, or sixty pence to the Spanish Dollar. This sum with about £10,000 in half pence, at the rate of 120 to the Dollar, would probably be sufficient for the present wants of the country.

Should a Gold Colonial Currency be afterwards required, your Committee consider that a coinage to the extent of a few thousand pounds, in pieces of 5s. and 10s., might be granted by His Majesty if applied for.

But this Branch of the question need not be particularly investigated, until the Legislature shall set about the limitation of the issue of Bank paper to Notes of 20s. and upwards—without a proper Colonial Metallic Currency, the Legislature could not safely determine on the suppression of Bank Notes under 20s.

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To effect either of these objects, (viz:)—the requisition of a Gold or a Silver coinage specially for Canadian circulation, it is probable that the co-operation of the Legislatures of both the Provinces would be requisite—such concert of action on this point is on many accounts desirable.

Without dwelling longer on this part of the subject, Your Committee will now address themselves to the amendments which they have been required by your Honorable House to make in the Bill referred.

Your Committee have found in looking over the old Statutes, that many of their clauses should be repealed, even if the provisions of the present Bill were adopted as they stand.

They further observe, that many foreign Coins, not legal tenders under the old currency laws, are legalized by the present Bill, the propriety of which is, to say the least, exceedingly questionable.

The Johannes, and its parts—the Moidore—the Louis d'or—the Doubloon, and its parts, were all in general circulation in this Province in the year 1809, when the Act regulating their value was passed, but they are to be seen no longer. Many years before a Bank Note was issued in the Province those coins had vanished from circulation, and the public have quite forgotten their appearance and value. Your Committee cannot under such circumstances discover any good reason for continuing the law which renders them legal tenders, and which may thus be the means of creating perplexity in the monied transactions of the community.

It seems far more desirable to discourage the introduction into general circulation of coins which are so little known, and the worth of which is, at every transfer, to be determined by the use of the scales and table of values. It is better to allow such coin, when casually introduced into the country, to be treated as bullion (for its value will always be according to its price in the money market of New York,) and in its place to encourage the introduction of British and North American gold and silver coins—such coins your Committee accordingly beg to recommend according to the statement hereunto annexed.

In framing the Bill which your Committee herewith beg leave to recommend in the place of that which has been referred to them, they have omitted the introduction of the United States money of account, which was justly objected to by your Honorable House, and which, by reason of the fractional differences in computations between it and the adjoining column of what is termed the Halifax Currency, and the uncertainty caused by the use of the word "about" in the latter, was in fact rendered the standard.

Your Committee have also struck out the clause limiting the duration of the Act, which was in their opinion injudicious. It may be, that cause for further Legislative interference with the matter of the Currency may be called for before the expiration of four years from the present time, and if so, there should be no hesitation in meeting the exigency of the case with effect, yet not without due circumspection.

In the present measure, your Committee conceive, that no further protection is afforded to the Banking institutions and the commercial interests of the country, than will be proved by experience to be just and politic.

All which, is nevertheless humbly submitted,

(Signed)

W. ALLAN,

Chairman.

Legislative Council Committee Room,

Thirteenth April, 1836.

STATEMENT.

Name of Coins.	Weight.		U. S. Currency.			Standard Colonial Currency.		
	D.	G.	D.	C.	M.	£	s.	d.
<i>Gold.</i>								
Guinea,.....	5	9½	5	11	1	1	5	6
Sovereign,.....	5	3½	4	84	6	1	4	4
Old Eagle of U. S.,.....	11	6	10	66	5	2	13	4
New Do. Do.....	10	18	10			2	10	0

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<i>Silver.</i>	Sterling.		Currency.	
	s.	d.	s.	d.
British Crown,.....	5	0	6	0
Do. half Crown,.....	2	6	3	0
Do. Shilling,.....	1	0	1	3
Do. Six Pence,.....		6		7½

	Assay Weight.		Gross Weight.		Pure Metal.	
	dwts.	grs.	dwts.	grs.	dwts.	grs.
* Old Spanish Milled Dollar,.....	W. 8	17	8	15	10	9/10
* Mexican Dollar, 1831,.....	6 7/10	17	10 4/10	15	15	4/10
“ “ 1832,.....	7 1/2	17	4 9/10	15	9	
“ “ 1833,.....	6 6/10	17	10 9/10	15	16	
* Old Spanish ½ Dollar,.....	W. 8	8	16	7	17	4/10
* Old Spanish ½ Dollar,.....	W. 8	4	8	3	20	7/10
Mexican ¼ “.....	6 2/10	4	6 9/10	3	20	5/10
* Old Spanish 1/8 “.....	8	2	4	1	22	4/10

NOTE.—This mark \* denotes the average weight and contents in pure metal of the several Coins mentioned, as determined at the King's Assay Office, on 11th February, 1834.

On motion made and seconded, it was,

Ordered, that the House be again put into a Committee of the whole to-morrow, upon the last mentioned Bill, and the Report of the Select Committee thereon.

The Honorable Mr. Baldwin, from the Select Committee appointed to present His Excellency the Lieutenant Governor with an Address of this House, praying for certain information relative to the funds that are specially applicable to the improvement of the Roads and Bridges—reported that His Excellency had been pleased to receive the same, and to return thereto the following reply.

Report of the select Committee ppointed to present an address to His Excellency on the subject of funds applicable to the improvement of roads, &c.

GENTLEMEN,

The only sources from which the information required by this Address could be derived, are the accounts of the District Treasurers, which as far as they have been received to the present time, have been transmitted to the House of Assembly during the present Session.

His Excellency's reply.

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

House adjourns.

THURSDAY, 14th APRIL, 1836.

The House met pursuant to adjournment.

House meets.

PRESENT :

- |   |  |
|---|--|
| <i>The Honorable JOHN B. ROBINSON, SPEAKER.</i> | <i>The Honorable Messrs. HAMILTON.</i> |
| <i>The Honorable Messrs. DICKSON.</i>           | BOSWELL,                               |
| CROOKSHANK,                                     | ADAMSON,                               |
| CAMERON,  | CROOKS,                                |
| ALLAN,  | STEWART,                               |
| MCDONELL,                                       | MORRIS,                                |
| ELMSLEY,  | MACAULAY,                              |
| BALDWIN.  | VANKOUGHNET.                           |

Memoers present.

Prayers were read.

The Minutes of yesterday were read.

Pursuant to the order of the day, the Bill entitled, “An Act to improve the Navigation of the inland waters of the District of Newcastle;”—and also, the Bill entitled, “An Act for the preservation of the Fishery within Burlington Bay;”—were severally read a third time, and passed.

Newcastle Inland Navigation bill; and Burlington Bay fishery preservation bill, read third time and passed.

Whereupon the Speaker signed the same; and it was,

Same signed;

Ordered, that the Master in Chancery do go down to the Assembly, and acquaint that House, that the Legislative Council has passed these Bills without amendment.

And the Assembly acquainted thereof.

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Toronto Road Bill, as amended, read third time and passed.

Pursuant to the order of the day, the Bill entitled, "An Act to raise a sum of money, to continue the improvement of certain Roads in the vicinity of the City of Toronto, and for other purposes therein mentioned," was as amended, read a third time; and,

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

Amendments signed;

Whereupon the Speaker signed the amendments; and it was,

And sent to the Assembly for concurrence.

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

Hastings division bill, recommitted.

Pursuant to the order of the day, the House was again put into a Committee of the whole upon the Bill entitled, "An Act to erect the County of Hastings into a separate District,"—as also the report of the Select Committee thereon.

The Honorable Mr. Boswell took the Chair.

After some time the House resumed.

Reported, and leave asked to sit again.

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

Leave granted.

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

Gold and Silver coins value establishment bill, recommitted.

Pursuant to the order of the day, the House was again put into a Committee of the whole upon the Bill entitled, "An Act affixing the value at which certain Gold Coins shall pass current in this Province, making the same a legal tender, and establishing the rate at which British Silver Money now in circulation shall be taken within the same"—and the report of the Select Committee thereon.

The Honorable Mr. Adamson took the Chair.

After some time the House resumed.

Amendments reported.

The Chairman reported, that the Committee had gone through the said Bill, and had made some amendment thereto, which they recommended to the adoption of the House.

Ordered, that the report be received; and,

Read first time.

The said amendments were then read by the Clerk, as follows;

The amendments.

In the title,—After "Act," expunge the remainder, and insert "to repeal and amend certain Acts of this Province, in relation to the gold and silver coin made current by Law, and to make further provision respecting the rates at which certain gold and silver coins shall pass current in this Province."

In the Bill,—After "Whereas," expunge the remainder of the Bill (except the last clause,) and insert "it is expedient to amend the Laws for the regulation of certain coins current in this Province. Be it therefore enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of, and under the authority of an Act passed in the Parliament of Great Britain, entitled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's Reign, entitled, 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America, and to make further provision for the Government of the said Province;" and by the authority of the same, that the first, second, third, fourth, and eighth sections of an Act passed in the thirty-sixth year of the reign of King George the Third, entitled, "An Act for the better regulation of certain coins current in this Province;" and also, "An Act passed in the forty-ninth year of His Majesty's Reign, entitled, "An Act to repeal and amend certain parts of an Act passed in the thirty-sixth year of His Majesty's Reign, entitled, "An Act for the better regulation of certain coins current in this Province, to equalize them to the standard weight and value of the like coins in the Province of Lower Canada," and also, an Act passed in the seventh year of the Reign of His late Majesty King George the Fourth, entitled, "An Act to repeal part of an Act passed in the thirty-sixth year of His late Majesty's Reign, entitled, "An Act for the better regulation of cer-



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tain coins current in this Province, and to make further provision for the regulation of the British Silver and Copper coinage current in this Province ;"—and also, another Act passed in the eleventh year of the Reign of his said Majesty King George the Fourth, entitled, "An Act for the better regulation of the currency," shall be, and the same are hereby repealed.

"2.—And be it further enacted by the authority aforesaid, that from and after the passing of this Act, the gold and silver coins hereinafter mentioned, shall pass current, and be deemed a legal tender in payment of all debts and demands whatsoever in this Province, at the weights and rates following, that is to say—*Of Gold Coins:—*

The British Guinea, weighing 5 dwts. 9½ grs. Troy, at one pound five shillings and six pence.

The British Sovereign, weighing 5 dwts. 3½ grains Troy—at twenty-four shillings and four pence.

The Eagle of the United States of America, coined before the 1st July, 1834, weighing 11 dwts. 6 grs. Troy—at fifty three shillings and four pence.

The Eagle of the United States of America, coined since 1st July 1834, weighing 10 dwts. 18 grs. Troy—at fifty shillings.

*And of Silver Coins:*

The British Crown—at six shillings.

The British half Crown—at three shillings.

The British shilling—at one shilling and three pence.

The British six pence—at seven pence half-penny.

The Spanish Milled Dollar—at five shillings, equal to four shillings and six pence, sterling money of Great Britain.

The Dollar of the United States of America—at five shillings.

The Mexican Dollar, coined in the years 1831, 1832, and 1833—at five shillings; and all the higher and lower denominations of the said Gold and Silver coins, shall also pass current, and be deemed a legal tender in payment of all debts and demands whatsoever, in this Province, in the same proportions respectively."

"3.—And be it further enacted by the authority aforesaid, that if any person or persons shall colour, gild, or case over with gold or silver, or with any wash or materials producing the colour of gold or silver, any coin of coarse gold, or of coarse silver, or of base metal, resembling any coin made or declared to be current by this Act; or if any person or persons shall bring, or cause to be brought into this Province, any forged, false, or counterfeit money, like to any of the gold or silver coin made, or declared to be current in this Act, knowing the same to be false, forged, or counterfeit—or any coin of coarse gold, or of coarse silver, or of base metal coloured, gilded, or cased over with gold or silver, or with any wash or materials producing the colour of gold or silver, and resembling any such coin, or any piece of gilded silver resembling any such coin, knowing the same; every such person shall for every such offence, be deemed guilty of felony, and upon conviction thereof, shall be liable to suffer such punishment as is provided by the twenty-fifth clause of a certain Act of the Parliament of this Province, passed in the Third year of the reign of His present Majesty, entitled, "An Act to reduce the number of cases in which Capital Punishment may be inflicted; to provide other punishment for offences which shall no longer be capital after the passing of this Act; to abolish the privilege called benefit of Clergy, and to make other alterations in certain criminal proceedings, before and after conviction."

"4.—And be it further enacted by the authority aforesaid, that if any person or persons shall after the passing of this Act, utter, or tender in payment to any person or persons, any false, or counterfeit money, counterfeited to any of the gold or silver coins, made or declared to be current by this Act,

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as hereinbefore specified; or to any of the higher or lower denominations thereof, knowing the same to be false or counterfeit, and shall be thereof convicted; every such person so offending, shall be liable to suffer such punishment as is provided for any of the offences mentioned in the last preceding clause of this Act."

"5.—And be it further enacted by the authority aforesaid, that such of the gold and silver coins made or declared current by this Act, as are depreciated in weight more than one twenty-fifth part of their full weight, shall not be legal money in this Province."

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

Ordered, that they be engrossed, and the said Bill as amended read a third time this day.

Rouge Hill grant bill, re-committed. Pursuant to the order of the day, the House was again put into a Committee of the whole upon the Bill entitled, "An Act granting a sum of money for improving the hill at the River Rouge, and other purposes therein mentioned," and the report of the Select Committee thereon.

The Honorable Mr. Hamilton took the Chair.

A Message being announced, the Chairman left the Chair, and the House formed.

Message from the Lieut. Governor:

A Message from His Excellency the Lieutenant Governor, was delivered by Mr. Secretary Joseph, who being retired, the Speaker read the same, and it was again read by the Clerk as follows:

F. B. HEAD,

Transmitting a report from the Grand Jury on the state of the Gaol of the Home District.

The Lieutenant Governor transmits to the Legislative Council, in compliance with the request of the Grand Jury of the Home District, at the present Assizes, the accompanying statement of that Body, with a copy of the charge of the presiding Judge at the opening of the Court.

*Government House,*

12th April, 1836.

Rouge Hill grant bill, re-committed.

The House was then again put into a Committee of the whole upon the Bill entitled, "An Act granting a sum of money for improving the Hill at the River Rouge, and for other purposes therein mentioned,"—and the Report of the Select Committee thereon.

The Honorable Mr. Hamilton took the Chair.

After some time the House resumed.

Reported.

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

Ordered, that the report be received; and,

Adopted.

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

McMillan's relief bill, read second time;

Pursuant to the order of the day, the Bill entitled, "An Act for the relief of John McMillan," was read a second time; and it was,

And referred to a Select Committee.

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

Members composing same.

Ordered, that the Honorable Messieurs Baldwin and Stewart, do compose the same for that purpose.

Presquisle Point light-house erection bill;

Pursuant to the order of the day, the Bill entitled, "An Act granting a sum of money to be expended in the erection of a Light House on Presquisle Point, in the District of Newcastle;" also the Bill entitled, "An Act granting a sum of money to complete the payment of the War Losses;" and also the Bill entitled, "An Act to authorise the Commissioners of the late pretended Bank of Kingston, to dispose of certain Real Estate, and for other purposes therein mentioned," were severally read a second time; and it was,

War Loss grant bill;

Late pretended Bank of Kingston real estate sale bill, read second time.

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

Niagara River suspension bridge erection bill, read second time;

Pursuant to the order of the day, the Bill entitled, "An Act for erecting a Suspension Bridge over the Niagara River, at or near Queenston, in Upper Canada," was read a second time; and it was,

Thursday, 14th April, 1836.

SIR FRANCIS BOND HEAD, K. C. H. *Lieutenant Governor.*

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

Ordered, that the Honorable Messieurs Elmsley, Hamilton and Macaulay, do compose the same for that purpose. Members composing same.

Pursuant to the order of the day, the House was put into a Committee of the whole upon the Bill entitled, "An Act to incorporate a Company under the style and title of the City of Toronto Gas Light Company." Toronto Gas light Company's bill, committed.

The Honorable Mr. Elmsley took the Chair.

After some time the House resumed.

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

Ordered, that the Report be received ; and, Adopted.

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

Pursuant to the order of the day, the House was put into a Committee of the whole upon the Bill entitled, "An Act to authorise the raising by Debenture a sum of money to be expended by Commissioners appointed by the same, in the improvement of the Harbour of Windsor Bay, in the Township of Whitby." Windsor Bay Harbor bill, committed.

The Honorable Mr. Vankoughnet took the Chair.

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

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

The House was then again put into a Committee of the whole upon the Bill entitled, "An Act to authorise the raising by Debenture a sum of money to be expended by Commissioners appointed by the same, in the improvement of the Harbour of Windsor Bay, in the Township of Whitby." Windsor Bay Harbor bill, recommitted.

The Honorable Mr. Vankoughnet took the Chair.

After some time the House resumed. House resumes.

The Honorable the Speaker reported to the House, that Deputations from the Commons House of Assembly had brought up a Bill entitled, "An Act granting a sum of money in support of the Provincial Penitentiary, and for other purposes therein mentioned ;" also a Bill entitled, "An Act granting three hundred pounds towards the completion of a Light-house on Bois Blanc Island, in the Western District ;" also a Bill entitled, "An Act granting to His Majesty the sum of one hundred pounds, for the purpose of repairing the Dwelling-house of the Light-house Keeper on Gibraltar Point, in the Home District ;" also a Bill entitled, "An Act to establish Township Agricultural Societies, and to grant a sum of money in aid of the same ;" also a Bill entitled, "An Act for the relief of Andrew Deacon ;" also a Bill entitled, "An Act granting to His Majesty a sum of money for the support of Light-houses in this Province ;" also a Bill entitled, "An Act to remunerate Francis Hall, Esquire, Civil Engineer, for professional services on the Burlington Bay Canal ;" and also a Bill entitled, "An Act for the relief of Joseph Turton," to which they requested the concurrence of this House. Speaker reports the receipt of Penitentiary grant bill ;  
Bois Blanc Island Light House grant bill ;  
Gibraltar Point Light House grant bill ;  
Township Agricultural Societies grant bill ;  
Deacon's relief bill ;  
General Light House grant bill ;  
Hall's remuneration bill ; and  
Turton's relief bill, from the Assembly.

The said Bills were then severally read ; and it was, Read first time.

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

Pursuant to the order of the day, the House was put into a Committee of the whole upon the Bill entitled, "An Act for the relief of the heirs and devisees of the late Robert Randall, Esquire, in the matter of certain valuable landed estate claimed by them, near the Falls of the Chaudière, in the District, and on the River Ottawa." Randall's heirs relief bill, committed.

The Honorable Mr. Morris took the Chair.

After some time the House resumed.

The Chairman reported that the Committee had taken the said Bill into consideration, had made some progress therein, and recommended that the same be referred to a Select Committee, with power to send for persons and papers, and to report thereon by amendment or otherwise. Reported ;

Ordered, that the Report be received ; and,

Ordered, that the said Bill be referred to a Select Committee with power to send for persons and papers, and to report thereon by amendment or otherwise ; and, And referred to a Select Committee.

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Members composing same.	Ordered, that the Honorable Messieurs Dickson, Macaulay and Vankoughnet, do compose the same for that purpose.
Gold and Silver coins value establishment bill, as amended, read third time, and passed.	Pursuant to the order of the House, the Bill entitled, "An Act affixing the value at which certain Gold Coins shall pass current in this Province, making the same a legal tender, and establishing the rate at which British Silver money now in circulation, shall be taken within the same," was, as amended, read a third time; and, The question being put, whether this Bill as amended should pass, it was carried in the affirmative:
Amendments signed;	Whereupon the Speaker signed the amendments; and it was,
And sent to the Assembly for concurrence.	Ordered, that the Master in Chancery do go down to the Assembly, and acquaint that House that the Legislative Council has passed this Bill with certain amendments, to which they desire the concurrence of the Commons House of Assembly.
Innkeepers license amendment bill, committed.	Pursuant to the order of the day, the House was put into a Committee of the whole upon the Bill entitled, "An Act to repeal and amend certain parts of an Act passed in the thirty-sixth year of the reign of King George the Third, entitled, "An Act to amend an Act for regulating the manner of licensing Public Houses, and for the more easy conviction of persons selling Spirituous Liquors without license, and for other purposes therein mentioned." The Honorable Mr. Hamilton took the Chair. A Message being announced the Chairman left the Chair and the House formed.
A bill brought up from the Assembly.	A Deputation from the Commons House of Assembly brought up a Bill, to which they requested the concurrence of this House, and then withdrew.
Innkeepers' license amendment bill, re-committed.	The House was then again put into a Committee of the whole upon the Bill entitled, "An Act to repeal and amend certain parts of an Act passed in the Thirty-sixth year of the reign of King George the Third, entitled, 'An Act to amend an Act for regulating the manner of licensing Public Houses, and for the more easy conviction of persons selling Spirituous Liquors without license, and for other purposes therein mentioned.'" The Honorable Mr. Hamilton took the Chair. After some time the House resumed.
Reported.	The Chairman reported that the Committee had gone through the said Bill, and recommended the same without any amendment to the adoption of the House.
Adopted.	Ordered, that the report be received; and, Ordered, that the said Bill be read a third time to-morrow.
Speaker reports the receipt of Steam-Dredging Machine further grant bill, from the Assembly.	The Honorable the Speaker reported to the House that a Deputation from the Commons House of Assembly had brought up a Bill, entitled, "An Act granting a further sum of money for the purchase of a Steam Dredging Machine," to which they requested the concurrence of this House.
Read first time.	The said Bill was then read; and it was, Ordered, that the same be read a second time to-morrow.
School and Crown Lands Commissioners appointment bill, committed.	Pursuant to the order of the day, the House was put into a Committee of the whole upon the Bill entitled, "An Act authorising the appointment of Commissioners to examine the School and Crown Lands in this Province, for the purpose of ascertaining what exchange can be profitably made for the benefit of the people of this Province, and for other purposes therein mentioned." The Honorable Mr. Boswell took the Chair. After some time the House resumed.
Reported.	The Chairman reported that the Committee had taken the said Bill into consideration, had made some progress therein, and recommended that the same be referred to a Select Committee, with power to send for persons and papers, and to report thereon by amendment or otherwise. Ordered, that the report be received; and,
And referred to a Select Committee.	Ordered, that the said Bill be referred to a Select Committee, with power to send for persons and papers, and to report thereon by amendment or otherwise; and,
Members composing same.	Ordered, that the Honorable Messieurs Elmsley, Morris, and Vankoughnet, do compose the same for that purpose. It was moved and seconded that it be,

Thursday, 14th April, 1836.

SIR FRANCIS BOND HEAD, K. C. H. *Lieutenant Governor.*

*Resolved*—That a Select Committee, composed of the Honorable Messieurs Macaulay and Vankoughnet, be appointed to examine and report to this House, in tabular form, the purport of all Bills received from the House of Assembly during the present Session, and the date when each Bill was so received; also what number of the said Bills should by the rules of this House have been brought up within the first thirty days of the Session, and to report the aggregate amount of the sums of money granted by these Bills, distinguishing such grants as are made chargeable on the general Revenues of the Province, by creating new loans from such as are payable by the Receiver General, out of any surplus monies in his hands, at the disposal of the Legislature.

Motion for appointing a Committee to report generally upon the bills received from the Assembly during the present session which have not passed the Council.

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

Question put and carried.

Ordered, that a Select Committee composed of the Honorable Messieurs Macaulay and Vankoughnet, be appointed to examine, and report to this House in tabular form, the purport of all bills received from the House of Assembly during the present Session, and the date when each bill was so received; also what number of the said Bills, should by the rules of this House have been brought up within the first thirty days of the Session, and to report the aggregate amount of the sums of money granted by these Bills, distinguishing such grants as are made chargeable on the general Revenues of the Province, by creating new loans from such as are payable by the Receiver General, out of any surplus monies in his hands, at the disposal of the Legislature.

The Honorable Mr. Baldwin from the Select Committees, to whom were referred the Bill entitled, "An Act to incorporate a Company to construct a Rail Road from Burlington Bay to Lake Huron,"—and also the Bill entitled, "An Act to incorporate certain persons under the style and title of the Cayuga Bridge Company,"—presented their several reports.

Reports of the Select Committees upon Burlington Bay and Lake Huron Rail-road bill; and Cayuga Bridge Company's incorporation bill, presented.

Ordered, that they be received; and,

The same were then read by the Clerk as follows:

Read.

The Select Committee, to whom was referred the Bill from the Assembly entitled, "An Act to incorporate a Company to construct a Rail Road from Burlington Bay to Lake Huron," beg leave respectfully to report:

That the Petitioners in favor of Wellington Square, as being the most eligible place on Lake Ontario where the Rail Road is proposed to terminate, state generally, that they are fully persuaded of the practicability of constructing said Road to that place, but do not in their Petition, even allude to any local advantage it possesses.

The Report upon Burlington Bay and Lake Huron Rail-road bill.

The Petitioners against its termination at Wellington Square, and in favor of Dundas, on the contrary, state, that while they approve of the general measure, offer as objections to its terminating at Wellington Square, that there is no convenient place for the formation of a Harbour at that part of Lake Ontario, and the very stormy position of the spot presents natural obstacles, which it is next to impossible to overcome, so as to render it a fitting situation for the formation of a Harbour to benefit the trade of the Province; or at all events, that to do so, would require an expense much greater than the object in view could afford.

They further state, that Dundas is ten miles nearer to Goderich the proposed termination at Lake Huron, than Wellington Square, and that the whole distance from Dundas to Goderich, is only ninety miles; likewise, that the proposed line of Road is highly favorable to its formation, except the hill above Dundas, which must be equally surmounted whether made from the one place or the other. Were the two places in a similar position in respect to harbours, your Committee would have more difficulty in coming to a conclusion which has a preferable claim, than they have had; but as Wellington Square has nothing to shelter vessels in stormy weather, except the shore of the Lake and the Beach which separates Burlington Bay from Lake Ontario, and Dundas lying far up in that Bay, evidently possesses advantages in that respect which the other place never can have. The latter place ought to be preferred even if a very large sum of money were expended in running piers into the Lake; the difficulty and expense in constructing which, and the insufficient security, that after being constructed they afforded to vessels, was one principal cause of the Canal into Burlington Bay being formed, which secures to that part of the country one of the finest harbours in the world, affording

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complete shelter to vessels, and running far up into the interior of the country. Were these difficulties in regard to Wellington Square overcome, they beg to submit to your Honorable House, whether it would be wise in the Legislature to encourage a rival establishment, the success of which, might tend to diminish the income derived from the Tolls paid on passing the Burlington Bay Canal—a work upon which, a large amount of the money of the Province has already been expended. If the object of the Petitioners is to carry the road remote from Burlington Bay, the distance and consequent expense would thereby be greatly increased, and render the advantages already possessed by Dundas still more apparent—such a route would also lead through a country comparatively but thinly inhabited, whilst that from Dundas would pass through a thickly settled country, the most fertile and productive of any part of the Province, independent of the great saving of distance and consequent expense; and which from the great amount of its agricultural exports, would at once give employment to the Rail Road, and secure a considerable revenue. Should your Honorable House concur in these views, some amendment to the bill submitted to them will be necessary, a draft of which they beg leave to submit for your consideration; also whether, in the event of the road terminating at Dundas, provision might not be made for continuing it to Wellington Square, whenever the inhabitants of that place provided sufficient funds to do so.

All which is respectfully submitted.

(Signed,)

A. BALDWIN,  
Chairman.

*Legislative Council Committee Room,*

13th day of April, 1836.

Proposed amendments in and to the Bill brought up from the Assembly, entitled, "An Act to incorporate a Company to construct a Rail Road from Burlington Bay to Lake Huron." Press 1 Line 4.—After the word "at," expunge "at Wellington Square, Burlington Bay, or

Dundas," and insert "at or near the village of Dundas,"—after the word "Gore," expunge "which ever place may be considered most advantageous and proper by a majority of the Directors."

" 3 " 2.—After the word "between," expunge "Wellington Square, Burlington Bay, or Dundas," and insert "at or near the village of Dundas."

" 5 " 10.—After the word "between," expunge "Wellington Square, Burlington Bay, or Dundas," and insert "at or near the village of Dundas."

" " " 14.—After the word "connect," expunge "Wellington Square," and insert "Burlington Bay, at or near the village of Dundas."

" 8 " 19.—After the word "between," expunge "Wellington Square, Burlington Bay, or Dundas," and insert "at, or near the village of Dundas."

" 9 " 14.—After the word "Province," add "having jurisdiction of the same."

" " " 20.—After the word "between" expunge "Wellington Square, Burlington Bay, or Dundas," and insert "Burlington Bay, at or near the village of Dundas."

" 10 " 10.—After the word "year," expunge "Wellington Square," and insert "the village of Dundas."

" 12 " 18.—After the word "held," expunge "at Wellington Square," and insert "at the village of Dundas."

Press 15 Line 24, and Press 16 Line 1.—After the word "at," expunge the words "Wellington Square, Burlington Bay, or Dundas, and at."

Add to the Bill—"And be it further enacted, &c., that if at any time hereafter the inhabitants of Wellington Square should deem it proper, at their own proper cost and charges, or by any Joint Stock Company which may be hereafter chartered by any Act of the Legislature of this Province for that purpose, to construct a Rail Road to connect with that chartered by the provisions of this Act; then, and in such case, they shall have full power and right so to do, under such rules and regulations as the Legislature may deem fit and proper."

(Signed,)

A. BALDWIN,  
Chairman.

*Committee Room, Legislative Council,*

April 14th, 1836.

Friday, 15th April, 1836.

SIR FRANCIS BOND HEAD, K. C. H. *Lieutenant Governor.*

The Select Committee to whom was referred the Bill sent up from the Commons House of Assembly, entitled, "An Act to incorporate certain persons under the style and title of the Cayuga Bridge Company,"—beg leave to report :

The Report upon  
Cayuga Bridge  
Company's incorpo-  
ration bill.

That they have carefully examined the provisions contained in the said Bill, and have agreed to recommend it to the adoption of your Honorable House, with the following amendment, viz :

Press 5, Line 22.—Expunge "such papers as the Directors shall see fit," and insert "one or more newspaper or newspapers published in the said District."

All which is respectfully submitted,

(Signed,)

A. BALDWIN,  
*Chairman.*

*Legislative Council Committee Room,*  
Thirty-first day of March, 1836.

On motion made and seconded, it was,

Ordered, that the House be again put into Committees of the whole to-morrow, upon the two last mentioned Bills, and the Reports of the Select Committees thereon.

On motion made and seconded; it was,

Ordered, that the House be put into a Committee of the whole to-morrow, to take into consideration the Bill for the establishment of a Bank at the Town of Niagara.

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

FRIDAY, 15th APRIL, 1836.

The House met pursuant to adjournment. House meets.

PRESENT :

*The Honorable* JOHN B. ROBINSON, SPEAKER.

*The Honorable Messrs.* CROOKS,

*The Honorable Messrs.* DICKSON.

" " STEWART,

Members present.

" " CROOKSHANK,

" " MORRIS.

" " BALDWIN.

" " MACAULAY.

" " HAMILTON,

" " VANKOUGHNET.

" " BOSWELL.

Prayers were read.

The Minutes of yesterday were read.

To the Bill passed yesterday, entitled, "An Act to improve the Navigation of the Inland Waters of the District of Newcastle"—

DISSENTIENT :

1st.—Because it is inexpedient to burthen the Province with a debt of sixteen thousand pounds, for an undertaking which in all probability will require an expenditure far exceeding that sum.

Protest of the Hon.  
Messrs. Morris,  
Adamson, and  
Vankoughnet, against  
passing Newcastle  
Inland navigation Bill.

2ndly.—Because the work, however important, cannot be viewed in any other light than as of a local nature, and therefore ought to be constructed with funds raised by Debenture, on the credit of the Tolls to be collected on the said Navigation.

3rdly —Because the claims for damages done to the property of individuals along the waters proposed to be improved, including natural Mill-sites, will require to be defrayed by the Province, and may amount to a very great sum.

(Signed)

W. MORRIS.

P. ADAMSON.

P. VANKOUGHNET.

Pursuant to the order of the day, the Bill entitled, "An Act granting a sum of money for improving the hill at the River Rouge, and other purposes therein mentioned"; also, the Bill entitled, "An Act to incorporate a Company under the style and title of the City of Toronto Gas Light Company"; and also, the Bill entitled, "An Act to repeal and amend certain

Rouge Hill grant bill ;

Toronto Gas-light  
Company's bill ;

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And Innkeepers' license amendment bill, read third time and passed.

parts of an Act passed in the thirty-sixth year of the reign of King George the Third, entitled 'An Act to amend an Act for regulating the manner of licensing Public Houses, and for the more easy conviction of persons selling Spirituous Liquors without license, and for other purposes therein mentioned"—were severally read a third time, and passed :

Same signed ;

Whereupon the Speaker signed the same ; and it was,

And the Assembly acquainted thereof.

Ordered, that the Master in Chancery do go down to the Assembly, and acquaint that House, that the Legislative Council has passed these Bills without any amendment.

Members enter.

The Honorable Messieurs Allan, McDonell, and Adamson enter.

Hastings division bill, re-committed.

Pursuant to the order of the day, the House was put into a Committee of the whole upon the Bill entitled, "An Act to erect the County of Hastings into a separate District,"—and the report of the Select Committee thereon.

The Honorable Mr. Boswell took the Chair.

After some time the House resumed.

Amendments reported.

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

Ordered, that the report be received ; and,

Read first time.

The said amendments were then read by the Clerk, as follows ;

The amendments.

In the title—Line 1.—Expunge "erect" and insert "provide under certain conditions for erecting."

In the Bill—Press. 14.—Expunge the last clause, and insert—"And whereas by the law now in force it is provided that the Courts of General Quarter Sessions of the Peace in and for the Midland District shall be holden in the Town of Adolphustown on the fourth Tuesday in the month of January, and on the second Tuesday in the month of July, and in the Town of Kingston on the fourth Tuesday in the month of April, and the second Tuesday in the month of October : And whereas by reason of the intended erection of the County of Hastings into a separate District it will become inexpedient that the said provision should be continued :—Be it enacted, &c. That from and after the date of the Proclamation whereby the said County of Hastings shall be declared a separate and distinct District, so much of the several laws of this Province as relates to the place of holding the Courts of General Quarter Sessions of the Peace in and for the said Midland District, shall be, and the same is hereby, repealed ; and that from thenceforth the said Courts shall be held in the Town of Kingston, on the fourth Tuesday in the months of January and April, and on the second Tuesday in the months of July and October."

"And be it further enacted, &c. That this Act shall not take effect until provision shall be made by law for increasing the number of Judges in His Majesty's Court of King's Bench in this Province, and for defraying such contingent charges of the Circuits in respect to the new District intended to be formed by this Act, as were accustomed to be paid before the surrender by the Crown of the duties levied under a certain Act of the Parliament of Great Britain, passed in the fourteenth year of the reign of His late Majesty King George the Third, entitled, "An Act to establish a fund towards further defraying the charges of the administration of Justice and support of the Civil Government within the Province of Quebec, in America," nor until provision has been made by law for securing the payment by the County of Hastings of a just proportion of the debt contracted on the credit of the Midland District, for building the Gaol and Court House."

Read second time and adopted.

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

Ordered, that they be engrossed, and the said Bill as amended read a third time this day.



Friday, 15th April, 1836.

SIR FRANCIS BOND HEAD, K. C. H. *Lieutenant Governor.*

Pursuant to the order of the day, the House was put into a Committee of the whole upon the Bill entitled, "An Act to amend the Law respecting imprisonment for debt." Debtors imprisonment amendment bill, committed.

The Honorable Mr. Morris took the Chair.

After some time the House resumed.

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

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

Pursuant to the order of the day, the House was put into a Committee of the whole upon the Bill entitled, "An Act to incorporate sundry persons under the style and title of the Gananoque and Wiltsie Navigation Company." Gananoque Navigation bill, committed.

The Honorable Mr. Adamson took the Chair.

A Message being announced the Chairman left the Chair and the House formed.

A Deputation from the Commons House of Assembly brought up and delivered at the Bar of this House a certain Message; they also returned a Bill sent down from the Legislative Council, and acquainted this House that the Commons House of Assembly had passed the same without amendment; and they brought up several Bills, to which they requested the concurrence of this House, and then withdrew. A Message and bills brought up from the Assembly, and a bill returned therefrom passed.

The House was then again put into a Committee of the whole upon the Bill entitled, "An Act to incorporate sundry persons under the style and title of the Gananoque and Wiltsie Navigation Company." Gananoque Navigation bill, re-committed.

The Honorable Mr. Adamson took the Chair.

After some time the House resumed.

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

The Honorable Mr. Elmsley enters. A Member enters.

Ordered, that the report be received; and, Adopted.

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

The Honorable the Speaker reported to the House, that a Deputation from the Commons House of Assembly, had brought up, and delivered at the Bar of this House a Message, in the following words: Speaker reports the receipt of a Message from the Assembly,

MR. SPEAKER.

The Commons House of Assembly request that the Honorable the Legislative Council will be pleased to give leave to Grant Powell, Esquire, Clerk to your Honorable House, to attend and give evidence before a Select Committee of this House appointed to inquire into the state of the Library and Public Buildings. requesting that Grant Powell, Esquire, may be permitted to attend a Select Committee of that House.

(Signed)

MARSHALL S. BIDWELL,  
SPEAKER.

*Commons House of Assembly,*  
14th April, 1836.

The Honorable the Speaker reported to the House, that the same Deputation had returned the Bill sent down from the Legislative Council, entitled, "An Act for the relief of William Conway Keele,"—and acquainted this House, that the Commons House of Assembly had passed the same without any amendment; and that the same Deputation had brought up a Bill entitled, "An Act to incorporate certain persons under the style and title of the Hamilton Water Works Company;" also a Bill entitled, "An Act to repeal and amend the several Assessment Laws of this Province, so far as the same relate to, or affect the City of Toronto, or the liberties thereof;" also a Bill entitled, "An Act to provide for holding elections throughout this Province;" and also a Bill entitled, "An Act to amend and extend the provisions of An Act passed during the last Session of the Provincial Legislature, entitled, 'An Act to reduce to one Act of Parliament the several laws relative to the appointment and duties of Township Officers in this Province, except an Act passed in the fourth year of the Reign of William the Fourth, chapter twelve, entitled, 'An Act to regulate Line Fences and Water Courses, and to repeal so much of an Act passed in the thirty-third year of the reign

Speaker reports that the Assembly had passed Keele's relief bill.

He also reports the receipt of Hamilton Water Works Company's bill; Toronto Assessment Law amendment bill;

General Election provision bill;

And Township Officers' law amendment bill, from the Assembly.

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of His late Majesty King George the Third, entitled, 'An Act to provide for the nomination and appointment of Parish and Town Officers within this Province, as relates to the office of Fence Viewers, being discharged by Overseers of Highways and Roads ;' to which they requested the concurrence of this House.

Read first time.

The said Bills were then severally read ; and it was,

Ordered, that they be read a second time tomorrow.

Motion for an Address to His Excellency on the subject of the Contingencies of the Legislature.

It was moved and seconded, that an Address be presented to His Excellency the Lieutenant Governor, on the subject of the contingent expenses of the Legislature.

Question put and carried.

The question of concurrence being put, it was carried in the affirmative ; and it was,

Ordered, that the House be put into a Committee of the whole, presently, to take a draft of an Address into consideration.

A draft of an Address committed.

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

The Honorable Mr. Crookshank took the Chair.

After some time the House resumed.

Reported.

The Chairman reported that the Committee had gone through the said Address, and recommended it to the adoption of the House.

Adopted.

Ordered, that the Report be received ; and,

Ordered, that the said Address be engrossed, and the same read a third time this day.

It was moved and seconded, that it be,

Motion for the appointment of a Committee to report upon a certain Address of the Assembly to His Majesty, complaining of the rejection by the Council of various bills.

*Resolved*—That so much of the Instructions to His Excellency the Lieutenant Governor of this Province, contained in the Despatch of the Right Honorable the Secretary of State for the Colonies, dated 5th December, 1835, and communicated to this House, with His Excellency's Message of 30th January last, as relates to the Legislative Council, be referred to a Select Committee, with Instructions to report upon the subject matter of an Address to His Majesty, passed by the House of Assembly in the last Session, complaining of the rejection of certain Bills by the Legislative Council.

Question put and carried.

The question of concurrence being put, the said Resolution was carried in the affirmative ; and it was,

Ordered, that so much of the Instructions to His Excellency the Lieutenant Governor of this Province, contained in the Despatch of the Right Honorable the Secretary of State for the Colonies, dated 5th December, 1835, and communicated to this House with His Excellency's Message of 30th January last, as relates to the Legislative Council, be referred to a Select Committee, with instructions to report upon the subject matter of an Address to His Majesty, passed by the House of Assembly in the last Session, complaining of the rejection of certain Bills by the Legislative Council ; and,

Members composing same.

Ordered, that the Honorable Messieurs Allan, Morris, and Macaulay, do compose the Committee for that purpose.

On motion made and seconded ; it was,

Leave given to the Clerk to attend a Select Committee of the Assembly ;

Ordered, that the Clerk of this House have leave to attend a Select Committee of the Commons House of Assembly, as desired by that House in their Message received this day ; and,

And that House acquainted of same.

Ordered, that the Master in Chancery do go down to the Assembly, and acquaint that House, that the Clerk of this House has leave to attend a Select Committee of the Commons House of Assembly, as desired by that House in their Message received this day.

Hastings division bill, as amended, read third time and passed.

Pursuant to the order of the House, the Bill entitled, " An Act to erect the County of Hastings into a separate District,"—was as amended, read a third time ; and,

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

Amendments signed ;

Whereupon the Speaker signed the amendments ; and it was,

And sent to the Assembly for concurrence.

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

Newcastle District Bank bill, re-committed.

Pursuant to the order of the day, the House was again put into a Committee of the whole upon the Bill to incorporate certain persons under the style and title of the President, Directors, and Company of the Newcastle District Bank.

The Honorable Mr. Hamilton took the Chair.

Friday, 15th April, 1836.

SIR FRANCIS BOND HEAD, K. C. H. *Lieutenant Governor.*

After some time the House resumed.

The order of the day being read for moving for a Committee of the whole upon the Bill entitled, "An Act to incorporate sundry persons under the style and title of the President, Directors and Company of the Johnstown District Bank;" it was,

Ordered, that it be discharged.

Pursuant to the order of the day, the House was put into a Committee of the whole upon the Bill entitled, "An Act granting a sum of money to be expended in the erection of a Light House on Presque Isle Point, in the District of Newcastle."

The Honorable Mr. Allan took the Chair.

After some time the House resumed.

The Chairman reported that the Committee had taken the said Bill into consideration, had made some progress therein, and recommended that it be referred to a Select Committee, to report thereon.

Ordered, that the report be received; and,

Ordered, that the said Bill be referred to a Select Committee, to report thereon; and,

Ordered, that the Honorable Messieurs Elmsley, and Vankoughnet, do compose the same for that purpose.

Pursuant to the order of the House, the Address to His Excellency the Lieutenant Governor, on the subject of the contingent expenses of the Legislature, was read a third time, and passed:

Whereupon the Speaker signed the same; and it is as follows:

*To His Excellency SIR FRANCIS BOND HEAD, Knight Commander of the Royal Hanoverian Guelphic Order, Knight of the Prussian Military Order of Merit, Lieutenant Governor of the Province of Upper Canada, &c., &c., &c.*

MAY IT PLEASE YOUR EXCELLENCY:

We, His Majesty's dutiful and loyal subjects the Legislative Council of Upper Canada, in Provincial Parliament assembled, humbly beg leave to represent to your Excellency, that we are apprehensive that from inadvertence, an irregular practice may have prevailed in this Province hitherto in respect to the advancement of sums of money to the Legislature during their Session, to defray their contingent expenses.

It appears to the Legislative Council, that a due regard to the Constitution, and the just observance of the Law, requires that any such advance should not be made out of those funds which being raised by Acts of Parliament are made expressly subject to the disposition of the Legislature, and cannot therefore be legally taken out of the Public Treasury, otherwise than under the sanction of an Act of the Legislature.

We beg respectfully to submit to your Excellency, that all advances which the Government may make for the purpose alluded to, should be made from any funds at the disposal of the Crown, because of such funds the right of appropriation by the Government cannot be disputed.

We apprehend that a failure to observe this distinction, may possibly lead to embarrassing consequences; and we therefore respectfully submit to your Excellency's judgment the expediency of conforming strictly to the legal and constitutional course in this respect: and we beg to assure your Excellency, that the Legislative Council will be at all times ready to concur with the Assembly in making good any advances that shall appear to have been made out of the Crown Revenue to either House, for purposes that can be justly classed under the head of contingent charges of the Session.

On motion made and seconded, it was,

Ordered, that the Honorable Messieurs Adamson, and Morris, be appointed a Committee to present the foregoing address.

Pursuant to the order of the day, the House was put into a Committee of the whole upon the Bill entitled, "An Act granting a sum of money to complete the payment of the War Losses."

The Honorable Mr. Baldwin took the Chair.

After some time the House resumed.

House resumes.

Johnstown District Bank Incorporation bill, discharged from the order of the day.

Presque Isle Point Light-house erection bill, committed.

Reported.

And referred to a Select Committee.

Members composing same.

Address to His Excellency on the subject of the Contingencies of the Legislature, read third time and passed. Same signed;

The Address.

Committee appointed to present same.

War Loss grant bill, committed.

Friday, 15th April, 1836.

## SECOND SESSION TWELFTH PROVINCIAL PARLIAMENT, 6th WILLIAM IV.

- Reported. The Chairman reported that the Committee had gone through the said Bill, and recommended the same without any amendment to the adoption of the House.
- Adopted. Ordered, that the report be received ; and,  
Ordered, that the said Bill be read a third time to-morrow.
- Late pretended Bank of Kingston real estate sale bill, committed. Pursuant to the order of the day, the House was put into a Committee of the whole upon the Bill entitled, "An Act to authorise the Commissioners of the late pretended Bank of Kingston, to dispose of certain Real Estate, and for other purposes therein mentioned."  
The Honorable Mr. Stewart took the Chair.  
After some time the House resumed.
- Reported. The Chairman reported that the Committee had gone through the said Bill, and recommended the same without any amendment to the adoption of the House.
- Adopted. Ordered, that the Report be received ; and,  
Ordered, that the said Bill be read a third time to-morrow.
- Burlington Bay and Lake Huron Rail-road bill, committed. Pursuant to the order of the day, the House was put into a Committee of the whole upon the Bill entitled, "An Act to incorporate a Company to construct a Rail Road from Burlington Bay to Lake Huron," and the report of the Select Committee thereon.  
The Honorable Mr. Elmsley took the Chair.  
After some time the House resumed.
- Reported. The Chairman reported, that the Committee had gone through the said Bill, and recommended the same without amendment to the adoption of the House.
- Adopted. Ordered, that the report be received ; and,  
Ordered, that the said Bill be read a third time to-morrow.
- Petition of William Campbell, and others, brought up. The Honorable Mr. Morris, brought up the Petition of William Campbell, and others, inhabitants of the City of Toronto, and of the Home and Midland Districts ; which was laid on the Table.  
On motion made and seconded ; it was,  
Ordered, that the Honorable and Venerable the Archdeacon of York, be added to the Select Committee to whom was referred the Bill entitled, "An Act to amend the Charter of King's College."
- Hon. and Ven. the Archdeacon of York, added to the Select Committee upon King's College Charter amendment bill. The Honorable Mr. Elmsley gave notice that he would, on to-morrow, move that the House be put into a Committee of the whole upon the Bill entitled, "An Act to amend and extend the provisions of an Act passed in the fourth year of His Majesty's reign, entitled, "An Act to incorporate certain persons under the style and title of the London and Gore Rail Road Company, and to grant to the said Company the privilege of Banking."  
Pursuant to the order of the day, the Bill entitled, "An Act granting a sum of money in support of the Provincial Penitentiary, and for other purposes therein mentioned ;" also the Bill entitled, "An Act to establish Township Agricultural Societies, and to grant a sum of money in aid of the same ;" also the Bill entitled, "An Act granting to His Majesty a sum of money for the support of Light-houses in this Province ;" and also the Bill entitled, "An Act to remunerate Francis Hall, Esquire, Civil Engineer, for professional services on the Burlington Bay Canal," were severally read a second time ; and it was,  
Ordered, that the House be put into Committees of the whole to-morrow, to take the same into consideration.
- Notice of moving for a Committee of the whole upon London and Gore Rail-road Company's Banking bill. Pursuant to the order of the day, the Bill entitled, "An Act granting three hundred pounds towards the completion of a Light-house on Bois Blanc Island, in the Western District ;" and also the Bill entitled, "An Act granting to His Majesty the sum of one hundred pounds, for the purpose of repairing the Dwelling-house of the Light-house Keeper on Gibraltar Point, in the Home District," were severally read a second time ; and it was,  
Ordered, that the same be referred to the Select Committee upon the Bill entitled, "An Act granting a sum of money to be expended in the erection of a Light-house on Presqu'isle Point, in the District of Newcastle."
- Penitentiary grant bill ;  
Township Agricultural Societies grant bill ;  
General Light House grant bill ; and,  
Hall's remuneration bill, read second time. Pursuant to the order of the day, the Bill entitled, "An Act for the relief of Andrew Deacon." was read a second time ; and it was,  
Ordered, that the same be referred to a Select Committee to report thereon ; and,  
Ordered, that the Honorable Messieurs Hamilton, and Boswell, do compose the same for that purpose.
- Bois Blanc Island Light-house grant bill ; and,  
Gibraltar Point Light-house grant bill, read second time ;
- And referred to the Select Committee upon Presque Isle Point Light-house erection bill.
- Deacon's relief bill, read second time ;
- And referred to a Select Committee.  
Members composing same.

Saturday, 16th April, 1836.

SIR FRANCIS BOND HEAD, K. C. H. *Lieutenant Governor.*

Pursuant to the order of the day, the Bill entitled, "An Act for the relief of Joseph Turton," was read a second time; and it was,

Turton's relief bill, read second time;

Ordered, that the same be referred to the Select Committee upon the last mentioned Bill.

And referred to the last-mentioned Committee.

Pursuant to the order of the day, the Bill entitled, "An Act granting a further sum of money for the purchase of a Steam Dredging Machine," was read a second time; and it was, Ordered, that the same be referred to a Select Committee to report thereon; and,

Steam-Dredging Machine further grant bill, read second time;

Ordered, that the Honorable Messieurs Dickson and Macaulay, do compose the same for that purpose.

And referred to a Select Committee. Members composing same.

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

House adjourns.

SATURDAY, 16th APRIL, 1836.

The House met pursuant to adjournment.

House meets.

PRESENT :

The Honorable JOHN B. ROBINSON, SPEAKER.

The Honorable Messrs. BOSWELL,

The Honorable Messrs. DICKSON,

" " ADAMSON,

" " CROOKSHANK,

" " CROOKS,

" " McDONELL,

" " STEWART,

" " ELMSLEY,

" " MORRIS,

" " BALDWIN,

" " MACAULAY,

" " HAMILTON,

" " VANKOUGHNET.

Members present.

Prayers were read.

The Minutes of yesterday were read.

Pursuant to the order of the day, the Bill entitled, "An Act to incorporate sundry persons under the style and title of the Gananoque and Wiltsie Navigation Company;" also the Bill entitled, "An Act granting a sum of money to complete the payment of the War Losses;" also the Bill entitled, "An Act to authorise the Commissioners of the late pretended Bank of Kingston to dispose of certain real estate, and for other purposes therein mentioned;" and also the Bill entitled, "An Act to incorporate a Company to construct a Rail-road from Burlington Bay to Lake Huron," were severally read a third time, and passed.

Gananoque Navigation bill;  
War Loss grant bill;  
Late pretended Bank of Kingston real estate sale bill; and  
Burlington Bay and Lake Huron Rail-road bill, read third time and passed.  
Same signed;

Whereupon the Speaker signed the same; and it was,

Ordered, that the Master in Chancery do go down to the Assembly, and acquaint that House, that the Legislative Council has passed these Bills without any amendment.

And the Assembly acquainted thereof.

Pursuant to the order of the day, the House was again put into a Committee of the whole upon the Bill entitled, "An Act to incorporate certain persons under the style and title of the Cayuga Bridge Company," and the report of the Select Committee thereon.

Cayuga Bridge Company's incorporation bill, re-committed.

The Honorable Mr. Crooks took the Chair.

After some time the House resumed.

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

Reported.

Ordered, that the report be received; and

Adopted.

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

On motion made and seconded; it was,

Ordered, that on Monday next the House be again put into a Committee of the whole to take the Bill entitled, "An Act to incorporate sundry persons under the style and title of the President, Directors and Company, of the Bank of the Niagara District," into further consideration.

Pursuant to the order of the day, the House was put into a Committee of the whole upon the Bill entitled, "An Act granting a sum of money in support of the Provincial Penitentiary, and for other purposes therein mentioned."

Penitentiary grant bill committed.

The Honorable Mr. Adamson took the Chair.

After some time the House resumed.

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

Reported.

Ordered, that the report be received; and,

Adopted.

Saturday, 16th April, 1836.

SECOND SESSION TWELFTH PROVINCIAL PARLIAMENT, 6th WILLIAM IV.

- Ordered, that the said Bill be read a third time on Monday next.
- A Member enters. The Honorable Mr. Allan enters.
- Township Agricultural Societies grant bill, committed. Pursuant to the order of the day, the House was put into a Committee of the whole, upon the Bill entitled, "An Act to establish Township Agricultural Societies, and to grant a sum of money in aid of the same."
- House resumes. The Honorable Mr. Morris took the Chair. After some time the House resumed.
- Report of the Select Committee appointed to present an Address to His Excellency, upon the Contingencies of the Legislature. The Honorable Mr. Morris, from the Select Committee appointed to present an Address to His Excellency the Lieutenant Governor, on the subject of the contingent expenses of the Legislature; reported that His Excellency had been pleased to receive the same, and to return thereto the following reply:
- His Excellency's reply. GENTLEMEN,  
I will give great attention to the suggestions contained in your Address.
- General Light-house grant bill, committed. Pursuant to the order of the day, the House was put into a Committee of the whole upon the Bill entitled, "An Act granting to His Majesty a sum of money for the support of Light-houses in this Province."
- Reported. The Honorable Mr. Macaulay took the Chair. After some time the House resumed. The Chairman reported that the Committee had gone through the said Bill, and recommended the same without any amendment to the adoption of the House.
- Adopted. Ordered, that the report be received; and,  
Ordered, that the said Bill be read a third time on Monday next.
- Hall's remuneration bill, committed. Pursuant to the order of the day, the House was put into a Committee of the whole upon the Bill entitled, "An Act to remunerate Francis Hall, Esquire, Civil Engineer, for professional services on the Burlington Bay Canal."
- A resolution reported. The Honorable Mr. Vankoughnet took the Chair. After some time the House resumed. The Chairman reported, that the Committee had gone through the said Bill, and had agreed to a Resolution, which they recommended to the adoption of the House.
- Read first time. Ordered, that the Report be received; and,  
The said Resolution was then read by the Clerk, as follows;  
*Resolved*,—That this House do concur in the Report of the Select Committee of last session appointed to inquire into the subject matter of this Bill.
- The resolution for adopting the report of last Session. The said Resolution being read a second time, and the question of concurrence put thereon, it was agreed to by the House; and it was,  
*Resolved*—That this House do concur in the Report of the Select Committee of last session appointed to inquire into the subject matter of this Bill.
- Read second time and adopted. Pursuant to notice, the Honorable Mr. Elmsley moved that presently the House be put into a Committee of the whole, to take into consideration the Bill entitled, "An Act to amend and extend the provisions of an Act passed in the fourth year of His Majesty's reign, entitled, "An Act to incorporate certain persons under the style and title of the London and Gore Rail Road Company, and to grant to the said Company the privilege of Banking,"—which being seconded:
- And the report concurred in. The question of concurrence was put, and carried in the affirmative; and it was,  
Ordered, that presently the House be put into a Committee of the whole to take into consideration the said Bill.
- Motion for referring London and Gore Rail-road Company's Banking bill to a Committee of the whole. The House was then put into a committee of the whole accordingly.  
The Honorable Mr. Boswell took the Chair.  
After some time the House resumed.
- Question put and carried. The Chairman reported that the Committee had taken the said Bill into consideration, had made some progress therein, and recommended that the same be referred to a Select Committee, with power to send for persons and papers, and to report thereon by amendment or otherwise.
- The bill committed. Ordered, that the report be received; and,
- Reported;

Saturday, 16th April, 1836.

SIR FRANCIS BOND HEAD, K. C. H. *Lieutenant Governor.*

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

And referred to a select committee.

Ordered, that the Honorable Messieurs Elmsley, and Hamilton, do compose the same for that purpose.

Members composing same.

Pursuant to the order of the day, the Bill entitled, "An Act to incorporate certain persons under the style and title of the Hamilton Water Works Company;" also the Bill entitled, "An Act to provide for holding elections throughout this Province;" and also a Bill entitled, "An Act to amend and extend the provisions of An Act passed during the last Session of the Provincial Legislature, entitled, 'An Act to reduce to one Act of Parliament the several laws relative to the appointment and duties of Township Officers in this Province, except an Act passed in the fourth year of the Reign of William the Fourth, chapter twelve, entitled, 'An Act to regulate Line Fences and Water Courses, and to repeal so much of an Act passed in the thirty-third year of the reign of His late Majesty King George the Third, entitled, 'An Act to provide for the nomination and appointment of Parish and Town Officers within this Province, as relates to the office of Fence Viewers, being discharged by Overseers of Highways and Roads;" were severally read a second time; and it was,

Hamilton Water Works Company's bill; General Election provision bill; and

Township Officers' law amendment bill, read second time.

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

Pursuant to the order of the day, the Bill entitled, "An Act to repeal and amend the several Assessment Laws of this Province, so far as the same relate to, or affect the City of Toronto, or the liberties thereof;" was read a second time; and it was,

Toronto Assessment Law amendment bill, read second time;

Ordered, that the same be referred to a Select Committee to report thereon by amendment or otherwise; and,

And referred to a Select Committee.

Ordered, that the Honorable Messieurs Crookshank and Allan, do compose the same for that purpose.

Members composing same.

The Honorable Mr. Baldwin from the Select Committee, to whom was referred the Bill entitled, "An Act for the relief of John McMillan,"—presented their report:

Report of the Select Committee upon McMillan's relief bill, presented.

Ordered, that it be received; and,

The same was then read by the Clerk as follows:

Read.

The Select Committee, to whom was referred the Bill sent up from the Commons House of Assembly, entitled, "An Act for the relief of John McMillan,"—beg leave to report:

That they have examined the Provision contained in the said Bill, as also various certificates and other documents, proving the faithful service of the said John McMillan, whilst belonging to the militia of this Province—and that they have also perused his discharge from a Scotch Fencible Regiment, in which he had served fourteen years with credit to himself.

The Report.

Your Committee therefore, from the very satisfactory evidence of his claim, respectfully recommend the Bill to the adoption of your Honorable House.

All which is humbly submitted,

*Legislative Council Committee Room,*

Sixteenth day of April, 1836.

On motion made and seconded; it was,

Ordered that the last mentioned Bill and the Report of the Select Committee thereon, be committed to a Committee of the whole House on Monday next.

The Honorable Mr. Elmsley, from the Select Committee to whom was referred the Bill entitled, "An Act for erecting a Suspension Bridge over the Niagara River, at or near Queenston, in Upper Canada,"—presented their report:

Report of the select Committee upon Niagara River suspension bridge erection bill, presented.

Ordered, that it be received; and,

The same was then read by the Clerk as follows:

Read.

The Select Committee to which has been referred the Bill entitled, "An Act for erecting a Suspension Bridge over the Niagara River, at or near Queenston in Upper Canada."

The Report.

Respectfully report as follows:

The object of this Bill is not less novel in this part of the world than the scheme is bold and enterprising.

Saturday, 15th April, 1836.

SECOND SESSION TWELFTH PROVINCIAL PARLIAMENT, 6th WILLIAM IV.

It is proposed to throw a Chain Suspension Bridge across the Niagara River, from the bank at Queenston in this Province, to the opposite Bank at Lewiston in the United States; thus obviating the necessity of using the ferry, which is occasionally obstructed by the ice, and greatly facilitate at all times the intercourse between the two countries.

As the abutments of this Bridge would respectively rest on the banks of the river which forms the boundary between the British and American territories, it has been found advisable by the projectors to seek at the same time for Acts of Incorporation in the State of New York, which your Committee understand has been granted; and in Upper Canada,

By the parties interested it was thought advisable, that the Bill should be framed as much resembling the New York Act, as could be well done; it in consequence differs materially in respect to phraseology and general style of enactment from the laws in the Provincial Statute Book.

After an attentive examination of the Bill, your Committee have discovered nothing to remark upon, which will not strike the minds of all the members of your Honorable House, on its being read in Committee, except that no special provision has been made respecting the Military Reserve on the Bank of the River, which is understood to be in the possession of the Ordnance Department.

All which is respectfully submitted.

(Signed,)

J. ELMSLEY,  
Chairman.

Legislative Council Committee Room,  
16th April, 1836.

On motion made and seconded; it was,

Ordered, that on Monday next, the House be put into Committees of the whole upon the last mentioned Bill, together with the Report of the Select Committee thereon.

Second report of the  
Select Committee upon  
General road grant  
bill, presented.

The Honorable Mr. Baldwin, from the Select Committee to whom was referred the Bill entitled, "An Act granting to His Majesty a sum of money, for the improvement of Roads and Bridges in the several Districts of this Province,"—presented their second report.

Ordered, that it be received; and,

Read.

The same was then read by the Clerk as follows:

The Report

The Select Committee to whom was referred the Bill from the Assembly entitled, "An Act granting to His Majesty a sum of money for the improvement of Roads and Bridges in the several Districts of this Province,"—beg leave to report:

That under the instruction of your Honorable House to ascertain "whether there are disposable funds to meet the grant contemplated by the Bill,"—addressed a note to the chairman of the Committee of Finance of the House of Assembly, who in reply stated that the Legislature could appropriate £100,000 to any use they might consider necessary and proper.—They have also the assurance of His Majesty's Receiver General, that, that sum might be so applied without embarrassing the financial concerns of the Province. That the said sum arises out of the Loan which the said Receiver General made in London last year, under the provision of an Act to borrow £400,000 sterling, for various purposes therein mentioned, after reserving the grant made to the Saint Lawrence, and other objects provided for by the Laws now in force.

The Select Committee have also before them the answer of His Excellency the Lieutenant Governor to an Address of your Honorable House, which states, that the only source from which the information required by said Address could be derived, are the accounts of the District Treasurers, which as far as have been received to the present time, have been transmitted to the House of Assembly during the present Session.

All which is respectfully submitted,

(Signed,)

A. BALDWIN,  
Chairman.

Committee Room, Legislative Council,  
15th April, 1836.



Saturday, 16th April, 1836.

SIR FRANCIS BOND HEAD, K. C. H. *Lieutenant Governor.*

On motion made and seconded, it was,

Ordered, that the last mentioned Bill and the second Report thereon, be referred to a Committee of the whole House on Monday next.

The Honorable Mr. Elmsley from the Select Committee to whom was referred the Bill entitled, "An Act granting a sum of money to be expended in the erection of a Light-house on Presqu'isle Point, in the District of Newcastle;" also the Bill entitled, "An Act granting three hundred pounds, towards the completion of a Light House on Bois Blanc Island, in the Western District;" and also the Bill entitled, "An Act granting to His Majesty the sum of one hundred pounds, for the purpose of repairing the dwelling-house of the Light House keeper on Gibraltar Point, in the Home District,"—presented their report:

Report of the Select Committee upon Presque Isle Point Light-house erection bill; Bois Blanc Island Light-house grant bill; and, Gibraltar Point Light-house grant bill, presented.

Ordered, that it be received; and,

The same was then read by the Clerk as follows:

Read.

The Select Committee to which was referred the Bill entitled, "An Act granting a sum of money to be expended in the erection of a Light House on Presqu'isle Point, in the District of Newcastle"; and also the Bill entitled, "An Act granting three hundred pounds, towards the completion of a Light-house on Bois Blanc Island, in the Western District;" and also the Bill entitled, "An Act granting to His Majesty the sum of one hundred pounds, for the purpose of repairing the Dwelling-house of the Light-house Keeper on Gibraltar Point, in the Home District"—respectfully report:

The report.

That upon obtaining the evidence of intelligent Ship-masters, who have navigated Lake Ontario for several years past, upon the subject of the first named bill, it appears to your Committee that the Light-house required for the Harbor of Presqu'isle would be erected and furnished for a sum far smaller than that provided for the purpose by the bill. The Light could only be of service to vessels entering or leaving the Harbor.

Vessels passing up or down the Lake would rather be embarrassed than benefitted by a large light on Presqu'isle, unless it was constructed on the revolving principle, or was of a different colour to those on the False Ducks or on Long Point, or to that erecting on Gull Island, either of which principles would involve an expense which the necessity of the present case will, in the opinion of your Committee, by no means warrant.

Your Committee therefore, for these reasons, cannot recommend your Honorable House to concur in this Bill.

With respect to the Bois Blanc Island Light-house Bill, your Committee find that the sum of £800 was granted by the Legislature at its last Session, to erect and furnish the same. The Commissioners advertised for tenders of contract, but the lowest tender exceeded the amount of the grant, by nearly £300; they therefore were compelled to defer the commencement of the work until they had reported to the Lieutenant Governor, for the information of the Legislature, in order that further aid might be extended, if advisable. The object of the Bill is to provide for the difference between the late grant and the lowest contract; and from the evident necessity of a Light House on that part of Lake Erie, and the inability of the Commissioners to procure lower tenders, your Committee recommend this Bill to the favorable consideration of your Honorable House.

The remaining Bill has for its object the repairs of the dwelling house of the Light House keeper on Gibraltar Point, at the Port of Toronto: Your Committee find that similar provision has been made in the case of other Light House keepers in several parts of the Province; and they are of opinion, that the sum provided in the Bill will not be more than sufficient to meet the end intended—and therefore recommend this Bill also to the favorable consideration of your Honorable House.

All which is respectfully submitted,

(Signed,)

J. ELMSLEY,

Chairman.

Committee Room, Legislative Council,

April 16th, 1836.

On motion made and seconded; it was,

U.2

Monday, 18th April, 1836.

SECOND SESSION TWELFTH PROVINCIAL PARLIAMENT, 6th WILLIAM IV.

Ordered that the House be put into a Committee of the whole presently upon the Bill entitled, "An Act granting three hundred pounds towards the completion of a Light House on Bois Blanc Island, in the Western District,"—and the report thereon.

Bois Blanc Light-house bill, committed.

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

The Honorable Mr. Baldwin took the Chair.

After some time the House resumed.

Reported.

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

Adopted.

Ordered, that the report be received; and,

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

On motion made and seconded; it was,

Ordered, that the House be again put into a Committee of the whole presently upon the Bill entitled, "An Act granting a sum of money to be expended in the erection of a Light House on Presqu'isle Point, in the District of Newcastle," and the report of the Select Committee thereon.

Presqu'isle Point Light-house erection bill, committed.

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

The Honorable Mr. Hamilton took the Chair.

After some time the House resumed.

Reported:

The Chairman reported that the Committee had gone through the said Bill and Report of the Select Committee, and recommended the said report to the adoption of the House.

Ordered, that the Report be received; and,

Ordered, that the said Report of the Select Committee be adopted.

On motion made and seconded; it was,

And the report of the Select Committee adopted.

Gibraltar Point Light-house grant bill, committed.

Ordered, that the House be put into a Committee of the whole presently upon the Bill entitled, "An Act granting to His Majesty the sum of one hundred pounds, for the purpose of repairing the dwelling house of the Light House keeper on Gibraltar Point, in the Home District,"—and the report of the Select Committee thereon.

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

The Honorable Mr. Stewart took the Chair.

After some time the House resumed.

Reported.

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

Adopted.

Ordered, that the Report be received; and,

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

House adjourns.

On motion made and seconded, the House adjourned until Monday next, at the hour of ten of the clock, A. M.

MONDAY, 18th APRIL, 1836.

House meets.

The House met pursuant to adjournment.

PRESENT:

Members present.

*The Honorable* JOHN B. ROBINSON, SPEAKER.  
*The Honorable* Mr. CROOKSHANK,  
*The Hon. & Ven. The* ARCHDEACON OF YORK.  
*The Honorable Messrs.* McDONELL,  
 " " ELMSLEY,  
 " " BALDWIN.  
 " " HAMILTON.

*The Honorable Messrs.* BOSWELL,  
 " " ADAMSON,  
 " " CROOKS,  
 " " STEWART,  
 " " MORRIS.  
 " " MACAULAY.  
 " " VANKOUGHNET.

Prayers were read,

The Minutes of Saturday were read.

Cayuga Bridge Company's incorporation bill;

Penitentiary grant bill;

General Light House grant bill;

Pursuant to the order of the day, the Bill entitled, "An Act to incorporate certain persons under the style and title of the Cayuga Bridge Company;" also the Bill entitled, "An Act granting a sum of money in support of the Provincial Penitentiary, and for other purposes therein mentioned;" also the Bill entitled, "An Act granting to His Majesty a sum of money for the support of Light Houses in this Province;" also the Bill entitled, "An Act granting

Monday, 18th April, 1836.

SIR FRANCIS BOND HEAD, K. C. H. *Lieutenant Governor.*

three hundred pounds towards the completion of a Light House on Bois Blanc Island in the Western District ;" and also the Bill entitled, " An Act granting to His Majesty the sum of one hundred pounds, for the purpose of repairing the dwelling house of the Light House keeper on Gibraltar Point, in the Home District ;" were severally read a third time and passed :

Bois Blanc Island Light-house grant bill; And Gibraltar Point Light-house grant bill, read third time and passed.

Whereupon the Speaker signed the same ; and it was,

Same signed ;

Ordered, that the Master in Chancery do go down to the Assembly, and acquaint that House, that the Legislative Council has passed these Bills without any amendment.

And the Assembly acquainted thereof.

Pursuant to the order of the day, the House was again put into a Committee of the whole upon the Bill entitled, " An Act to amend the Law respecting Imprisonment for Debt."

Debtors' imprisonment amendment bill, recommitted.

The Honorable Mr. Crookshank took the Chair.

After some time the House resumed.

House resumes.

Pursuant to the order of the day, the House was again put into a Committee of the whole upon the Bill entitled, " An Act to incorporate sundry persons under the style and title of the President, Directors, and Company of the Bank of the Niagara District."

Niagara District Bank incorporation bill, re-committed.

The Honorable Mr. Hamilton took the Chair.

A Message being announced, the Chairman left the Chair, and the House formed.

A Deputation from the Commons House of Assembly brought up a Bill, to which they requested the concurrence of this House, and they returned a Bill, and acquainted this House that the Commons House of Assembly had acceded to the amendments made by the Legislative Council in and to the same, and then withdrew.

A bill brought up from the Assembly, and a bill returned, with the amendments acceded to.

The House was then again put into a Committee of the whole upon the Bill entitled, " An Act to incorporate sundry persons under the style and title of the President, Directors and Company, of the Bank of the Niagara District."

Niagara District Bank incorporation bill, re-committed.

The Honorable Mr. Hamilton took the Chair.

After some time the House resumed.

The Chairman reported that the Committee had taken the said Bill into consideration, had made some further progress therein, and recommended that it be referred to a Select Committee, with power to send for persons and papers, and to report thereon by amendment or otherwise.

Reported ;

Ordered, that the report be received ; and,

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

And referred to a select committee.

Ordered, that the Honorable Messieurs Baldwin, Crooks, and Morris, do compose the same for that purpose.

Members composing same.

The Honorable the Speaker reported to the House, that a Deputation from the Commons House of Assembly had brought up a Bill entitled, " An Act to continue the improvement of certain Roads in the Home District,"—to which they requested the concurrence of this House, and that they had returned the Bill entitled, " An Act to amend an Act passed in the fourth year of His present Majesty's Reign, entitled, ' An Act to establish a Board of Police in the Town of Belleville, and to make further provisions for the establishment of a Police in said Town ;" and acquainted this House, that the Commons House of Assembly had acceded to the amendments made by the Legislative Council in and to the same.

Toronto roads improvement bill brought up from the Assembly.

Amendments to Belleville Police law amendment bill, acceded to by that House.

The Bill entitled, " An Act to continue the improvement of certain Roads in the Home District ;"—was then read ; and it was,

Toronto Roads improvement bill, read first time.

Ordered, that the forty-fourth rule of this House be dispensed with as it regards this Bill, and that the same be read a second time presently.

Forty-fourth rule dispensed with.

The said Bill was then read a second time accordingly ; and it was,

Bill read second time.

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

Pursuant to the order of the day, the House was put into a Committee of the whole upon the Bill entitled, " An Act to incorporate certain persons under the style and title of the Hamilton Water Works Company."

Hamilton Water Works Company's bill, committed.

The Honorable Mr. Elmsley took the Chair.

After some time the House resumed.

The Honorable Mr. Allan enters.

A Member enters.

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Reported.

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

Adopted.

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

Report of the Select Committee upon Gull Island Light-house amendment bill, presented.

The Honorable Mr. Crooks from the Select Committee to whom was referred the Bill entitled, "An Act to amend an Act passed in the first Session of the present Parliament, entitled, 'An Act granting a sum of money for the erection of a Light House on Gull Island, or such other place as the Commissioners may select,'"—presented their report:

Ordered, that it be received; and,

Read.

The same was then read by the Clerk as follows:

The Report.

The Select Committee to whom was referred the Bill sent up from the Commons House of Assembly, entitled, "An Act to amend an Act passed in the first Session of the present Parliament, entitled, 'An Act granting a sum of money for the erection of a Light House on Gull Island, or such other place as the Commissioners may select,'"—beg leave to report:

That the objects of the Bill seem to be to displace three Commissioners appointed by the Legislature last Session to superintend the said work, and to replace them by others: To discontinue a certain suit at Law, brought by said Commissioners against the Contractor for erecting the said Light House, in consequence of a failure on his part to fulfil the conditions of his contract, until the first day of September next, unless the work be sooner completed: To pay the costs incurred in prosecuting said suits, out of the money granted for erecting the said Light House—And lastly, to oblige the Commissioners to pay over to those proposed to replace them, all monies which may remain in their hands.

Your Committee are made aware, that difficulties have existed between the Commissioners and Contractor, by the Report of the former, and Affidavits of the latter, and persons employed under him, but have not sufficient information before them to enable them to give a decisive opinion on the matters in dispute—certainly none to justify their recommending to your Honorable House so objectionable a course as to displace the said Commissioners—a course which if adopted, would entail upon them a censure of the severest kind, and that without being heard in their own justification.

That the Commissioners in so immediately bringing a suit at Law against the Contractor, and without any reference to the Executive Government of the Province, may have acted precipitately, your Committee are disposed to believe, more particularly, as it appears that the past season was one extremely unfavorable to the operations necessary to be carried on—and the Contractor was deceived in the expectation, that materials for constructing the Light House could be procured upon the Island, whereas a proportion was obliged to be brought from Kingston, at considerable additional expense. He was also necessitated to build a house for his workmen upon the Island, and to construct piers to receive the materials, expenses which he was not aware it would be necessary to incur.

Viewing the matter as it has come to their knowledge, your Committee beg leave to recommend, that the Bill referred to them be not concurred in, but that an Address be presented to His Excellency the Lieutenant Governor, praying that he would be pleased to direct the said Commissioners to discontinue said suit at law; and further, that the said Contractor be allowed to proceed with the work, taking security for its completion by the first of September next, leaving to the judgment of the Legislature hereafter, whether the Contractor was entitled to any further sum over that for which he had undertaken to complete the work.

Your Committee beg leave further to report that the Commissioners in their report to the Lieutenant Governor, recommend a further grant of £250, to build a House for the person attending the Light to live in—an expense which may in some degree be saved by using that erected by the Contractor for his workmen, provided it is substantially built and fit for that purpose, allowing him therefor a fair and reasonable compensation.

All which is respectfully submitted.

(Signed,)

JAMES CROOKS,  
Chairman.

Committee Room, Legislative Council,  
18th April, 1836.

Monday, 18th April, 1836.

SIR FRANCIS BOND HEAD, K. C. H. *Lieutenant Governor.*

On motion made and seconded ; it was,

Ordered, that the last mentioned Bill and the Report of the Select Committee thereon, be referred to a Committee of the whole House on this day.

On motion made and seconded the House adjourned at noon, until the hour of three of the clock this day. House adjourns.

At Three of the clock, P. M., the House met. House meets.

PRESENT :

<p><i>The Honorable</i> JOHN B. ROBINSON, <i>SPEAKER.</i>  <i>The Honorable Messrs.</i> CROOKSHANK,          " " ALLAN,          " " McDONELL,          " " ELMSLEY,          " " BALDWIN,          " " HAMILTON,</p>	<p><i>The Honorable Messrs.</i> BOSWELL,          " " ADAMSON,          " " CROOKS,          " " STEWART,          " " MORRIS,          " " VANKOUGHNET,          " " MACAULAY.</p>	<p>Members present.</p>
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Pursuant to the order of the day, the House was put into a Committee of the whole upon the Bill entitled, "An Act to provide for holding Elections throughout this Province." General Election provision bill, committed.

The Honorable Mr. Baldwin took the Chair.

After some time the House resumed.

The Chairman reported, that the Committee had taken the said Bill into consideration, and had made some progress therein, and had agreed to a Resolution, which they recommended to the adoption of the House. A resolution reported.

Ordered, that the report be received ; and

The said Resolution was then read by the Clerk as follows : Read first time.

*Resolved*—That a measure of the great importance and varied matter of the Bill under consideration, cannot at this stage of the Session, obtain the deliberate attention of this House in a manner which the subject calls for. The resolution for not proceeding with the bill.

If the House should entertain the principle of the Bill, and deem it expedient to alter the present laws respecting Elections, the details require much amendment to make it suitable to the Province, and to correct many inaccuracies.

The said Resolution being read a second time, and the question of concurrence put thereon, it was agreed to by the House. Read second time and adopted.

On motion made and seconded ; it was,

Ordered, that the Honorable Messieurs Adamson and Crooks be added to the Select Committee appointed to report upon a certain Address of the Assembly to His Majesty, complaining of the rejection by the Council of various Bills. Members added to the Select Committee appointed to report upon the Address of the Assembly to the King, complaining of the rejection by the Council of various bills.

Pursuant to the order of the day, the House was put into a Committee of the whole upon the Bill entitled, "An Act to amend and extend the provisions of An Act passed during the last Session of the Provincial Legislature, entitled, 'An Act to reduce to one Act of Parliament the several laws relative to the appointment and duties of Township Officers in this Province, except an Act passed in the fourth year of the Reign of William the Fourth, chapter twelve, entitled, 'An Act to regulate Line Fences and Water Courses, and to repeal so much of an Act passed in the thirty-third year of the reign of His late Majesty King George the Third, entitled, 'An Act to provide for the nomination and appointment of Parish and Town Officers within this Province, as relates to the office of Fence Viewers, being discharged by Overseers of Highways and Roads.'" Township Officers' law amendment bill, committed.

The Honorable Mr. Macaulay took the Chair.

After some time the House resumed.

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

Ordered, that the Report be received ; and,

The said amendments were then read by the Clerk, as follows ; Read first time.

Press 2, Line 21.—After "three" insert, "nor the Town Clerk, for any number of days over ten." The amendments.

" 3, " 1.—After "with" insert, "an account of."

X. 2.

Monday, 18th April, 1836.

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Press 3, Line 3.—After “inspection” insert, “and immediately thereafter the said accounts shall be transmitted by the said Town Clerk to the Treasurer of the District, to be laid before the Magistrates in Quarter Sessions.”

“ “ —Expunge the last clause and insert, “5. And whereas by the twenty-third clause of the said Act, passed in the fifth year of His present Majesty’s reign, it is provided that, the Collectors shall in each year collect the assessments imposed for the previous year, which provision is inapplicable and inconvenient ; be it therefore enacted by the authority aforesaid, that so much of the said clause as requires the Collector for each year to collect the assessments made for the previous year, be and the same is hereby repealed ; and that the Collectors chosen for each year shall be authorised and required to collect the assessments for that year in which they are chosen to serve, any former law to the contrary notwithstanding ”

Read second time and adopted.

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

Ordered, that they be engrossed, and the said Bill as amended read a third time this day.

McMillan’s relief bill, committed.

Pursuant to the order of the day, the House was put into a Committee of the whole upon the Bill entitled, “ An Act for the relief of John McMillan,” and the report of the Select Committee thereon.

The Honorable Mr. Allan took the Chair.

After some time the House resumed.

Reported.

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

Adopted.

Ordered, that the report be received ; and,

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

Niagara River suspension bridge bill, committed.

Pursuant to the order of the day, the House was put into a Committee of the whole upon the Bill entitled, “ An Act for erecting a Suspension Bridge over the Niagara River, at or near Queenston, in Upper Canada,” and the report of the Select Committee thereon.

The Honorable Mr. Hamilton took the Chair.

After some time the House resumed.

Reported.

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

Adopted.

Ordered, that the report be received ; and,

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

Toronto Roads improvement bill, committed.

Pursuant to order the House was put into a Committee of the whole upon the Bill entitled, “ An Act to continue the improvement of certain Roads in the Home District.”

The Honorable Mr. Elmsley took the Chair.

After some time the House resumed.

Reported.

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

Adopted.

Ordered, that the Report be received ; and,

Ordered, that the said Bill be read a third time presently.

Read third time and passed.

The Bill was then read a third time accordingly and passed.

Whereupon the Speaker signed the same ; and it was,

Same signed ; And the Assembly acquainted thereof.

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

Township Officers’ law amendment bill, as amended, read third time and passed.

Pursuant to order, the Bill entitled, “ An Act to amend and extend the provisions of an Act passed during the last Session of the Provincial Legislature, entitled, ‘ An Act to reduce to one Act of Parliament the several Laws relative to the appointment and duties of Township Officers in this Province, except an Act passed in the fourth year of the reign of William the Fourth, chapter twelve, entitled, ‘ An Act to regulate Line Fences and Water Courses, and to repeal so much of an Act passed in the thirty-third year of the reign of His late Majesty King George the Third, entitled, ‘ An Act to provide for the nomination and appointment of Parish and Town Officers within this Province, as relates to the office of Fence

Monday, 18th April, 1836.

SIR FRANCIS BOND HEAD, K.C.H. *Lieutenant Governor.*

Viewers being discharged by Overseers of Highways and Roads," was, as amended, read a third time; and,

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

Whereupon the Speaker signed the amendments; and it was,

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

Pursuant to the order of the day, the House was again put into a Committee of the whole upon the Bill entitled, "An Act granting to His Majesty a sum of money for the improvement of Roads and Bridges in the several Districts of this Province,"—and the second Report of the Select Committee thereon.

The Honorable Mr. Morris took the Chair.

After some time the House resumed.

The Chairman reported that the Committee had taken the said Bill into further consideration, and recommended that it be referred to another Select Committee, with instructions to reduce the grant to twenty thousand pounds, and to report thereon.

Ordered, that the Report be received; and,

Ordered, that the said Bill be referred to another Select Committee, with instructions to reduce the grant to twenty thousand pounds, and to report thereon; and,

Ordered, that the Honorable Messieurs Crooks, Macaulay and Vankoughnet, do compose the same for that purpose.

The Honorable Mr. Crookshank from the Select Committees to whom was referred the Bill entitled, "An Act to repeal and amend the several Assessment Laws of this Province, so far as the same relate to, or affect the City of Toronto, or the liberties thereof;" and also, the Bill entitled, "An Act to repeal certain parts of, and to amend an Act passed in the fourth year of His Majesty's Reign, entitled, "An Act to extend the limits of the Town of York, to erect the said Town into a City, and to incorporate it under the name of the City of Toronto, and for other purposes therein mentioned,"—presented their reports.

Ordered, that they be received; and,

The same were then severally read by the Clerk as follows:

The Select Committee to whom has been referred the Bill sent up from the Assembly, entitled, "An Act to repeal and amend the several Assessment Laws of this Province, so far as the same relate to, or affect the City of Toronto, or the liberties thereof;"—beg leave to report:

That the provisions of the Bill embrace such extensive and material alterations in the Assessment Laws, both in amount of rates, and mode of collection, as it regards the inhabitants of the City of Toronto, that if there was no other objection to proceed to its further discussion, your Committee fear that at this late period of the Session, time could not be afforded to give to its details that attentive consideration its importance requires: But your Committee have likewise to notice a substantial objection to proceeding further in it during the present Session, namely, that it does not appear to have been asked for by the inhabitants, at least no Petition is before your Honorable House to that purport; and your Committee cannot think it right to impose such heavy additional taxes on a portion of this Province, as would fall upon the citizens of Toronto, were this Bill to pass, without affording them an opportunity of expressing their sentiments and wishes on the subject. Your Committee therefore recommend that the measure lay over until the next Session, and in the meantime the Bill be printed for public information.

All which is respectfully submitted.

(Signed.)

GEO. CROOKSHANK,

*Chairman.*

*Committee Room, Legislative Council,*

18th day of April, 1836.

The Select Committee to whom was referred the Bill entitled, "An Act to repeal certain parts of, and to amend an Act passed in the fourth year of His Majesty's Reign, entitled,

Amendments signed;

And sent to the Assembly for concurrence.

General road grant bill, re-committed.

Reported.

And referred to another Select Committee.

Members composing same.

Reports of the Select Committees upon Toronto assessment law amendment bill;

And Toronto incorporation amendment bill, presented.

Read.

The report upon Toronto assessment law amendment bill.

The Report upon Toronto incorporation amendment bill.

Monday, 18th April, 1836.

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"An Act to extend the limits of the Town of York, to erect the said Town into a City, and to incorporate it under the name of the City of Toronto, and for other purposes therein mentioned,"—respectfully report :

That this Bill embraces various and highly important subjects affecting the manner of electing the Mayor, and the extent of his qualifications, and also the qualifications of electors of Aldermen and Common Council-men, and manner of electing those persons.

The provisions are of so great importance, and affect the interests of the inhabitants of this City so deeply, and involve so many considerations, that your Committee cannot at this very advanced period of the Session, and with the vast accumulation of other business before the House, attempt to enter into an investigation of the merits of the Bill ; and they are more particularly induced to desist from such investigation by the consideration, that no Petition from the inhabitants of the City, has been presented to the Legislative Council on this subject; and they are not aware that such changes as are contemplated by the Bill, have been desired by the citizens.

All which is respectfully submitted,

(Signed,)

GEO. CROOKSHANK,

Chairman.

*Legislative Council Committee Room,*

18th day of April, 1836.

On motion made and seconded; it was,

The reports adopted.

Ordered that the last mentioned Reports of the Select Committees be severally adopted.

Report upon Turton's relief bill, presented.

The Honorable Mr. Hamilton, from the Select Committee to whom was referred the Bill entitled, "An Act for the relief of Joseph Turton,"—presented their report :

Ordered, that it be received ; and,

Read.

The same was then read by the Clerk as follows :

The Committee to whom was referred the Bill entitled, "An Act for the relief of Joseph Turton,"—report :

The report.

That they have ascertained from the Commissioners under whose direction the buildings were erected, that the claim of Joseph Turton, grows out of a disagreement between the claimant and the persons employed by the Commissioners to superintend the work.

Mr. Turton had a contract for the Brick Work, one of the conditions of which was, that the work was to be done under the superintendence of Messrs. Ewart and Parke, and paid for upon his producing their certificate of the work being in quantity and quality according to the specifications referred to in the contract.

It appears also from the testimony of Mr. Parke, now a Member of the Assembly, who has been before your Committee, that Mr. Turton's claim proposed to be paid by the grant in this Bill, is entirely without foundation.

Your Committee therefore cannot recommend it for the further consideration of your Honorable House.

All which is respectfully submitted,

(Signed,)

JOHN HAMILTON,

Chairman.

*Legislative Council Committee Room,*

18th day of April, 1836.

On motion made and seconded; it was,

Adopted.

Ordered, that the last mentioned Report of the Select Committee be adopted.

Report of the Select Committee upon Steam-Dredging Machine further grant bill, presented.

The Honorable Mr. Macaulay from the Select Committee to whom was referred the Bill entitled, "An Act granting a further sum of money for the purchase of a Steam Dredging Machine," presented their report.

Ordered, that it be received ; and,

Read.

The same was then read by the Clerk as follows :

The Report.

The Committee to which has been referred the Bill entitled, "An Act granting a further sum of money for the purchase of a Steam Dredging Machine," beg leave to report :



Monday, 18th April, 1836.

SIR FRANCIS BOND HEAD, K. C. H. *Lieutenant Governor.*

That after reading over the Bill in question, the Act of the last Session, and the Report made by the Commissioners to the Government on the 1st March last, your Committee proceeded to make further inquiry into the particulars, by the examination of Charles Duncombe, and David Thorburn, Esquires, two of the Commissioners, and Members of the Assembly, who voluntarily attended in the Committee Room.

It appears that Mr. Duncombe, according to the report, proceeded last season, as acting Commissioner, into the United States, and experienced considerable difficulty in effecting any arrangement for the purchase of such a Steam Dredging Machine as would be suitable for the purposes contemplated by the Legislature on passing the Act; in all cases it was found that the sum demanded for a good Machine, with Lighters &c. far exceeded the amount of the appropriation. At length, after visiting many places and treating with sundry individuals, Mr. Duncombe states, that he effected a contract with Messrs. Lyon & Howard, of Albany, in the State of New York, for a steam power Dredge, similar to those which that firm had constructed for the Government of the United States, and on the same terms. It is also stated, that the Contractors gave good security, and produced a certificate from the Judge of the County Court to that purport. On requesting the production of this contract your Committee were informed by Mr. Duncombe, that it has been left at his residence in Oxford, but that he wrote for it by mail on Monday last.

The amount of the sum for which the Commissioners will probably be called on is thus set forth in the report:

Dredging Machine, with improvements,.....	£2,187	10	0
Water Wheels and Machinery, &c.,.....	150	0	0
Four Common Lighters,.....	475	0	0
Two improved, do.,.....	250	0	0
Transportation of Materials estimated at.....	150	0	0
Plans &c., and extra work, estimated at.....	187	10	0
	<u>£3,400</u>	<u>0</u>	<u>0</u>

The examinations of Messieurs Duncombe and Thorburn, are appended to this Report. Mr. Overfield, the third of the Commissioners, does not appear to have had much concern in the transactions of the Board.

The money, it is said, was not all drawn from the Receiver General at the date when by Law it was required that the report should be made.

The first sum of £500 was drawn by Mr. Thorburn, in May last, and he immediately remitted it to Mr. Duncombe, then in the United States. The next sum of £1,000 was drawn by the latter, in the month of November, and the remaining sum of £500, also by the latter Gentleman, since the opening of the present Session.

According to Law the Commissioners were bound to transmit an account of the monies expended, with the vouchers, to the Lieutenant Governor, for submission before the Legislature within fifteen days of the commencement of the Session:—this part of the Act has not been complied with. Mr. Duncombe alleges, that he could not possibly conform to the provisions of the Statute, because the contract has not yet been completed. He says that he has made certain payments on account of the contract, but as the early setting in of the Winter in November last, arrested the Steam Dredge on the Canal, about one hundred and fifty miles from Oswego, the Commissioners could be prepared with no statement of expenditures or vouchers.

According to the receipts of the Contractors, laid before the Committee, it would appear that the sum appropriated by the Act of last Session has been all paid them. The following is a note taken thereof:—

Endorsed on the Contractor's Bond to the Commissioners, as stated by Mr. Duncombe, (the Bond was not before the Committee,) .....	£	250	0	0
Lyon & Howard's receipt, dated 5th March, 1836, to Mr. Duncombe, being "for the whole amount received up to that date, as per sundry receipts surrendered them," .....		1,550	0	0
Receipt of Dean S. Howard, one of the Contractors, to Mr. D., on account of the Steam Dredge Commissioners:—Toronto, 11th March, 1836, .....		200	0	0
Y 2		<u>£2,000</u>	<u>0</u>	<u>0</u>

Monday, 18th April, 1836.

SECOND SESSION TWELFTH PROVINCIAL PARLIAMENT, 6th WILLIAM IV.

This is the exact sum appropriated by the Act of last Session, "to be expended in the purchase of a Steam Dredging Machine, to be used in the further prosecution of the improvements of Burlington Bay and other public works"—and the additional sum intended to be granted by the present Bill is £1,400, which, according to the fourth clause, cannot be advanced the Commissioners "until a duplicate copy of the contract for the said Dredging Machine, together with the vouchers for the several payments made thereon, and a statement in detail shewing the whole expenditure of the sum granted last Session, duly attested under their hands, shall be transmitted to the Receiver General, and be reported duly by him to the Lieutenant Governor as being full and satisfactory."

Your Committee regret that they cannot approve of the state in which this matter has been submitted to them, yet as the importance of completing the equipment of the Vessel which is understood to be in progress at Oakville, is unquestionable, and as the sum to be granted by this Bill cannot be advanced to the Commissioners until the expenditure under the former Act shall have been fully proved to the satisfaction of a high Public Officer, the Committee think the Bill ought to pass.

A plan of the Dredging Machine is herewith submitted, which, with the report of the Commissioners, the Committee recommend to the notice of your Honorable House.

(Signed,) W. DICKSON,  
Chairman.

Legislative Council Committee Room,  
18th April, 1836.

16th April, 1836.

*The Committee met.*—CHARLES DUNCOMBE, Esquire,—Examined.

**Q. 1.**—Where is the contract entered into for the Steam Dredging Machine with Messieurs Lyon & Howard, of Albany?

**A.**—I have written for the contract which is at my house in Oxford: the letter went by mail on Monday, but I cannot tell when I shall receive an answer.

**Q. 2.**—Produce if you please a copy of the contract between the United States Government and the same Contractors, for similar Machinery supplied that Government?

**A.**—I have no copy in my hands.

**Q. 3.**—Have you submitted your accounts to the Government since the date of your Report?

**A.**—No.

**Q. 4.**—Why did you undertake to purchase a Steam Dredging Machine that would cost more than the appropriation, without the previous concurrence of the Legislature?

**A.**—It was much wanted.

**Q. 5.**—In your Report to the Lieutenant Governor you do not advert to your personal expenses in proceeding from place to place in the United States, while engaged on this service.—Be pleased to explain this matter.

**A.**—It is still open.

**Q. 6.**—Be pleased to produce the plan adverted to in your Report?

**A.**—It is here.

In answer to other questions, Dr. Duncombe in substance states, that the contract was in the first instance made in accordance with the Statute, and that the consideration money was somewhat within the appropriation, but that as the Dredge would be useless without the "Improvements, Paddle Wheels, Lighters;" &c., he determined, after consulting several Members of the Assembly, to incur the additional expense noted in the Report under that head. The total cost will probably be, as stated, £3,400, being an excess of £1,400 beyond the grant.

DAVID THORBURNE, Esquire, being questioned, declared in substance as follows:

Sundry applications for the Steam Dredge have been made to the Commissioners for its use, viz.:

Monday, 18th April, 1836.

SIR FRANCIS BOND HEAD, K. C. H. *Lieutenant Governor.*

Burlington Bay Canal,  
DesJardins do.  
Welland do.  
Port Hope Harbour.  
Crédit do.  
Oakville do.  
Forty Mile, do.

Besides others.—I think that I at the moment do not recollect where the applications were from.

I approved of Doctor Duncombe going to the States to make the purchase, he having been, by a Resolution of our House, with other two Gentlemen, authorised to obtain information during the Recess. These Commissioners having authorised the Doctor to travel for such information, I considered that it would facilitate the obtaining the Dredge, while the expense would be much less, having two Commissions to accomplish in one journey. I think that the granting of the £1,400, properly guarded in the hands of the Receiver General, not to be paid before his being satisfied that the £2,000 has been actually expended on the contract, in the manner too as the Act requires, it would at once test the correctness of Doctor Duncomb's report, of having properly and fairly and economically laid out the public money for the use as directed by the Act: likewise, it would enable the Commissioners, if all is correct in their agreement about the Machine, as made by the Doctor, to complete the Dredge, for the uses intended by the Legislature in granting the £2,000 for that purpose. But again, should this further aid not be authorised to be at the command of the Commissioners, much damage will not only accrue to the Public Works but to the Contractors; besides it ought to be considered, that the frost set in and did prevent the Machine from getting here, (to Oakville) to be built, although Colonel Chisholm informed me the Boat building and Lighters were going on at Oakville at present; but if the necessary sum is not at their command they cannot of course complete the contract, and there would be a damage in this also.

(Signed,)

DAVID THORBURNE,

*One of the Commissioners.*

16 April, 1836.

On motion made and seconded; it was,

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

The Honorable Mr. Baldwin, from the Select Committee to whom was referred the Bill entitled, "An Act to incorporate sundry persons under the style and title of the President, Directors, and Company of the Bank of the Niagara District," presented their report.

Report of the Select Committee upon Niagara District Bank incorporation bill, presented.

Ordered, that it be received; and,

The same was then read by the Clerk as follows:

Read.

The Select Committee to whom was referred the Bill sent up from the Commons House of Assembly, entitled, "An Act to incorporate sundry persons under the style and title of the President, Directors and Company, of the Bank of the Niagara District," beg leave to report:

The report.

That they have carefully examined the said Bill, and submit for the consideration of your House the following amendments:

Press 3, Line 14.—After the word "in," expunge "Saint Catharines, the Upper Canada Gazette, and one or more of the Newspapers published in the Niagara District," and insert, "in each and every District of this Province where a Newspaper is published."

" 4, " 22.—After the word "named," expunge "at Saint Catharines aforesaid," and insert, "in the said District."

" 5, " 9.—After the word "in," expunge "Saint Catharines Newspaper, Upper Canada Gazette, and one more Newspaper in the said District," and insert, "in each and every District in this Province where a Newspaper is published."

" 18.—After the word "within," expunge "the Village of Saint Catharines," and insert, "within the said District."

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Press 6 Line 3.—After the word “person,” add to the clause “And provided also, that no Stockholder shall vote at any Election by proxy who is not an inhabitant of this Province.”

“ 6 “ 16.—After the word “as,” expunge “the remainder of the Directors for the time being, or a majority of them,” and insert “as a majority of the Stockholders at a meeting to be held for that purpose.”

“ 7 “ 9.—After the word “least,” expunge “one,” and insert “three.”

“ 10 “ 18.—After the word “Assignee,” insert “or Assignees.”

“ “ “ 19.—After the word “his,” insert “her, or their,” after the word “name,” insert “or names.”

“ 11 “ 12.—After the word “transacted,” expunge “within the Village of St. Catharines in the District of Niagara,” and insert “at such place within the District of Niagara, as a majority of Stockholders shall appoint.”

“ 12 “ 4.—After the word “the,” expunge the remainder of the clause, and insert—  
“Capital Stock paid in—Bills in circulation of five dollars and upwards not bearing interest—Bills in circulation under five dollars not bearing interest—Bills and Notes in circulation bearing interest—Balance due to other Banks—Cash deposited, including all sums whatsoever due from the Bank, not bearing interest (its Bills in circulation, and balances due to other Banks excepted)—Cash deposited bearing interest—Total amount due from the Bank—of the resources of the Bank—The Gold, Silver, and other coined metals in the Banking House—Real Estate—Bills of other Banks—Balances due from other Banks—Amount of all debts due, including Notes—Bills of Exchange, and all Stock and funded debts of every description, (excepting the Balances due from other Banks)—Total amount of the resources of the Bank—rate and amount of last Dividend—amount of reserved profits at the time of declaring the last Dividend—amount of Debts due to the Bank and not paid, and considered doubtful.”

“ 12 “ 15.—After the word “the,” expunge the remainder of the clause, and insert  
“Directors of the said Bank, shall not upon pain of forfeiture of their charter, loan or advance any money, or Bills of the said Bank to any Stockholder, upon the credit of the Stock which such Stockholder or Stockholders may hold in the said Bank; but shall require from the Stockholder or Stockholders, endorsers in all respects as safe and substantial, as would be required from any applicants for discounts not being Stockholders.”

“And whereas, it is expedient to afford additional security to the public against the failure of Banks in this Province, by rendering the holders of Stock in such Banks personally liable to a certain extent beyond the amount of Stock subscribed. Be it, &c., That the Shareholders of the said Bank shall be respectively liable for the engagements of the Company, to the extent of twice the amount of their subscribed shares, including the amount of Stock so held as aforesaid.”

“And be it, &c., That the sum for which such Stockholder or Stockholders shall be so liable, beyond the amount of the original or first value of the Stock by them respectively held, shall be called in by instalments, in the same manner as such Bank may have been authorised to call in Stock originally subscribed; and in case any Stockholder or Stockholders shall neglect or refuse to pay the amount which may be so called in, the Directors of any such Bank shall be and they are hereby authorised, to sue or prosecute in its corporate name, in any of the Courts of Law in this Province for such instalments: Provided always, that such sum or sums of money which may be so called in, shall only be applied towards the payment of such debts or claims as may be

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outstanding against such Bank—and Provided also, that nothing herein contained, shall extend or be construed to extend to authorise such Directors to call in or demand any sum from the Stockholders, over and above a sum sufficient to discharge such debts and claims as may be outstanding as aforesaid.”

“And be it, &c., That in case of the failure or insolvency of any such Bank, or in case the Stockholders shall neglect or refuse to appoint Directors within three months after the time, when by law the same should be appointed; or if such Directors shall neglect or refuse to call in the several sums for which the Stockholders are so liable as aforesaid in the manner aforesaid, it shall and may be lawful for the Governor, Lieutenant Governor, or person administering the government of this Province, to name and appoint five Commissioners to manage the affairs of the said Bank, who shall have and exercise all the powers of Directors in the settlement of the affairs of the said Bank; but they shall not be authorised to carry on any other business of Banking, except the calling in of so much of the several sums for which the respective Stockholders may be liable, as shall be sufficient to discharge the sum or sums which may be due by such Bank, together with the necessary expenses attending such management.”

“And be it further enacted, &c., That it shall be the duty of the President, Directors, or Cashier of the said Bank, to allow, during the hours of business, the names of the Stockholders in the said Bank, with the amount of Stock respectively owned by them, to be taken by any Stockholder who may require the same.”

“And be it further enacted, &c., That nothing herein contained shall be taken or construed to extend, to prevent the Legislature of this Province, at any time hereafter, from making such provisions as to the amount and description of Notes which may be issued by the said Bank, as may be deemed necessary—nor shall any thing herein contained, be construed to prevent the Legislature from applying to the said Bank any provisions or restrictions which by any Act of the Parliament of this Province, may be applied or enforced with respect to any of the Banks of this Province.”

“And whereas it appears by the returns laid before the Legislature, that the number of insane persons in this Province is considerable, for whose relief and safe keeping it is necessary to provide an Asylum.—Be it further enacted, &c., That if at any time hereafter the Legislature should deem it proper to create a fund for erecting said Assylum by a Tax upon the Capital Stock of any Bank or Banks which may be by law chartered therein, or upon the additional Capital Stock granted to any Bank or Banks already chartered in this Province, not exceeding in the whole five per centum upon the Capital Stock of such Bank or Banks, or additional Capital Stock as aforesaid, and payable only out of the surplus profits after they shall have divided six per centum per annum upon the Capital Stock paid in—then, and in such case, it shall and may be lawful for the Legislature, by any Act to be passed for that purpose, to extend the provisions thereof to the Bank hereby incorporated.”

On motion made and seconded; it was,

Ordered, that the last mentioned Bill, and the Report of the Select Committee thereon, be committed to a Committee of the whole House to-morrow.

The Honorable Mr. Allan, from the Select Committee to whom was referred a certain Resolution of this House, with instructions to consider and report upon a certain Address of the Assembly to the King, complaining of the rejection by the Council of various Bills—presented their report:

Report of the Select Committee upon an Address of the Assembly to the King, complaining of the rejection by the Council of various bills presented.

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Ordered, that it be received ; and,  
 The same was then read by the Clerk as follows :  
 (*For the Report, see Appendix K.*)  
 On motion made and seconded ; it was,  
 Ordered, that the House be put into a Committee of the whole to-morrow, to take the last mentioned Report of the Select Committee into consideration.  
 On motion made and seconded, it was,  
 Ordered, that four hundred copies of the Bill entitled, "An Act to repeal and amend the several Assessment Laws of this Province so far as the same relate to, or affect the City of Toronto, or the liberties thereof;" be printed for the use of Members—together with the Report of the Select Committee thereon.  
 On motion made and seconded the House adjourned until to-morrow, at Ten of the clock, A. M.

TUESDAY, 19th APRIL, 1836.

The House met pursuant to adjournment.

PRESENT :

Members present.	<i>The Honorable</i> JOHN B. ROBINSON, SPEAKER.	<i>The Honorable Messrs.</i> BOSWELL,
	<i>The Honorable Messrs.</i> CROOKSHANK,	" " ADANSON,
	" " ALLAN,	" " STEWART,
	" " McDONELL,	" " MORRIS,
	" " HAMILTON,	" " VANKOUGHNET.

Prayers were read.

The Minutes of yesterday were read.

Pursuant to the order of the day, the Bill entitled, "An Act to incorporate certain persons under the style and title of the Hamilton Water Works Company ;" also the Bill entitled, "An Act for the relief of John McMillan," and also the Bill entitled, "An Act for erecting a Suspension Bridge over the Niagara River, at or near Queenston, in Upper Canada ;"—were severally read a third time and passed.

Same signed ;

Whereupon the Speaker signed the same ; and it was,

And the Assembly acquainted thereof.

Ordered, that the Master in Chancery do go down to the Assembly, and acquaint that House, that the Legislative Council has passed these Bills without any amendment.

Niagara District Bank incorporation bill, re-committed.

Pursuant to the order of the day, the House was again put into a Committee of the whole upon the Bill entitled, "An Act to incorporate sundry persons under the style and title of the President, Directors, and Company of the Bank of the Niagara District,"—and the report of the Select Committee thereon.

The Honorable Mr. Hamilton took the Chair.

After some time the House resumed.

Amendments reported.

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

Read first time.

Ordered, that the Report be received ; and,

The said amendments were then read by the Clerk, as follows ;

The amendments.

- Press 3, Line 14.—After "Newspaper in," expunge to "to," in line 16, and insert "each and every District of this Province where a Newspaper is published."  
 " 4, " 22.—After "named," expunge to "for," and insert, "in the said District."  
 " 5, " 9.—After "in," expunge to "at" in line 11, and insert, "each and every District in this Province where a Newspaper is published."  
 " " " 18.—After "the," expunge to "as," and insert, "said District."  
 " 3 Line 3.—After "person," add to the clause "And provided also, that no Stockholder shall vote at any Election by proxy who is not an inhabitant of this Province."  
 " " " 16.—After "as," expunge to "shall" in line 17, and insert "a majority of the Stockholders at a meeting to be held for that purpose."  
 " 7 " 9.—Expunge "one," and insert "three."

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Press 10, Line 18.—After “Assignee,” insert “or Assignees.”

“ “ “ 19.—After “his,” insert “her, or their,” after “name,” insert “or names.”

“ 11 “ 12.—After “transacted,” expunge to “and” in line 13, and insert “at such place within the District of Niagara, as a majority of Stockholders shall appoint.”

“ 12 “ 4.—After “account of the,” expunge the remainder of the clause, and insert “Capital Stock paid in—Bills in circulation of five dollars and upwards not bearing interest—Bills in circulation under five dollars not bearing interest—Bills and Notes in circulation bearing interest—Balance due to other Banks—Cash deposited, including all sums whatsoever due from the Bank, not bearing interest (its Bills in circulation, and balances due to other Banks excepted)—Cash deposited bearing interest—Total amount due from the Bank—of the resources of the Bank—The Gold, Silver, and other coined metals in the Banking House—Real Estate—Bills of other Banks—Balances due from other Banks—Amount of all debts due, including Notes—Bills of Exchange, and all Stock and funded debts of every description, (excepting the Balances due from other Banks)—Total amount of the resources of the Bank—rate and amount of last Dividend—amount of reserved profits at the time of declaring the last Dividend—amount of Debts due to the Bank and not paid, and considered doubtful.”

“ 12 “ 15.—After the word “the,” expunge the remainder of the clause, and insert “Directors of the said Bank, shall not upon pain of forfeiture of their charter, loan or advance any money, or Bills of the said Bank to any Stockholder, upon the credit of the Stock which such Stockholder or Stockholders may hold in the said Bank; but shall require from the Stockholder or Stockholders, endorsers in all respects as safe and substantial, as would be required from any applicants for discounts not being Stockholders.”

“ And whereas, it is expedient to afford additional security to the public against the failure of Banks in this Province, by rendering the holders of Stock in such Banks personally liable to a certain extent beyond the amount of Stock subscribed. Be it therefore enacted by the authority aforesaid, That the Shareholders of the said Bank shall be respectively liable for the engagements of the Company, to the extent of twice the amount of their subscribed shares, including the amount of Stock so held as aforesaid.”

“ And be it further enacted by the authority aforesaid, That the sum for which such Stockholder or Stockholders shall be so liable, beyond the amount of the original or first value of the Stock by them respectively held, shall be called in by instalments, in the same manner as such Bank may have been authorised to call in Stock originally subscribed; and in case any Stockholder or Stockholders shall neglect or refuse to pay the amount which may be so called in, the Directors of any such Bank shall be and they are hereby authorised, to sue or prosecute in its corporate name, in any of the Courts of Law in this Province for such instalment: Provided always, that such sum or sums of money which may be so called in, shall only be applied towards the payment of such debts or claims as may be outstanding against such Bank—and Provided also, that nothing herein contained, shall extend or be construed to extend to authorise such Directors to call in or demand any sum from the Stockholders over and above a sum sufficient to discharge such debts and claims as may be outstanding as aforesaid.”

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“ And be it, &c., That in case of the failure or insolvency of any such Bank, or in case the Stockholders shall neglect or refuse to appoint Directors within three months after the time, when by law the same should be appointed ; or if such Directors shall neglect or refuse to call in the several sums for which the Stockholders are so liable as aforesaid in the manner aforesaid, it shall and may be lawful for the Governor, Lieutenant Governor, or person administering the government of this Province, to name and appoint five Commissioners to manage the affairs of the said Bank, who shall have and exercise all the powers of Directors in the settlement of the affairs of the said Bank ; but they shall not be authorised to carry on any other business of Banking, except the calling in of so much of the several sums for which the respective Stockholders may be liable, as shall be sufficient to discharge the sum or sums which may be due by such Bank, together with the necessary expenses attending such management.”

“ And be it further enacted, &c., That it shall be the duty of the President, Directors, or Cashier of the said Bank, to allow, during the hours of business, the names of the Stockholders in the said Bank, with the amount of Stock respectively owned by them, to be taken by any Stockholder who may require the same.”

“ And be it further enacted, &c., That nothing herein contained shall be taken or be construed to extend, to prevent the Legislature of this Province, at any time hereafter, from making such provisions as to the amount and description of Notes which may be issued by the said Bank, as may be deemed necessary—nor shall any thing herein contained, be construed to prevent the Legislature from applying to the said Bank any provisions or restrictions which by an Act of the Parliament of this Province, may be applied or enforced with respect to any of the Banks of this Province.”

“ And whereas it appears by the returns laid before the Legislature, that the number of insane persons in this Province is considerable, for whose relief and safe keeping it is necessary to provide an Asylum.— Be it further enacted, &c., That if at any time hereafter the Legislature should deem it proper to create a fund for erecting said Asylum by a Tax upon the Capital Stock of any Bank or Banks which may be by law chartered therein, or upon the additional Capital Stock granted to any Bank or Banks already chartered in this Province, not exceeding in the whole five per centum upon the Capital Stock of such Bank or Banks, or additional Capital Stock as aforesaid, and payable only out of the surplus profits after they shall have divided six per centum per annum upon the Capital Stock paid in—then, and in such case, it shall and may be lawful for the Legislature, by any Act to be passed for that purpose, to extend the provisions thereof to the Bank hereby incorporated.”

Read second time  
and adopted.

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

Forty-fourth rule  
dispensed with.

Ordered, that the Forty-fourth Rule of this House be dispensed with as it regards the said Bill, and that the said amendments be engrossed, and the said Bill as amended, read a third time this day.

On motion made and seconded ; it was,

Township Agricultural  
Societies grant  
bill, restored to the  
order of the day.

Ordered, that the Bill entitled, “ An Act to establish Township Agricultural Societies, and to grant a sum of money in aid of the same,” be restored to the order of the day, and that the House be again put into a Committee of the whole this day, to take the same into further consideration.

Steam-Dredging  
Machine further grant  
bill, committed.

Pursuant to the order of the day, the House was put into a Committee of the whole upon the Bill entitled, “ An Act granting a further sum of money for the purchase of a Steam Dredging Machine,” and the Report of the Select Committee thereon.



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SIR FRANCIS BOND HEAD, K. C. H. *Lieutenant Governor.*

The Honorable Mr. Vankoughnet took the Chair.

A Message being announced, the Chairman left the Chair, and the House formed.

The Honorable and Venerable the Archdeacon of York, and the Honorable Messieurs Allan, Elmsley, Crooks, and Macaulay enter. Members enter.

A Deputation from the Commons House of Assembly returned a Bill, and acquainted this House that they had acceded to the amendments made by the Legislative Council in and to the same, and then withdrew. A Bill returned from the Assembly with the amendments acceded to.

The House was then again put into a Committee of the whole upon the Bill entitled, "An Act granting a further sum of money for the purchase of a Steam Dredging Machine," and the report of the Select Committee thereon. Steam Dredging Machine further grant bill, re-committed.

The Honorable Mr. Vankoughnet took the Chair.

After some time the House resumed.

The Chairman reported, that the Committee had taken the said Bill and report of the Select Committee thereon into consideration, had made some progress in the Bill, and asked leave to sit again this day three months. Reported, and leave asked to sit again in three months.

Ordered, that the Report be not received; and, Not received.

Ordered, that the House be forthwith again put into a Committee of the whole to take the said Bill into further consideration; and,

The House was put into a committee of the whole accordingly. Bill re-committed.

The Honorable Mr. Vankoughnet took the Chair.

After some time the House resumed.

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

Ordered, that the report be received; and

The said Amendments was then read by the Clerk as follows: Read first time.

Press 3 Line 4.—After "him," insert "and the Inspector General." The amendments.

Add to the Bill.—"And be it further enacted by the authority aforesaid, that no part of the said sum of fourteen hundred pounds, shall be paid to the Commissioners aforesaid, unless satisfactory proof is furnished to the Receiver and Inspector Generals, that, that amount will cover the whole cost of the Dredging Machine, and all the necessary vessels connected therewith.

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

Ordered, that they be engrossed, and the said Bill as amended read a third time this day.

The Honorable the Speaker reported to the House, that a Deputation from the Commons House of Assembly had returned the Bill entitled, "An Act affixing the value at which certain Gold Coins shall pass current in this Province, making the same a legal tender, and establishing the rate at which British silver money now in circulation, shall be taken within the same," and acquainted this House that the Commons House of Assembly had acceded to the amendments made by the Legislative Council in and to the same. Amendments to Gold and Silver Coins value establishment bill, acceded to by the Assembly.

On motion made and seconded; it was,

Ordered, that the Select Committee to whom was referred the Bill entitled, "An Act granting to His Majesty a sum of money for the improvement of Roads and Bridges in the several Districts of this Province,"—be discharged; and, Select Committee upon General Road grant bill, discharged.

Ordered, that the House be again put into a Committee of the whole this day, to take the said Bill into further consideration.

The House was then put into a Committee of the whole accordingly. The bill re-committed.

The Honorable Mr. Morris took the Chair.

After some time the House resumed.

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

Ordered, that the report be received; and,

Ordered, that the forty-fourth rule of this House be dispensed with as it respects this Bill; and, Adopted.

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Ordered, that the same be read a third time presently.

Bill read third time  
and passed.  
Same signed ;

The said Bill was then read a third time accordingly, and passed.

Whereupon the Speaker signed the same ; and it was,

And the Assembly  
acquainted thereof.

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

Covering bill brought  
from the Assembly.

A Deputation from the Commons House of Assembly brought up a Bill entitled, "An Act to make good certain monies advanced for the contingent expenses of the last Session of the Legislature of this Province ; and also, to make good certain monies advanced in compliance with two Addresses of the House of Assembly during the present Session," to which they requested the concurrence of this House : and they returned the Bill entitled, "An Act to amend and extend the provisions of An Act passed during the last Session of the Provincial Legislature, entitled, 'An Act to reduce to one Act of Parliament the several laws relative to the appointment and duties of Township Officers in this Province, except an Act passed in the fourth year of the Reign of William the Fourth, chapter twelve, entitled, 'An Act to regulate Line Fences and Water Courses, and to repeal so much of an Act passed in the thirty-third year of the reign of His late Majesty King George the Third, entitled, 'An Act to provide for the nomination and appointment of Parish and Town Officers within this Province, as relates to the office of Fence Viewers, being discharged by Overseers of Highways and Roads.'" and acquainted this House, that the Commons House of Assembly had made certain amendments to the amendments of the Legislative Council made in and to the said Bill, to which they requested the concurrence of this House, and then withdrew.

Township Officers'  
Law amendment bill,  
returned from the  
Assembly, with the  
amendments of the  
Council amended.

Amendments to the  
amendments, read  
first time.

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

Amendments made by the Commons House of Assembly in and to the amendments made by the Honorable the Legislative Council, in and to the Bill entitled, "An Act to amend and extend the provisions of an Act passed during the last Session of the Provincial Legislature, entitled, 'An Act to reduce to one Act of Parliament the several Laws relative to the appointment and duties of Township Officers in this Province, except an Act passed in the fourth year of the reign of William the Fourth, chapter twelve, entitled, 'An Act to regulate Line Fences and Water Courses, and to repeal so much of an Act passed in the thirty-third year of the reign of His late Majesty King George the Third, entitled, 'An Act to provide for the nomination and appointment of Parish and Town Officers within this Province, as relates to the office of Fence Viewers being discharged by Overseers of Highways and Roads.'" "

The amendments  
of the Assembly.

In the amendments—After "notwithstanding," insert "Provided always that the Bond given by the Collectors appointed under the authority of the said recited Act, shall be in conformity to, and in accordance with the provisions contained in this clause, any thing in the said Act to the contrary notwithstanding."

On motion made and seconded ; it was,

Forty-fourth rule  
dispensed with.

Ordered, that the forty-fourth Rule of this House be dispensed with as it regards this Bill—and that the said amendments to the amendments, be read a second time this day.

Covering bill read  
first time.

The Bill entitled, "An Act to make good certain monies advanced for the Contingent Expenses of the last Session of the Legislature of this Province—and also to make good certain monies advanced in compliance with two addresses of the House of Assembly during the present Session," was then read ; and it was,

Forty fourth rule  
dispensed with.

Ordered, that the forty-fourth rule of this House be dispensed with, as it regards this Bill—and that the same be read a second time this day.

Welland Canal Com-  
missioners appoint-  
ment bill ;

A Deputation from the Commons House of Assembly, brought up a Bill entitled, "An Act appointing Commissioners to treat with the Welland Canal Company relative to the purchase or sale of the Stock of the said Company, and for other purposes therein mentioned ;"

Midland District  
School Society's  
amendment bill ; and,

also a Bill entitled, "An Act to amend and extend the provisions of an Act passed in the fifty-fifth year of the Reign of George the Third, entitled, 'An Act to incorporate the Midland District School Society ;'" and also a Bill entitled, "An Act to remunerate the Receiver General of this Province, for certain services therein mentioned,"—to which they requested the

Receiver General's  
remuneration bill,  
brought up from the  
Assembly.

concurrence of this House and then withdrew.

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SIR FRANCIS BOND HEAD, K. C. H. *Lieutenant Gouvernor.*

The Bill entitled, "An Act appointing Commissioners to treat with the Welland Canal Company, relative to the purchase or sale of the Stock of the said Company, and for other purposes therein mentioned;"—and also the Bill entitled, "An Act to remunerate the Receiver General of this Province, for certain services therein mentioned,"—were severally read; and it was,

Welland Canal Commissioners appointment bill;

And Receiver General's remuneration bill, read first time.

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

The Bill entitled, "An Act to amend and extend the provisions of an Act passed in the fifty-fifth year of the reign of George the Third, entitled, 'An Act to incorporate the Midland District School Society,'" was read; and it was,

Midland District School Society's amendment bill, read first time;

Ordered, that the same be referred to a Select Committee to report thereon by amendment or otherwise; and,

And referred to a Select Committee.

Ordered, that the Honorable Messieurs Macaulay and Vankoughnet, do compose the same for that purpose.

Members composing same.

Pursuant to order, the Bill entitled, "An Act granting a further sum of money for the purchase of a Steam Dredging Machine," was, as amended, read a third time; and,

Steam Dredging Machine further grant bill (as amended,) read third time and passed.

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

Amendments signed;

Whereupon the Speaker signed the amendments; and it was,

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

And sent to the Assembly for concurrence.

Pursuant to order, the amendments made by the Commons House of Assembly to the amendments of the Legislative Council in and to the Bill entitled, "An Act to amend and extend the provisions of an Act passed during the last Session of the Provincial Legislature, entitled, 'An Act to reduce to one Act of Parliament, the several laws relative to the appointment and duties of Township Officers in this Province, except an Act passed in the fourth year of the Reign of William the Fourth, chapter twelve, entitled, 'An Act to regulate Line Fences and Water Courses, and to repeal so much of an Act passed in the thirty-third year of the Reign of His late Majesty King George the Third, entitled, 'An Act to provide for the nomination and appointment of Parish and Town Officers within this Province, as relates to the office of Fence Viewers, being discharged by Overseers of Highways and Roads,'"—were read a second time; and it was,

Amendments to the Amendments to Township Officers' law amendment bill, read second time.

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

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

Committed.

The Honorable Mr. Morris took the Chair.

After some time the House resumed.

The Chairman reported that the Committee had gone through the said Amendments to the amendments in and to the said Bill, and recommended the same to the adoption of the House.

Reported.

Ordered; that the Report be received; and,

Adopted.

Ordered; that the said amendments as amended, be read a third time presently; and,

The same were then read a third time accordingly; and,

Read third time, and passed.

The question being put, whether the said amendments should pass, it was carried in the affirmative.

Whereupon the Speaker signed the amendments of the Commons House of Assembly; and it was,

Amendment of the Assembly signed;

Ordered, that the Master in Chancery do go down to the Assembly, and acquaint that House, that the Legislative Council has acceded to the amendments of the Commons House of Assembly made to the amendments of this House in and to the said Bill.

And that House acquainted of the same.

Pursuant to the order of the day, the House was put into a Committee of the whole upon the Report of the Select Committee, instructed to consider a certain Address of the Assembly to the King, complaining of the rejection by the Council of various Bills.

Report of the Select Committee upon the Address of the Assembly to the King, complaining of the rejection by the Council of various bills, committed;

The Honorable Mr. Elmsley took the Chair.

After some time the House resumed.

Tuesday, 19th April, 1836.

SECOND SESSION TWELFTH PROVINCIAL PARLIAMENT, 6th WILLIAM IV.

**Reported.** The Chairman reported that the Committee had gone through the said Report of the Select Committee, and recommended the same to the adoption of the House.

**Adopted.** Ordered, that the report be received; and,

**And a Select Committee appointed to prepare an Address to the King.** Ordered that the said Report of the Select Committee be adopted; and, Ordered, that a Select Committee be appointed to prepare an Address to the King founded thereon; and,

**Members composing same.** Ordered, that the Honorable Messieurs Morris, Macaulay and Vankoughnet, do compose the same for that purpose.

**Petition of William Campbell, and others, read.** Pursuant to the order of the day, the Petition of William Campbell, and others, inhabitants of the City of Toronto, praying against the suppression of Orange Associations—was read.

**Township Agricultural Societies grant bill, re-committed.** Pursuant to order, the House was again put into a Committee of the whole upon the Bill entitled, “An Act to establish Township Agricultural Societies, and to grant a sum of money in aid of the same.”

The Honorable Mr. Hamilton took the Chair.

After some time the House resumed.

**Amendments reported.** The Chairman reported that the Committee had gone through the said Bill, and had made some amendments thereto, which they recommended to the adoption of the House.

Ordered, that the Report be received; and,

**Read first time.**

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

**The amendments.**

In the title, line 1.—After “to,” insert “revive, continue, and amend the Laws, to.”

In the Bill, Press 1, line 2.—After “Whereas,” expunge the whole of the Bill to the end of seventh clause, and insert “An Act passed in the Eleventh year of His late Majesty’s Reign, entitled, ‘An Act to encourage the establishment of Agricultural Societies in the several Districts of this Province,’ has been allowed to expire—and whereas it is expedient to revive, continue, and amend the same. Be it therefore enacted by the King’s Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of, and under the authority of an Act passed in the Parliament of Great Britain, entitled, “An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty’s Reign, entitled, “An Act for making more effectual provision for the Government of the Province of Quebec, in North America; and to make further provision for the Government of the said Province, and by the authority of the same, that the whole of the said recited Act is hereby revived and continued in force, excepting the third section thereof.”

Press 4, Line 19.—Expunge “Township,” and after “society,” insert “of any District or County.”

After the end of the eighth clause, expunge the remainder of the Bill, and insert “And be it further enacted by the authority aforesaid, that no monies shall be paid to any such Society under the provisions of this Act, until its officers shall have accounted for all sums previously granted and paid to such Society from the public funds, nor until such Society shall have shewn that it had complied with the requisitions of the law in other respects; as also, that an account of the expenditure of the monies that may be paid under the authority of this Act, shall be laid before the Legislature.”

“And be it further enacted by the authority aforesaid, that this Act shall be, and continue in force for and during the term of four years, and from thence to the end of the then next ensuing Session of Parliament, and no longer.

**Read second time and adopted.**

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

Tuesday, 19th April, 1836.

SIR FRANCIS BOND HEAD, K. C. H. *Lieutenant Governor.*

Ordered, that they be engrossed, and the said Bill as amended, read a third time this day.

Pursuant to order, the Bill entitled, "An Act to make good certain monies advanced for the Contingent Expenses of the last Session of the Legislature of this Province—and also to make good certain monies advanced in compliance with two Addresses of the House of Assembly during the present Session,"—was read a second time; and it was,

Covering bill, read second time.

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

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

Committed.

The Honorable Mr. Crooks took the Chair.

A Message being announced, the Chairman left the Chair and the House formed.

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

A bill brought up from the Assembly.

The House was then again put into a Committee of the whole upon the Bill entitled, "An Act to make good certain monies advanced for the Contingent Expenses of the last Session of the Legislature of this Province; and also to make good certain monies advanced in compliance with two Addresses of the House of Assembly during the present Session."

Covering bill, re-committed.

The Honorable Mr. Crooks took the Chair.

After some time the House resumed.

The Chairman reported that the Committee had taken the said Bill into consideration, had made some progress therein, and recommended that it be referred to a Select Committee to report thereon.

Reported;

Ordered, that the report be received; and,

Ordered, that the said Bill be referred to a Select Committee, to report thereon; and,

And referred to a Select Committee.

Ordered, that the Honorable Messieurs Elmsley and Vankoughnet, do compose the same for that purpose.

Members composing same.

The Honorable the Speaker reported to the House, that a Deputation from the Commons House of Assembly had brought up a Bill entitled, "An Act to prevent Bodies Corporate within this Province, from entering upon, and taking possession of the Lands of the Crown without permission of His Majesty,"—to which they requested the concurrence of this House.

Speaker reports the receipt of Crown Lands entry prevention bill from the Assembly,

The said Bill was then read; and it was,

Read first time.

Ordered, that the Forty-fourth Rule of this House be dispensed with as it regards this Bill, and that the same be read a second time this day.

Forty-fourth rule dispensed with.

Pursuant to the order of the day, the House was again put into a Committee of the whole upon the Bill entitled, "An Act to amend an Act passed in the first Session of the present Parliament, entitled, 'An Act granting a sum of money for the erection of a Light House on Gull Island, or such other place as the Commissioners may select,'—and the report of the Select Committee thereon.

Gull Island Light-house amendment bill, re-committed.

The Honorable Mr. Crooks took the Chair.

After some time the House resumed.

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

Reported.

Ordered, that the report be received; and,

Adopted.

Ordered, that the said Bill be read a third time presently.

The said Bill was then read a third time accordingly, and passed:

Read third time and passed.

Whereupon the Speaker signed the same; and it was,

Same signed;

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

And the Assembly acquainted thereof.

Pursuant to order, the Bill entitled, "An Act to prevent Bodies Corporate within this Province, from entering upon, and taking possession of the Lands of the Crown without permission of His Majesty,"—was read a second time; and it was,

Crown Lands Entry prevention bill, read second time.

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

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

Committed.

Tuesday, 19th April, 1836.

SECOND SESSION TWELFTH PROVINCIAL PARLIAMENT, 6th WILLIAM IV.

The Honorable Mr. Adamson took the Chair.

After some time the House resumed.

Reported.

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

Adopted.

Ordered, that the Report be received ; and,

Read third time and passed ;

Ordered, that the said Bill be read a third time presently.

Same signed :

The same was then read a third time accordingly, and passed.

And the Assembly acquainted thereof.

Whereupon the Speaker signed the Bill ; and it was, Ordered, that the Master in Chancery do go down to the Assembly, and acquaint that House, that the Legislative Council has passed this Bill without any amendment.

Niagara District Bank incorporation bill, as amended, read third time and passed ;

Pursuant to order, the Bill entitled, "An Act to incorporate sundry persons under the style and title of the President, Directors, and Company of the Bank of the Niagara District," was as amended, read a third time ; and,

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

Amendments signed ;

Whereupon the Speaker signed the amendments ; and it was,

And sent to the Assembly for concurrence.

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

Report of the Select Committee upon Deacon's relief bill, presented.

The Honorable Mr. Hamilton, from the Select Committee to whom was referred the Bill entitled, "An Act for the relief of Andrew Deacon,"—presented their report :

Ordered, that it be received ; and,

Read.

The same was then read by the Clerk as follows :

The Select Committee to whom was referred the Bill entitled, "An Act for the relief of Andrew Deacon,"—report :

The Report.

That they have ascertained the following circumstances from the Inspector General.—In consequence of the non-payment of the Province's proportion of duties collected at Port Hallowell, by the late Collector (Andrew Deacon, the person whom it is intended to relieve by this Act,) his allowances on the Import Duties, amounting to £358 2 0 have been forfeited. That the debt at present due to the Province, is £677 12 9—and that if your Honorable House see fit to pass this Act, it will merely apply towards the reduction of his debt.

From what your Committee have heard respecting Mr. Deacon, they feel themselves justified in recommending the Bill to the adoption of your Honorable House.

All which is respectfully submitted,

(Signed,)

JOHN HAMILTON,  
Chairman.

*Legislative Council Committee Room,*  
18th April, 1836.

On motion made and seconded ; it was,

44th Rule dispensed with.

Ordered, that the forty-fourth rule of this House be dispensed with as it regards the last mentioned Bill ; and that the same, together with the report of the Select Committee thereon, be committed to a Committee of the whole House presently.

The bill committed.

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

The Honorable Mr. Hamilton took the Chair.

After some time the House resumed.

Reported.

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

Adopted.

Ordered, that the report be received ; and,

Read third time, and passed.

Ordered, that the said Bill be read a third time presently.

Same signed ;

The same was then read a third time accordingly, and passed ;

And the Assembly acquainted thereof.

Whereupon the Speaker signed the Bill ; and it was, Ordered, that the Master in Chancery do go down to the Assembly and acquaint that House, that the Legislative Council has passed this Bill without any amendment.

Tuesday, 19th April, 1836.

SIR FRANCIS BOND HEAD, K. C. H. *Lieutenant Governor.*

The Honorable Mr. Elmsley, from the Select Committee, to whom was referred the Bill entitled, "An Act to amend and extend the provisions of an act passed in the fourth year of His Majesty's Reign, entitled, 'An Act to incorporate certain persons under the style and title of the London and Gore Rail Road Company, and to grant to the said Company the privilege of Banking,'"—presented their report :

Report of the Select Committee upon London and Gore Rail Road Company's Banking bill, presented.

Ordered, that it be received ; and,

The same was then read by the Clerk as follows :

Read.

The Select Committee, to whom was referred the Bill sent up from the Assembly, entitled, "An Act to amend and extend the provisions of an Act passed in the fourth year of His Majesty's Reign, entitled, 'An Act to incorporate certain persons under the style and title of the London and Gore Rail Road Company, and to grant to the said Company the privilege of Banking,'" respectfully report :

The report.

That the Bill confers upon the London and Gore Rail Road Company further powers to enable them to extend their works from Hamilton, in the Gore District, to the Niagara River, and from London, to the River St. Clair—and to make the River Thames navigable by Slack Water Navigation.

The several provisions relating to these objects, are all such as may be entertained by your Honorable House—and your Committee therefore recommend the same to your favorable consideration.

The Bill, however, further extends to the Company the privilege of Banking. Your Committee cannot recommend any measure which connects Banking operations with those of any other nature whatsoever.

The Preamble of the Bill sets forth, that the Bill is about to expire—upon reference to the non-user clause, your Committee find that it has already expired—and some amendments are therefore necessary to provide for this mistake, which are hereunto annexed.

All which is respectfully submitted,

(Signed,)

J. ELMSLEY,

*Chairman.*

In the title.—Expunge "and grant to the said Company the privilege of Banking."

Press 1 Line 3.—Expunge "is about to expire," and insert "has become void from non-user."

" " " 4.—Expunge "extend, alter, and amend the same," and insert "revive and continue the same, with some amendments."

" " " 12.—Expunge "second clause of the."

" " " 13.—Expunge "repealed," and insert "revived, and continued in full force, except the second, fourth, and seventeenth clauses thereof."

" 2 " 6.—After "aforesaid," expunge to "that" in the 7th line.

" " " 14.—After "purposes," insert "with the before mentioned exceptions."

" 3 " 1.—After "aforesaid," expunge to "that" in the second line.

Expunge the 16th clause, except the proviso therein contained.

" 9 " 8.—After "nevertheless," insert "and be it further enacted by the authority aforesaid."

Expunge the 17th clause.

On motion made and seconded, it was,

Ordered, that on to-morrow, the House be again put into a Committee of the whole upon the said Bill, as also the Report of the Select Committee thereon.

The Honorable Mr. Elmsley, from the Select Committee to whom was referred the Bill entitled, "An Act authorising the appointment of Commissioners to examine the School and Crown Lands in this Province, for the purpose of ascertaining what exchange can be profitably made for the benefit of the people of this Province, and for other purposes therein mentioned," presented their report.

Report of the Select Committee upon School Lands Commissioners appointment bill, presented.

Ordered, that it be received ; and

The same was then read by the Clerk as follows :

Read.

The Select Committee to whom was referred the Bill sent up from the Assembly, entitled, "An Act authorising the appointment of Commissioners to examine the School and

The report.

Tuesday, 19th April, 1836.

SECOND SESSION TWELFTH PROVINCIAL PARLIAMENT, 6th WILLIAM IV.

Crown Lands in this Province, for the purpose of ascertaining what exchange can be profitably made for the benefit of the people of this Province, and for other purposes therein mentioned," respectfully report :

That by reference to the Journals of the Assembly it appears, that on the 19th day of March, 1835, His Excellency the Lieutenant Governor was pleased to send down a message, acquainting that House, that out of the original grant for the advancement of Education there remains disposable about 240,000 acres, not being advantageously situated, and that he was authorised by the Secretary of State for the Colonies, if the Assembly should wish it, to select this number of acres from the settled Townships, and to resume to the Crown, in lieu of them, as much as is unalienated of the School Townships.

To avail of this liberal offer is the intention of this Bill, and your Committee recommend that your Honorable House should concur therein, except as respects the names of the Commissioners, who should be, in the opinion of your Committee, other than Members of the Legislature.

All which is respectfully submitted.

(Signed)

J. ELMSLEY,  
Chairman.

On motion made and seconded ; it was,

Ordered, that on to-morrow the House be again put into a Committee of the whole upon the last mentioned Bill, and the report of the Select Committee thereon.

The Honorable Mr. Morris, from the Select Committee appointed to prepare an Address to His Majesty, founded on the report of a Select Committee of this House, relative to a certain complaint preferred to the King by the House of Assembly, respecting the rejection by the Council of various Bills, reported a draft thereof, which he read in his place.

Ordered, that the report be received ; and,

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

Ordered, that the said Address be engrossed, and read a third time presently.

The same was then read a third time accordingly, and passed.

Whereupon the Speaker signed the Address, and it is as follows :

(For the Address see Appendix L.)

On motion made and seconded ; it was,

Ordered, that two thousand copies of the last mentioned Address be printed, in pamphlet form, and that an additional thousand copies of the Report of the Select Committee upon the same subject, be printed along with the said Address, for the use of Members.

On motion made and seconded ; it was,

Ordered, that an Address be presented to His Excellency the Lieutenant Governor, respectfully requesting him to be pleased to cause the Address of this House to the King, to be laid at the foot of the Throne ; and,

Ordered, that the Honorable Messieurs Morris and Vankoughnet, be appointed a Committee to draft an Address for that purpose, and to present the same.

The Honorable Mr. Macaulay, from the Select Committee to whom was referred the Bill entitled, "An Act for the better regulation of Common Schools within this Province, and making further provisions for the same," presented their report.

Ordered, that it be received ; and,

The same was then read by the Clerk as follows :

Your Committee to whom was referred the Bill sent up by the Commons House of Assembly, for the establishment of Common Schools, respectfully report :

That at this advanced period of the Session it was found impossible to give the principle and details of the proposed measure that consideration which their importance demands, nevertheless, from a tolerably accurate inspection your Committee arrived at the conclusion, that the change proposed goes too far, and the machinery by which the provisions of the Bill are to be carried into operation, appear much too complicated for our scattered population.

The measure was to be nearly if not altogether a transcript of the School Law now in operation in the neighbouring State of New York, and requires an appropriation to give it full efficacy, which the state of the Provincial Revenue cannot afford.

Report of the Select Committee appointed to draft an address to the King, respecting a certain complaint preferred by the Assembly against the Legislative Council, presented.  
Draft read first time.

Read second time.

Read third time and passed.  
Same signed.

Ordered to be printed.

An address ordered to be presented to His Excellency, requesting him to transmit the address to the King.

Committee appointed therefor.

Report of the Select Committee upon Common School regulation bill, presented.

Read.

The report.



Tuesday, 19th April, 1836.

SIR FRANCIS BOND HEAD, K. C. H. *Lieutenant Governor.*

Without entering into a particular examination of the details, your Committee are of opinion; that the present Law for the establishment of Common Schools might be so modified and amended as better to meet the wants of the Colony, and at the same time be more in accordance with the principles of our free Constitution, were provision made for the sub-division of Townships into School Districts—for establishing the School-houses on permanent sites, with a Residence and Garden for a Teacher—provision for the Education of poor children—and an assessment levied upon each District in support of the Schools within the same, equal to the allowance given by Government: nothing more seems to be required. Such alterations and additions grafted on the present Law would make it a useful measure, and it would retain the advantage of being familiarly known to the people, for twenty years, as the improvements suggested do not render it in any degree more complex.

Your Committee would farther recommend an Address to the Imperial Government for a grant of Land in aid of Common Schools, as the School Lands already bestowed belong to the District Schools and the University, for the support of which they were expressly granted.

Had time permitted, your Committee might have attempted to report a Bill in accordance with their views, but it must now be postponed till next Session.

All which is respectfully submitted.

(Signed)

JOHN MACAULAY,  
*Chairman.*

*Legislative Council Committee Room,*

19th day of April, 1836.

Ordered, that the last mentioned Report of the Select Committee be adopted.

Same adopted.

The Honorable Mr. Macaulay, from the Select Committee to whom was referred the Bill entitled, "An Act to amend and extend the provisions of an Act passed in the fifty-fifth year of the Reign of George the Third, entitled, 'An Act to incorporate the Midland District School Society,'"—presented their report:

Report of the Select Committee upon Midland District School Society's amendment bill, presented.

Ordered, that it be received; and,

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

Read.

The Select Committee, to which has been referred the Bill entitled, "An Act to amend and extend the provisions of an Act passed in the fifty-fifth year of the Reign of George the Third, entitled, 'An Act to incorporate the Midland District School Society,'"—beg leave to report:

The Report.

That they have examined this Bill, as well as the Act which it proposes to amend.

It is within the knowledge of your Committee, that the Officers of the Midland District School Society, have long endeavored to obtain the alterations in their Charter, which this Bill will effect, and that they are absolutely required, in order to render their institution as efficient and useful as its benevolent founders desired that it should be.

Your Committee therefore recommend the Bill for the adoption of the House.

All which is humbly submitted,

(Signed,)

JOHN MACAULAY,  
*Chairman.*

*Legislative Council Committee Room,*

19th April, 1836.

On motion made and seconded; it was,

Ordered, that on to-morrow, the House be put into a Committee of the whole upon the last mentioned Bill, and the Report of the Select Committee thereon.

The Honorable the Speaker, communicated to the House a letter which he had received from the Honorable the Speaker of the Legislative Council of the Province of Lower Canada; and,

Speaker communicates a Letter from the Speaker of the Legislative Council of Lower Canada.

The same was then read by the Clerk as follows:

Read.

(For the Letter, see Appendix M.)

The Honorable Mr. Allan, from the Select Committee appointed to examine and report upon the Contingent Accounts of this House for the present Session, presented their report:

Report upon Contingent accounts, presented.

Ordered, that it be received; and,

Tuesday, 19th April, 1836.

SECOND SESSION 'TWELFTH PROVINCIAL PARLIAMENT', 6th WILLIAM IV.

Read	The same was then read by the Clerk as follows :
The report.	The Select Committee appointed to examine the Contingent Accounts of the Legislative Council—beg leave to report that they have done so, and find that the Contingencies are as follows :
	The Clerk of the House,.....£ 1741 0 0
	The Usher of the Black Rod,..... 329 5 0
	<u>£ 2070 5 0</u>
	On motion made and seconded ; it was, Ordered, that the last mentioned Report of the Select Committee, be committed to a Committee of the whole House this day.
Township Agricultural Societies grant bill, as amended, read third time and passed ;	Pursuant to order, the Bill entitled, " An Act to establish Township Agricultural Societies, and to grant a sum of money in aid of the same," was as amended, read a third time ; and, The question being put, whether this Bill as amended should pass, it was carried in the affirmative:
Amendments signed ; And sent to the Assembly for concurrence.	Whereupon the Speaker signed the amendments ; and it was, Ordered, that the Master in Chancery do go down to the Assembly, and acquaint that House, that the Legislative Council has passed this Bill with certain amendments, to which they desire the concurrence of the Commons House of Assembly.
Draft of an address requesting His Excellency to transmit the address to the King relative to a complaint preferred by the Assembly against the Legislative Council, reported.	The Honorable Mr. Morris, from the Select Committee appointed to prepare an Address to His Excellency the Lieutenant Governor, requesting him to be pleased to cause to be laid at the foot of the Throne, the Address of this House to the King, relative to a certain complaint preferred to His Majesty by the House of Assembly, respecting the rejection of various Bills by the Legislative Council ; reported a draft thereof—which he read in his place ; and, The same was again read by the Clerk and adopted ; and it was, Ordered, that the said Address be engrossed, and read a third time this day.
Read first time. Read second time, and adopted. Read third time and passed ; Same signed.	The same was then read a third time accordingly, and passed : Whereupon the Speaker signed the Address ; and it is as follows :
	<i>To His Excellency SIR FRANCIS BOND HEAD, Knight Commander of the Royal Hanoverian Guelphic Order, Knight of the Prussian Military Order of Merit, Lieutenant Governor of the Province of Upper Canada, &amp;c., &amp;c., &amp;c.</i>
	MAY IT PLEASE YOUR EXCELLENCY :
The Address.	We, His Majesty's most dutiful and loyal subjects, the Legislative Council of the Province of Upper Canada, in Provincial Parliament assembled, humbly beg leave to acquaint your Excellency, that we have passed an Address to His Majesty, on the subject of a representation made by the House of Assembly to His Majesty during the late Session of the Legislature, against the Legislative Council for not having passed certain bills, which together with the accompanying report, we respectfully request Your Excellency may be pleased to transmit to His Majesty's principal Secretary of State for the Colonies, to be laid at the foot of the Throne :
Report of the Select Committee upon the Contingent accounts, Committed.	Pursuant to order, the House was put into a Committee of the whole upon the Report of the Select Committee appointed to examine, and report upon the Contingent Accounts of this House for the present Session.
	The Honorable Mr. Hamilton took the Chair. After some time the House resumed.
Reported, and leave asked to sit again ;	The Chairman reported, that the Committee had taken the said report of the Select Committee into consideration, had made some progress therein, and asked leave to sit again to-morrow.
Leave granted.	Ordered, that the report be received, and leave granted accordingly.
House adjourns.	On motion made and seconded the House adjourned until to-morrow, at nine of the clock, A. M.

Wednesday, 20th April, 1836.

SIR FRANCIS BOND HEAD, K.C.H. *Lieutenant Governor.*

WEDNESDAY, 20th APRIL, 1836.

The House met pursuant to adjournment.

House meets.

PRESENT :

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

*The Honorable Messrs.* BOSWELL,

*The Honorable Mr.* CROOKSHANK,

“ “ ADAMSON,

*The Hon. & Ven. The* ARCHDEACON OF YORK.

“ “ CROOKS,

*The Honorable Messrs.* ALLAN,

“ “ STEWART,

“ “ McDONELL,

“ “ MORRIS.

“ “ ELMSLEY,

“ “ MACAULAY.

“ “ BALDWIN,

“ “ VANKOUGHNET.

“ “ HAMILTON,

Members present.

Prayers were read.

The Minutes of yesterday were read.

To the Bill passed yesterday, entitled, “An Act granting to His Majesty a sum of money, for the improvement of Roads and Bridges in the several Districts of this Province.”

DISSENTIENT:

Because—We consider it improvident, and inexpedient to add to the public debt of this Province, by a grant of so large a sum as fifty thousand pounds—to be expended in improvements which are not permanent in their nature, and which are not to yield any Tolls or receipts from which the principal or interest of the debt can be ultimately repaid.

Protest of the Hon. the Speaker, and of the Hon. Messrs, Macaulay, Vankoughnet, McDonell, and Crookshank, against the passing of general road grant bill.

Because—We do not approve of placing in the hands of a multitude of Commissioners, of whom the Legislative Council have but little knowledge, a sum equal to two-thirds of the annual Revenue of the Province—and more especially, when there is reason to apprehend, that of the sums granted in the two former years, not less than twenty thousand pounds remains unaccounted for, contrary to the express provisions of the Acts authorising such grants.

(Signed)

JOHN B. ROBINSON,  
JOHN MACAULAY,  
P. VANKOUGHNET,  
ALEX. McDONELL,  
GEO. CROOKSHANK.

Pursuant to the order of the day, the Bill entitled, “An Act appointing Commissioners to treat with the Welland Canal Company relative to the purchase or sale of the Stock of the said Company, and for other purposes therein mentioned;” and also the Bill entitled, “An Act to remunerate the Receiver General of this Province, for certain services therein mentioned,” were severally read a second time; and it was,

Welland Canal Commissioners appointment bill;  
And Receiver General's remuneration bill, read second time.

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

Pursuant to the order of the day, the House was again put into a Committee of the whole upon the Report of the Select Committee appointed to examine, and report upon the Contingent Accounts of this House for the present Session.

Report of the Select Committee upon Contingent Accounts, re-committed.

The Honorable Mr. Hamilton took the Chair.

A Message being announced, the Chairman left the Chair and the House formed.

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

Bills brought up from the Assembly.

The House was then again put into a Committee of the whole upon the Report of the Select Committee appointed to examine, and report upon the Contingent Accounts of this House for the present Session.

Report of the Select Committee upon Contingent Accounts, re-committed.

The Honorable Mr. Hamilton took the Chair.

After some time the House resumed.

The Chairman reported that the Committee had gone through the said Report of the Select Committee, and recommended the same, together with certain Resolutions to the adoption of the House.

Resolutions reported.

Ordered, that the report be received; and,

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

Read first time.

Wednesday, 20th April, 1836.

SECOND SESSION TWELFTH PROVINCIAL PARLIAMENT, 6th WILLIAM IV.

The Resolutions for Printing the Journals, and allowing the Clerk of the House £100 for superintending same; For paying the Clerk £100 extra;

*Resolved*—That the Journals of this House be printed—and that one hundred pounds be allowed to the Clerk thereof for his trouble in superintending the same—and that he be directed to send to the Clerk of the Assembly, a copy for each member of that House.

*Resolved*—That one hundred pounds be paid to the Clerk of the Legislative Council, agreeably to a recommendation of the Committee upon the Contingent Accounts of the third Session of the last Parliament.

For paying the Chaplain £50 extra;

*Resolved*—That the sum of fifty pounds be paid to the Reverend Chaplain of this House, for extra services.

For paying the Master in Chancery £50 extra;

*Resolved*—That the Master in Chancery be allowed fifty pounds, in addition to his present salary, agreeably to a recommendation of the Committee upon the Contingent Accounts of the third Session of the last Parliament.

For paying the Usher of the Black Rod £50 extra;

*Resolved*—That the sum of fifty Pounds be paid to the Usher of the Black Rod, agreeably to a recommendation of the Select Committee upon the Contingent Accounts of the third Session of the last Parliament.

For paying the Door-Keeper £40 extra;

*Resolved*—That the Door-Keeper be allowed the sum of forty pounds, for extra services during the present Session.

For paying the Senior Messenger £22 10s. extra;

*Resolved*—That a further sum of twenty-two pounds, ten shillings, be allowed to the Senior Messenger, in consequence of his long and faithful services: but not to be considered as extending to his successor.

read second time, and adopted.

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

Ordered, that the Journals of this House be printed, and that one hundred pounds be allowed to the Clerk thereof, for his trouble in superintending the same, and that he be directed to send to the Clerk of the Assembly a copy for each Member of that House; and,

Ordered, that one hundred pounds be paid to the Clerk of the Legislative Council agreeably to a recommendation of the Committee upon the Contingent Accounts of the third Session of the last Parliament; and,

Ordered, that the sum of Fifty Pounds be paid to the Reverend Chaplain of this House, for extra services; and,

Ordered, that the Master in Chancery be allowed Fifty Pounds, in addition to his present salary, agreeably to a recommendation of the Committee upon the Contingent Accounts of the third Session of the last Parliament; and,

Ordered, that the sum of Fifty Pounds be paid to the Usher of the Black Rod, agreeably to a recommendation of the Select Committee upon the Contingent Accounts of the third Session of the last Parliament; and,

Ordered, that the Door-Keeper be allowed the sum of Forty Pounds, for extra services during the present Session; and,

Ordered, that a further sum of Twenty-two Pounds Ten Shillings, be allowed to the Senior Messenger, in consequence of his long and faithful services: but not to be considered as extending to his successor.

Address to His Excellency, praying him to transmit the address to the King relative to a complaint preferred by the Assembly against the Legislative Council, presented.

The Honorable Mr. Morris, from the Select Committee appointed to present the Address to His Excellency the Lieutenant Governor, requesting His Excellency to be pleased to cause to be laid at the foot of the Throne the Address of this House to the King, relative to a certain complaint preferred to His Majesty by the House of Assembly, respecting the rejection of various Bills by the Legislative Council, reported that they had done so, and that His Excellency had been pleased to make thereto the following reply:

GENTLEMEN:

I will transmit your Address to His Majesty, with the accompanying Report, to the Secretary of State for the Colonies, to be laid at the foot of the Throne.

It was moved and seconded, that it be,

*Resolved*—That the best interests of this Province require of the Legislature the utmost caution in adopting measures which materially increase the amount of the public debt, without a suitable provision for its ultimate extinguishment.

That although the Legislative Council feel the most anxious desire to unite with the House of Assembly in promoting public improvement, to the utmost limit justified by the

His Excellency's reply.

Resolution moved on the subject of the Public Debt.

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financial affairs of the Country; yet, they cannot but look, with equal apprehension, to an annually augmented Provincial Debt, which, if permitted to accumulate, must inevitably involve the Country in very serious pecuniary embarrassment.

That notwithstanding this disinclination to continue borrowing money, to any considerable extent, on the credit of the Provincial Revenue, without providing ways and means for its re-payment, other than an anticipated improving Revenue, the Legislative Council have consented to pass the Bill appropriating the sum of £50,000 to improve the public Highways, although it would seem to be an impropriety to appoint many persons as Commissioners to expend public money, who have not accounted for the sums placed at their disposal by former Acts of Parliament, and although sufficient reasons might justify the rejection of the Bill on this account, and also in the absence of any balance in the hands of the Receiver General, subject to the disposition of Parliament, yet, in this instance, as public expectation has been kept alive to a further expenditure of money for the improvement of the Roads throughout the Province, the Legislative Council have, from an unwillingness under these circumstances to cause disappointment, agreed to the present grant, which has the effect of swelling the debt of the Country, to a sum beyond which a wholesome state of public credit would forbid the Legislature to advance.

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

*Resolved.*—That the best interests of this Province require of the Legislature the utmost caution in adopting measures which materially increase the amount of the public debt, without a suitable provision for its ultimate extinguishment.

That although the Legislative Council feel the most anxious desire to unite with the House of Assembly in promoting public improvement, to the utmost limit justified by the financial affairs of the Country; yet, they cannot but look, with great apprehension, to an annually augmented Provincial Debt, which, if permitted to accumulate, must inevitably involve the Country in very serious pecuniary embarrassment.

That notwithstanding this disinclination to continue borrowing money to any considerable extent, on the credit of the Provincial Revenue, without providing ways and means for its repayment, other than an anticipated improving Revenue, the Legislative Council have consented to pass the Bill appropriating the sum of £50,000 to improve the public Highways, although it would seem to be an impropriety to appoint many persons as Commissioners to expend public money, who have not accounted for the sums placed at their disposal by former Acts of Parliament, and although sufficient reasons might justify the rejection of the Bill on this account, and also in the absence of any balance in the hands of the Receiver General, subject to the disposition of Parliament, yet, in this instance, as public expectation has been kept alive to a further expenditure of money for the improvement of the Roads throughout the Province, the Legislative Council have, from an unwillingness under these circumstances to cause disappointment, agreed to the present grant, which has the effect of swelling the debt of the Country, to a sum beyond which a wholesome state of public credit would forbid the Legislature to advance.

The Honorable the Speaker reported to the House, that a Deputation from the Commons House of Assembly had brought up a Bill entitled, "An Act to raise a sum of money for the purpose of completing a Steam Dredge, for deepening the several Harbours in this Province;" also a Bill entitled, "An Act granting Militia Pensions;" and also a Bill entitled, "An Act granting to His Majesty a sum of money to remunerate Gilbert McMicking, for certain purposes therein mentioned;" to which they requested the concurrence of this House. Speaker reports the receipt of Steam Dredge Grant bill; Militia Pension Grant bill; and McMicking's remuneration bill, from the Assembly.

The said Bills were then severally read; and it was, Read first time.

Ordered, that the Forty-fourth Rule of this House be dispensed with as it respects the Bill entitled, "An Act to raise a sum of money for the purpose of completing a Steam Dredge, for deepening the several Harbours in this Province," and that the said Bill be read a second time presently. Forty-fourth rule dispensed with as respects Steam Dredge Grant bill;

The Bill was then read a second time accordingly; and it was, And the same read second time.

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

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- Committed. The House was then put into a Committee of the whole accordingly.  
The Honorable Mr. Boswell took the Chair.  
After some time the House resumed.
- Reported. The Chairman reported, that the Committee had gone through the said Bill, and recommended the same without any amendment to the adoption of the House.
- Adopted. Ordered, that the report be received ; and,  
Ordered, that the said Bill be read a third time presently.
- Read third time, and passed.  
Same signed ; The said Bill was then read a third time accordingly, and passed :
- And the Assembly acquainted thereof. Whereupon the Speaker signed the same ; and it was,  
Ordered, that the Master in Chancery do go down to the Assembly, and acquaint that House, that the Legislative Council has passed this Bill without any amendment.  
On motion made and seconded ; it was,
- Select Committee upon the Covering bill, discharged. Ordered, that the Select Committee to whom was referred the Bill entitled, "An Act to make good certain monies advanced for the Contingent Expenses of the last Session of the Legislature of this Province, and also to make good certain monies advanced in compliance with two Addresses of the House of Assembly during the present Session," be discharged, and that the House be again put into a Committee of the whole presently, to take the same into further consideration.
- Re-committed. The House was then put into a Committee of the whole accordingly.  
The Honorable Mr. Macaulay took the Chair.  
After some time the House resumed.
- Reported. The Chairman reported that the Committee had gone through the said Bill, and recommended the same without any amendment to the adoption of the House.
- Adopted. Ordered, that the Report be received ; and,  
Forty-fourth rule dispensed with. Ordered, that the forty-fourth rule of this House be dispensed with, as it regards this Bill, and that the same be read a third time presently.
- Bill read third time and passed.  
Same signed ; The Bill was then read a third time accordingly, and passed.  
Whereupon the Speaker signed the same ; and it was,  
And the Assembly acquainted thereof. Ordered, that the Master in Chancery do go down to the Assembly, and acquaint that House, that the Legislative Council has passed this Bill without any amendment.  
It was moved and seconded, that it be,
- Resolutions on the subject of petitions for private bills, and bills of the same nature, moved. *Resolved*—That after the present Session of Parliament, no petition will be entertained by the Legislative Council, praying for the incorporation of any Joint Stock Company, for the purpose of constructing any Harbour, Rail Road, Turnpike Road, or other work of a similar nature, unless accompanied with plans from actual survey, specifications and estimates of such proposed work, nor unless the same be presented within thirty days after the commencement of the Session.  
*Resolved*.—That the time for receiving petitions for private Bills, which may contain matter affecting the private rights of individuals, be extended to thirty days, and for receiving Bills from the Commons House of Assembly, of the same nature, be extended to forty days after the commencement of each Session.  
*Resolved*.—That the rule of this House in regard to notices, and petitions, required to be given in the Upper Canada Gazette, be so amended as that the same shall be published continuously, for six months preceding the commencement of each Session, and that the rule of the Legislative Council in reference thereto be published in said Gazette four months, immediately after each Session.
- Read second time and adopted. The said Resolutions being read a second time, and the question of concurrence put on each, they were severally agreed to by the House ; and it was,  
Ordered, that after the present Session of Parliament, no petition will be entertained by the Legislative Council, praying for the incorporation of any Joint Stock Company, for the purpose of constructing any Harbour, Rail Road, Turnpike Road, or other work of a similar nature, unless accompanied with plans from actual survey, specifications and estimates of such proposed work, nor unless the same be presented within thirty days after the commencement of the Session ; and,  
Ordered, that the time for receiving petitions for private Bills, which may contain matter affecting the private rights of individuals, be extended to thirty days, and for receiving Bills

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from the Commons House of Assembly, of the same nature, be extended to forty days after the commencement of each Session ; and,

Ordered, that the rule of this House in regard to notices, and petitions, required to be given in the Upper Canada Gazette, be so amended as that the same shall be published continuously, for six months preceding the commencement of each Session ; and that the rule of the Legislative Council in reference thereto be published in said Gazette four months, immediately after each Session.

Pursuant to the order of the day, the House was put into a Committee of the whole upon the Bill entitled, "An Act to amend and extend the provisions of an Act passed in the fifty-fifth year of the reign of George the Third, entitled, 'An Act to incorporate the Midland District School Society,'" and the report of the Select Committee thereon.

Midland District School Society's amendment bill, committed.

The Honorable Mr. Macaulay took the Chair.

After some time the House resumed.

House resumes.

On motion made and seconded the House adjourned, until the hour of three of the clock this day.

House adjourns.

At three of the clock P. M. the House met.

House meets.

PRESENT :

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

*The Honorable Messrs.* HAMILTON,

Members present.

*The Honorable Mr.* CROOKSHANK,

" " BOSWELL,

*The Hon. & Ven. The* ARCHDEACON OF YORK.

" " ADAMSON,

*The Honorable Messrs.* WELLS,

" " CROOKS,

" " CAMERON,

" " STEWART,

" " ALLAN,

" " MORRIS.

" " McDONELL,

" " MACAULAY.

" " ELMSLEY,

" " VANKOUGHNET.

" " BALDWIN,

Pursuant to the order of the day, the House was again put into a Committee of the whole upon the Bill, entitled "An Act to amend and extend the provisions of an Act passed in the fourth year of His Majesty's reign, entitled 'An Act to incorporate certain persons under the style and title of the London and Gore Rail Road Company,' and to grant to the said Company the privilege of Banking,"—as also the report of the Select Committee thereon.

London and Gore Rail-road Company's Banking bill, re-committed.

The Honorable Mr. Elmsley took the Chair.

After some time the House resumed.

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

Reported, and leave asked to sit again ;

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

Leave granted.

The Honorable Mr. Macaulay, from the Select Committees to whom were referred the Bill, entitled "An Act to amend the Charter of King's College;" and also the Bill, entitled "An Act for the relief of the Heirs and Devisees of the late Robert Randall, Esquire, in the matter of certain valuable landed estate claimed by them, near the Falls of the Chaudière, in the District and on the River Ottawa,"—presented their reports.

Reports of the Select Committees upon King's College Charter amendment bill, and Randall's heirs relief bill, presented.

Ordered, that they be received ; and,

The same were then severally read by the Clerk as follows :

Read.

The Committee to whom was referred the Bill, sent up from the Commons House of Assembly, to amend the Charter of King's College—most respectfully report :

That they have carefully examined the Bill, and find it to be an exact transcript of the one sent up to your Honorable House last year by the Commons House of Assembly, and which, after mature deliberation, was unanimously rejected.

The Report upon King's College Charter amendment bill.

On ascertaining this fact, your Committee would have felt justified in proceeding no farther, but deeply sensible of the injury done to this populous Colony, by deferring the establishment of a University, capable of instructing the youth in the higher branches of Literature and Science, they were anxious to enquire, whether such modifications of the Charter might not be devised as to meet the wishes of both branches of the Legislature, and admit of its going into operation.

With this view, the attention of your Committee was drawn to certain Resolutions adopted by the Commons House of Assembly in 1829, proposing such alterations in the Charter as

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were deemed requisite for perfecting the University, and rendering it the most efficient Seminary on this Continent; and on examining these Resolutions, which were supposed to comprise all the objections that could with reason be made against the Charter, and all the changes deemed necessary, your Committee was prepared to recommend their adoption, in as far as they are consistent with the preservation of the University, as a Royal Institution, and the power and dignity which the Charter confers, as emanating from the King, and which can be conferred in no other way, being well assured that any alterations which would put these advantages in jeopardy would be purchased at too high a price.

Your Committee, in order to reconcile all interests, in addition to the modifications already noticed, feel inclined to propose that a Professor of Divinity of the Church of Scotland, to be recommended by the Synod of the Canadas, should be placed on the foundation of the University; but on referring to the Bill, they find that it is impossible to reconcile these salutary amendments with its enactments, for they totally subvert the Royal Charter, and instead of establishing a tranquil Seminary of Education, carefully separated from the bustle and business of the world, and more especially from the strife and agitation which so frequently attend discussions on the public affairs of the Province, they would render the University of King's College, an arena of political excitement. That this language is more than borne out will appear from a very brief notice of some of the details of the Bill.

Although His Majesty has been most graciously pleased to become the Founder and Patron of the University of King's College—has granted it a munificent endowment—and conferred upon it the most valuable privileges, some of which extend their benefits through the whole British Empire and its Dependencies—this Bill goes to deprive the King of all power and authority in his own University, and to reduce it to a Provincial Institution, which has no advantage or influence beyond the Colony; and what is still more pernicious and unprecedented, places it under the sole direction and authority of the Legislature, by which it becomes liable to be wholly changed or subverted at the expiration of every four years.

By the sixth clause it is provided, "that there shall be within the said College, in the place and stead of the Council in the said Charter mentioned, a Council to be called and known by the name of the Council of King's College, which Council shall consist of twelve persons: one-half of the number of which persons shall be nominated by the Legislative Council, and the other half by the House of Assembly, which persons, so nominated, shall be certified by the respective Houses, to the Governor, Lieutenant Governor, or person administering the Government for the time being, and shall hold their offices for four years, from the day of such nomination, and thence until the then next Session of the Provincial Parliament, and no longer."

Now it is respectfully submitted, that such a mode of nomination is not only unconstitutional, but altogether subversive of the principles upon which Seminaries for the instruction of youth ought to rest. By this clause every thing is changeable, and nothing permanent. The Council being removable every four years, one-half by the Commons House of Assembly, and one-half by the Legislative Council, it would partake of all the changes and agitations of the Legislature, and these through the Council would be infused into the University. There is no precedent in any country where the Legislature virtually directs the internal government of Colleges, or interferes in their economy—they are left to the guidance of their own faculties, acting under the charters and privileges conferred upon them, subject to correction should they err, from occasional visitations appointed by their founders, or the force of public opinion. But by the enactments proposed in this Bill, such an intimate connexion is created between the University of King's College and the Legislature, as to form nearly a complete incorporation.

By Clause Eighth, it is provided, that no meeting of the Council shall be taken, or held to be a lawful meeting thereof—nor any question be taken except to adjourn, unless nine members at the least, be present; and that all questions and resolutions proposed for the decision of such College Council, shall be determined by the majority of the members of the Council present, including the vote of the presiding member—and that in the event of an equal division of such votes, the member presiding at any such meeting, shall give an additional or casting vote.



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Nothing can be more evident, than that the enactment in this clause would greatly impede the business of the University—for it can scarcely be expected that nine members out of twelve, could be readily assembled at all times when required, or that the wants and contingencies of an extensive Seminary, which are continually multiplying, can be adequately provided for by a Council, which is to sit as ordained in the twentieth clause, only two weeks in the year.

By clause twenty-sixth, Christianity appears proscribed with a virulence not unworthy of Dioclesian. There is only one attempt on record in a Christian country, and that a very recent one, of establishing a University on the principle, that every thing connected with the Christian faith shall be excluded. This consequence is said to result from the circumstance, that the London University was established by subscription. The Directors are indeed forced to confess, that religious instruction, or the formation of Christian principles, is the great and primary object of Education, and that it is an object far too important to compromise—but they shelter themselves under the pretence, that the London University is intended for the education of youth in the metropolis, and as it is presumed living with their parents, who are expected to attend to this most important part of their education. Without admitting the force of this reason, it is sufficient to remark, that it totally fails in its application to King's College; because it is obvious, that instruction is there to be dispensed to youth, collected from all parts of a very extensive country, and of whom, the great majority will be wholly removed from the authority and superintendence of their parents—and it may be confidently affirmed, that the inhabitants of this Province are not prepared to approve of an Institution for the education of their children, from which religion is altogether excluded. There is not a College or University either in Europe or America, or indeed in any part of the world (even not excepting the London University, which has been forced to provide in some degree for religious instruction,) without a religious character. Your Committee might refer to several other clauses highly objectionable—but these already noticed, are it is hoped sufficient to prove, that it is impossible for your Honorable House to entertain the Bill in its present shape.

Your Committee feel great satisfaction in stating, that a copy of the charter of the University of King's College has been presented to them for inspection, so modified by the late Chancellor and College Council, as to embrace every thing really useful and appropriate, contained in the Resolutions of the Commons House of Assembly already alluded to—and had the Session not been so near its close, your Committee would have recommended this modified Charter, with one or two additions, to the favorable consideration of your Honorable House; but as the prorogation takes place so soon, they can only recommend that the subject be resumed at an early period of the next Session.

All which is respectfully submitted,

(Signed,)

WILLIAM DICKSON,

*Chairman.*

*Legislative Council Committee Room,*

day of April, 1836.

The Select Committee, to whom was referred the Bill sent up from the Assembly, entitled, "An Act for the relief of the Heirs and Devisees of the late Robert Randall, Esquire, in the matter of certain valuable landed estate claimed by them, near the Falls of the Chaudiere, in the District and on the River Ottawa,"—beg leave to report:

The report upon  
Randall's heirs relief  
bill.

That they have examined the said Bill, and find that its professed object is to afford relief to the heirs and devisees of the late Robert Randall, Esquire, against a judgment obtained against him in the Court of King's Bench, in this Province, at the suit of Henry John Boulton, Esquire.

The alleged ground of passing the Bill, is, that the late Robert Randall did, by Petition complain that he had suffered great loss and injustice, under a judgment obtained against him contrary to the rules of law and equity, and that adequate relief cannot be afforded by the Court of King's Bench.

When the judgment was rendered, or for what amount, or what has been done under the judgment is not explained—nor is it stated in what respect the judgment is conceived to

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have been illegal or irregular. The Bill then proceeds to constitute R. A. Tucker, Esquire, a Judge in this matter, of whom the Committee know nothing further, than that the Bill states him to have been once Chief Justice of Newfoundland, and to be now resident at Kingston, in this Province.

He is to have unlimited power, to decree whatever he may think fit respecting the judgment, and respecting any sales of land made under it, and no appeal from his decree is provided for.

The Committee have instituted no enquiry into the facts of the case referred to. Mr. Boulton, at whose suit the judgment is said to have been obtained, is now resident in Newfoundland, as Chief Justice of that island, and any enquiry, therefore at present, could only be *ex parte*. The Committee are however aware, that in the year——, a Select Committee of the House of Assembly inquired into, and reported upon a Petition of the late Mr. Randall, on the same subject, upon which occasion Mr. Boulton was examined, and several other persons—and your Committee has no doubt, that the facts of the case were even then fully ascertained. Upon recurring to the statements made before that Select Committee, it will be found that the judgment complained of, was entered seventeen or eighteen years ago; that it was in a civil action of debt on Bond, arising from transactions of a nature wholly private between Mr. Randall and Mr. Boulton, who was then a practising Attorney and Barrister—and having no reference to the public situation which Mr. Boulton at that time or afterwards held of Solicitor General in this Province.

Mr. Boulton remained in this country fourteen or fifteen years after the judgment was entered—and the land which was sold under that judgment, was bought by persons who were no parties to the judgment. It is now of great value, and may for all that your Committee knows, have passed into the hands of various persons, and have been extensively improved.

If the Court of King's Bench in 1818, rendered a judgment illegally or irregularly, to the injury of Mr. Randall, it must be presumed that a remedy might have been obtained in a Court of Law or Equity—and from the decisions of the Court of King's Bench in this Province, either party dissatisfied can appeal. If the wrong suffered was such that (as the Bill asserts it could not be adequately remedied by that Court,) it is to be presumed that the proper redress could have been afforded by a Court of Equity.

That there is no Equitable Jurisdiction in this Province, has long been a matter of regret. It rests with the Legislature to supply that striking defect in our Jurisprudence, and the Legislative Council has been always desirous of having an opportunity to concur in so necessary a measure.

But the Committee takes it for granted, that in the meantime, it cannot for a moment be thought consistent or reasonable, that an individual should be selected as a Judge, with unlimited power, to make whatever decree he may think just in a particular case—that this individual, who may be wholly unwilling to accept the office, and of whose judgment, ability, character, or discretion, the Legislative Council can know nothing, should have authority to reverse a judgment of the Court of King's Bench, composed of three Judges—while his judgment or decree should be subject to no appeal or control of any kind—and moreover, that the decree of this Judge selected by the House of Assembly, shall conclude the rights of all other parties interested in the land sold—and shall be absolutely binding and irreversible, whether it be professed to be made according to Law or Equity, or in conformity to neither—such a tribunal, constituted for such a purpose, would be an extraordinary feature in a country having a Constitution and Laws.

All which is humbly submitted,

(Signed,)

WILLIAM DICKSON,

*Chairman.*

*Legislative Council Committee Room,*

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Ordered, that the last mentioned Reports of the Select Committees be severally adopted.

The Honorable Mr. Macaulay, from the Select Committee appointed under a certain resolution of this House, to report upon the several Bills received from the House of Assembly during the present Session, presented their report.

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Ordered, that it be received; and,

The same was then read by the Clerk as follows:

Read.

The Select Committee appointed to examine and report to your Honorable House "the purport of all bills received from the House of Assembly during the present Session, and the date when such Bills were so received; also what number of the said Bills should by the rules of this House have been brought up within the first thirty days of the Session, and to report the aggregate amount of the sums of money granted by these Bills—distinguishing such grants as are made chargeable on the general Revenues of the Province, by creating new loans, from such as are payable by the Receiver General out of any surplus monies in his hands at the disposal of the Legislature."—Beg leave to report:

HEADS OF BILLS.	When Received.	Grant by Loan.			Grant from Revenue.			REMARKS.
		£	s.	d.	£	s.	d.	
Leeds Election.....	18	Jan'y.						
Libel Law amendment.....	26	do						
Official Advertisement Printing.....	26	do						
Statutes Contract Printing.....	27	do						
Hastings division.....	28	do						
Felons Counsel.....	28	do						
Quakers Militia Fines, repealed.....	10	Feb'y.						
Town Members Wages.....	10	do						
Judges Council Exclusion.....	12	do						
Lawsuits Prevention.....	12	do						
Town Voters Qualification.....	13	do						
Welland Canal Company's Loan.....	25	do	2,000	0	0			
Thames Mill-dam Erection.....	25	do						
Jury Law Amendment.....	25	do						
Intestate Distribution.....	25	do						
Clergy Reserves Sale.....	25	do						
Toronto and Lake Huron Rail-road.....	1	March						
Newcastle Old Gaol Site Sale.....	1	do						
Port Hope Harbour and Wharf.....	1	do						
Belleville Police Law Amendment.....	7	do						
Mutual Insurance Companies.....	7	do						
Johnstown District Bank.....	9	do						
Niagara District Bank.....	9	do						
Niagara Bank.....	9	do						
Gore District Bank Stock increase.....	11	do						
People's Bank.....	11	do						
Prince Edward District Bank.....	11	do						
Ottawa District Assize Court.....	11	do						
Hawkesbury Division.....	11	do						
Cobourg Bank.....	11	do						
Grafton Harbor.....	11	do						
Banking Copartnerships.....	14	do						
Bertie and Humberstone Boundary Lines.....	14	do						Should have been brought up within the first thirty days of the Session.
Niagara and Detroit Rail-road.....	18	do						
Newcastle Inland Navigation.....	26	do			16,000	0	0	
Cobourg Police.....	26	do						
Cayuga Bridge Company.....	26	do						
Cobourg Rail-road.....	26	do						
London and Davenport Rail-road.....	26	do						
Ottawa District School Money.....	26	do						
Limited Partnerships.....	30	do						
West Gwillimbury Toll-gate.....	30	do	1,000	0	0			
Gananoque and Wiltsie Navigation.....	30	do						
Otter Creek Slack Water.....	30	do						
Toronto Road.....	30	do	35,000	0	0			The same as a subsequent Grant.
Christians Marriage.....	30	do						
Pearse and others relief.....	30	do				766	0	0
Prescott Police Law amendment.....	5	April						
Wolf Bounty.....	5	do						
Burlington Bay and Lake Huron Rail-road.....	5	do						
British America Fire and Life Assurance.....	5	do						
Common School additional aid.....	5	do				5,650	0	0
Common School regulation.....	5	do				15,000	0	0
Burlington Bay Fishery preservation.....	5	do						
General Road Grant.....	5	do				50,000	0	0
King's College Charter.....	5	do						
Provincial Commissioners appointment.....	7	do				400	0	0
London and Gore Rail-road Banking.....	7	do						
Wilmot's Trustee.....	7	do						Should have been brought up within the first thirty days of the Session.
Gold and Silver Coins value establishment.....	7	do						Should have been brought up within the first thirty days of the Session.
Ameliasburgh Survey Commissioners.....	7	do						Should have been brought up within the first thirty days of the Session.
Road Acts of 1835 and 1834 continuation.....	7	do						
Gull Island Light-house amendment.....	7	do						
Loughborough Survey Commissioners.....	8	do						Should have been brought up within the first thirty days of the Session.
Rouge Hill grant.....	8	do				600	0	0
Brockville Market establishment.....	8	do						
Ottawa Navigation grant.....	9	do				4,000	0	0
Toronto Incorporation amendment.....	11	do						
Toronto Gas Light.....	12	do						
Windsor Bay Harbor improvement.....	12	do	9,000	0	0			

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HEADS OF BILLS.	When Received.		Grant by Loan.			Grant from Revenue.			REMARKS.
	£	s. d.	£	s. d.	£	s. d.			
Randall's Heirs relief .....	12	April.							Should have been brought up within the first thirty days of the Session.
Tavern License amendment .....	12	do							Do. do. do.
Chatham and Camden Boundary Line.....	12	do							
School and Crown Lands Commissioners.....	12	do							
Debtors Imprisonment Law amendment.....	12	do							
McMillan's relief.....	13	do							
Presquisle Point Light-house grant.....	13	do			1,000	0	0		
War Loss Grant.....	13	do			20,000	0	0		Sterling.
Kingston Bank Real Estate sale.....	13	do							
Niagara River Suspension Bridge.....	13	do							
Provincial Penitentiary grant.....	14	do			5,000	0	0		
Bois Blanc Island Light-house grant.....	14	do			500	0	0		
Gibraltar Point Light-house grant.....	14	do			100	0	0		
Township Agricultural Societies establishment.	14	do							Annual grant variable.
Deacon's relief.....	14	do							
Light-house grant .....	14	do			1,000	0	0		
Hall's remuneration.....	14	do			55	0	0		
Turton's relief .....	14	do			290	15	8		
Steam Dredging Machine further grant.....	14	do			1,400	0	0		
Hamilton Water Works.....	15	do							
Toronto Assessment Law amendment.....	15	do							
General Election provision.....	15	do							
Township Officers Law amendment.....	15	do							
Toronto Roads improvement.....	18	do	35,000	0	0				
Covering.....	19	do			10,477	16	7½		
Steam Dredge grant.....	20	do			1,400	0	0		
Welland Canal Commissioners appointment...	19	do							
Midland District School Society's amendment..	19	do							
Receiver General's remuneration.....	19	do						¼ per cent upon certain, negotiated by him in England.	
Crown Lands entry prevention .....	19	do							
Militia Pension grant.....	20	do			£180	annually to certain persons.			
McMicking's remuneration.....	20	do			£400	10	0		

(Signed)

JOHN MACAULAY,

Chairman.

His Excellency comes to the House and requires the attendance of the Members of the Assembly.

At four of the clock, P. M., His Excellency the Lieutenant Governor being come to the Legislative Council Chamber, and seated on the Throne, the Gentleman Usher of the Black Rod, was ordered to direct the immediate attendance of the Assembly; who being come, His Excellency was pleased in His Majesty's name, to assent to the following Bills.

Bills assented to by him.

- 1.—An Act to incorporate the City of Toronto and Lake Huron Rail Road Company."
- 2.—An Act to amend the charter of the Port Hope Harbour and Wharf Company."
- 3.—An Act to amend an Act passed in the fourth year of His present Majesty's Reign, entitled, "An Act to establish a Board of Police in the Town of Belleville, and to make further provisions for the establishment of a Police in said Town."
- 4.—An Act to authorise the establishment of Mutual Insurance Companies in the several Districts of this Province.
- 5.—An Act to incorporate certain persons therein mentioned, under the name and style of the Niagara and Detroit Rivers Rail Road Company.
- 6.—An Act to incorporate certain persons under the style and title of the Cayuga Bridge Company.
- 7.—An Act to extend the time of commencing the Cobourg Rail Road.
- 8.—An Act to provide for the making and keeping in repair the West Gwillimbury Road and Bridge—and to authorise the crection of a Toll Gate thereon.
- 9.—An Act to incorporate sundry persons under the style and title of the Gananoque and Wiltsie Navigation Company.
- 10.—An Act to repeal an Act passed in the forty-ninth year of the Reign of His late Majesty King George the Third, entitled, "An Act to encourage the destroying of Wolves in this Province, and to make further provision for exterminating those destructive animals."
- 11.—An Act to incorporate a Company to construct a Rail Road from Burlington Bay to Lake Huron.
- 12.—An Act to repeal and amend certain parts of an Act passed in the third year of His Majesty's Reign, entitled, "An Act to incorporate a Company under the style and title of the British America Fire and Life Assurance Company.
- 13.—An Act for the preservation of the Fishery within Burlington Bay.

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- 14.—An Act to repeal and amend certain Acts of this Province, in relation to the Gold and Silver Coin made current by law, and to make further provision respecting the rates at which certain Gold and Silver Coins shall pass current in this Province.
- 15.—An Act continuing the Road Acts of 1833 and 1834—and rendering the Commissioners accountable for the expenditure of the Road Monies granted by the same.
- 16.—An Act to establish a Market in the West Ward of the Town of Brockville.
- 17.—An Act to incorporate a Company under the style and title of the City of Toronto Gas Light Company.
- 18.—An Act to repeal and amend certain parts of an Act passed in the thirty-sixth year of the Reign of King George the Third, entitled, “An Act to amend an Act for regulating the manner of licensing Public Houses—and for the more easy conviction of persons selling Spirituous Liquors without License, and for other purposes therein mentioned.”
- 19.—An Act to authorise the Commissioners of the late pretended Bank of Kingston, to dispose of certain Real Estate, and for other purposes therein mentioned.
- 20.—An Act for erecting a Suspension Bridge over the Niagara River, at or near Queenston in Upper Canada.
- 21.—An Act for the relief of Andrew Deacon.
- 22.—An Act to incorporate certain persons under the style and title of the Hamilton Water Works Company.
- 23.—An Act to amend and extend the provisions of An Act passed during the last Session of the Provincial Legislature, entitled, ‘An Act to reduce to one Act of Parliament the several laws relative to the appointment and duties of Township Officers in this Province, except an Act passed in the fourth year of the Reign of William the Fourth, chapter twelve, entitled, ‘An Act to regulate Line Fences and Water Courses, and to repeal so much of an Act passed in the thirty-third year of the reign of His late Majesty King George the Third, entitled, ‘An Act to provide for the nomination and appointment of Parish and Town Officers within this Province, as relates to the office of Fence Viewers, being discharged by Overseers of Highways and Roads.’”
- 24.—An Act to continue the improvement of certain Roads in the Home District.
- 25.—An Act to make good certain monies advanced for the contingent expenses of the last Session of the Legislature of this Province; and also, to make good certain monies advanced in compliance with two Addresses of the House of Assembly during the present Session.
- 26.—An Act to prevent Bodies Corporate within this Province, from entering upon, and taking possession of the Lands of the Crown, without permission of His Majesty.
- 27.—An Act to alter and amend an Act passed in the eighth year of His late Majesty's reign, entitled, “An Act to confer upon His Majesty, certain powers and authorities necessary to the making, maintaining, and using the Canal intended to be completed under His Majesty's direction, for connecting the waters of Lake Ontario with the River Ottawa, and for other purposes therein mentioned.”
- 28.—An Act for the relief of William Conway Keele.

And His Excellency the Lieutenant Governor, was pleased to reserve the following Bills for the signification of His Majesty's pleasure.

- 1.—An Act to loan two thousand pounds to the Welland Canal Company.
- 2.—An Act to improve the Navigation of the Inland Waters of the District of Newcastle.
- 3.—An Act to authorise the payment to the Treasurer of the District of Ottawa, of the appropriation towards the support of Common Schools in said District, for the years 1835 and 1836.
- 4.—An Act for the relief of John Pearse, William Dumble, and William Hoar.
- 5.—An Act to provide additional aid in support of Common Schools in the several Districts of this Province.

Bills reserved by him.

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- 6.—An Act granting to His Majesty a sum of money for the improvement of Roads and Bridges in the several Districts of this Province.
- 7.—An Act to amend an Act passed in the first Session of the present Parliament, entitled, "An Act granting a sum of money for the erection of a Light House on Gull Island, or such other place as the Commissioners may select.
- 8.—An Act granting a sum of money for improving the Hill at the River Rouge, and other purposes therein mentioned.
- 9.—An Act for the relief of John McMillan.
- 10.—An Act granting a sum of money to complete the payment of the War Losses.
- 11.—An Act granting a sum of money in support of the Provincial Penitentiary, and for other purposes therein mentioned.
- 12.—An Act granting three hundred pounds towards the completion of a Light House on Bois Blanc Island, in the Western District.
- 13.—An Act granting to His Majesty the sum of one hundred pounds, for the purpose of repairing the dwelling-house of the Light House keeper on Gibraltar Point, in the Home District.
- 14.—An Act granting to His Majesty a sum of money for the support of Light Houses in this Province.
- 15.—An Act to raise a sum of money for the purpose of completing a Steam Dredge, for deepening the several Harbours in this Province.

After which His Excellency the Lieutenant Governor, was pleased to address the two Houses of the Legislature in the following words :

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

Before I release you from the Legislative duties in which you have been respectively engaged, I consider it necessary to recapitulate the principal events of this Session.

You are perfectly aware that for many years the House of Assembly of Upper Canada have loudly complained of what they term their "Grievances," and that at the end of your last Session these complaints having been referred to a "Committee of Grievances" were, by the Assembly, "ordered to be printed in pamphlet form." In pursuance of this order, a volume containing 570 pages, was forwarded to, and received by, His Majesty's Government, as containing the sum total of the complaints of the People of this Province.

Whether the mere order for printing this Report of the Committee, could be legally considered as sanctioning it with their opinions, I have no desire to discuss; because no sooner did the said Report reach His Majesty's Government, than it was determined that the Grievances it detailed should immediately be effectually corrected; and accordingly Instructions were drawn out by His Majesty's Secretary of State for the Colonies, in which each subject of complaint was separately considered, and a remedy ordered for its correction: and I have only to refer to those Instructions, to prove the generosity with which His Majesty overlooked certain language contained in the Report, and the liberality with which he was graciously pleased to direct, that impartial justice should be administered to His Subjects in this Province.

His Majesty's Government having determined that I should be selected to carry these remedial measures into effect, I waited upon the Colonial Secretary of State, (to whom, as well as to almost every other member of the Government, I was a total stranger,) and respectfully begged leave to decline the duty, truly urging as my reason, that having dedicated my whole mind to a humble but important service, in which I was intently engaged, it was more congenial to my disposition to remain among the yeomanry and labouring classes of my own country, than to be appointed to the station of Lieutenant Governor of Upper Canada. His Majesty's Government having been pleased to repeat their request, I felt it impossible not to accede to it, and I accordingly received the Instructions which had been framed; and having had the honor of an interview with His Majesty, during which, in an impressive manner which I can never forget, He imposed upon me His Royal Commands to do strict justice to His Sub-

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jects in this Province, I left England with a firm determination to carry the remedial measures with which I was entrusted, into full effect.

I arrived at this Capital on the 23d of January last, and on the 27th I delivered a Speech in which I informed you, I would submit in a Message, the answer which His Majesty had been pleased to give to the several Addresses and Representations which proceeded from the two Branches of the Legislature during the last Session. I added, that as regarded myself, I had nothing either to promise or profess, but that I trusted I should not call in vain upon *you* for that assistance which your King expected, and which the rising interests of your country required.

In thus officially coming before the Legislature of this Country from our gracious Sovereign, with a full measure of Reform, I had expected that my appearance would have been hailed and welcomed by both Houses of the Legislature, more especially by that, from which had proceeded the Grievance Report; and I must own, I never anticipated it could seriously be argued for a moment, that I was intruding upon the Privileges of either House.

Having made myself acquainted with the outline of Public Feeling in this Province, by conversing calmly with the men of most ability of all parties, I communicated the result to Lord Glenelg, in Despatches dated the 5th of February, of which the following are extracts.

“Under these circumstances, I consider that the great danger I have to avoid is the slightest attempt to conciliate any party—that the only course for me to adopt is, to act fearlessly, undisguisedly, and straight forwardly, for the interests of the Country—to throw myself on the good sense and good feeling of the people, and abide a result which I firmly believe will eventually be triumphant.”

“Whatever may be the result, I shall steadily and straightly proceed in the course of policy I have adopted: I shall neither avoid, nor rest upon, any party; but after attentively listening to all opinions, I will, to the best of my judgment, do what I think honest and right; firmly believing that the stability of the Throne, the interests of this Province, and the confidence of the people, can now only be secured by such a course.”

To the Speakers of both Houses, as well as to many intelligent individuals with whom I conversed, I declared my sincere determination to do justice to the people of this Province. It was however with deep regret I observed, that from the House of Assembly I did not immediately obtain the assistance I expected in carrying the Instructions of His Majesty's Government into effect; for I received various Addresses requesting papers and information which I feared might excite troublesome and by-gone discussion.

On the 5th of February I received an Address of this nature, to which, in as conciliatory a tone as possible, I replied at considerable length; and being now determined to urge, and, if possible, to lead the House of Assembly on towards Reform, I concluded my reply in the following words:

“The Lieutenant Governor takes this opportunity of appealing to the liberality and good sense of the House of Assembly for consideration, that as a stranger to this Province, totally unconnected with the political differences which have existed in the Mother Country, he has lately arrived here entrusted by our Most Gracious Sovereign with Instructions, the undisguised object of which is, firmly to maintain the happy Constitution of this Country inviolate, but to correct cautiously, yet effectually, all real grievances.”

“The House of Assembly is deeply interested in the importance and magnitude of the task he has to perform; and he is confident it will, on reflection, be of opinion, that the Lieutenant Governor of this Province had better look steadily forward to its future prosperity and improvement;—that he had better attract into Upper Canada the superabundant Capital and Population of the Mother Country, by encouraging internal peace and tranquillity, than be observed occupying himself solely in reconsidering the occurrences of the past.”

“The Lieutenant Governor does not assert that the latter occupation is totally useless; but he maintains that the former is by far the more useful, and that to attend to both is impossible.”

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This appeal did not produce the effect I had anticipated: but I received another Address from the House of Assembly in behalf of eight Indians of the Wyandot Tribe; and I had scarcely entered this new and questionable ground, when a counter-petition was forwarded by eleven members of the same Tribe, in which they spontaneously declared, "we have the fullest confidence in the justice and fatherly protection of our beloved Sovereign and his Representative the Lieutenant Governor."

Another new set of Grievances was now brought forward by the House of Assembly, in the form of an Address to the King, on Trade and Commerce, which I immediately forwarded to His Majesty's Government, although the principal complaints in the Grievance Report still remained unnoticed and unredressed.

During these discussions I purposely refrained from having much communication with the old supporters of the Government; because I was desirous to shew those who termed themselves Reformers, that I continued, as I had arrived, unbiassed and unprejudiced; and desiring to give them a still further proof that I would go any reasonable length to give fair power to their party, I added three Gentlemen to the Executive Council, all of whom were avowed Reformers.

With the assistance of these Gentlemen—with His Majesty's Instructions before us—and with my own determination to do Justice to the Inhabitants of this Country, I certainly considered that the triumph of the Reform which had been solicited, was now about to be established, and that the grievances under which the people of this Province were said to labour, would consecutively be considered and redressed. But to my utter astonishment these Gentlemen, instead of assisting me in Reform, before they were a fortnight in my service, officially combined together in an unprecedented endeavour to assume the Responsibility I owed to the People of Upper Canada as well as to our Sovereign, and they concluded a formal document, which they addressed to me on this subject, by a request that if I deemed such a course not wise or admissible, they, who had been sworn before me to secrecy, might be allowed to address the people! and I must own, that the instant this demand reached me, I was startled, and felt it quite impossible to assent to the introduction of new principles, which to my judgment appeared calculated to shake the fabric of the Constitution, and to lead to Revolution instead of Reform.

Without discussing the arguments of the Council, I will simply observe, that had I felt ever so much disposed to surrender to them my station of Lieutenant Governor, and to act subserviently to their advice;—had I felt ever so willing obediently to dismiss from office whomsoever they should condemn, and to heap patronage and preferment upon whomsoever they might recommend;—had I felt it advisable to place the Crown Lands at their disposal, and to refer the petitions and personal applications of the Inhabitants of the remote Counties to their decision; I possessed neither power nor authority to do so.—In fact, I was no more able to divest myself of responsibility, than a criminal has power to divert from himself upon another, the sentence of the Law: and though, under the pretence of adhering to what is called "the image and transcript" of the British Constitution in this Province, it was declared that the Executive Council must be regarded as a *Cabinet*, I had no more power to invest that Body with the attributes of a Cabinet, than I had power to create myself King of the Province—than I had power to convert the Legislative Council into a Hereditary Nobility—or than I had power to decree that this *Colony* of the British Empire should henceforward be a KINGDOM.

From total inability therefore, as well as from other reasons, I explained to my Council, in courteous language, that I could not accede to their views; and it being evidently necessary for the Public Service that we should separate, I felt it was for them rather than for me to retire. I received their resignations with regret; and, that I entertained no vindictive feelings, will be proved by the fact, that I immediately wrote to Lord Glenelg, begging his Lordship most earnestly not to dismiss from their offices any of these individuals on account of the embarrassment they had caused to me.

On the day the Council left me, I appointed in their stead four Gentlemen of high character, entitled by their integrity and abilities to my implicit confidence; and with their assis-



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tance, I once again determined to carry promptly into effect those remedial measures of His Majesty's Government which had been solicited by the Grievance Report.

However, a new and unexpected embarrassment was now offered to me by the House of Assembly, who, to my astonishment, not only requested to be informed of the reasons, why my Executive Council had resigned, but who I have learned, actually suspended all business until my reply was received!

As the Lieutenant Governor of this Province is authorised by His Majesty, in case of death or resignation, to name, pro tempore, the individuals, he may think most proper to appoint to his Council, I might constitutionally, and perhaps ought to have declined to submit to either branch of the Legislature, my reasons for exercising this prerogative;—but actuated by the earnest desire, which I had uniformly evinced, to comply with the wishes of the House of Assembly, I transmitted to them the correspondence they desired, with a conciliatory message which ended as follows:

“With these sentiments, I transmit to the House of Assembly the documents they have requested, feeling confident, that I can give them no surer proof of my desire to preserve *their* privileges inviolate than by proving to them, that I am equally determined to maintain the rights and prerogatives of *the Crown*, one of the most prominent of which is, that which I have just assumed, of naming those Councillors in whom I conscientiously believe I can confide.

“For their acts I deliberately declare myself to be responsible, but they are not responsible for mine, and cannot be, because being sworn to silence, they are deprived by this fact, as well as by the Constitution, of all power to defend themselves.”

The House of Assembly referred the whole subject to a Committee, which, contrary to customary form, made its existence known to me, by applying directly to *me*, instead of through *the House*, for other documents and information, which I immediately forwarded, without objecting to the irregularity of the application; and the House, to my great surprise, prematurely passed its sentence upon the subject, in an address, in which it declared to me, its “deep regret that I had consented to accept the tender of resignation of the late Council.”

The following extract from my reply to this unexpected decision, will sufficiently explain the amicable desire I still entertained, to afford all reasonable satisfaction.

“The whole correspondence I forward to the House of Assembly, with an earnest desire that, regardless of my opinion, the question may be fairly discussed.”

“In the station I hold, I form one branch, out of three, of the Legislature; and I claim for myself freedom of thought as firmly, as I wish that the other two branches should retain the same privilege.”

“If I should see myself in the wrong, I will at once acknowledge my error; but, if I should feel it my duty to maintain my opinion, the House must know that there exists a constitutional tribunal, competent to award its decision; and to that tribunal I am ever ready most respectfully to bow.”

“To appeal to the people is unconstitutional as well as unwise—to appeal to their passions is wrong; but on the good sense of the House of Assembly I have ever shewn a disposition to rely, and to their good sense I still confidently appeal.”

Having thus thrown myself upon the integrity of the House of Assembly, I might reasonably have expected that a favourable construction would have been placed upon my words and acts, and that the disposition which I had evinced to afford the most ample information, and to meet as far as my duty would admit, the expectations and desires of the Assembly, would have been duly appreciated; the events, however, which soon after transpired, and the addresses which were presented to me in this City, and from other places in the vicinity, conveyed to me the unwelcome information, that efforts were being made, under the pretence of “the Constitution being in danger,” to mislead the public mind, and to induce a belief that I, as Lieutenant Governor, had declared an opinion in favour of an arbitrary and irresponsible Government—that I had shewn an entire disregard of the sentiments and feelings of the people whom I had been sent to govern—and that, therefore, the inhabitants of this country

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could never be contented or prosperous under my Administration. Several petitions, purporting to be addressed to the House of Assembly, and apparently forwarded by Members of that House to individuals in the country, with a view to obtain signatures, having been returned to the Government Office, I had ample opportunities of becoming acquainted with the fact, that there existed an intention to embarrass the Government, by withholding the Supplies, and that even the terms had been prescribed to the people of the Province, in which they were expected to address their Representatives for that object.

Now, it will scarcely be credited that while I was thus assailed—while placards declared that *the Constitution was in danger*, merely because I had maintained, that the Lieutenant Governor, and not his Executive Council, was responsible for his conduct—there existed in the Grievance Report the following explanation of the relative duties of the Lieutenant Governor and of His Executive Council.

“It appears,” says the Grievance Committee, “that it is the duty of the Lieutenant Governor to take the opinion of the Executive Council only in such cases, as he shall be required to do so by his instructions from the Imperial Government, and in such other cases as he may think fit. It appears by the following transactions that the Lieutenant Governors only communicate to the Council so much of the private despatches they receive from the Colonial Office as they may think fit, unless in cases where they are otherwise specially instructed.”

*Gentlemen of the House of Assembly :*

Having at your request transmitted to you the correspondence which passed between my late Executive Council and myself, and having reminded you that there existed “a Constitutional Tribunal competent to award its decision, and that to that tribunal I was ever ready to bow,” it is with surprise I learn that you have deemed it necessary to stop the Supplies.

In the History of Upper Canada this measure has, I believe, never before been resorted to; and as I was the bearer of His Majesty’s especial Instructions to examine, and, wherever necessary, to correct the “Grievances” detailed in your report of last Session, I own I did not expect to receive this embarrassment from your House.

The effect of your deliberate decision will be severely felt by all people in the Public Offices—by the cessation of improvement in your Roads—by the delay of compensation to Sufferers in the late War—and by the check of Emigration.

In the complaints you have made to His Majesty against me, (in which you declare that my “ear is credulous”—my “mind poisoned”—my “feelings bitter”—that I am “despotic,” “tyrannical,” “unjust,” “deceitful”—that my conduct has been derogatory to the honor of the King,” and “demoralizing to the Community,” and that I have treated the people of this Province as being “little better than a Country of Rogues and Fools”) you have availed yourselves of a high Legislative Privilege, entrusted to you by your Constituents, to the exercise of which I have consequently no constitutional objection to urge, but for the Honor of this Province in which I, though unconnected with the Country, am as deeply interested as its inhabitants, I cannot but regret that, while I was receiving from all directions the most loyal addresses, you, in your Legislative capacity, should have characterised His Majesty’s Government which has lately acted towards Upper Canada so nobly and disinterestedly, by the expression of “Downing-street Law.”

*Honorable Gentlemen : and, Gentlemen :*

Having now concluded an outline of the principal events which have occurred during the present Session, I confess that I feel disappointed in having totally failed in the beneficent object of my mission.

I had made up my mind to stand against the enemies of Reform, but I have unexpectedly been disconcerted by its professed friends. No liberal mind can deny that I have been unnecessarily embarrassed,—no one can deny that I have been unjustly accused,—no one can deny that I have evinced an anxiety to remedy all real grievances—that I have protected the Constitution of the Province—and that by refusing to surrender at discretion the patronage of the

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Crown to irresponsible individuals I have conferred a service on the back-woodsman, and on every noble-minded Englishman, Irishman, Scotchman, and U. E. Loyalist, who, I well know, prefer British freedom and the British Sovereign to the family domination of an irresponsible Cabinet.

It now only remains for me frankly and explicitly to declare the course of policy I shall continue to adopt, as long as I may remain the Lieutenant Governor of this Province, which is as follows:

I will continue to hold in my own hands, for the benefit of the people, the power and patronage of the Crown, as imparted to the Lieutenant Governor of this Province by the King's Instructions; I will continue to consult my Executive Council upon all subjects, on which, either by the Constitutional Act, or by the King's Instructions, I am ordered so to do, as well as upon all other matters in which I require their assistance. I will continue to hold myself responsible to all authorities in this Country, as well as to all private individuals, for whatever acts I commit, either by advice of my Council or otherwise, and will continue calmly and readily to afford to all people every reasonable satisfaction in my power. I will use my utmost endeavours to explain to the people of this Province, that they want only wealth and population to become one of the finest and noblest people on the globe—that union is strength, and that party spirit produces weakness—that they should, consequently, forgive and forget political as well as religious animosity, and consider as their enemies only those who insidiously promote either;—that widely scattered as they are over the surface of this extensive Country, they should recollect with pride, the brilliant history of “the Old Country,” from which they sprung, and like their ancestors, they should firmly support the British Standard, which will ever afford them freedom and disinterested protection; that by thus tranquillizing the Province, the redundant wealth of the Mother Country will irrigate their land, and that her population will convert the wilderness which surrounds them into green fields,—that an infusion of wealth would establish markets in all directions, as well as good roads—the arteries of agriculture and commerce; that plain practical education should be provided for the rising generation, as also the blessings of the Christian Religion, which inculcates “Glory to God in the highest, and on earth Peace, Good-will towards men.”

Taking every opportunity of offering these recommendations to the inhabitants of this Province, I shall in no way attempt to enforce them; on the contrary I shall plainly promulgate, that if the Yeomanry and Farmers of Upper Canada are not yet sufficiently tired of agitation—if they do not yet clearly see what a curse it has been to them, it will be out of my power to assist them;—that if they insist on turning away the redundant wealth as well as the labourers of the Mother Country to the United States, I shall be unable to prevent them;—in short, that if they actually would rather remain as they are, than become wealthy, as they might be, my anxiety to enrich them must prove fruitless.

On the other side, whenever they shall be disposed to join heart and hand with me, in loyally promoting the peace and prosperity of the Province, they shall find me faithfully devoted to their service. In the mean while I will carefully guard the Constitution of the Country, and they may firmly rely that I will put down promptly, as I have already done, the slightest attempt to invade it.

With inward pleasure, I have received evidence of the invincible re-action that is hourly taking place in the public mind, and for the sake of the Province rather than for my own, I hail the manly British feeling, which in every direction I see, as it were, rising out of the ground, determined to shield me from insult, and to cheer and accompany me in my progress towards Reform.

I have detained you longer than is customary, but the unprecedented events of this Session have made it necessary to do so.

The Honorable the Speaker of the Legislative Council then said, it is His Excellency the Lieutenant Governor's will and pleasure that this Provincial Parliament be prorogued to Monday the Thirtieth day of May, next, to be then here holden, and this Provincial Parliament is prorogued accordingly.

Parliament prorogued

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**A P P E N D I X**

TO

**JOURNAL OF LEGISLATIVE COUNCIL:**

**1835—6.**

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## APPENDIX A.—( See Journal, page 23. )

### MESSAGE,

*From His Excellency the LIEUTENANT GOVERNOR, of 30th January, 1836, transmitting a Despatch from His Majesty's Government.*

F. B. HEAD,

The LIEUTENANT GOVERNOR transmits to the Legislative Council the Communication alluded to in his Speech to the two Houses of the Legislature, on the 27th instant.

The Lieutenant Governor was commanded by His Majesty to communicate "the substance" of his Instructions to both Houses of the Provincial Parliament, but considering it would be more satisfactory to them to receive the whole, he accordingly transmits it herewith.

*Government House,  
30th January, 1836.*

Message from the Lieutenant Governor, transmitting the copy of a Despatch from His Majesty's Government.

### DESPATCH, &c.

*Downing Street,  
5th December, 1835.*

SIR,

I have the honor herewith to transmit to you a Commission, under His Majesty's Sign Manual, appointing you Lieutenant Governor of the Province of Upper Canada.

The Despatch.

You have been selected for this office at an era of more difficulty and importance than any which has hitherto occurred in the history of that part of His Majesty's dominions. The expression of confidence in your discretion and ability which the choice itself implies, would only be weakened by any more formal assurance which I could convey to you.

In the following instructions I shall pre-suppose your knowledge of many occurrences, the correct understanding of which is essential to the discharge of the duties to which you are called, but which it is unnecessary for me to recapitulate. As, however, a more exact acquaintance with Canadian affairs is indispensable for your guidance in the administration of the Government of Upper Canada, I think it right to refer you to those sources of information on which you will be able most safely to rely. Amongst these, the first place is due to the Journals of the Legislative Council, and the House of General Assembly. The Appendices subjoined to the annual summary of the proceedings of the two Houses, contain a fund of information on almost every topic connected with the statistics and political interests of the Province; and to those reports you will be able to resort with far greater confidence than to any other source of similar intelligence. The Report of the Committee of the House of Commons of the year 1828, with the evidence, oral and documentary, to which it refers, will also throw much light on the progress and the actual state of the questions agitated in the Upper Province. The correspondence of my predecessors and myself with the Officers who have successively administered the Provincial Government, will of course engage your careful attention.

In Upper Canada, as in all countries which enjoy the blessing of a free Constitution, and of a Legislature composed in part of the Representatives of the people, the discussion of public grievances, whether real or supposed, has always been conducted with an earnestness and freedom of enquiry, of which, even when occasionally carried to exaggeration, no reasonable complaint can be made. The Representatives of the Canadian people, if departing at times from the measured style and exact terms in which the investigation of truth may perhaps be most successfully conducted, have yet, even in the agitation of questions the most deeply affecting the interests of their constituents, exhibited a studious respect for the person and authority of their Sovereign, and a zealous attachment to the principles of their balanced Constitution. Until the last Session of the Provincial Parliament the remonstrances of the House were chiefly confined to insulated topics of complaint; discussions, indeed, occasionally arose, and discontent was occasionally manifested; but it may be affirmed that, generally, there subsisted a spirit of amicable co-operation between the Executive Government and the Legislature.

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The cession by His Majesty of the Revenues raised under the Statute 14th Geo. 3. cap. 88. to the appropriation of the House of Assembly, was a gratuitous and unsolicited act, and was accepted by that body in a spirit of grateful cordiality.

I will not pause to recapitulate the events which immediately preceded, if they did not produce the interruption of this mutual good understanding.

The Despatch.

It is sufficient for my present object to observe, that the relations which had formerly subsisted between the Executive Government and the Representatives of the people underwent an entire change, immediately after the elections which took place in the autumn of 1834. The supporters of the Local Government now, for the first time, found themselves in a constant minority on every question controverted between them and their political antagonists. A Committee of Grievances was appointed, by which a report was made, impugning the administration of affairs in every department of the public service, and calling for remedial measures of such magnitude and variety as apparently to embrace every conceivable topic of complaint. Having adopted this report, and having directed its publication in an unusual form, the House transmitted, through the Lieutenant Governor, to the King, an address, in which some of the more considerable of the claims of the Committee were urged in terms of no common emphasis. It will be your first duty, on the assumption of the Government, to convey to the House the answer which His Majesty has been advised to return to these representations.

I cannot proceed to explain the terms of that answer without the preliminary remark, with a view to which the preceding statement has been chiefly made. Whatever may be the justness of the complaints now preferred respecting the general principles on which the public affairs of the Province have been conducted, the Representatives of the people of Upper Canada, are at least not entitled to impute to the confidential advisers of the King any disregard of their remonstrances. The greater part of the grievances detailed by the Committee and the House, are now for the first time brought by them under His Majesty's notice. My predecessor, the Earl of Ripon, in his Despatch of the 8th November, 1832, to Sir John Colborne, was commanded by the King to state that "there was no class of the Canadian people, nor any individual amongst them, to whose petitions His Majesty did not require that the most exact and respectful attention should be given." His Majesty has never ceased to be actuated by the spirit which dictated those instructions, and of course will not deny to the House of General Assembly, that careful investigation of the grounds of their complaints which he graciously pledged himself to bestow on the representation of any individual petitioner. I feel myself, therefore, entitled, on behalf of His Majesty's Government, to object to any resort on the part of the House to that ulterior measure to which they allude, but which they will feel with me is to be justified only by an extreme emergency.

I now proceed to the consideration of the various topics embraced in the Seventh Report of the Committee of Grievances, and in the Addresses of the two Houses to His Majesty. And I shall advert to them in the order in which they are pursued in the report itself.

In the following pages, if any subject should appear to be passed over without due regard, you will understand that I have, at least, been guilty of no intentional omission, but have, in obedience to His Majesty's commands, made it my endeavour to meet every question which the Committee and the House have thought it necessary or proper to raise.

1st It is stated that "the almost unlimited extent of the patronage of the Crown, or rather of the Colonial Minister for the time being, and his advisers here, together with the abuse of that patronage, are the chief sources of Colonial discontent. Such (it is added) is the patronage of the Colonial Office, that the granting or withholding of Supplies is of no political importance, unless as an indication of the opinion of the country concerning the character of the Government, which is conducted on a system that admits its officers to take and apply the funds of the Colonists without any Legislative vote whatever." The Committee then proceed to an enumeration of the various public officers, and the different departments and branches of the public service over which this patronage is said to extend; and by bringing the whole into one view, they suggest what must be the amount of the authority and influence accruing to the Executive Government from these sources.

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The statement is substantially this,—that the number of public offices in the Colony is too great, and that the patronage, instead of being vested, as at present, in the Crown, and the local Representative of the Crown, should be transferred to other hands.

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In the long enumeration of places at the disposal of the Executive Government in Upper Canada, the Committee have not adverted to one consideration to which I think that great prominence might justly be assigned. It is perfectly true, as it is quite inevitable, that in Upper Canada, as in other new Countries, the number of public employments is, and will be, far larger, in proportion, than in older and more densely peopled States. The general machinery of Government must be the same in a scanty as in a large and redundant population. Corresponding Departments of the public service, whether Legislative, Judicial, or Administrative, must exist in both. . And in a new country, besides, there will be some Establishments, for which, in the settled States of Europe, no counterpart can be found. Such, for example, are all which relate to the allocation, surveying, and granting of wild lands. Nor is it to be forgotten, that in the early stages of such a society many duties devolve upon the Government, which at a more advanced period are undertaken by the better educated and wealthier classes, as an honorable occupation of their leisure time. Thus in the Canadas, although the mere text of the law would there, as in England, authorise any man to prefer and prosecute an indictment in His Majesty's name, yet, virtually, and in substance, the prosecution of all offences is confided to the Government or its Officers. These causes have inevitably tended to swell the amount of the patronage of the Provincial Government, without supposing any peculiar avidity on their part for the exercise of such power.

The Despatch.

With respect to the patronage of the requisite offices, His Majesty's Government are not solicitous to retain more in their own hands, or in those of the Governor, than is necessary for the general welfare of the people, and the right conduct of public affairs. I confess myself, however, unable to perceive to whom the choice amongst candidates for public employment could with equal safety be confided. It requires but little foresight or experience to discover that such patronage if exercised in any form of popular election, or if committed to any popular body, would be liable to be employed for purposes far less defensible, and in a manner less conducive to the general good. Chosen by irresponsible Patrons the Public Officers would themselves be virtually exempt from responsibility, and all the discipline and subordination which should connect together in one unbroken chain the King and his Representative in the Province, down to the lowest functionary to whom any portion of the power of the State may be confided, would be immediately broken.

I conclude therefore, that as in such a country as Canada, there must exist a number of Public Officers, larger in proportion to the present number and wealth of the inhabitants, so the selection of them must for the most part be entrusted to the head of the local Government.

I disclaim, however, on the part of the Ministers of the Crown every wish to urge these general principles beyond their just and necessary limits. There are cases in which, I think, according to the analogy of similar cases in this country, the patronage now said to be exercised by the Lieutenant Governor might, with perfect safety and propriety, be transferred to others. On this subject, however, it will be more convenient to state the general principle than to attempt the specific and detailed application of it at this distance from the scene of action.

That principle is, to maintain entire, by the nomination and removal of Public Officers, that system of subordination which should connect the head of the Government with every person through whose instrumentality he is to exercise the various delegated prerogatives of the Crown.—What is necessary for this end must be retained. Whatever patronage is unnecessary for the maintenance of this principle, should be frankly and at once abandoned.

It is noticed in the report, as an aggravation of the evils of the Government patronage, that almost every Public Officer holds his place at the pleasure of the Crown.

I cannot disguise my opinion that the public good would be little advanced if the Subordinate Functionaries held their places upon a more certain tenure. . In practice indeed, though subject to certain exceptions to be hereafter noticed, no Public Officer is in danger of losing his employment except for misconduct or incompetency. But there are many kinds of misconduct and incompetency which could never be made the subject of judicial investigation,

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but which yet would be destructive of the usefulness of a Public Officer, and ought, therefore, to be followed by a dismissal from the public service. Nor is it necessary to insist at any length on the evils which would arise in the transaction of business, if the Subordinate Officers were aware that they were entirely independent of the good opinion of their superiors, for their continuance in their employment.

The Despatch.

It is not difficult to shew, in reference to any conceivable arrangement on the subject of patronage, that there will be dangers against which it is impossible to take an absolute and perfect security. I know not, however, that any less exceptionable scheme could be devised than that which at present prevails—of giving to the Head of the local Government the choice of the Subordinate Officers, and of making their places dependent on His Majesty's pleasure. To prevent, however, as far as may be possible, the continuance of any well founded ground of complaint on this head, His Majesty, disclaiming for himself, and for his Representative in the Province, all desire to exercise, with the view merely to patronage, the power of appointing Public Officers, is pleased to prescribe for your guidance the following rules :

*FIRST.*—You will at the earliest opportunity enter into a diligent review of the Offices in the appointment of the Crown and of the local Government, as detailed in the report of the Committee and the appendix, with a view to ascertain to what extent they may, without impairing the efficiency of the public service, be reduced immediately and prospectively.

You will report to me the result of your investigation, with such particular information as will enable His Majesty's Government to decide in each case on the expediency of adopting your recommendation.

*Secondly.*—If during the reference of that report to me any occasion occur for the reduction of Offices, either by abolition or by consolidation, you will exercise your own discretion, as to waiting for fresh instructions, or proceeding at once to the reduction. Any appointment, however, made under such circumstances will be merely provisional. In case of the immediate abolition of any office not required for the efficient discharge of the public service, you will stipulate for such a compensation to the present holders, as the disappointment of their reasonable expectations may entitle them to receive.

*Thirdly.*—In the prescribed revision of these offices you will make it one of your objects to form a judgment, what share of the patronage of the Crown or the local Government may safely and wisely be transferred to other hands.

You will report to me on this subject, but will refrain from taking any steps regarding it without further instructions from me.

*Fourthly.*—In the selection of persons to execute public trusts, you will be guided exclusively by the comparison of the claims which the different candidates may derive from past services, or from personal qualifications.

*Fifthly.*—In general, you will not select for any public employment in Upper Canada any person who is not either a native or a settled inhabitant of the Province.

To this general rule occasional exceptions may be admitted ; as in cases where some peculiar art or science is demanded, which no Provincial candidate may be found to possess in the requisite degree. An exception must also be made in reference to those Officers who are immediately attached to your own person, in the choice of whom His Majesty does not think it right to subject you to any such restriction.

*Sixthly.*—As often as any office shall be vacant which is not to be suppressed, and of which the annual emolument shall exceed two hundred pounds, you will make the appointment provisional only, and with the distinct intimation to the party elected, that his confirmation will depend entirely on the estimate which His Majesty may form of his pretensions ; and you will on every such occasion signify to me, for His Majesty's information, the grounds on which you have proceeded, and the motives which have directed your choice. If His Majesty should be pleased to issue under his Sign Manual, a warrant authorising you to make a grant of the office under the public seal of the Province, then, and not till then, the appointment must be considered as finally ratified.

I trust, that in these regulations the House of Assembly will perceive a sufficient proof of His Majesty's settled purpose to exercise this branch of his prerogative for no other end



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than the general good of his Canadian Subjects, and to prevent its being converted into an instrument of promoting any narrow, exclusive or party, designs.

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SECOND.—Pursuing the order observed by the Committee, I pass on to the subject of the Provincial Post Office. Adverting to the measures which have already been taken for the redress of the grievances which have been alleged to exist in the conduct of this department, the Committee observe, “That the form of a Law such as the Government would approve is before the Houses, but its provisions (they add) are so inapplicable and absurd, that no benefit could be derived from their enactment.” The Despatch.

On the measure thus characterized, I am not called to give an opinion. It is, however, but fair to those by whom it was recommended to the adoption of the Local Legislature, to observe, that it had previously undergone a most careful investigation by the Post Master General.

His Majesty's Government cannot have the slightest wish to urge the adoption of any measure to which well founded and sufficient objections may exist: they are content that the Bill in question should be withdrawn to make way for any other which the Assembly may be disposed to substitute for it. Perhaps, however, on approaching the question more closely, the Assembly may find it encumbered with unexpected difficulties. I fear that this will be the case, especially in reference to the intercourse by post with all places beyond the limits of the Province itself. You will, however, assent to any judicious and practicable scheme which the House may incorporate in any Bill tendered for your acceptance; regarding as of no weight whatever, when opposed to the general convenience of the public, any considerations of patronage, or of revenue derivable from this source.

THIRD.—Under the head of salaries and fees, the Committee have entered into very copious statements to shew that the emoluments of the Public Officers in Upper Canada are excessive, and out of all just proportion to the value of services rendered.

It is unnecessary for me to enter into these details, because as to the general principles on which it will be your duty to act on questions of this nature, there can be no room for controversy; indeed, those principles will, I think, be most conveniently considered when divested of topics connected with the interests and the services of particular persons.

There is no measure of retrenchment compatible with the just claims of His Majesty's various officers, and with the efficient discharge of the public service and duty, to which the King is not disposed to give a prompt and cheerful assent. To determine what ought to be the scale of remuneration to Public Functionaries of different classes, would require information too minute and exact to be obtained beyond the limits of the Province itself. This would appear a very fit subject for a special enquiry, in which it might be proper to employ Commissioners, to be appointed under the authority of an Act of the Assembly. I have reason to suppose that the subject has never yet undergone a full and fair investigation; and therefore I do not feel myself entitled to assume the non-existence of those abuses which so readily grow up under a system which is not subjected to a careful scrutiny, conducted upon permanent and enlightened views of public economy. Even if the result of the examination should be only to shew that there is no evil of this nature to be remedied, the labour would be amply repaid, by placing so important a fact beyond the reach of all reasonable suspicion.

In dealing with existing interests, the Local Legislature will, I doubt not, be well disposed to adopt the rules which have been uniformly taken by Parliament for the guidance of their discretion in similar cases. The saving of public money which could arise from the unexpected reduction of official incomes, would not only subject numerous families to extreme distress, but by impairing general confidence in the public credit, would weaken the foundations on which all proprietary right must ultimately repose.

The King confidently relies on his faithful subjects of Upper Canada, that they will not reduce His Majesty to the distressing alternative of either abandoning the just interests of any of his servants, or opposing himself to measures having for their object the reduction of public expenditure.

FOURTH.—Next in the order of complaints, is that which relates to the amount of the Pension List. On this, as on the subject which I have last noticed, I conceive that I shall best discharge my duty by attempting to provide against any future abuse, than by engaging

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The Despatch.

in a minute retrospect of any which may have already occurred. I will not even pause on the comparison, not perhaps very accurately or necessarily instituted, between the conduct of the Central Government of the United States of America, and that which has been pursued in one of the Provinces of the British Empire, respecting the remuneration of Officers for past service. Such pensions as have already been charged upon the revenues which were at the disposal of the Crown, constitute a debt, to the payment of which His Majesty's honour is pledged; nor need I state, that there is no consideration so powerful as to induce the King to assent to the violation of any engagement lawfully and advisedly entered into by Himself, or by any of his Royal Predecessors.

On the other hand, His Majesty is content, that the most effectual security should be taken against any improvident increase of the Pension List, by any future grants, and is willing that a limit should be fixed by law to any charge which may hereafter be imposed upon the Provincial Revenues on this account.

I do not anticipate that the Assembly of Upper Canada would wish to withhold from the King the means of rewarding faithful and zealous public services, or would think it desirable that no provision should ever be made by His Majesty to solace the declining years of those who have consumed in laborious public duties in the Colony the larger portion of their lives.

You will, therefore, assent to any law which may be tendered for your acceptance, of which the object shall be to regulate, on a just and reasonable scale, the amount of the future Pension List of Upper Canada, and to prescribe the principles upon which any pensions shall be granted.

FIFTH.—I proceed to the subject of the provision made for Ecclesiastical Establishments, and for the maintenance of the Teachers of Religion of various denominations.

On this head the House of Assembly maintain opinions, from which, in their address to His Majesty of the 13th of April, the Legislative Council have recorded their most entire and earnest dissent. The Report states, that "The House of Assembly in several successive Parliaments has expressed its entire disapprobation of the Government, in attempting to uphold particular religious sects by money grants, and in the 10th and 11th Parliaments has declared that it recognizes no particular denomination as established in Upper Canada with exclusive claims, powers, or privileges."

It appears that the four Religious Communities whose funds are aided by grants from the hereditary and territorial Revenue, are those of the Churches of England, and Scotland, and Rome, and of the Wesleyan Methodist Society, the last being in two divisions, which respectively take the distinct appellation of the "Canadian, and the British."

In the last Session of the Provincial Parliament a Bill was passed by the Assembly, the object of which was to enable certain Commissioners to sell the Lands which, under the Constitutional Act of 1791, had been appropriated in Upper Canada to the maintenance of a Protestant Clergy, and to pay over the proceeds to the Receiver General, to be disposed of under the future direction of the Legislature, for the promotion of Education, and for no other purpose whatever.

This Bill was rejected by the Legislative Council, on the grounds noticed in the address from that Body to His Majesty, and in a report from a Select Committee appointed by them to take the Bill into consideration, which report is enclosed in Sir John Colborne's Despatch of the 20th May, No. 20.

Your Predecessor and the Council agree in the opinion, that it is vain to expect the concurrence of the two branches of the Local Legislature in any adjustment of this question, and they, therefore, invoke the interposition of Parliament, which interposition the Assembly, on the other hand, deprecate with equal earnestness.

The chief practical question, then, which at present demands consideration, is, whether His Majesty should be advised to recommend to Parliament the assumption to itself of the office of deciding on the future appropriation of these lands. There are two distinct reasons, both of which appear to me conclusively to forbid that course of proceeding.

First.—Parliamentary Legislation on any subject of exclusively internal concern, in any British Colony possessing a representative Assembly, is as a general rule unconstitutional.—It is a right of which the exercise is reserved for extreme cases, in which necessity at once creates and justifies the exception.

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But important as is the question of the Clergy Reserves in Upper Canada, yet I cannot find in the actual state of the question, any such exigency as would vindicate the Imperial Legislature in transferring to themselves the settlement of this controversy.

The conflict of opinion between the two Houses upon this subject, much as it is to be lamented, yet involves no urgent danger to the peace of society, and presents no insuperable impediment to the ordinary administration of public affairs; although a great evil, it is not such as to exclude every hope of mitigation by the natural progress of discussion, and by the influence of that spirit which, in public affairs, not seldom suggests to parties alike solicitous for the general good, some mutual surrender of extreme views, and some compromise on either side, of differences which at first sight might have appeared irreconcilable.

The Despatch.

Until every prospect of adjusting this dispute within the Province itself shall have been distinctly exhausted, the time for the interposition of Parliament will not have arrived, unless indeed both Houses shall concur in soliciting that interposition, in which event, there would of course, be an end to the constitutional objections already noticed.

The second ground on which I think myself bound to abstain from advising His Majesty from referring this question immediately to Parliament, is, that the authors of the Constitutional Act have declared this to be one of those subjects in regard to which, the initiative is expressly reserved and recognized as falling within the peculiar province and the special cognizance of the Local Legislature, although its ultimate completion is no less distinctly made to depend, in addition to the ordinary submission to His Majesty, on the acquiescence of the Imperial Parliament.

It is not difficult to perceive the reasons which induced Parliament in 1791, to connect with a reservation of land for Ecclesiastical purposes, the special delegation to the Council and Assembly, of the right to vary that provision by any Bill, which being reserved for the signification of His Majesty's pleasure, should be communicated to both Houses of Parliament for six weeks before that decision was pronounced. Remembering, it should seem, how fertile a source of controversy Ecclesiastical endowments had supplied throughout a large part of the Christian world, and how impossible it was to foretell, with precision, what might be the prevailing opinions and feelings of the Canadians on this subject at a future period, Parliament at once secured the means of making a systematic provision for a Protestant Clergy, and took full precaution against the eventual inaptitude of that system to the more advanced stages of a society then in its infant state, and of which no human foresight could divine the more mature and settled judgment.

In the controversy therefore respecting Ecclesiastical endowments, which at present divides the Canadian Legislature, I find no unexpected element of agitation, the discovery of which demands a departure from the fixed principles of the Constitution, but merely the fulfilment of the anticipations of Parliament in 1791, in the exhibition of that conflict of opinion for which the Statute of that year may be said to have made a deliberate preparation. In referring the subject to the future Canadian Legislature, the authors of the Constitutional Act must be supposed to have contemplated the crisis at which we have now arrived; the era of warm and protracted debate, which, in a free government, may be said to be a necessary precursor to the settlement of any great principle of national policy. We must not have recourse to an extreme remedy merely to avoid the embarrassment, which is the present, though temporary result of our own deliberate legislation.

I think, therefore, that to withdraw from the Canadian to the Imperial Legislature the question respecting the Clergy Reserves, would be an infringement of that cardinal principle of Colonial government, which forbids Parliamentary interference except in submission to an evident and well established necessity.

Without expressing any further opinion at present, on the general objects of the Bill of last Session, I think the effect of that Bill would, as it appears, have been to constitute the Assembly, not merely the Arbitors respecting the disposal of the funds to be raised by the sale of these lands, but the active and independent Agents in effecting those Sales, and thus to invest them with the appropriate functions of the Executive Government.

SIXTH.—The report of the Committee next proceeds to the subject of the Land granting department.

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Admitting that Lord Ripon's Despatch shows that the grievances under this head have been in part removed, it is observed that, the extent of that relief is not very clearly shewn by the documents before the Committee.

The Despatch.

It is difficult, or rather impossible, for me to advance further in meeting the views of the Assembly, thus briefly expressed, than by stating, that if any ambiguity can be pointed out in Lord Ripon's Instructions respecting the grant of Lands, it shall be immediately removed; and that if His Majesty's Officers in the Province can be shewn to have disregarded those Instructions, it will be your duty to enforce the most prompt and exact obedience to them, to the full extent of their spirit and intention; in so much that there shall in future be no doubt whether the grievances at which they aimed, have or have not been completely removed.

SEVENTH.—Respecting the Collegiate Institutions of the Province, the Assembly express their opinion that, "the Upper Canada College is upheld at great public expense, with high Salaries to its Principal Masters, but that the Province in general derives very little advantage from it, and that it might be dispensed with."

His Majesty's Government can have no wish to retain any charge for this Establishment which may be more than adequate to provide for the effective performance of the duties of the Teachers. Any wise retrenchment of that nature, may, subject to the principles already mentioned, be immediately introduced.

That the Province derives little benefit from this College, is a fact of which the explanation is to be found not in the principle of the Institution itself, but in some error of management, susceptible as it should seem, of an easy remedy. It is impossible to believe, that in Upper Canada, as in other countries, advantages the most important would not result from a well ordered School, for the education in the elementary branches of Philosophy, Science and Literature, of young men who aspire to fill the highest offices in society. Nor can I suppose it a light benefit thus to connect together the preparatory and the final studies of youth in one systematic plan, which by rendering the initiatory School a careful preparation for the University, may give to their entire education a character of solidity and consistency scarcely attainable by any other method.

I shall, therefore, deeply lament the abolition of a College, of which the defects would appear so remediable, and of which it does not seem easy to exaggerate the benefits.

On the subject of King's College an unfortunate difference of opinion exists, between the Council and the Assembly, which each of those bodies concurs in pronouncing incurable.

His Majesty commands me to tender through you, his mediation on this subject. With the previous assent of both Houses, the King will cheerfully resume the consideration of the question, in what manner a Charter could be most conveniently prepared, so as to promote the interests of Science and Literature, and the study of Theology and Moral Philosophy, with a due regard to the opinions which seem to prevail in the Province, respecting the proper constitution and objects of an University. But after having distinctly referred to the local Legislature the duty of giving effect to their own wishes on the subject, in the form of an Act of General Assembly, His Majesty cannot, at the instance of one only of the two Houses, withdraw it from their cognizance.

EIGHTH.—The Committee complain that a very considerable proportion of the sum, amounting to £31,728 18s. 11d. expended in aid of emigration from Europe, was for "articles or services not specified, and concerning which a Committee of the House of Assembly could know nothing, unless they were to send for the detailed Accounts and Vouchers, which, if they had, it would be impossible to examine at the late period of the Session at which the Government sent down those statements." In the appendices to the report, numbered 56 and 57, various items of this expenditure are noticed with apparent dissatisfaction. You will direct the Public Officers who have had the management of this fund, to communicate to the House of Assembly, with the utmost possible promptitude, the most minute and circumstantial details and explanations connected with it, for which the House may be pleased to call.

NINTH.—Next in order occurs the statement, that the present "system of auditing the public accounts, is altogether insufficient for ensuring the application of the Revenue to the purposes for which it is intended to be applied."

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The remedy suggested is that of establishing a Board of Audit, of which the proceedings should be regulated by a well considered Statute under a responsible Government.

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Deferring at present any remark on the expression "responsible Government," to which I shall more conveniently advert hereafter, I must express my agreement in the position that the establishment of a Board of Audit, by law, is the best remedy in this case. His Majesty will gladly concur in the enactment of any law which shall be properly framed for constituting such a Board. With a view to aid the deliberations of the Legislature, I transmit to you various documents explanatory of the constitution and proceedings of the Commission for auditing the public accounts of this Kingdom.

The Despatch.

The Assembly express their disbelief that any efficient measure of this kind will obtain the consent of the Legislative Council. I trust that this apprehension will be dispelled by the event. If, unfortunately, it should be confirmed, you will in the exercise of His Majesty's delegated authority, proceed at once to constitute a Board of Audit, upon the principles of that which at present exists in this Kingdom, so far as the two cases may be analogous: and although I am aware that, unaided by positive legislation, such a Board would be comparatively inefficient, yet no inconsiderable advance would thus be made towards the introduction of an effective system of audit.

If you should find it necessary to act on this instruction, great care must be used to prevent the new establishment from being converted into the means of any real or seeming abuse in the way of an improvident increase of the patronage of the Crown. Of a Board consisting of five or three Auditors, one alone should at first receive a salary, because the Institution itself would be provisional only, and liable to revision so soon as a proper Act could be passed for the purpose.

I think it highly probable that amongst the Gentlemen of the Province most conversant with its financial interests, a sufficient number would be found who, as honorary and unpaid Commissioners, would complete the Board, and who, though not engaging in the mere ordinary routine of business, would exercise a general superintendence over the more important proceedings of the Commission. Especially it would be requisite to obtain such aid in determining the number and remuneration of the Clerks and other subordinate Officers. But it must not be forgotten, that the effective remedy, as the report observes, is to be found in a Board established by law, and I earnestly hope that a law to that effect may pass both Houses of the Legislature.

TENTH.—The withholding of public accounts from the House of Assembly is the next ground of complaint.

It is proposed that to remedy this evil, a Statute should be passed providing the time and manner of making such returns, and naming the Officers who should render them to the Legislature: "but" add the Committee, "it is well known that such an enactment would fail in the Council, which has an interest in preventing the enforcement of practical accountability to the people."

Although I cannot permit myself to believe, that the Council would really oppose themselves to any judicious measure of this kind, I fear that such Legislation would be found to involve many serious, if not insuperable difficulties. I must object to the appointment of individuals for any purpose of this kind, by name, in a statute, or by any authority other than that of the King.

Persons so appointed, would exercise a control over all the functions of the Executive Government, and would have a right of inspecting the records of all public offices, to such an extent, as would leave His Majesty's Representative, and all other Public Functionaries, little more than a dependent and subordinate authority. Further—Such Officers would be virtually irresponsible and independent.

On this subject, however, His Majesty commands me to state, that there is no information connected with the receipt and expenditure of any part of the Revenue of Upper Canada which he wishes to withhold from the Representatives of the Canadian people.

You will, immediately on your arrival in the Province, apprise the Heads of every public department by which any such funds are received or administered, that they must constantly keep in preparation, to be produced to the Assembly, in compliance with any Addresses which may be presented to you by that House, copies and abstracts of all public accounts; and you

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will consider in what form these can be drawn up so as to exhibit all material information in the most complete and luminous manner. It will perhaps be possible to concert with the House beforehand some system for preparing such Returns; and as often as they may present to you Addresses for such information, you will promptly accede to their wishes, except in the extreme case, which it is difficult to suppose, of any demand of that nature, being made in such a form, that the compliance with it would endanger some great public interest.

**ELEVENTH.**—The Report then passes to the consideration of cases in which your Predecessor is charged with having failed to shew respect, even in subordinate matters, to the wishes of the House of Assembly.

I will not encumber this communication, by entering into a review of the particular transactions noticed by the Committee, in illustration of this complaint. I am not indeed sufficiently in possession of the facts to enable me to do so; nor do I think it convenient to combine a personal discussion with a general statement of the principles by which your conduct is to be governed.

The only general direction that I have to give you on this subject is, that you will always receive the Addresses of the Assembly with the most studious attention and courtesy. As far as may be consistent with your duty to the King, you will accede to their wishes cheerfully and frankly. Should that duty ever compel you to differ from their opinion, or to decline compliance with their desires, you will explain in the most direct, and of course in the most conciliatory terms, the grounds of your conduct.

**TWELFTH.**—The next topic of complaint is, that many of the recommendations contained in Lord Ripon's Despatch of the 8th November, 1832, have not been carried into effect.—Amongst these are especially mentioned such as relate to the amendment of the Election Laws; the non-interference of His Majesty's Officers at Elections; the disclosure to the House of the receipt and expenditure of the Crown Revenue; the exclusion of Ministers of Religion from the Legislative and Executive Councils; the reducing the costs of Elections; the Judicial independence, and the limitation of the number of Public Officers who may sit in the Assembly.

Adhering without reserve or qualification to all the instructions issued under His Majesty's commands by Lord Ripon, the King is pleased to direct that you do adopt that Despatch as a rule for the guidance of your own conduct, and that you exert your legitimate authority and influence to the utmost possible extent to carry into effect all such of His Lordship's suggestions as may still continue unfulfilled.

**THIRTEENTH.**—The selection of Justices of the Peace is said to have been made chiefly from persons of a peculiar bias in politics, and to be the means "of extending the power and influence of the Colonial system." It is not in my power to verify the accuracy of this opinion; and I am happy to feel myself relieved from the necessity of such an investigation. If any such abuse exists, it cannot be too decisively or promptly remedied. Whenever any increase of the number may appear to you desirable, you will propose to any gentleman in Upper Canada possessing the necessary qualifications of knowledge, property and character; and unquestionable fidelity to the Sovereign, the assumption of the office of Justice of the Peace, without reference to any political consideration.

**FOURTEENTH.**—A very considerable part of the Report is devoted to the statement and illustration of the fact, that the Executive Government of Upper Canada is virtually irresponsible; and the conclusion drawn from this statement is, that under the present system, there can be no prospect of a good and faithful administration of public affairs.

Without entering on the one hand unnecessarily into a discussion of those general principles, to which my attention is thus invited, or digressing on the other hand into personal topics: it is enough for me to observe on the present occasion, that experience would seem to prove, that the administration of public affairs in Canada is by no means exempt from the control of a sufficient practical responsibility. To His Majesty and to Parliament, the Governor of Upper Canada is at all times most fully responsible for his official acts. That this responsibility is not merely nominal, but that His Majesty feels the most lively interest in the welfare of his Canadian Subjects, and is ever anxious to devote a patient and laborious attention to any representations which they may address to him, either through their Representa-

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tives, or as individuals, is proved not only by the whole tenor of the correspondence of my predecessors in this office, but by the Despatch which I am now addressing to you. That the Imperial Parliament is not disposed to receive with inattention the representations of their Canadian fellow-subjects, is attested by the labours of the Committees which have been appointed by the House of Commons during the last few years, to enquire into matters relating to those Provinces. It is the duty of the Lieutenant Governor of Upper Canada to vindicate to the King and to Parliament every act of his administration. In the event of any representations being addressed to His Majesty upon the subject of your official conduct, you will have the highest possible claim to a favourable construction; but the presumptions which may reasonably be formed in your behalf will never supersede a close examination, how far they coincide with the real facts of each particular case which may be brought under discussion.

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This responsibility to His Majesty and to Parliament, is second to none which can be imposed on a public man; and it is one which it is in the power of the House of Assembly at any time, by Address or Petition, to bring into active operation. I further unreservedly acknowledge, that the principle of effective responsibility should pervade every department of your Government; and for this reason, if for no other, I should hold that every Public Officer should depend on His Majesty's pleasure for the tenure of his office. If the head of any Department should place himself in decided opposition to your policy, whether that opposition be avowed or latent, it will be his duty to resign his office into your hands; because, the system of Government cannot proceed with safety on any other principle, than that of the cordial co-operation of its various members in the same general plans of promoting the public good.

The inferior members of the different offices should consider neutrality on this great litigated question of Provincial policy, as at once their duty and their privilege.

Diligently obeying all the lawful commands of their superiors they will be exempted from censure, if the course which they have been directed to pursue should issue in any unfortunate results.

Some of the Members of the Local Government will also occasionally be Representatives of the people in the Assembly, or will hold seats in the Legislative Council. As Members of the Local Legislature, they will of course act with fidelity to the public, advocating and supporting no measures which, upon a large view of the general interest they shall not think it incumbent on them to advance. But if any such person shall find himself compelled by his sense of duty to counteract the policy pursued by you, as the head of the Government, it must be distinctly understood, that the immediate resignation of his office is expected of him, and that failing such a resignation, he must, as a general rule, be suspended from it. Unless this course be pursued, it would be impossible to rescue the head of the Government from the imputation of insincerity, or to conduct the administration of public affairs with the necessary firmness and decision.

I need hardly say, that in the event of any Public Officer being urged into a resignation of his place, by his inability to give a conscientious support to his official superior, the merits of the question would undergo an investigation of more than common exactness by His Majesty's Ministers, and that His Majesty's decision would be pronounced with a perfect impartiality towards those, who had the honor to serve him in the Province, however high, or however subordinate might be their respective stations.

By a steadfast adherence to these rules, I trust that an effective system of responsibility would be established throughout the whole body of Public Officers in Upper Canada, from the highest to the lowest, without the introduction of any new and hazardous schemes, and without recourse to any system, of which the prudence and safety have not been sufficiently ascertained by a long course of practical experience.

FIFTEENTH.—I next advert to two subjects of far more importance, than any of those to which I have hitherto adverted. I refer to the demand made, partly in the Report of the Committee, and partly in the Address from the Assembly to His Majesty, for changes in the mode of appointing Legislative Councillors, and for the control by the Assembly of the territorial and casual Revenues of the Crown.

On these subjects I am to a considerable extent relieved from the necessity of any particular investigation, because claims precisely identical have been preferred by the Assembly of

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Lower Canada, and because in the instructions to the Commissioners of Enquiry, who have visited that Province, I have already had occasion to state the views which have received His Majesty's deliberate sanction. The principles of the Government in the two sister Provinces must, I am well aware, be in every material respect the same. I shall, therefore, annex for your information, as an Appendix to this Despatch, so much of the Instructions to the Earl of Gosford and his Colleagues, as applies to these topics.

In the prosecution of the enquiries of the Commissioners in Lower Canada, they will be instructed to enter into full and unreserved communication with you upon these questions, and to frame their report in such a manner as may enable His Majesty to adopt a just and final conclusion upon the course to be pursued respecting them in both the Canadas. For this purpose you will supply the Commissioners with all the information which you may think necessary for them to receive, and with every suggestion which you may think it expedient to make for their assistance in comparing the state of these questions in the two Provinces.— If it should ultimately appear desirable, the Commission may, perhaps, be directed to resort to Upper Canada, there to pursue in concurrence with yourself, a more exact enquiry into these subjects than they could institute at Quebec, in reference to the affairs of the Upper Province. In general, the Earl of Gosford, and his Colleagues, will be directed to enter into unreserved communication with you, not only on the points just mentioned, but on every subject of common interest to the two Provinces.

You, on your part, will conduct yourself towards them in the most cordial spirit of frankness and co-operation.

I have thus in order, adverted to every subject to which the Assembly of Upper Canada have called the attention of His Majesty's Government. You will communicate to the Legislative Council, and to that House, the substance of this Despatch, as containing the answer which His Majesty is pleased to make to the Addresses and Representations which I have had the honor to lay before him from the two Houses in their last Session.

I trust that in this answer they will find sufficient evidence of the earnest desire by which His Majesty's Councils are animated, to provide for the redress of any grievance by which any class of His Majesty's Canadian Subjects are affected.

I close this communication with the expression of my earnest hope, and I trust not too confident belief, that the Representatives of the people of Upper Canada will receive with gratitude and cordiality this renewed proof of His Majesty's paternal solicitude for the welfare of His Loyal Subjects in that Province; and that laying aside all groundless distrusts, they will cheerfully co-operate with the King, and with You as His Majesty's Representative, in advancing the prosperity of that interesting and valuable portion of the British Empire.

I have, &c.

(Signed,)

GLENELG.

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**APPENDIX.**

*Extract from Despatch to the Commissioners for Lower Canada, dated Downing Street,  
17th July, 1835.*

“Amongst the most pressing of these is the Financial question, which has given rise to so protracted a controversy.

After the several gradations through which this question has passed, it has at length assumed the following shape: As Representatives of the people of Lower Canada, the House of Assembly claim the right of appropriating to the public service, according to their own discretion, the whole of the Revenues of the Crown accruing within the Province. The claim extends to the proceeds of all Parliamentary and Provincial Statutes, whatever may have been the original conditions of their grants; to the funds drawn from the sale of Timber, and of the waste Lands of the Crown; to all fines and forfeitures; and to the income derived from the Seigniorial rights inherited by the King from his Royal Predecessors. In fine, the authority of the local Legislature over the income and expenditure of the Province is declared to be so extensive, as to embrace every part of that receipt and outlay, and so inalienable as to



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supersede even the concessions deliberately made in preceding times by the former Representatives of the Canadian people.

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Without pausing to discuss the great constitutional questions which these claims involve, I content myself with referring to the undoubted fact, that the Kings of England have at all times been, in right of their Crown, in possession of certain sources of revenue, peculiarly their own, and of which they could not be divested except by their own consent. In modern times, as is well known, the control of Parliament over this revenue in these Kingdoms, has been established on the accession of each Sovereign to the Throne, by a solemn compact made between the Crown, and the Houses of Lords and Commons. If therefore the King were disposed to insist upon positive law, ancient practice, or constitutional analogy, His Majesty might readily vindicate the right to dispose of the territorial, hereditary, and casual revenue of the Crown, arising in Lower Canada, towards the maintenance of the Civil Government in that part of his dominions. But anxious to render his reign a blessing to his Canadian Subjects, His Majesty is prepared to decline taking this ground, and to refer the decision of the question to the single test of the advantage or disadvantage to the Province, with which the proposed cession would be attended. It would be difficult to imagine any pecuniary sacrifice which would not be wisely incurred in purchasing a peaceful settlement of the dissensions of the last fifteen years.

The Despatch.

If pecuniary interests alone were at stake, the King would not hesitate to make this cession permanently and without conditions. They must ill indeed have understood the character and policy of the British Government, who may have supposed, that the peace and well-being of this great Empire has been put to hazard in a prolonged contest with the most valuable of its foreign dependencies, for the sake of a sum of money so insignificant as to be scarcely perceptible in the financial operations of Great Britain, and of no considerable amount even in those of Lower Canada. During the progress of this controversy, there have been expended by Parliament, for objects altogether Canadian, sums, compared with which, the utmost demand that has been made on the liberality of the House of Assembly for the support of the Executive Government of the Province, is altogether trivial. The real importance of connecting the surrender of the Hereditary and Territorial Revenue with some reservation or conditions for the support of the Civil Government, and for the administration of Justice, rests upon grounds far higher than any which could be brought to a pecuniary measurement. There are objects, essential, as it would seem, to the welfare of His Majesty's Canadian Subjects, which could not probably be secured if that surrender were made unconditionally. In this view of the question, His Majesty is bound not to relinquish the appropriation of funds which the Law and the Constitution have placed at his disposal, without making a stipulation, suggested exclusively by his care, for the common benefit of his people.

Amongst the foremost of the objects which His Majesty is thus bound to rescue from a precarious support, are the Independence of the Judges, and the pure administration of the Law. From the commencement of His Reign, it has been the constant and persevering effort of His Majesty to render the Judges of the Superior Courts in Lower Canada independent alike of the Crown for the tenure of their Offices, and of the Representatives of the people for their annual emoluments. In the various documents already noticed, you will find the history of those attempts, and a full explanation of the causes to which their failure is to be ascribed; yet a view of the Journals of the Assembly will I think convince you that between that House and His Majesty's Government, no real, or at least no irreconcilable difference of opinion exists on this subject: on the contrary, you will find that respecting the general principles on which we must proceed, a perfect unanimity has prevailed. It is fully admitted that the Judges ought to hold their offices, not at the pleasure of the King, but during good behaviour, and that their official incomes should be paid, not at the pleasure of the popular branch of the Legislature, but from adequate funds to be irrevocably pledged for that purpose. With respect to the erection of a tribunal for the trial of impeachments preferred against the Judges, no plan has been suggested: Nor consistently with the principles of the Constitution of the Province, could any scheme be devised, excepting that of bringing such Judges to trial before the Legislative Council, or before His Majesty, acting on the advice of the Judicial Committee of the Privy Council in this Kingdom: impartiality, with a perfect exemption from all local influences, is the first and essential attribute of any Court which may be invested with such powers; and as the King cannot indulge any reasonable hope of finding those

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qualities combined in any tribunal within the Province itself, (unless perhaps in the Legislative Council) His Majesty is not prepared to assent to any scheme divesting himself, acting upon the constitutional advice of his Privy Council, of the authority which has ever been exercised by the Kings of this Realm, on occasions of the same nature, and since the earliest settlement of the Colonial portion of the British dominions.

The Despatch.

This, then, will be one of the subjects of your earliest enquiry; and you will endeavour to suggest the plan of a law, in which there may be good ground to anticipate the concurrence of the House of Assembly, for the security of judicial independence. If this can be effected one of the chief difficulties which might otherwise obstruct the cession of the Revenues will be overcome.

The regard which it is His Majesty's duty to maintain for the welfare of the people of Lower Canada, appears to forbid a surrender of the Revenues of the Crown in that Province, to the appropriation of the Legislature, unless some condition be further made for the support of the Executive Government by an adequate Civil List.

I pass over without any direct notice the grounds on which the contending parties in the Province have on the one hand urged the necessity of such a stipulation, and on the other hand denied that it could be safely or constitutionally admitted. You will readily learn from various public documents which will be pressed upon your attention, in the Province itself, what are the arguments to which I refer. I cannot, however, abstain from recording in this place the principal considerations, which appear to make it necessary, that the concession about to be made to the Provincial Legislature, should be qualified by the demand of a proper Civil List.

A constant altercation between the House of Assembly and the Executive Government, on the subject of the official emoluments of the Chief Officers of the Crown, would be derogatory to the character of those Officers, and especially of the Governor representing the person clothed with the delegated prerogatives of the King. The tendency of such controversies would unavoidably be to introduce a disesteem for those functionaries, by exhibiting them in the light of Pensioners on the reluctant bounty of the Representatives of the people, although the common welfare of society evidently requires, that they should rather be respected as the Ministers of the King, exercising, under a just responsibility indeed, but yet with freedom and independence, the powers confided to them for the public good.

The continued agitation of a subject so capable of being placed in an invidious light, could scarcely be compatible with the tranquil and steady progress of those most important branches of the public business with which the higher functionaries of the Government are charged. It would also be directly injurious to them, and therefore to the society at the head of which they are placed, thus to give an habitual and offensive prominence to the remuneration they were receiving, and in the same degree to direct public attention from the services by which that pecuniary reward was earned. The security which the Governor and his principal Officers would derive from the grant of a Civil List would strengthen the connexion subsisting between Canada and the other members of the British Empire. It would be a distinct recognition of the principle, that the administration of the affairs of the Province by a Governor and Officers appointed by the King, is a substantial and essential part of the Provincial Constitution. To debate from year to year, whether grants shall or shall not be made for the support of such functionaries, might almost seem to involve a tacit assumption, that the existence of such offices was itself a question open to annual revision.

In so remote a part of His Majesty's Dominions it is especially necessary that the Royal authority, as represented by His Majesty's Officers, should be most distinctly admitted as one of the component and inseparable principles of the social system.

Nor are the motives by which the independence of the Judges has been recommended by the King and admitted by the Assembly, inapplicable to the case of the principal Officers of the local Government.—They have frequently unpopular duties to perform; they are not seldom called to oppose the passions and emotions of the day, and for the permanent well-being of society to brave the displeasure of popular leaders. They should therefore be raised above all influence, and all suspicion of influence of unworthy fear or favor. The interests of freedom and of good Government require that those, upon whose firmness and constancy the maintenance of order and the authority of the laws mainly depend, should not be looking for

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their subsistence to the favor of a body which necessarily reflects most of the fluctuating movements of the public mind.

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Such are the principal motives which induce me to conclude, that the King could not, consistently with the interests of his Canadian Subjects, relinquish, except in return for an adequate Civil List, the control which His Majesty at present exercises over the hereditary and territorial Revenue.

The Despatch.

It will be for you to consider and report what ought to be the precise terms of this stipulation. A temporary cession of the Revenue in return for a provision for the chief Public Officers of the Province, for a corresponding period, would be the most satisfactory arrangement. In the rapid progress of settlement in the Canadian Provinces a few years will probably be productive of changes demanding a corresponding alteration in the terms of any adjustment concluded at the present period; and a decennial revision of the compact now to be made would seem best calculated to secure those public benefits, and avert those public evils, by the hope or fear of which the compact itself is recommended.

If, however, a temporary settlement, to be received from time to time, should prove impracticable, or upon a closer consideration of the subject should seem to you inexpedient, you will then consider in what manner the inconveniences inseparable from the permanent adjustment of such a question can be most effectually mitigated or avoided.

The opponents of the claims preferred by the House of Assembly to the control of the Territorial Revenue, insist with peculiar emphasis that the necessary effect of yielding to this claim, would be to transfer from the Executive Government to the popular branch of the Legislature, the management of the uncleared territory; asserting that the assumption of this duty by the House of Assembly would be most injurious to the Agricultural and Financial interests of Lower Canada. Were the right of appropriating the revenue arising from the Crown Lands, and the charge of their management indissolubly connected, I should admit this reasoning to be correct. The objections to the combination in the same hands of a large share of the Legislative power, with so important a branch of the Executive authority, are too obvious to escape your notice; and I therefore may, without inconvenience, abstain from a particular explanation of them. It may be sufficient to say, that His Majesty's confidential advisers regard as conclusive and unanswerable, the objections which are made to confiding the management of the uncleared territory of Lower Canada to either, or both of the Houses of General Assembly, or to persons appointed by them and subject to their control. In the distribution of the different powers of the State, the office of settling and alienating the uncleared territory, properly belongs to the Executive Government.

It is competent to the Legislature upon this, as upon other subjects, to lay down general rules for the guidance of the Executive Authorities; or either branch of the Legislature may separately offer its advice to the Crown as to the policy and system of management which it thinks should be pursued; but the practicable application of such general rules, and the charge of carrying into effect the system of management which may be approved, are functions so strictly of an Executive and Administrative character, that they can only be properly discharged by those in whose hands all similar powers are lodged by the Constitution. Nor am I aware of any ground on which a surrender of that trust could be properly required from His Majesty, or which would justify the resignation of it by the King."

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*Extract of Despatch to the Canada Commissioners, dated 17th July, 1835.*

"In the ninety-two Resolutions of the Session of 1834, in the Address to His Majesty of that year, and in the Address adopted in the Session which closed abruptly in the commencement of the present year, the constitution of the Legislative Council was insisted upon as the chief and prominent grievance in the whole system of Provincial Government. To the discussion of this subject, nearly half of those Resolutions and of those Addresses is devoted; and the Assembly, in the most decided language, have declared, that all remedial measures will be futile and unsatisfactory, which should stop short of rendering the seats in the Legislative Council dependent on a popular election.

The Petitioners of Quebec and Montreal, on the other hand, deprecate with equal earnestness any departure from the principle on which the appointment of the Members of the

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Legislative Council is regulated by the Act of 1791, and denounce any such change, as pregnant with the most formidable evils.

The Despatch.

The King is most unwilling to admit, as open to debate, the question, whether one of the vital principles of the Provincial Government shall undergo alteration. The solemn pledges so repeatedly given for the maintenance of that system, and every just prepossession derived from Constitutional usage and analogy, are alike opposed to such innovations, and might almost seem to preclude the discussion of them.

But His Majesty cannot forget, that it is the admitted right of all his subjects, to prefer to him, as the King of these Realms, their petitions for the redress of any real or supposed grievances. His Majesty especially recognizes this right in those, who are themselves called to the high office of representing a large and most important class of his people. The acknowledgment of this right appears to the King to imply on his own part, the corresponding duty of investigating the foundations of every such complaint. His Majesty, therefore, will not absolutely close the avenue to enquiry, even on a question respecting which he is bound to declare that he can for the present perceive no reasonable ground of doubt. His Majesty will not refuse to those who advocate such extensive alterations, an opportunity of proving the existence of the grievances to which so much prominency has been given.

The King is the rather induced to adopt this course, because His Majesty is not prepared to deny, that a Statute which has been in effective operation for something less than forty-three years, may be capable of improvement, or that the plan upon which the Legislative Council is constituted may possibly, in some particulars, be usefully modified; or that in the course of those years some practical errors may have been committed by the Council, against the repetition of which adequate security ought to be taken. Yet, if these suppositions should be completely verified, it would yet remain to be shewn by the most conclusive and circumstantial proof, that it is necessary to advance to a change so vital as that which is demanded by the House of Assembly.

It must be recollected, that the form of Provincial Constitution in question is no modern experiment nor plan of Government, in favour of which nothing better than doubtful theory can be urged. A Council nominated by the King and possessing a co-ordinate right of legislation with the Representatives of the people is an invariable part of the British Colonial Constitution in all the transatlantic possessions of the Crown, with the exception of those which still remain liable to the legislative authority of the King in Council. In some of the Colonies it has existed for nearly two centuries. Before the recognition of the United States as an independent Nation, it prevailed over every part of the British Possessions in the North American Continent not comprized within the limits of Colonies founded by Charters of Incorporation. The consideration ought indeed to be weighty, which should induce a departure from a system recommended by so long and successful a course of historical precedent.

To the proposal made by that body to refer the consideration of this question to Public Conventions, or as they are termed, Primary Meetings, to be holden by the people at large in every part of the Province, His Majesty commands me to oppose his direct negative.

Such appeals are utterly foreign to the principles and habits of the British Constitution, as existing either in this Kingdom or in any of the Foreign Dependencies of the Crown.

You will, therefore, apply yourselves to the investigation of this part of the general subject, and endeavouring to ascertain how far the Legislative Council has really answered the original objects of its institution, and considering of what amendments it may be susceptible.

It is His Majesty's most earnest hope and trust, that in the practical working of the Constitution of the Province, there will be found to exist no defects which may not be removed by a judicious exercise of those powers which belong to the Crown, or which Parliament has committed to the Provincial Legislature.

When your reports shall have been received, His Majesty will take into his most serious consideration, the question, whether there are any amendments in the law on this subject, which it would be fit to propose for the consideration of the Imperial Legislature; and which being founded on the principles and conceived in the spirit of the Act of 1791, may be calculated to render the practical operation of that Statute more conformable to the wishes and intentions of its framers."

A true copy.

J. JOSEPH.

## APPENDIX B &amp; C.—( See Journal, page 45 &amp; 57.)

## ADDRESS

APPENDIX B.

*Of the Commons House of Assembly, to His Majesty, respecting a reduction of the Duties on Tobacco imported into Great Britain from this Province.*

## 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 beg leave to represent, that the Western Districts of Upper Canada, though highly favored in regard to climate and soil, are, from their remote situation from the sea board, subjected to greater difficulty and expense in the transit of their bread stuffs and other commodities to market, than the other portions of the Province.

Address of the Commons House of Assembly to His Majesty respecting a reduction of the duties on Tobacco imported into Great Britain from this Province.

That the disadvantages resulting from the uncertainty of a profitable market for their staple commodities, necessarily depreciate their value, and tend to check the Commercial and Agricultural prosperity of those remote sections of the Province.

That actual experiment has proved that the climate and soil of the Western Districts of this Province are well adapted to the cultivation of the article of Tobacco, and could the inhabitants of those Districts meet with sufficient encouragement, and turn their attention to cultivate that article, the revenue to be derived from so valuable a production would be materially felt by the Province.

It has been satisfactorily ascertained that Tobacco, the growth of Upper Canada, cultivated as it is by a free instead of a slave population, from its less easy access to market, and other causes, cannot be imported into Great Britain on the same terms that it can be admitted from the United States of America. If the Excise Duty were diminished on the article of Tobacco introduced into Great Britain from Upper Canada, when taken out of the warehouse for consumption, its general cultivation in the Western Districts of this Province would be the result.

We beg leave most respectfully to represent to Your Majesty, that the encouragement by the Parent State of the growth and manufacture of Tobacco in this Province, would tend to induce capitalists, and the more wealthy emigrants from the Parent State, to resort to the Western Districts, and thus afford that enterprise and encouragement which their distance from market calls for: and by bringing capital into so healthful a part of the Province, the inhabitants of those Districts would shortly become the most profitable consumers of the manufactures of the Mother Country.

We are induced to hope that Your Majesty's favourable attention may be directed to an object of such vital importance to the future welfare of Your Canadian Subjects, and that a reduction of Sixpence per pound, in addition to the existing duty, may be granted them.

(Signed) MARSHALL S. BIDWELL,  
SPEAKER.

Commons House of Assembly,  
19th February, 1836.

## REPORT

APPENDIX C.

*Of the Select Committee (1830) upon Intestate Distribution Bill.*

Report of the Select Committee (1833) upon Intestate Distribution Bill.

The Select Committee to whom was referred the Bill sent up from the Assembly, entitled, "An Act for the more equal distribution of the Property of persons dying intestate," have examined the said Bill, and beg leave to report :

That the proposed objects of the Bill are—1st. To abolish the right of Primogeniture, by making Lands distributable like Goods and Chattels; and—2nd. "To render the rules of descent, and for the distribution of Intestate Estates, more simple and uniform, and to specify them in a Provincial Statute."

## APPENDIX C.—(See *Journal*, page 57.)

APPENDIX C.

With respect to the latter object, the Committee beg to remark, that the distribution of Personal Estate made by the Law of England, in cases of Intestacy, is simple, and well settled. It does not indeed seem to have been intended to make any alteration in this branch of the law by the Bill referred to us, but rather to declare, for general convenience, what the law is.

The Report.

To carry this intention into effect, it would be necessary to examine the subject very carefully, in order that the Act might give all the information intended to be given. We find the Bill before us not sufficiently comprehensive to serve as a rule: for instance, it makes no provision for the case in which the Intestate leaves a mother, but no father, brother or sister, or brother's or sister's child: nor for a case in which neither father nor mother survives, but the Intestate leaves brothers and sisters only. If it be thought desirable to save the necessity of referring to those books which contain the Law of England respecting the distribution of the Estates of persons dying intestate, then the enactment which is to supersede those authorities, must necessarily be very comprehensive and minute: but when it is considered that no Administrator can venture to proceed in his duty in paying debts, and in various other points, without informing himself of many matters which can only be learned by referring to the proper books, or to persons conversant with them, it may be questioned whether much is gained by attempting to supersede the necessity of consulting the same sources of information upon the particular point of distribution. It is further to be observed, that although this Bill does not profess to make any alteration in the law of distribution of personal estates, it would have the effect of introducing changes, because it omits some of the qualifications of general rules, which the Law of England provides: as for instance, by the Law of England no representation is to be admitted among collaterals after brother's and sister's children, and this express statutory provision may in many cases be important in its application. This Bill would in that instance make a distinct alteration in the Law of England, upon the propriety of which there may be different opinions.

With respect to the Bill as it concerns the descent of real estate, your Committee have not felt it necessary to give much consideration to its details, from a conviction, that the proposition for making real estates distributable like goods and chattels, is such a departure from one of the first principles of the Laws of England, as is never likely to be sanctioned.

But we deem it proper to state, with respect to the clauses which are connected with this branch of the subject, that the provision contained in the Bill for compelling a partition, is, in our opinion, by no means well suited to the ends of Justice. It is evident that, if the law were to be so changed as to admit of real property descending like goods and chattels in case of intestacy to all the children equally, and in many instances to a great number of collateral kindred, some provision must be made for dividing those interests which if held jointly would be of little use to any one. To form such a division is the object of the fourth clause of this Bill; but the enactment appears to your Committee exceedingly defective, and such as would be found neither equitable nor satisfactory in practice. In comparing the method proposed by the Bill for compelling a partition with the provisions of the Law of England respecting the partition of estates held in parcenary, and in particular with the Statute 3th and 9th William III, Chap. 31, a want of due caution will be found in the proposed enactments in several important particulars.

Instead of a Jury of twelve men, against whose verdict, if found unjust, relief may be had by a new partition, it is proposed, that any *three Freeholders, appointed by the Surrogate Judge*, are to perform the important duty of assigning to each person his proportion of the estate: no provision is made for ascertaining by any previous proceeding or judgment of a court, *who* are the persons entitled to share, which is the point first to be determined, and which may involve questions of more difficulty, and of greater consequence to the parties, than the mode of making the partition, which is to follow the division. The validity of a marriage, the legitimacy of children, the death of intervening claimants, the legal presumption of the death of others, according to the circumstances, the time and place of birth, in some cases, may, each of them, produce questions not easy to be decided, and yet, on their decision it may depend whether the estate is to be divided into two parts, or ten. The Law of England is such as to secure an investigation of these matters by a competent tribunal, with a power of revision if the judgment is complained of. By the Bill referred to us, three Freeholders, who may not be very intelligent, (and whom the parties may not be able to challenge,)

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would be entrusted with the decision of all these points, and their decision would be final.— This decision also may be made after a months notice, published in a newspaper, of an application by any of the persons entitled to share; and thus, the legal claim of a Son, or Brother, resident in the United Kingdom, or in a more distant part of the world, and of whose existence the three Freeholders might be unconscious, might be entirely defeated. It is taken for granted that the partition when made, as this Bill proposes, is intended to be final, because nothing is said of a second proceeding, nor any appeal provided for, and because it is required by the Bill, that the award of partition when made shall be recorded in the Registrar's Office of the County, of course for the purpose of giving information to the public, in order that purchasers may know when they are safe. Unless, therefore, it is intended that such decision is to be final, the registering it would have the effect of misleading the public. Doubtful questions may also arise as to the endowment alleged to have been made to Children, in anticipation of their shares, and these must also, as it appears to your Committee, be necessarily decided by the same three Freeholders, as the Bill now stands.

It is provided by this Bill, that when the Intestate had Estates in more than one District, the Judge of Probate, and not the Surrogate Judge, of any District shall carry the proposed proceedings into effect, by appointing three Freeholders to make the partition. But whether these three Freeholders are to be appointed in the District in which the Probate Court is held, with power to make partition of the whole real estate throughout the Province, or whether three Freeholders are to be chosen for each Township or District in which there are lands of the estate, with power to divide the lands within their locality, does not clearly appear to us. For any thing that is said to the contrary, it may perhaps have been meant, that three Freeholders shall divide the whole, and if so, when it is recollected that there is no relief from their decision, little or no security against the existence of an undue partiality, of which the Judge selecting them may not be aware, and no sufficient assurance of their competency to the task, and when it is further considered that they may know nothing of the value of large estates in remote Districts, which they are to have the power of distributing, it seems to your Committee that the provision is by no means adequate to the ends of justice. If it was intended that separate partitions should be made by separate Juries of three Freeholders for each Township or District, then it appears to your Committee that such an arrangement carried into effect, in such general terms as the Bill proposes, would be productive of great inconvenience and injury, inasmuch as to make a just partition of lands in one Township it might be necessary to have regard to the partition which had been made of estates in other Townships, because, to proceed upon the principle of subdividing equally and distinctly each parcel of land, however small, would be frequently very injurious to the interests of all concerned, and with respect to some estates, as houses, mills, &c. it would not be practicable.

The 8th and 9th, William III. Chap. 31, shews clearly with how much prudence it is necessary to guard against injuries to persons absent, and against the probability of doing wrong by giving effect to an unjust demand.

In the opinion of your Committee the last clause of the Bill shows in a strong light the inconveniences which such a change in our laws, as is here proposed, would certainly entail upon the people of this country. By the Statute 5th Geo. II. Chap. 7, lands and tenements in this Province are subject *to be sold* in execution for the payment of debts. When the personal estate has been exhausted recourse may be had to the real estate, and as the law now is, the person who in case of Intestacy succeeds to the whole estate, is justly enough burthened with the whole debt. If he allows execution to go against him his estate is sold, the debt deducted, and he receives the surplus. But when it is proposed, as by this Bill, to provide that the real estate of the Intestate, instead of going to the male heir, shall go in equal parts to all his children, perhaps six or eight, or even more in number, or be distributed among a much greater number of collateral kindred, it becomes necessary to consider how the Statute 5th Geo. II. is to be applied under these new circumstances. The creditor who has judgment for the debt of the ancestor, must either take a part of each person's share, which would be found an inconvenient and most injurious method of proceeding, or he must take the whole share of one, or of more, till his debt is covered, leaving the other shares untouched. The latter mode is thought (as it appears) to be the most convenient, and accordingly the Sheriff is left by this Bill to proceed at his pleasure in that way, and for

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remedying the injustice of one heir losing the whole of his patrimony, when the debt was no more a debt of his than his coparceners, it is provided by the last clause, that he may have his action on the case, for contribution against all the others. Thus, if the whole portion of one, and part of the portion of another should be taken, while the estates of five or six other members of a family were suffered to escape, each one of the two whose shares were taken in execution in unequal proportions, must, in case of disagreement, bring his separate action for contribution against each of his five or six brothers and sisters, a course not very congenial to the peace of families, or conducive, as it seems to your Committee, to the welfare of society. It may be said that this multiplied litigation need not be apprehended as likely to occur, inasmuch as the children liable to contribute would pay their proportions voluntarily and thus avoid an action. But in very many instances half the children, or more, would be minors, having no means, and no discretion to apply them, and thus there might be no alternative but that the portion of one must be wholly sacrificed for a debt in effect due by them all; while his remedy for contribution may be delayed for many years, possibly for twenty.—And if a case is supposed in which the proprietor of an estate owes a debt of fifty pounds, and dies intestate, leaving one hundred acres of land worth one hundred pounds, and seven or eight children, or other persons entitled to share the same equally among them, all being of full age, unless they should possess some other means of paying their several proportions of the debt than they could realize from their separate portions of ten or twelve acres of land, very little could be expected from their voluntary contributions, however just their intentions might be.

We beg also to remark, that if the law were to stand upon the footing on which the Bill which has been referred to us would place it, the Statute 5th Geo. II. Chap. 7, would in a great many cases be almost inoperative. It has been repeatedly decided, and is now considered to be the law, (as such decisions are not yet appealed from,) that the lands of a deceased debtor cannot be sold under an execution against his administrator, but that judgment must be obtained against the heir. That heir is not unfrequently a minor, and, even as the law now stands, creditors are in many cases delayed in their remedy from that circumstance. It need scarcely be noticed how much this difficulty must be increased when the whole estate cannot be sold until every child comes of age, and when among the co-heirs may be all the children of a deceased brother, thus going one generation lower. Considering how large a portion of our present population has emigrated from other countries, leaving behind them children, brothers, or other kindred, who, in case of Intestacy, would be entitled to share in their property, without whose concurrence no title could be perfected, and against whom judgment must be obtained before a creditor could have an effectual remedy for the recovery of his debt; it appears to your Committee that the greatest inconvenience and confusion must speedily follow such a system of law as this Bill would establish.

It is very possible that by proper provisions some of these evils might be prevented, or at least modified. Your Committee however cannot but remark, that they perceive nothing in this Bill calculated to guard against such evils, or to prevent their accruing in their fullest extent, and they deem it unnecessary to inquire what ought to be the details of any measure that would go so far towards destroying the English character of our Constitution and Laws, because they are persuaded that in the opinion of the Legislative Council no such change is desirable as this Bill is intended to introduce, and that all the difficulties spoken of will be best avoided by leaving our excellent system of tenures as it stands.

The Law of Primogeniture has been the Law of England for a period antecedent to the date of Magna Charta. It may have been dictated at first by considerations having reference principally to the feudal system, but it would not have been suffered so long to survive the total abolition of Military tenures, if experience had not shewn it to be best adapted to the stability, and general welfare of Society, and most congenial to our admirable form of constitution.

Having this rule for the descent of real property as one of the most prominent and influential parts of her system of Laws, Great Britain has attained to a height of power, and a degree of civilization never yet surpassed, and in the moral condition of her people, in freedom and independence of character; the general diffusion of happiness and intelligence; the accumulation of national and individual wealth, and the application of ingenuity and enterprise,



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her people, to speak within bounds, are exceeded by none, while the business of Commerce and Agriculture is no where more industriously and successfully pursued.

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These being the results of the English system of tenures, your Committee are at a loss to find any inducement of sound public policy that should lead us to depart from it. In the preamble of this Bill it is stated, that the principles of the common law respecting the descent of real estates, are “not well adapted to the circumstances of His Majesty’s Subjects *and the state of society in this Province.*”—What is precisely meant by the reference to the state of society in this Province, your Committee may not clearly apprehend—but as they consider it to be very certain that our state of society is not beyond that of our fellow subjects in the United Kingdom, in any of those particulars which contribute to the happiness of mankind; and as they think it equally certain that there is no country in the world to which we need look for a standard, that as men and British Subjects it is more desirable we should conform to, your Committee cannot but cherish the opinion that whatever difference exists between the state of society here and in Great Britain, we shall better consult our happiness and welfare, by striving to approximate, than by effacing the resemblances which exist.

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It is the opinion of your Committee, that if the proposed innovation of substituting an equal partibility of real estates for the Law of Primogeniture, which in our Mother Country has prevailed for centuries, be considered in reference to its effects upon the public interests, there is every reason for deprecating it, and no sound argument to recommend it. It is remarkable that in Great Britain no desire for such a change seems ever to have manifested itself among the people, or to have been proposed either by Statesmen or Legislators; on the contrary, at this moment there is a commission, composed of men of the highest learning and character, appointed under the authority of Parliament, to revise the whole system of the English Law of real estates, in order to expose defects, remedy abuses in practice, and suggest beneficial changes. They are taking the most comprehensive range in their inquiries, and of course their leading object is to accommodate to the existing state of things, such principles and provisions as may from the lapse of ages have become unsuitable. Accordingly, they are suggesting some very material alterations, not restrained by any superstitious veneration for useless forms or institutions. They were appointed by Royal Commission in June 1828, and having made most laborious inquiries, and collected information, and received suggestions from the most eminent and experienced men, they presented, on the eleventh of May, 1829, their first report; in which they discuss at length the expediency or in expediency of many parts of the English Law of Estates, and propose some extensive changes, rather respecting forms than principles; but with regard to the law of Primogeniture, that law which it is proposed by this Bill wholly to discard, they express in the outset their conviction that it ought to be regarded as an inseparable part of our system. They seem neither to have contemplated any change in that respect, nor to have imagined that it could be thought advisable by others; and they therefore promptly and finally dismiss that part of the inquiry committed to them in these few and emphatic words:—“Where no disposition is made by Will, the whole landed estate descends to the eldest son, or other heir male. This, which is called the law of Primogeniture, appears far better adapted to the constitution and habits of this kingdom than the opposite law of equal partibility, which, in a few generations, would break down the aristocracy of the country, and by the endless subdivision of the soil must be ultimately unfavorable to Agriculture, and injurious to the best interests of the State.”

The lapse of nearly two centuries had seemed only to confirm the view taken of this leading principle in the English Law of descent by the great and good Sir Matthew Hale, who expresses himself thus eloquently in his History of the Common Law of England,—(speaking of the time when lands were partible):—

“This equal division of inheritances among all the children was found to be very inconvenient, for, first, it weakened the strength of the Kingdom, for by frequent parcelling and subdividing of inheritances, in process of time they became so divided and crumbled that there were few persons of able estates left to undergo public charges and offices.

“Second—“It did by degrees bring the inhabitants to a low kind of country living, and families were broken, and the younger sons, which had they not had these little parcels of land to apply themselves to, would have betaken themselves to trades, or to civil or military or ecclesiastical employments: neglecting those opportunities, wholly applied themselves to

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“ these small divisions of lands, whereby they neglected the opportunity of greater advantage  
“ of enriching themselves and the Kingdom.”

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It would be tedious to advert to the many convincing arguments which have been advanced in very modern times, and by public writers in England, (whose views of political questions were in other respects widely different) tending to prove the evils of an equal partibility of real estate; and illustrating their position by reference to other countries, and by comparison of the past and present state of some parts of Europe, in which a different system in this respect has obtained at different times. The Quarterly and Edinburgh Reviews, the leading literary and political Journals of the day, are not at variance on this interesting question; on the contrary, both are equally strenuous in enforcing the superior advantages of the Law of England in this very particular; both candidly appreciate and equally exult in their enjoyment of the very system of descent which this Bill now before us would wholly destroy. It is affirmed, that in those parts of Scotland in which Freeholds are split into the smallest parcels, the state of Agriculture is inferior to that which prevails in other parts; and reasons are given why such effects *must* follow, that appear to us incontrovertable. Most intelligent travellers who have recently visited Normandy, and other parts of France, and travellers whose political tenets were notoriously of the least bigotted cast, have painted in strong colours the disadvantages daily becoming more striking of their modern adoption of the law of partibility. If the evils of this minute subdivision of real property have not been seriously or generally felt in the Republic near us, they have yet been perceived, and their effects described as visible in some of the oldest States, and it has been remarked that the effects of such minute subdivisions of land upon agriculture, and upon the general condition of society, is in a great measure averted at present by the peculiar condition of that immense country, which still presents a boundless space for emigration.

Your Committee are aware that in the County of Kent, in England, the Gavel kind tenure still subsists, which directs the descent of real property to the male heirs in equal proportions, and that in some other Counties in England, though to an extent exceedingly limited, the Law of Primogeniture is excluded by ancient customs applying to particular estates. But although in Kent the law of Gavel kind is, properly speaking, the general rule, it is by no means general in its application. The proprietors of the principal estates have carefully guarded against this distribution of them, by settlements and devises; and with respect to a great proportion of the lands they have been at some time or other disgavelled by Acts of Parliament, passed upon the petition of the proprietors. Still the existence of such a custom in any part of England is felt as an inconvenience that should be remedied, and although it applies so very partially, that it can have little or no effect upon the general state of things, yet the abolition of it is thought to be an object worthy of the attention of the Nation. Accordingly the Commissioners above referred to, have, with that view, directed their inquiries very minutely to this Gavel kind tenure, and the information they have elicited displays the inconvenience of such a partition of real estate.

One witness states, that he has known it to be necessary to procure the concurrence of forty heirs, in order to make a title,—and another states that he has known estates so divided, in consequence of the Gavel kind tenure, that it came in one instance to the half of a seventy second, and the title was amazingly complicated: and that he had another instance in his professional practice when there were twenty-nine parties interested in property worth about three hundred pounds.

It is obvious that whatever inconveniences of this description have arisen from the Gavel kind tenure in Kent, must, upon the ordinary principles of calculation, be generally doubled in this Province under such a law as that now referred to us; for Gavel kind directs a partition amongst the *male* heirs only, while this Bill would make lands distributable among *all* the children, or collateral kindred, *both male and female*, thereby, it must be presumed, generally doubling the number of shares into which the freehold would be divided. This difference, together with the application of the Statute 5th Geo. II. Chap. 7, to this Province, must inevitably make the adoption of the proposed system of tenure here produce more numerous and preplexing inconveniences, than can follow from the Gavel kind tenure in Kent. And while in England they are at this day, after centuries of experience, studying to relieve themselves wholly from the evil of partibility of estates, by abolishing ancient usages which have prevailed only partially, and which from their antiquity are probably preferred by the people

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who have grown up under them, it would seem strange that we should propose by one fatal and irremediable Act to impose upon ourselves in their fullest extent, and indeed in greater degree, all those difficulties and disadvantages from which our fellow-subjects in the Mother Country are endeavouring to escape.

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The injurious effects of such a measure in a public point of view would be found, from the manner in which this Province has been settled, to apply to an embarrassing extent within a very short period. The Report.

In Kent, where Gavel kind prevails the most, the freehold of the soil is not, as in this Province, vested in almost every Farmer who cultivates the ground. In England and Scotland the lands are generally held in large estates by Noblemen, or other great proprietors, who are careful to prevent, by settlements and entails, their being split into small parcels; and if this care were not used, and several such proprietors were to die in succession without making a Will, it would take generations before the property would be reduced by subdivision to such small portions as to produce the mischief, that would arise here almost instantly. In Upper Canada the great bulk of the lands are held in separate freeholds of two hundred acres, or of one hundred acres. Since the year 1816 thousands of persons have been annually settled by the Government upon lots of one hundred acres each, and a great number have received gratuitous grants of fifty acres each. Now it is to be considered that besides the undoubted fact that the proprietors of single farms of two hundred acres, or less, form by far the greater proportion of our agricultural population; it is also certain, for other reasons, that of those who die Intestate, and to whose estates this Bill would apply, infinitely the greater number will be persons having a single freehold property of one or two hundred acres.

The proprietor of many and large estates is generally found sufficiently provident to dispose of them by will, which in this Province every person may do as he pleases. He is more impressed with the importance of leaving a Will, because he has more to dispose of, and he is generally more conversant in business. The proprietors of single lots, on the contrary, are seldom so attentive and provident, they are more frequently without the education that might enable them to make their Will, and when they do attempt it, their Wills are frequently invalid, from their unacquaintance with those forms and solemnities which the law has deemed prudent to prescribe. In addition to this, they are from their pursuits more exposed to casualties leading to sudden death, and they frequently die under circumstances and in situations that render it impossible for them to procure the assistance and advice they require. From these causes it happens that the number of cases in which Wills are made by the people of this Province is exceedingly small in proportion; so much so that in the District of Bathurst, containing many thousand inhabitants, we have heard that it was some years before the Surrogate Judge had a single Will brought to him, and we have no doubt that we are much within the truth when we suppose that five proprietors of single lots die Intestate for one that makes a valid Will. It is therefore to be borne in mind that, it is with respect to those persons who compose the great mass of our population that the provisions of this Bill would take effect, the proprietors of large estates being less numerous and less likely to die Intestate.—Then it is to be considered how such a system would operate when applied to the medium case of the proprietor of one hundred acres, of whom there are many thousands, and of which description of settlers indeed some whole Townships are almost exclusively composed.

We will suppose, first, a case more unfavorable than the average, but still by no means an extreme case, or one not likely to occur:—The owner of one hundred acres dies without a will, leaving seven children, some of them minors, and the two youngest under six years of age, having had also another son or daughter who married, and died, leaving four children. By this Act the one hundred acres which, while undivided, supported the whole family in comfort, would be split into eight shares of twelve acres and a half each, and one of those shares into four lesser portions of three acres and one-eighth each. Then the widow's claim to dower, when there was a widow, would in fact leave but two-thirds to be so divided, instead of the whole; and how this lot is to be cut up, so as to give to each a proper share of the few acres of wood, at one end of it, and access to his portion, and making due allowances for inequality of soil and other natural differences, and giving to each a sufficiency of rail timber, must be determined by the three Freeholders, according to one of the clauses of this Bill; and before this division has been long made perhaps one of the children dies, and his portion, (if

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the mother be not living,) is to be equally divided among his brothers and sisters; his twelve and a half acres into six equal parts. If the estate owes debts of thirty pounds or forty pounds, no one child has a sufficient interest in the land to justify his paying them, or to enable him to pay them; and in its subdivided state, with half the proprietors minors, nothing could be raised upon the credit of the property; execution goes against such of the heirs as are of age, the creditor being delayed in his remedy against the others; the one or two shares of those who are the eldest and best able to support the younger children, are wholly taken from them; and they must console themselves with the reflection that, if they can manage to live till all their brothers and sisters come of age they can immediately prosecute them in actions at law, under the provision in the last clause of this Bill, and drive them in their turn from the paternal property, on which all might have grown up in independence and comfort, if the estate had been suffered to remain undivided. It may be said that some of the children must buy of the others, but when all may wish to avoid selling, and none are able to buy, although efforts of this kind may be made, and may greatly disturb the harmony of families, by introducing quarrels and litigation, it would seldom be found an effectual remedy. When the father, who owned the whole lot, had perhaps not yet paid for it, and died poor, whence are his children to have at once the power of purchasing?—the eldest might be able to buy; but the youngest being infants could not sell—the eldest again might be willing to sell, but the others wholly incapable of buying. No stranger could become the purchaser of the whole estate for the benefit of all, because, so long as any child is under age no title can be made; and when the shares go to collateral kindred, it may be necessary in a country settled as this has been, to hunt about the world for them; besides it is found in other countries to be the natural effects of such a system that there is no disposition to sell, but all cling to the wretched fraction of a freehold so long as it will afford them a bare subsistence, and become an inferior race of Farmers, and ultimately a degraded and dependant population.

An adequate capital is not employed in Agriculture, and cannot be under such circumstances, for no person has individually a sufficient interest at stake, and hence it is that it is felt and assumed in England that to make real estates partible would tend to the depression of Agriculture.

But the inconvenience of this minute subdivision happens, it is to be remembered, in the first generation, and on the first occasion of intestacy. What would be the state of the one hundred acre lot when the greater part of the proprietors of the twelve and a half acres shall in their turn die intestate, leaving their portions to be divided again into six or eight shares, some burthened with dower, and others with tenancy by the curtesy?—And what kind of Agricultural population should we have after one of the fifty acre grants has passed through two such descents? It would soon be nearly as impossible to collect the scattered fragments of interest in the estate, and to make a perfect title to it, as it would to gather chaff that had been scattered to the winds.

There are not wanting instances in this Province which tend to illustrate this certain inconvenience, for though it cannot occur in cases of intestacy under our law as it now exists, yet from injudicious disposition of property by Will, it has now and then happened that the interest in an estate has been so subdivided, that either from the difficulty of finding some of the heirs, or from their disagreement among themselves, a property which in the hands of one or two proprietors would have been useful to the community, has lain for years unproductive to the State, and doing good to no one; that cannot in our opinion be a desirable measure which must multiply these cases of inconvenience. We are aware it may be said that all these dreaded evils may be avoided by the simple process of making a Will; but in the first place the making a Will in regard to real estate is not a simple process, and in the next place if it were ever so simple, it is nevertheless certain to be neglected in thousands of instances; all experience shews this; and indeed were it otherwise, then the Bill now in question would become a matter of no importance, because it may with the same reason be said that all who dislike the principles of Primogeniture can easily prevent its application by making a Will, and giving to each child five or ten acres of land if he preferred such a distribution.

The truth obviously is, that neither the Law of England, nor any law that can be passed there or here, can make exactly such a disposition of the real estate of an intestate as he would himself have made, if he had used the privilege which the law gives him of making a Will.

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The number of acres he possessed, the ages, number, and moral character of his children, the manner in which some of them had been already advanced by him—and numberless other circumstances which the law cannot anticipate, or provide for, would lead every testator to depart, more or less, from any general rule that the ingenuity of man could lay down. It is impossible that a law can be framed that would suit the inclinations of every proprietor, or meet the circumstances of every family; all that can be done is to approximate, and to lay down such a rule, as being most consistent with the welfare of the State, and the general good of society, will be likely to suit in the greatest number of cases, leaving it incumbent upon parents and others, when they may wish to make their case an exception to the general rule, to take the ordinary means for that purpose.

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Whether the distribution which this bill would occasion in cases of intestacy is such as the proprietor of a single lot of Land would think it judicious to make, may be seen by referring to the Surrogate Offices in the several Districts, where we much doubt whether many Wills are to be found dividing a lot of one hundred, or even of two hundred acres, in equal proportions among six or eight children. On the contrary, it will, we are convinced, be discovered by such a search, that the more ordinary course is to leave the homestead in the possession of some one member of the family, charging him with payments to be made to his brothers and sisters. By such a disposition of the property the evils we have stated are avoided, and the several members of the family are more conveniently provided for.

However plausible may appear the general reasoning in favour of an equal division of real property, and however easy it may be to gain from the greater number of men a hasty assent to a measure of this description, for want of reflecting sufficiently upon its consequences, we are persuaded it will be found that when the proprietor of a single farm comes to act, and to exercise his judgment in his own particular case, he rarely, if ever, divides his one hundred acres into eight or ten parts.

We are therefore not of opinion, that the proposed bill would make such a disposition of real property as would generally be consistent with the intentions of the deceased owner—and on all other grounds we think that experience, and a regard for our Constitution, forbid us from venturing on such a change.

It may be satisfactory to your Honorable House to find how strongly the view taken by your Committee, of the principal features of this bill, is confirmed by the opinions of men of the greatest experience, recently given to the Commissioners for inquiring into the law of real property in England. We therefore subjoin a few extracts, beginning with the evidence of the celebrated Charles Butler, Esq. whose knowledge and experience in that branch of the law have long entitled him to be considered as one of the highest authorities in his profession—and it is to be remembered in reading those extracts, that when the witnesses are describing the effects of the law of Gavel kind, they are speaking of a rule of descent under which the real estate of an Intestate is distributed equally among the *male* heirs only, and not, as this bill proposes, among *all* the children, or other heirs, both *male* and *female*.

CHARLES BUTLER, Esquire.—“I have had frequent means of observing how tenure in Gavel kind operates. Instances have occurred to me in which great uncertainty has prevailed whether certain lands were or were not held by the Gavel kind tenure. In practice I have found many inconveniences to arise from this uncertainty. Some also, when from the minority, or foreign residence, or embarrassed title of some of the parceners, or from the unwillingness of some to concur in sales or other dispositions of the property, dealing with it has been expensive, difficult, litigious or impracticable; and the shares of the parceners have been greatly reduced in value.

“Whatever adds to the number of trustees, or *Cestui. Que* trusts of the same property, particularly when the interests are different, and sometimes discordant, necessarily adds to the difficulties and embarrassments attending alienation, management, and every other dealing with the property; it also multiplies questions of law and equity. I am not aware of any method by which these inconveniences can be avoided or lessened while the tenure remains.

“Some disadvantages I have mentioned—the disadvantages which it generates are numerous; I am not apprised of any substantial advantage which arises from it which is not counterbalanced by a greater disadvantage.

## APPENDIX C.—(See Journal, page 57.)

APPENDIX C.

“As far as my experience goes, the owners of Gavel kind property wish to have it settled by their deeds or wills in a course of devolution, totally contrary to that of Gavel kind tenure. I have never seen an instance in which a person has appeared to me to feel a partiality for it.

“I see no objection to the total abolition of it.”

The Report.

WILLIAM E. TAUNTON, Esquire, *King's Counsel*.—“Gavel kind prevails in so small a proportion of the Kingdom, that in a practical view, it is not easy to estimate its advantages or disadvantages. As I have before observed, I should consider it to be incompatible with the British Constitution, if it prevailed to a general extent; but as it is, it is not worth while to meddle with it.”

In another place, speaking of the English Law of descent generally, Mr. TAUNTON says:—“The law of descents in England, from long usage, is familiarized to the affections and understandings of the people, and I do not think that any alteration in it, except in the part which relates to the half-blood, would operate as an improvement. The rules on this subject are altogether *positivi Juris*, and there is no standard of perfection by which they can be weighed. Amongst speculative men there will always exist a diversity of opinion, and each man will naturally think his own the best, so that after you have altered and modified ever so much there will be just as many as ever who will deem the system imperfect. These rules, moreover, are so interwoven with, and dependent on each other, that if you break in upon one you will disturb all the others; and the whole machine will be put out of order.”

Mr. Sergeant PEAKE.—“I cannot help again expressing my objection to any thing like a general abolition of the rules of tenure, or descent, and I think the alteration less necessary, as in the case of descent the party in possession may always provide against any inconvenience by a testamentary nomination of his heir, and where he does not do so, I think it of much more consequence, that a rule, coeval with the Constitution itself, should continue, than that changes should from time to time prevail, which, in the end, will render all rules of property and descent fluctuating and uncertain.”

[*Note*.—Mr. Sergeant Peake does not say this with any particular reference to the Law of Primogeniture, for the abolition of that Law is not proposed or hinted at by the Commissioners in any of their questions. He expresses himself in these general terms, in answer to interrogations respecting the expediency of other changes of a much less serious character.]

WILLIAM WEATHERLY, Esquire—(In answer to several questions respecting Gavel kind tenure)—“I decline to answer these questions, having but very little practical experience of Gavel kind tenure; but I beg leave to quote the following passage from Mr. Watkin's 141st note to Gilbert's tenures—

“In some manors where the custom is for lands to descend after the manner of Gavel kind, it often occurs in practice, that the heir will not accept the portion, as not being worth the fines and fees. The estate becomes at length so divided and subdivided, as to be frequently frittered into trifles, and the share of the individual unworthy of acceptance, under the accustomed dues.”

“Theoretically speaking, I see no objection to the abolition of Gavel kind tenures altogether, as well in freehold as in copyhold lands.”

ALEXANDER RADCLIFFE SIDEBOTTOM, Esquire.—(Answers that he has been almost twenty years at the Bar.)—“I have not had a great deal of practice in Gavel kind, but I have met with a great deal of inconvenience. I have more than once had titles before me, in which it was almost impossible to ascertain with accuracy how far the estate was divided.—I know it did come to half of a seventy-second in one instance, and it was amazingly complicated. I have had several times great difficulty in deducing the title, on account of subdivisions of the estate. I had one instance where there were twenty-nine parties interested in property that was not worth three hundred pounds. But it is a singular thing, that in Kent, the large Baronial Estates have been kept together as well as in other Counties, but that has been by Settlements and Wills. Being aware of it, and knowing how necessary it was to guard against it—they have guarded against it—but that is not the case with individuals having small property.

APPENDIX C.—(See *Journal*, page 57.)

“I see no advantages in the tenure; the disadvantages are, great additional expense and complexity of title, and frequently rendering a small property of no actual value to the owners, when they are numerous.”

APPENDIX C.

GEORGE HARRISON, Esquire.—“I think the great object in Law is, that we should have certainty; the happiness of the people depends mainly upon it; and as I look upon the Law of descent, as it now stands, to be perfectly certain, I would not disturb it.”

The Report.

“I am attached to the Law as it now stands for this reason simply, that it is well understood and clear.”

JOHN TYRRELL, Esquire.—“I think it very desirable, if it be practicable, to abolish the tenures of Gavel kind, and Borough English, and there does not appear to me to be any sufficient reason why they should be continued.”

“The modes of descent in Gavel kind and Borough English are much less convenient than the general Law of Primogeniture, and in every case the complete power of disposition by Will renders the manner of descent of little importance. *Intestacy but rarely happens* when there is property to give, and the owner of it has a family or relations for whom he is anxious to provide; and it would be impossible by a general Law to make a general distribution, applicable to all the different circumstances arising from the Estate, ages, and rank of the family, and the nature and value of the property. The general Law is well adapted to the great classes of society engaged in professions and trades, where an Intestate, who has real estate, has usually personal property of much greater value, which is divided among all the children. With a great part of the aristocracy and yeomanry it leaves but little provision for the younger children; but the care of them devolves, with the estate, upon the eldest brother, who usually considers himself bound to provide for them. The Law, however, is as just as that of Gavel kind, which excludes all the daughters, or that of Borough English, which gives the whole to the youngest son, while it renders titles more simple and secure; because it is much less difficult to prove who is the eldest son, than to obtain satisfactory evidence that there was not more than a stated number of sons, or that there was not a younger son. A descent in Gavel kind most frequently occurs in an estate vested in a trustee or mortgagee, and the persons beneficially entitled are often put to great trouble and expense in getting in the legal estate in the shares vested in the different co-heirs, of whom some are frequently infants.”

“When the Intestacy of the owner of an estate held in Gavel kind does happen, it occasions great inconveniences, for it is generally important to some of the sons to have their shares converted into money, in order to enable them to embark in trades and professions; and no sale, nor a complete partition, nor even a valid lease, can be made of the estates until the youngest son attains the age of fifteen years. It is said that a strong feeling prevails among the people in Kent in favour of Gavel kind tenure; but it is to be hoped that such a prejudice will not prevent an alteration, which would evidently be beneficial to them.”

Leaving unnoticed more numerous and stronger testimonies against the Gavel kind tenure, and in favour of Primogeniture, than are sufficient to counterbalance opinions, which two or three witnesses advance very faintly, and in a qualified manner, in vindication of Gavel kind, your Committee beg to conclude with the following very satisfactory passage of the Report recently presented by the Commissioners upon the law of real property:—

“With a view of collecting information, and of affording an opportunity to all persons conversant with the law of real property, to point out any defects under which it may be supposed to labour, or improvements of which it may be susceptible, we early caused a letter to be generally circulated, stating the nature of this Commission, and soliciting suggestions on any of the subjects within the scope of it.”

“We have in consequence received various communications from different parts of the country, many of which are distinguished by considerable ability. Some of these we have thought it right to subjoin in the appendix to this report, as more immediately relating to the topics embraced in it; and we shall probably feel it our duty to add others to subsequent reports.”

“Our next proceeding was to prepare a series of written questions upon some of the subjects to which we proposed in the first instance to direct our attention, and to send them to all persons from whom they were likely to draw forth useful information, with an intimation

## APPENDIX D.—(See Journal, page 62.)

## APPENDIX C.

“that we requested answers either in writing or by viva voce examinations, as might be most agreeable to those to whom they were addressed.

“From some gentlemen we received written answers of great value, and others attended us personally, submitting to long examinations, which afforded us the opportunity of fully canvassing the topics under discussion with men of profound learning and distinguished talent.

The Report.

“With such helps we have proceeded to examine the existing state of the law of real property in this country, and to consider how far it may be corrected and improved in its two great divisions of *Enjoyment* and *Transfer*.

“We have the satisfaction to report, that the law of real property seems to us to require very few essential alterations; and, that those which we shall feel it our duty to suggest, are chiefly modal; when the object of transactions respecting land is accomplished, and the estates and interests in it which are recognized are actually created and secured, the Law of England, except in a few comparatively unimportant particulars, appears to come almost as near to perfection as can be expected in any human institutions. The owner of the soil is, we think, vested with exactly the dominion and power of disposition of it, required for the public good, and landed property in England is admirably made to answer all the purposes to which it is applicable.”

WILLIAM DICKSON,  
Chairman.

## DESPATCHES,

## APPENDIX D.

*On the subject of Midland District Bank Charter Amendment Bill; Gore District Bank Bill; and Life Assurance and Trust Bill.*

(Copy.)

No. 14.

DOWNING STREET,  
15th June, 1835.

SIR,

I have received His Majesty's commands to address to you the following communication, respecting three Bills passed by the Legislative Council and Assembly of Upper Canada, and reserved by you in the month of April last, for the signification of His Majesty's pleasure.

I shall transmit to you by the earliest possible opportunity, orders of His Majesty in Council confirming the Bill for altering the Charter of the Commercial Bank of the Midland District, and the Bill for the Incorporation of the Gore Bank.

It is not without hesitation and reluctance, that His Majesty has decided to suspend for the present his decision upon the Bill for establishing the Upper Canada Life Insurance and Trust Company.

Acknowledging without reserve the weight due to the judgment of the Legislative Council and Assembly of the Province upon all subjects of internal regulation, His Majesty's confidential advisers are yet unable to decline the responsibility of exercising, to the best of their power, an independent judgment upon such an occasion as the present. An appeal having been directly made to His Majesty to determine whether this Bill shall have the force and effect of law, it is the plain duty of the Ministers of the Crown to weigh, as far as they may be able, the consequences of the decision which they may humbly advise the King to adopt; I therefore proceed to explain to you the results of those deliberations.

First—It appears that this Bill establishes a Corporate body for three distinct objects. These are, the effecting the Life Insurances; the receiving an accumulation at interests of deposits of money; and the acceptance and execution of Trusts. These objects, if not strictly speaking compatible with each other, could scarcely be so carried on as not to involve the Corporation in many dangers and embarrassments. I do not here refer to the circumstance that the time and thoughts of the Directors would be distracted by their attention to so many branches of Commerce, (though that is no immaterial circumstance,) but rather to the blending together of funds, which justice to the parties concerned; and the public security, would alike require to be kept distinct. The Trust monies might be applied to pay off Life Insurances;

Despatches on the subject of Midland District Bank Charter amendment bill; Gore District Bank bill; and, Life Assurance and Trust bill.

Life Assurance and Trust bill.



## APPENDIX D.—( See Journal, page 62.)

APPENDIX D.

or the Deposits might be used to liquidate the claims of those for whom the Company should be Trustees. I find in the Bill no security whatever against this obvious and formidable danger.

Secondly—The Courts by which Trusts are to be delegated to this Company are not invested with any summary jurisdiction over the Corporate body, its officers or its funds. The property of infants and of absentees, of married women, and of lunatics, would thus be committed to functionaries not amenable to the summary orders of the tribunals from which their power is to be derived, nor bound to render to them any account of the administration of the Trust funds. In every case of alleged breach of Trust legal proceedings must be instituted, the nature of which is not at all explained, and the success of those proceedings must depend upon the solvency of a body virtually irresponsible for their conduct.

Life Assurance and Trust Bill.

Thirdly—The Society to which these extraordinary powers are to be granted is limited to a Capital of £300,000 Currency, of which they are not required to invest more than one tenth part. Such a fund as £30,000 Currency, would seem a most inadequate security to those who are to be involved in pecuniary transactions with this body.

Fourthly—The Company are expressly exempted from the obligation of giving, in any case, any special security for the faithful discharge of any Trusts which they may undertake—an exemption of which I am at a loss to conjecture the reason.

Fifthly—As there is no Court of Equity in the Province, I do not perceive how any remedy is to be had for the neglect or breach of any Trust which this Company may undertake.

Sixthly—The power of investing the Capital of this Company in the Stock of other trading Corporations, will largely and needlessly enhance the risk of all with whom they may deal.

Seventhly—The Charter is to last only for twenty-five years; yet no provision is made for securing the property of infants and others; for whom, at the end of that time, they will be Trustees; or respecting the payments of Policies of Insurance on Lives, which, twenty-five years hence, may be still in being.

Lastly—In favour of this Company an entire alteration is made of the Law of Mortgages. I am equally at a loss to understand the motives of the innovation, or the reasons which may be supposed to require that the new law should apply only to Mortgages granted to this Society, not to Mortgages for securing the advances of other creditors.

I am far from presuming to suppose that these difficulties are not susceptible of a satisfactory answer. They have, however, appeared of so grave a nature, as to require that the subject should be brought under the re-consideration of the Council and Assembly. You will, therefore, transmit to them a copy of this Despatch, assuring them of His Majesty's earnest desire to assent to the Act, if the objections which I have mentioned can either be repelled by arguments which have not occurred to myself; or shall be removed by any such amendments as the local Legislature may deem it proper to make.

I have, &amp;c.

(Signed) GLENELG.

A true Copy.

(Copy.)

No. 44.

DOWNING STREET,

11th September, 1835.

SIR,

In conformity with the intention expressed in my Despatch of the 15th June last, I have now the honor to transmit to you orders of His Majesty in Council, confirming two Acts passed by the Legislature of Upper Canada, in their last Session, and reserved for the signification of His Majesty's pleasure—the first for extending the Charter of the Commercial Bank of the Midland District; the second for the Incorporation of the Gore Bank.

Gore District Bank Bill; and Midland District Bank Charter amendment Bill.

In transmitting to you these Orders in Council, it is necessary that I should recall your attention to the correspondence which took place between Lord STANLEY and yourself, on the subject of the similar Acts passed by the Legislature of Upper Canada in their Session of 1831-2. To both of the Acts now under consideration, the objections urged by the Lords of the Committee of Privy Council for Trade against the Acts of 1831 are applicable. In these

## APPENDIX E.—(See Journal, page 62.)

## APPENDIX D.

Gore District Bank  
Bill; and,  
Midland District Bank  
Charter amendment  
Bill.

Acts, no less than in those which preceded them, there are omitted many provisions for the security of the public, to which great importance is attached in this country. Thus in the Act for the Incorporation of the Gore Bank, no provision has been made for the periodical publication of accounts; for the submission of accounts to the Governor, if required; for a penalty upon the suspension of cash payments during any lengthened period; for the payment of a fair share of subscribed capital; for restriction in the amount of discount to the Directors; or for security against the Bank dealing in its own Stock. In the Act for the extension of the Charter of the Commercial Bank of the Midland District, the omissions are no less important. In that Act no security is afforded for the personal responsibility of shareholders; for the publication of accounts, and for their submission to the Governor, if required; for the non-employment of the funds in loans upon land; for a penalty upon the suspension of cash payments; for the conversion into specie of paper of the branch Banks at the principal establishment; for the payment of a fair share of the subscribed Capital, or for security against the Bank dealing in its own stock.

If, therefore, in the advice which it became my duty, upon this occasion to tender to His Majesty, I have referred to none but considerations of commercial policy, I should have felt, myself precluded from recommending the confirmation of these Acts in their present form. But unwilling, as I must ever be, to advise the disallowance of Acts which have received the sanction of a Colonial Legislature, I should have felt, an especial reluctance to do so in this case, since I was aware of the importance which, in the Province, is attached to their confirmation. The subject to which they relate, is one intimately connected with the commercial advancement of the Colony; and although the establishment of Banking Corporations, unfettered by the provisions to which I have above alluded, is repugnant to the principles laid down upon the subject in this country, and which are fully stated in the enclosure to Lord Stanley's Despatch of 30th May, 1833, I have yet decided not to enforce those principles, in the present instance, against the judgment of the Provincial Legislature. I cannot, however, allow myself to doubt the willingness of that Body, to adopt any provisions which may be essential to the security of the public. I have therefore to desire, that, at their next meeting, you will take an opportunity of again bringing the question under their notice, informing them that, in deference to their judgment, His Majesty has been advised to confirm these Acts, but pointing out, at the same time, the particulars in which they have appeared to His Majesty's Government to be susceptible of improvement.

I have, &c.

(Signed) GLENELG.

To Major General SIR JOHN COLBORNE, K.C.B. &c. &c. &c.

A true Copy.

(Signed) J. JOSEPH.

## DESPATCH,

*On the subject of the Clergy Reserves.*

(Copy.)

No. 31.

DOWNING STREET,  
31st July, 1835.

SIR,

I have the honor to acknowledge the receipt of your Despatch, No. 20, of the 20th May, transmitting an Address to His Majesty, from the Legislative Council of Upper Canada, on the subject of the Clergy Reserves in that Province. You also enclose the copy of a resolution passed by the House of Assembly, upon the rejection by the Council of a Bill to dispose of these Reserves, and the report of a Committee of the Council upon the general subject of the provision made by law for the support of a Protestant Clergy in the Province.

I have had the honor to lay at the foot of the throne the address from the Legislative Council, and His Majesty has commanded me to express to you his satisfaction at the expressions of attachment to His Person and Government which are contained in it.

The disposal of the Clergy Reserves is, as you have described it, a question of great importance. It is a subject which has been frequently under the consideration of my prede-

## APPENDIX E.

Despatch on the  
subject of the Clergy  
Reserves.

APPENDIX F.—(See Journal, page 63.)

cessors, and to which I have found it necessary to devote much of my attention since I received the Seals of this Department. I am not, however, prepared at the present moment, to give any additional instructions upon it. However much I may regret the difference of opinion between the House of Assembly and the Council, which prevented its settlement during the Session which has lately terminated, I cannot look upon that event as precluding the possibility of a more favorable result hereafter. I trust that in their next Session the Legislature will resume, and will be enabled to conduct to a successful conclusion, some measure for the arrangement of this question. To take any immediate steps with reference to your present Despatch and its enclosures, under such circumstances, would be premature; and I must, therefore, for the present, decline to interfere with the deliberations of the Provincial Legislature, by offering to them any suggestions of my own upon the subject of the Clergy Reserves.

I have, &c.

(Signed) GLENELG.

To Major General SIR JOHN COLBORNE, K.C.B. &c. &c. &c.

A true Copy.

(Signed) J. JOSEPH.

DESPATCH,

*On the subject of Prison Discipline.*

(Circular.)

Copy.

DOWNING STREET,

23th November, 1835.

SIR,

Among the subjects which have recently engaged the public attention in this country, none has occupied a more prominent place, or is more intrinsically important than the establishment of proper regulations for securing an effective prison discipline.

During the last Session of Parliament, a Committee of the House of Lords was appointed to enquire into the state of the Gaols and Houses of Correction in England and Wales. After a minute and labourious investigation, their Lordships adopted a series of reports, of which copies are herewith enclosed for your information; and an Act, of which a copy is also enclosed, was subsequently passed by the Imperial Parliament, for the purpose of carrying out the principles elicited by their enquiries.

It is the object of my present Despatch to call your attention to the general subject of Prison Discipline, as far as regards the Colony under your Government.

From the nature of the investigation undertaken by the Committee of the House of Lords, some of the observations in their reports, and of the recommendations embodied in their resolutions, are necessarily of a local and exclusive nature. But there are many others which are of general application, and which, with such modifications only as are demanded by local circumstances, might probably be advantageously introduced into the Colony under your Government.

I have, therefore, to desire that you will bring the enclosed Documents under the consideration of the Legislature of Upper Canada, and solicit their early attention to this important subject.

I have also to request that you will, at your early convenience, procure and transmit to me a report upon the state of the Prisons in the Colony under your Government.

The principal heads into which it is desirable that this report should be divided are:—

- 1st—The number of Gaols or Houses of Correction actually existing in the Colony.
- 2nd—The number of Prisoners which each is capable of containing, and the average number of Prisoners confined in each.
- 3rd—The regulations adopted for maintaining the internal discipline of the Prison; the authority by which such regulations are established or revised; the nature and extent of the punishments permitted to be inflicted on Prisoners; by what authority the general rules for punishments are made; and also by what authority the punishment appropriate in each case is appointed.

H

APPENDIX E.

Despatch on the subject of the Clergy Reserves.

APPENDIX F.

Despatch on the subject of Prison discipline.

**A P P E N D I X F.—( See Journal, page 63.)**

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4th—Whether any and what species of compulsory labour is enforced.

5th—In those cases where compulsory labour is used, the average amount of the earnings of each Prisoner, and its application.

6th—The amount of the daily allowance of food to each Prisoner; the allowance of clothes or bedding; under what authority provided, and the average annual expense of such supplies.

7th—What provision is made for the medical treatment of sick Prisoners, and for holding inquisitions in cases of death.

8th—The nature and extent of classification which is established: more especially with reference to the separation of men from women; of the young from the older Prisoners; of criminals from debtors; and of persons committed for trial from those who have been convicted.

9th—The provision made for the instruction of the Prisoners; whether a Chaplain is appointed, and whether Bibles or other books are furnished to the Prisoners.

10th—What means are adopted for securing the visitation of the Prisons by the local Magistracy and authorities; whether those visits are only at stated and pre-arranged periods; or whether the Magistrates are in the habit of visiting the Gaols at irregular periods, and when their visits would not be expected.

11th—Whether any means exist for allowing the Prisoners to enjoy exercise in the open air.

On these, and any other points which may appear to you to deserve notice, I have to request that you will transmit to me the fullest information which it is in your power to furnish; and you will also inform me whether any alterations and improvements upon the system at present in use are in the contemplation of the local Legislature.

I have only to observe, in conclusion, though it is hardly necessary to do so, that the information now called for is not intended in any degree to supersede the similar annual returns which are comprised in the Blue Book.

I have, &c.

(Signed)

GLENELG.

To Major General SIR JOHN COLBORNE, K.C.B. &c. &c. &c.

A true Copy.

(Signed) J. JOSEPH.

ANNO QUINTO & SEXTO.

GULIELMI IV. REGIS.—CAP. XXXVIII.

*An Act for effecting greater uniformity of practice in the Government of the several Prisons in England and Wales, and for appointing Inspectors of Prisons in Great Britain.*

[25th August, 1835.]

WHEREAS by the laws now in force, rules and regulations made for the government of certain Prisons, and for the duties to be performed by the Officers of the same, are, in London and Middlesex, required to be submitted to the two Chief Justices, and elsewhere, to certain other Justices, for approval, and to be approved of by them before they can be enforced: Be it 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 no such rules and regulations made after the passing of this Act shall be required to be submitted for approval, or to be approved of otherwise than is hereinafter mentioned.

II. And be it enacted, That all rules and regulations which shall be made after the passing of this Act, by the Court of Mayor and Aldermen of the City of London, Justices of the Peace, or other persons whatsoever, which they are now by law authorised to make, for the government of any Prisons in England and Wales, or for the duties to be performed by the Officers of such Prisons, shall be submitted to one of His Majesty's Principal Secretaries of State; and it shall be lawful for such Secretary of State, if he thinks fit, to alter such Rules and Regulations, or to make additional Rules and Regulations thereto, and to subscribe a certificate or declaration that such Rules and Regulations as submitted to him, or altered or added to, are proper to be enforced; and when such Secretary of State shall have subscribed such certificate or declaration, such rules and regulations, alterations and additions,

Despatch on the subject of Prison discipline.

Rules for the government of prisons to be approved only as hereafter provided.

Manner in which such rules are to be made and approved.

**APPENDIX F.—( See Journal, page 63.)**

APPENDIX F.

shall be binding upon the Sheriff and all other persons, without any other sanction or approval: Provided also, that no rule or regulation, save as hereinafter is mentioned, which, after the passing of this Act, shall be made for any Prison within England and Wales, or for the duties to be performed by the Officers of such Prison, shall be enforced until a certificate or declaration shall have been duly subscribed by one of His Majesty's Principal Secretaries of State, in manner aforesaid.

III. Whereas great inconvenience and expense have been found to result from the practice of committing to the Common Gaol of the County, persons charged with the offences intended to be tried at the Assizes or Sessions holden for such County, where such Assizes or Sessions are holden at places distant from such Common Gaol, and it is expedient that the law should be altered and amended;—for remedy thereof, be it enacted, That from and after the passing of this Act, it shall be lawful for any Justice of the Peace, or Coroner, acting within their several jurisdictions in England and Wales, to commit for safe custody to any House of Correction, situate near to the place where such Assizes and Sessions are intended to be holden, any person or persons charged before them with any offence triable at such Assizes or Sessions; and that whenever any such persons shall be committed to any such House of Correction for trial at such Assizes or Sessions, the Keeper of such House of Correction shall deliver to the Judges of Assize, or Justices at Sessions, a Calendar of all Prisoners in his custody for trial at such Assizes or Sessions respectively, in the same way that the Sheriff of the County would be by law required to do if such Prisoners had been committed to the Common Gaol of the County.

Justice of Peace empowered to commit offenders to any House of Correction near the place where the Assizes are to be holden, at which they are to be tried.

4. And be it further enacted, That whenever any person shall be convicted at any Assizes or Sessions, of any offence for which he or she shall be liable either to the punishment of death, transportation or imprisonment, it shall be lawful for the Court (if it shall so think fit) to commit such person to any House of Correction for such County, in execution of his or her judgment; and in case of the commitment of any person sentenced to death, execution of such judgment shall and may be had and done by the Sheriff of the County; and in case of the commitment of any person either sentenced to transportation, or pardoned for any capital offence on condition of transportation, all the powers, provisions and authorities, for the removal of offenders sentenced to transportation, given or granted by any former Act or Acts of Parliament, to Sheriffs or Gaolers, shall be and the same are hereby extended and given to the Keepers of Houses of Correction in whose custody such last mentioned offenders shall be.

How persons convicted of offences for which they are liable to death, &c. shall be disposed of.

5. And be it enacted, That on or before the first day of November in every year, the Clerks of the Peace for every County, Riding, or division of a County, in England and Wales, the Clerks of every Gaol Sessions, and the Chief Magistrates of every City, Town, Borough, Port or Liberty, within England and Wales, now having any Prison, shall transmit copies of all rules and regulations in force on the twenty-fifth day of September in such year, for the government of every Prison for and belonging to their respective Counties, Ridings, or divisions of Counties, Cities, Towns, Boroughs, Ports and Liberties, to one of His Majesty's Principal Secretaries of State, together with copies of such new or additional rules and regulations as may be proposed for the government thereof; and that it shall be lawful for such Secretary of State to alter such rules or regulations, copies whereof shall be transmitted to him in pursuance of this Act, and to make additional rules or regulations thereto, and to subscribe a certificate or declaration that such rules and regulations as transmitted to him, or altered or added to, are proper to be enforced; and the rules and regulations, alterations and additions, so certified, shall be binding upon Sheriffs and all other persons; and the Clerks of the Peace for every County, Riding, or division of a County, in England and Wales, the Clerks of every Gaol Sessions, and the Chief Magistrates of every such City, Town, Borough, Port and Liberty, are hereby required to lay before the Court of Quarter Sessions, held next after the twenty-fifth day of September in every year, for their respective Counties, Ridings, divisions of Counties, Cities, Towns, Boroughs, Ports and Liberties, on the first day of such Sessions, like copies of all rules and regulations in force on the twenty-fifth day of September in every year, for the government of their respective Prisons.

Clerks of Peace, &c. to transmit copies of Prison Rules to Secretary of State, who may add to or alter the same.

Clerks of Peace, &c. to lay copies of Prison Rules before the Court of Quarter Sessions.

6. And be it further enacted, That in case of any Clerk of the Peace, Clerk of Gaol Sessions, or Chief Magistrate of any City, Town, Borough, Port, or Liberty, neglecting or

## APPENDIX F.—(See Journal, page 63.)

## APPENDIX F.

In case Clerks of Peace, &c. neglect to transmit such Rules to the Secretary of State, he may certify what Rules he may deem necessary for the government of such Prisons.

Power to appoint Inspectors of Prisons.

Penalty on obstructing Inspectors.

A Justice may summon offenders, on complaint being made.

Secretary of State may visit or authorize any person to visit Prisons.

His Majesty may order prisoners to be removed from one prison to another.

Where term of imprisonment expires on a Sunday, prisoner to be discharged on the preceding Saturday.

Power given by 4th and 5th Wm. IV. c. 36, to His Majesty to direct persons sentenced to imprisonment for offences committed beyond limits of that Act to be removed to Penitentiary, extended to offences committed within the limits.

omitting to transmit to one of His Majesty's Principal Secretaries of State, copies of the rules or regulations in force for the government of any Prison which he is required by this Act to transmit; it shall be lawful for one of His Majesty's Principal Secretaries of State, after the first day of December in every year, to certify what rules and regulations he deems necessary for the government of such Prison; and the rules and regulations so certified by such Secretary of State, shall thenceforth be binding upon Sheriffs and all other persons, and shall be the only rules in force for the government of such Prison.

7. And be it enacted, That it shall be lawful for one of His Majesty's Principal Secretaries of State to nominate and appoint a sufficient number of fit and proper persons, not exceeding five, to visit and inspect, either singly or together, every Gaol, Bridewell, House of Correction, Penitentiary, or other Prison or place kept or used for the confinement of Prisoners in any part of the Kingdom of Great Britain; and every person so appointed shall have authority to examine any person holding any office or receiving any salary or emolument in any such Gaol, Bridewell, House of Correction, Penitentiary, Prison, or other place of confinement as aforesaid, and to call for and inspect all books and papers relating thereto, and to inquire into all matters touching and concerning such Gaol, Bridewell, House of Correction, Penitentiary, Prison, or other place of confinement; and every such person so appointed shall, on or before the first day of February in every year, make a separate and distinct report in writing of the state of every Gaol, Bridewell, House of Correction, Penitentiary, Prison, or other place of confinement, visited by him, and shall transmit the same to one of His Majesty's Principal Secretaries of State; and a copy of every such report shall be laid before both Houses of Parliament within fourteen days after such first day of February, if they shall be then assembled; or if Parliament shall not be then assembled, within fourteen days after the meeting thereof, after such first day of February.

8. And be it further enacted, That if any person shall knowingly and wilfully obstruct any person so appointed, in the execution of any of the powers intrusted to him by this Act, such person shall, on conviction before a Justice of the Peace, forfeit and pay for each and every such offence any sum not exceeding twenty pounds; and in default of payment of any penalty so adjudged, immediately, or within such time as the said Justice shall appoint, shall be committed to Prison, for any period not exceeding one calendar month.

9. And be it further enacted, That it shall be lawful for a Justice of the Peace, on any complaint made to him against any person for any such offence, to issue his summons for the appearance of such person.

10. And be it enacted, That it shall be lawful for any one of His Majesty's Principal Secretaries of State, to visit and inspect, or to authorise in writing any person or persons to visit and inspect, any Prison or Prisons, or any Penitentiary, or other place of confinement for Prisoners, in Great Britain, upon any occasion which such Secretary of State may think expedient.

11. And be it enacted, That it shall be lawful for His Majesty, by an order in writing, to be notified in writing by one of His Majesty's Principal Secretaries of State, to direct that any persons in Prison within England and Wales, under sentence of any Court, or of any competent authority, for any offence committed by them, shall be removed from the Prison in which they are confined to any other of His Majesty's Prisons or Penitentiaries within England and Wales, there to be imprisoned for and during their respective terms of imprisonment.

12. And be it enacted, That every person confined in any Prison, whose term of imprisonment would, according to his or her sentence, have expired on any Lord's Day, shall be entitled to his or her discharge from such Prison on the Saturday next preceding such Lord's Day; and every Keeper, Governor, or other Officer of any Prison, having the custody of any such Prisoner as aforesaid, is hereby authorised and required to discharge such Prisoner on the Saturday next preceding any such Lord's Day.

13. And whereas, by an Act passed in the fourth and fifth years of the reign of His present Majesty, entitled, "An Act for establishing a new Court, for the trial of offences committed in the Metropolis, and parts adjoining, it was among other things enacted, that it shall be lawful for His Majesty, by an order in writing, to be notified in writing by one of His Majesty's Principal Secretaries of State, to direct that persons who may be sentenced to imprisonment by any Court or competent authority, for any offence committed beyond the limits

**A P P E N D I X G.—( See Journal, page 77.)**

of that Act, and who, having been examined by an experienced Surgeon or Apothecary, shall appear to be free from any putrid or infectious distemper, and fit to be removed, shall be removed to the Penitentiary at Milbank, there to be imprisoned for and during their respective terms of imprisonment: And whereas, it is expedient that the like power should be given for directing persons who shall be sentenced by any Court, or ordered by any competent authority, to be imprisoned for offences committed within the limits of the said Act, no less than for offences committed beyond the limits of the said Act; Be it therefore enacted, that it shall be lawful for His Majesty, by an order in writing, to be notified in writing by one of His Majesty's Principal Secretaries of State, to direct that persons who shall be sentenced by any Court, or ordered by any competent authority, subjecting such person to hard labour, to be imprisoned for any offence committed within the limits of the before recited Act, and who, having been examined by an experienced Surgeon or Apothecary, shall appear to be free from any putrid or infectious distemper, and fit to be removed, shall be removed to the Penitentiary at Milbank, there to be imprisoned for and during their respective terms of imprisonment.

APPENDIX F

14. And be it further enacted, That all provisions and regulations, expressed and contained in any Act made for the Government of the General Penitentiary at Milbank, and all powers given by such Act for the confinement, employment, and management of Convicts confined therein, shall be applicable and made available in respect to all persons removed to, and confined in the said Penitentiary by virtue of this Act, and the Act before recited.

Powers contained in Penitentiary Acts extended to all prisoners confined therein.

15. And whereas, by an Act passed in the fifty-ninth year of the reign of His late Majesty King George the Third, entitled an Act for the better regulation of the General Penitentiary for Convicts, at Milbank, it was among other things enacted, that any number of Convicts, not exceeding six hundred Male, and four hundred Female Convicts, may, with the approbation of one of His Majesty's Principal Secretaries of State, for the time being, be at one time imprisoned, confined, employed and managed, in the said Penitentiary, under the provisions of the said Act, and of a certain other Act therein recited: And whereas it is expedient that power should be given to increase the number of Male Convicts to be confined in the said Penitentiary; Be it therefore enacted, that any number of Male Convicts, not exceeding eight hundred, may, with the approbation of one of His Majesty's Principal Secretaries of State, for the time being, be at one time imprisoned, confined, employed and managed, in the said Penitentiary, under the provisions of the said last recited Act, and a certain other Act therein recited.

800 male convicts may be confined in Penitentiary instead of 600, as limited by 59th Geo. III. c. 136.

16. And be it enacted, That this Act may be amended, altered, or repealed, by any Act to be passed in this present Session of Parliament.

Act may be altered this Session.

**ADDRESS,**

*On the subject of Chelsea Pensioners.*

APPENDIX G.

**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, beg leave to acquaint Your Majesty, that a number of Chelsea Pensioners, old and faithful servants of Your Majesty, who came to this Province, were induced to commute their pensions some years ago, on receiving a sum equal to four years pension only, and on obtaining a grant of one hundred acres of the waste lands of the Crown in this Province.

Address on the subject of Chelsea Pensioners.

That many of the said Pensioners were old and infirm, and some of them had lost limbs in Your Majesty's service, and were unable to earn a livelihood by hard labour.

That the grant of land allotted to those Pensioners has not proved so advantageous to them as was contemplated by Your Majesty's Government, and with the money advanced to them, does not form an adequate remuneration for the pensions they had formerly enjoyed from Your Majesty's Government.

That many Pensioners who came to this Province at an earlier period received grants of land and enjoy their pensions also to the present day.

**A P P E N D I X H.—(See Journal, page 84.)**

That the Pensioners who commuted their pensions have not since such commutation received any pension, and as their numbers are few, and some of them are dead: We, therefore, humbly pray that Your Majesty will restore such of them as are still living to the Pension List, and thereby prevent them and their families from suffering the distress of poverty.

(Signed)      MARSHALL S. BIDWELL,  
SPEAKER.

*Commons House of Assembly,*  
11th March, 1836.

APPENDIX H.

REPORT,

*Of the Select Committee, and a Draft of an Address, submitted by them, upon the subject of the Sale of Crown Lands.*

Report of the select Committee, and the draft of an Address submitted by them, upon the subject of the sale of Crown Lands.

The Select Committee appointed to consider and report on the Resolutions, respecting the sale of the Lands of the Crown, and the settlement of the Province, respectfully beg leave to report, and to submit certain evidence herewith appended, together with the draft of an Address to His Excellency the Lieutenant Governor on the subject.

The Committee have thought it expedient to call before them certain persons resident in different parts of the Province, in order to gain as extensive information as is practicable, and at the same time to put the Legislative Council in possession of such facts and opinions as might tend to throw light on the important subject of enquiry.

The result of the investigation has had the effect, in no small degree, to strengthen the opinion formerly entertained by the Committee, that the present system pursued by His Majesty's Government in the disposal of the public lands and settlement of the Province, is not one well calculated to attract either the wealthier class of Emigrants, who visit the Colony in search of a permanent abode for themselves and friends, or of those Settlers possessed of more limited means, who annually press forward to the Western States, contrasted as it naturally is, with the more favorable terms afforded for location by the Government of that country.—There, although public sales have hitherto taken place before applicants were permitted to make locations by private bargain, yet such is the celerity and simplicity of all the arrangements for the settlement of these extensive Territories, that an Emigrant may proceed to one of their Land Offices, make a purchase, and receive his patent from the Government in one-half of the time consumed by his friend who lingers in Upper Canada, waiting the uncertain issue of a public sale, or private application for purchase from the Government, of some lot or tract of land, which he might desire for his future residence. It is true that the accommodation which a credit of five or ten years affords to persons of straightened circumstances, may be regarded as a beneficial indulgence on the part of the Government. But when the high upset price, with accumulating interest, is taken into consideration, together with the fact, that but a small number of the purchasers are found able to pay the instalments as they become due, it may be asked, if the ultimate prosperity of the people themselves would not more certainly be secured if credit sales were altogether abolished, and such an abatement of the valuation made as would induce multitudes of Emigrants, and other Settlers possessed of immediate means, to take up allotments, who now flock to settlements much more remote from market, and where neither the soil nor climate is preferable to millions of acres at the disposal of the Government in this Province? High upset prices established for sales of land at a long credit, are, besides, discouraging to such Settlers as have the means of payment at once; and the select Committee conceive, that in all cases where the purchaser is enabled to make immediate payment, a discount of at least ten per cent from the price of the lands should be given.

With respect to that Resolution which recommends the establishment of an agent for the sale of lands in each District, or other principal town, the Committee cannot but entertain the most favorable opinion, convinced as they are, that so long as all applications must be made to the Commissioner of Crown Lands, at the seat of Government, just so long will uncertainty, delay and disappointment, continue; for how can that Officer, let his anxiety to do justice be ever so great, decide satisfactorily upon conflicting claims for land, removed so distant as the contending parties often are, from all opportunity of personal investigation by him?



APPENDIX H.—( See *Journal*, page 84.)

Consequently, much dissatisfaction has arisen in various Districts of the country, to obviate which, in future, the Committee recommend the change sought for in that respect. One obvious advantage to the public at large, would immediately follow such a regulation, which is, that in all the Districts lying eastward of Toronto, lands now offered for sale by private individuals, as well as the waste land of the Crown, would attract the notice of emigrants resorting to the offices of the several land agents, and thus induce the settlement of numerous wealthy families, who, otherwise, under the present system, would never think of looking at any part of the country, until they had reached the seat of Government, and, after all, leave the Province wearied with delay and disappointment.

APPENDIX H.

Report of the Select Committee, and the draft of an Address submitted by them, upon the subject of the sale of Crown Lands.

There appears great apprehension on the part of some of the witnesses examined by the Committee, that if the price of land were reduced, much of it might be purchased by speculators, to the manifest injury of emigrants, and other persons of limited means; but this danger can easily be avoided, by making actual residence on the lot a condition of sale, and by limiting the quantity sold to each individual. It has frequently happened, in various Townships, that lots are found to contain a much less quantity of land, than that at which they were disposed of by the Commissioner, and it would seem that no discretion is left with him in such case, the Committee conceive that in all instances of this nature, no greater number of acres should be paid for by the purchaser, than the lot is found to contain, by a competent Surveyor, whose certificate might safely be received as proof.

To prevent the possibility of corrupt practices on the part of the District Agents, or what is termed by some of the witnesses favouritism, the Committee would recommend the appointment by His Excellency the Lieutenant Governor, of a Board of three or more respectable inhabitants in each District, whose duty it should be to decide on all disputed cases which might arise between the Agent and any applicant or applicants, for the purchase of lands; this arrangement, the Committee think, need not to be attended with expense, as it is presumed that few persons would refuse to sacrifice a small portion of time, to promote the settlement of the country. By such a salutary system, no complaints would be heard from contending applicants, as is at present the case—peace and confidence would be restored: and every settler desirous of purchasing land of the Government, might depend on an immediate location, free from the heavy charges which he is now liable to bear, either by the employment of an Agent at the seat of Government, or by undertaking a journey thither himself, and very frequently in both ways.

Your Committee are of opinion that the business of the Public Offices should be so conducted, that every individual having occasion to correspond with the head of a Department, might be able to obtain information, without being obliged to retain the assistance of an Agent. This leads to great inconvenience, expense, and delay. Before closing this report, the Committee cannot withhold their opinion, that a portion of the monies derived from the sale of the Crown Lands should be expended in opening, at least, one principal leading road, through each new Township of the Province.

All which is respectfully submitted.

(Signed) W. MORRIS,  
CHAIRMAN.

*Committee Room, Legislative Council,*  
16th March, 1836.

*To His Excellency SIR FRANCIS BOND HEAD, Knight Commander of the Royal Hanoverian Guelphic Order, Knight of the Prussian Military Order of Merit, Lieutenant Governor of the Province of Upper Canada, &c., &c., &c.*

MAY IT PLEASE YOUR EXCELLENCY:

We, His Majesty's most dutiful subjects, the Legislative Council of Upper Canada, in Provincial Parliament assembled, humbly beg leave to represent to Your Excellency, that it is highly important to the prosperity of this Province, that every facility should be afforded to the settlement of emigrants, and other persons, who may desire to locate the Waste Lands of the Crown, whether by purchase or otherwise.

That after the experience of many years, it is found that the present system of selling the public lands has the injurious tendency of driving vast numbers of settlers to a neighbouring

**A P P E N D I X I.—( See Journal, page 99.)**

country, where periodical sales, and an exorbitant upset price, do not present the discouraging uncertainty which is felt by applicants for location in Upper Canada.

We would further represent to Your Excellency, that it would be attended with the most satisfactory and beneficial results, if His Majesty's Government would appoint a Resident Agent at each District, or other principal Town in the Province, with power to sell the Waste Lands of the Crown by Public Auction, at a reduced upset price, and that such sales should be held every three months, or oftener, and also, that during the interval of sales the Agent should be authorised, on every lawful day, to dispose of all unsold lots to the first applicant, at the upset price, without any other condition than such as may be established with regard to terms of payment and settlement of the lands.

And also, that the change sought for in this Address, with respect to the Waste Lands of the Crown, may properly apply to the disposal of the Crown and Clergy Reserves.

We humbly request, that Your Excellency may be pleased to transmit this Address, and the Report herewith, to His Majesty's Principal Secretary of State, to be laid at the foot of the Throne.

—●—  
**COMMUNICATION,**

APPENDIX I.

*From the Speaker of the Legislative Council of Lower Canada, on the subject of the Post Office Department.*

QUEBEC, 19th March, 1836.

MY DEAR SIR,

I enclose to you a copy of an Address, voted by the Legislative Council to His Majesty, upon the proposed Bill for the regulation of the Post Office.

You will see by the vote of the Legislative Council of the 15th instant, that I am directed to forward to you, with all possible despatch, a copy of the Bill sent to the Legislative Council by the Assembly, together with the report and evidence reported from the Select Committee of the Legislative Council, and a copy of the Address to the King; but as it will take some days to print these papers, and the Address embodies the opinion of the Council upon all the points to which they relate, I have deemed it proper to forward to you a certified copy of the Address, and of the order of the Council for your information.

The printed papers shall be forwarded to you by the first post after I receive them from the printer, and in the interim,

I remain,

My dear Sir,

Both faithfully and obediently yours,

(Signed) J. SEWELL.

TO THE KING'S MOST EXCELLENT MAJESTY.

MAY IT PLEASE YOUR MAJESTY:

We, the Legislative Council of the Province of Lower Canada, in Provincial Parliament assembled, having had under our consideration the Despatch of Your Majesty's Principal Secretary of State for the Colonial Department, addressed to His Excellency Lord Aylmer, late Governor-in-Chief of this Province, dated the 5th of October, 1834, with the draft of a Bill for the regulation of the Post Office in this Province, which accompanied the same, and also the Bill founded thereon, and sent up by the Assembly for the concurrence of this House during the present Session, again approach Your Majesty, humbly to represent, that having carefully examined the plans detailed in the above-mentioned Bills for the control and regulation of the Post Office Department, and maturely considered the subject, we have been led to the conclusion, that it would be exceedingly difficult, if not impracticable, to provide for such a degree of concert and harmony of design and action in the separate Post Office establishments of the several Provinces in connection with us, as would appear essential to attain the purposes of these measures.

Among Legislative bodies, composed of the representatives of communities, naturally influenced by local circumstances or sectional interests, varying and conflicting views respect-

Communication from the Speaker of the Legislative Council of Lower Canada, on the subject of the Post Office Department.

Address of the Legislative Council of Lower Canada, to the King, on the subject of the Post Office.

APPENDIX I.—(See Journal, page 99.)

APPENDIX I.

ing particular regulations and arrangements, must unavoidably occur, and produce delay and embarrassment; and this inconvenience was probably felt or foreseen in a neighbouring country, where, notwithstanding a keen regard for State rights, the power to legislate for the entire control and management of this Department is delegated to the Federal Government.

The Post Office being intended for the safe, speedy, and regular conveyance of letters, not to and from places within the limits of each separate Province merely, but to and from places within one part of Your Majesty's Dominions to places within another part of the same, however remote; the proposal to vest the right of separate legislation in each of the Colonial Legislatures, even under the restrictions provided in the draft of the Bill prepared in England, is one of a grave character, involving important consequences.

The Address.

The intervention of the Imperial Parliament was found necessary to adjust a division of revenue between Lower and Upper Canada, and with this instance before us, it is difficult to conceive that the five North American Provinces will spontaneously concur in the various regulations and arrangements essential to insure the steady and uniform action of the Post Office Department, or amicably dispose of the intricate questions which will undoubtedly arise, if the several Provinces be left to Legislate independently in this matter.

The Bill prepared in England has now been some time before the respective Legislatures, and we are not aware that any one of them has offered to adhere to the general provisions of the measure.

If the object were merely to establish and regulate a Post Office for the limits of this Province, there would be little to amend in the Bill proposed to us by the Assembly, but viewing the Institution as essential for the encouragement and convenience of commerce, and eminently calculated to strengthen the ties which connect the several portions of Your Majesty's Dominions, we are of opinion that it would be more advantageous to the Inhabitants of this Province, and in particular more effectually provide for the regular, safe, and speedy transmission of the correspondence, both public and private, to and from the same, if the Imperial Parliament should still continue to preserve in its own hands the exclusive power of Legislating for the government and management of the Post Office, as well in Lower Canada as in all other parts of the Empire.

For these reasons, the Legislative Council have deemed it advisable to withhold its concurrence to the Bill sent up from the Assembly, of which a printed copy is herewith transmitted, and to bring the question again under the consideration of Your Majesty's Government; if it should be thought inexpedient to sanction the establishment of independent local Post Offices in the several Provinces, and be determined not to persist in the plan for regulating the management of the Department therein, in conformity with the provisions of the Bill prepared in England, we venture, with all humility, to suggest to your Majesty, that it would be desirable, in order to satisfy the reasonable wishes of the people of this Province, that the following propositions should be acceded to on the part of the Imperial Parliament and Legislature, and that corresponding modifications of the laws and regulations of the Post Office should be with all convenient speed effected.

1st.—The Provincial Government and Legislature should be authorised to demand and receive all the requisite information respecting the Department in this Province, from the Post Master General's Deputy residing therein, and having charge of the Department.

2nd.—The Accounts of the Department for the whole of the North American Colonies should be annually submitted to the Provincial Legislature, in lucid form and order, and in sufficient detail.

3rd.—The privilege of franking, as exercised by the Imperial Parliament, should be accorded to the Members of the Provincial Legislature.

4th.—Your Majesty's Representative should have authority to remove or suspend the resident Deputy of the Post Master General, on the joint address of the two branches of the Provincial Parliament.

5th.—The principal Officers employed in the management of the Department in this Province, should be placed upon moderate but adequate fixed salaries, and the postage of Newspapers, Pamphlets, and every thing else carried by Post, should merge in the revenue of the Department.

**APPENDIX J.—(See Journal, page 103.)**

6th.—A just and equitable portion of the excess of continental postage, if any, beyond the necessary expenditure of the Department, should be allotted to the several North American Provinces; the proportion to be based either on the provision contained in the Bill prepared in England, or on the population of the said Provinces.

7th.—Such alterations and modifications of the rates of Postage, the establishment of Post routes and Post Officers, and such other arrangements for the regulation and management of the Department, as the several Legislatures by joint address of both branches thereof to Your Majesty, shall from time to time shew to have become reasonable and expedient.

A true copy.

(Signed)

WM. SMITH,  
C. L. C.

LEGISLATIVE COUNCIL,  
Quebec, 15th March, 1836.

Ordered—That a copy of the Bill sent up from the Assembly for the concurrence of this House, to establish and regulate a Post Office in this Province, together with the report and evidence reported from the Select Committee to whom the said Bill was referred, and a copy of the Address of this House to the King, on the subject of the Post Office, be, by the Speaker of this House, immediately transmitted to the Speakers of the Legislative Councils of the Provinces of Upper Canada, New Brunswick, Nova Scotia, and Prince Edwards Island, respectively.

Attest.

(Signed)

WM. SMITH,  
C. L. C.

**REPORT,**

APPENDIX J.

*Of the Select Committee to whom was referred the Bill sent up from the House of Assembly, entitled, "An Act to amend the Jury Laws of this Province."*

That they have examined the Bill, and find that it is intended to introduce a great and somewhat extraordinary change in the administration of justice.

Report of the select  
Committee upon Jury  
Law amendment Bill.

It is proposed by this Bill, to alter the mode by which Grand and Petit Jurors, and Special Jurors are now selected or returned, as well in the Criminal as in the Civil Courts; and instead of it, to have recourse to a system which being, as your Committee believes, without precedent in the British Dominions, is in their opinion unsound in principle, and would be unsatisfactory in practice.

But as there is perhaps none of our institutions with respect to which any proposed change should be more deliberately and cautiously weighed, your Committee think it important that they should not content themselves with expressing, in general terms, their unfavourable opinion of this proposition, but that they should bring the subject under the notice of your Honorable House in such a manner as may enable you to judge of the grounds upon which this opinion is founded.

For this purpose it will be necessary first to state in what manner the Laws of this Province now provide for the return of Grand Jurors, Petit Jurors, and Special Jurors. Your Committee will then assign their reasons for the opinion that the changes proposed by this Bill, instead of being improvements, would be injurious and inconvenient; and while this important subject is under consideration, your Committee may venture upon the ulterior enquiry, whether it would be desirable to introduce any alterations in the existing laws.

1st—Grand Juries in this Province are returned precisely as in England; we have no local law on the subject; their qualifications, their powers, the mode in which they are summoned, their duties, and manner of performing them, are all taken from the law of England.

Nor has the usage here varied in any one respect from the law and practice prevailing in the Mother Country.

The Sheriff selects twenty-four from among the persons of the greatest intelligence, most considerable property and established character in his District. The greater number usually, (perhaps always,) are Justices of the Peace; Merchants and respectable Farmers are also

## APPENDIX J.—(See Journal, page 103.)

returned, though not in the Commission of the Peace, when their estimation in society makes them eligible for the duty.

APPENDIX J.

The selection ought to be made, and we believe it to be made, in fact, with a regard not to any single qualification, so much as to the general standing and repute of the several gentlemen in the community, which depends upon a combined consideration of their property, character, intelligence and occupation in life. Of course, no person to whom a selection upon such principles might be committed, could hope to exercise the power in such a manner as to convince all men that he has made the best possible choice; but we believe the Grand Juries in this country to be in general highly respectable, and as well selected as circumstances will admit; and we have never perceived that the Law and usage in that respect have failed to give general satisfaction.

The Report.

2ndly.—Petit Jurors, or Jurors returned for the trial of civil and criminal cases are selected and impannelled according to the provisions of an early Statute of this Province.

It seems to have been thought (and apparently with reason,) that the Jury *to try* formed so very important a part of the system of administering justice, that it was necessary for the Legislature to apply their particular attention to the framing regulations adapted to the circumstances of the Province.

Accordingly in the year 1794, when the foundations were laid of our present system of Jurisprudence, and in the same Session of the Legislature in which the Court of King's Bench was erected, an Act was passed "*for the regulation of Juries*," 34th Geo. 3, chap. 1st, which was framed by the late Mr. Osgoode, then Chief Justice of the Province, and a learned member of the English Bar. The system which was then established, has remained to this time unaltered in its principal features. It is simple, and so far as your Committee have had an opportunity of observing, has been generally regarded as satisfactory.

This is said with reference to the impressions which appear to prevail throughout the country, in respect to its practical operation, without adverting to the repeated attempts made in the Legislature to pass such an Act as that which is now referred to us.

This Statute of 1794 provides for the return of Petit Jurors in the following manner:—

By a Provincial Statute which had before been passed, certain rates or taxes were directed to be imposed upon the inhabitant householders of every Township in the Province, to defray the charge within each District of erecting and maintaining gaols, and many other public expenses of a local nature. These taxes are assessed according to a roll, which is made out in each year by Township Assessors, and compiled from an actual inspection and visitation made by such Assessors.

They return to the Clerk of the Peace the roll which they have thus compiled, in which is stated in separate columns the name of each inhabitant householder; the number of the lot of land on which he resides; and his property, real and personal, liable to assessment.

The Clerk of the Peace has these rolls delivered to him, in order that he may be enabled from them to instruct the Collectors of Townships what sums they are to raise by assessment from each inhabitant.

The direction of the Jury Act is, that every Clerk of the Peace shall also, in each year, furnish the Sheriff of his District with a list of the inhabitant householders transcribed from the Assessor's rolls. A penalty is imposed upon the Clerk of the Peace, if he shall neglect this duty.

All persons returned on these lists, and consequently all inhabitant householders, are to be held and taken as qualified to serve on Juries, and it is expressly provided that no others shall be held to be qualified. Persons more than sixty years old are exempt.

With respect to the mode of selecting the Juries, the Statute says merely, "that the Sheriff, or his Under Sheriff, shall return Juries out of these lists from time to time, as he shall be commanded; and that no Sheriff or Coroner shall return any person to serve on any Jury whose name shall not appear in the said lists."

No persons are to be returned as Jurors more frequently than for one Court in each year, on pain of fine to be imposed on the Sheriff.

The Statute then contains various other provisions for guarding against abuse in summoning the same persons too frequently, or in excusing any one for reward; for punishing those who being summoned fail to attend; and for remunerating Jurors who serve in civil cases.

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The number of Jurors to be summoned to attend at each Court of Assize and Nisi Prius is prescribed, as well as the mode of summoning them, and of making return to the Jury process.

The Report.

The Act next provides for the manner of selecting from the whole pannel the twelve who are to try the case, which is by the Clerk of the Court drawing by lot twelve names from a box or glass, which contains the name of every Juror written upon a separate piece of paper.

Provision is also made for affording the Jury a view in cases where it may be proper.

The very few alterations which have been made in this Statute to the present time, so far as it respects Petit Jurors, do not affect their qualifications, or the mode of returning, summoning or selecting them; but merely dispense with the necessity of a separate Jury process in each case, and provide for an adequate pannel being returned, at the times prescribed, for the trial of all issues at the several Courts, without any distinct writ for that purpose.

Upon this footing, therefore, the law now stands in this Province, so far as it concerns the return of common Juries for the trial of causes, that is to say:

1st—All *Householders* are eligible, whose names are on the assessment lists, and none others are.

2nd—Out of these lists, which include all householders, the Sheriff, (or where that is proper, the Coroner) is to return a general pannel of Jurors, to serve at each Court of Assize and Nisi Prius. Persons over sixty years of age being exempt.

At the time this Statute was passed, the British Statute 3rd Geo. II. chap. 25, was still in force in England; and it continued to be the law, in respect to the returning and summoning of Petit Jurors, until the passing of Mr. Peel's new Jury Act, 6th Geo. IV. chap. 50.

As the law stood in England before this new Jury Act (4th and 5th William and Mary, chap. 24, sec. 15; and 3rd Geo. II. chap. 28, sec. 18,) the qualification for Petit Jurors was freehold property in land or rents within the County, to the value of £10 by the year, or property of the yearly value of £20 or upwards, held by lease for five hundred years certain; or for ninety-nine years, or any other term determinable on one or more life or lives: provision being made for supplying the Sheriff with lists of all persons possessing either of these qualifications; and from the names on those lists, and no others, he was to take his Jurors.

The mode of selection, namely, by the Sheriff, and the form of summoning, returning, and impanneling Juries by the Law of England, as it then stood, were taken as the guide by the Legislature of this Province when they passed our Jury Act, the only substantial difference being in the qualification, and the effect of that difference being to open to the Sheriffs here a much wider field for selection, than was permitted to them in England. In other respects, our Statute follows very closely the 3rd Geo. II. chap. 25; and most of its clauses, indeed, are copied from it, with very trifling variations.

In England they seem to have been content to retain this system, with which our own so closely agreed, for more than thirty years after our Legislature had taken it as their guide; and when (in 1825) Mr. Peel introduced his Act, (6th Geo. IV. chap. 50,) for consolidating and amending the laws relative to Jurors and Juries, it was no part of his plan to make any change in the mode of selecting the Jurors from among those qualified, nor has any change in that respect been ever made, or so far as we know, proposed. On the contrary, the power of selection is still left with the Sheriff.

The objects of that Statute, so far as it concerns Juries, were—

1st—To repeal all former laws and embody all the provisions on the subject in one Act.

2nd—To increase the number of persons qualified to serve on Juries.

3rd—To ensure all persons qualified being returned to the Sheriff, and the omission of all such as may be disqualified or exempt.

The qualification as to *Freeholders* is retained as it stood before, namely—land or rents of the annual value of £10. As to *Leaseholders*, this important change is made, that all those are embraced who hold for twenty-one years or more, at an annual rent of £20. And moreover, *Householders* (merely) are qualified, provided they are rated or assessed to the poor on a value of not less than £20, or occupy a house containing not less than fifteen windows.

After providing by many enactments for the furnishing to the Sheriff accurate returns of all persons coming within the above classes; the 14th section of the new British Jury Act directs “that every Sheriff or Coroner, upon the receipt of every writ of *venire facias*, and precept

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“ for the return of Jurors, shall return the names of men contained in the Juror's book for the “ current year, and no others”—just as our existing law provides that the Sheriff shall return the names of persons contained in the lists of assessed householders furnished by the Clerks of the Peace, and no others : so that in England, as in this Province, it is the case to this day, that to the Sheriff is committed the trust and duty of returning a sufficient number of good and lawful men for the trial of causes, with this restriction, however, that he must take them from among the class of persons qualified by law; and the most remarkable difference between the English Jury Law and ours, is, that the qualification in England is higher, and does not embrace all householders.

The Report.

3rdly—Special Jurors are in this Province returned according to the provisions of our Statute 48th Geo. III. chap. 13, which has remained without alteration since it was passed.

That Act gives to His Majesty, or to any prosecutor or defendant, in any case of misdemeanor, and also to the plaintiff or defendant in any action whatever, the right to have a Special Jury struck for the trial, without any motion in Court.

The persons qualified to be Special Jurors, are those who are rated on the assessment lists for property of the value of £200. The Sheriff is furnished by the Clerk of the Peace with lists of the persons so qualified, and on the day appointed for striking the Special Jury, the parties or their Attornies attend at his office. Out of the whole number of persons qualified the names of *forty* are drawn by lot; this number is reduced to *sixteen*, by each party striking off twelve alternately. The sixteen are summoned, and from them the twelve first called are taken for the Jury.

The costs are to be borne by the party requiring the Special Jury; unless the Judge shall certify at the trial that it was a cause proper to be tried by such Jury.

In England the persons qualified to be on Special Juries, are such as are described in the list of Jurors as an Esquire, or person of higher degree, or as a Banker or Merchant.

From these classes forty-eight names are to be drawn by lot, and the number is reduced to twenty-four, by each party striking off twelve alternately.

The twenty-four that remain are summoned, and twelve of these are impannelled for the trial.

From this review it will be seen that our Law, as it regards Grand Juries, Petit Juries, and Special Juries, very closely resembles the Law of England in its present improved state; the only substantial differences being in the respective qualifications of Petit Jurors and Special Jurors, which in England are expressly higher as to common or Petit Jurors, and virtually higher as to Special Jurors.

It is not the object, however, of the Bill sent up from the Assembly to raise the standard of qualification in any case, and thereby to make our Law more perfectly resemble the Jury Law of England.

Its object is to introduce a principle wholly new in this country, and entirely without precedent in England, or as we believe in any of the British Dominions.

We proceed now to state in substance the provisions of this Bill which has been referred to us, and for what reasons we consider them highly inexpedient.

It is proposed that the Commissioners of Townships for superintending the highways, the two Assessors, the Collector of Taxes, and the Town Clerk, all of them Officers annually elected at Township Meetings, for local purposes wholly distinct from the administration of justice, shall choose from among all the male inhabitants of the Township, between the ages of twenty-one and sixty, a certain number prescribed in the Act, being in proportion to the whole population in each Township; and from the persons so selected by these Officers, and no others, all Grand Jurors, Petit Jurors, and Special Jurors, are to be taken for that year. No other qualification than their being male inhabitants of the Townships, is to be required, for Jurors of any description; and all who are returned on the lists as selected, are to be held and taken as qualified. They need not be either freeholders, leaseholders, or even householders.

Whenever it may become necessary to summon Jurymen to attend a Civil or Criminal Court, the requisite number is to be drawn by lot from among these selected inhabitants of the several Townships. The same course is to be resorted to for returning Grand Juries; and with respect to Special Juries, each party is to choose twelve from among the selected

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inhabitants of the several Townships, and from these, eight are to struck off by the parties alternately. But there are to be no Special Juries allowed, except in certain *civil actions between subject and subject*, where knowledge of commercial transactions, or skill in some art or science is required.

The Report.

These are the outlines of the Bill; and it will be perceived that by passing such a measure, the constitution of Juries would be placed upon a footing altogether new.

The inducement to the change, is to obviate this apparent objection to the existing law—that it places it within the power of an individual, (namely, the Sheriff,) to exercise a direct influence over the administration of justice, by returning upon Juries such persons only as he approves of. This power, it may be said, may be exercised in a corrupt manner, to serve political purposes, in which the Sheriff may be engaged from interest, or inclination, or to advance the private ends of others.

It must certainly be admitted, that a system would approach nearer to perfection, in theory at least, in which all ground for an objection of this nature might be avoided. But it happens in most arrangements of this kind, that absolute perfection is not to be attained; and we must be content with that system which combines the greatest advantages, while it admits the fewest evils.

Either resort must be had to chance alone, in the selecting Jurors from the mass of a population; or a discretion must be reposed in some one or more persons, in order that the qualifications of good character, and intelligence, may be in some measure secured.

It will be recollected by the House, that in former Sessions the Legislative Council has been requested to concur in a Bill sent from the Assembly, which was framed upon the first of these principles, and which provided that the required number of Jurors, for the several Courts, should be *drawn by lot* from the whole number of persons qualified, residing within the District.

The objection to such a system were obvious upon a moment's reflection.

When a person is put upon his trial for an offence which may affect his life or liberty, or when he is concerned in a civil action upon which his character or fortune may depend, the law contemplates, and the security of life, liberty, and property, demands, that the facts at issue should be pronounced upon by men of at least ordinary intelligence, and decent character. In the old and expressive language of the law, the Jury should be composed of "*good and lawful men.*"

By attending merely to the legal qualifications, such as property and age, "*lawful men,*" that is, persons who are in point of law eligible, may with certainty be returned; but to ensure the other requisite of the law, namely, that they shall be "*good men,*" that is, men of reputable habits and honest characters, and possessing a reasonable degree of intelligence to direct their judgment, some guide more satisfactory than chance must be resorted to for making the selection. There must be a discretion exercised: without it the Trial by Jury would soon fall into disrepute.

Men of grossly immoral and intemperate habits, reprobates in their lives and conversations, notorious gamblers or swindlers, grossly offensive in their demeanor, persons whom none of their respectable neighbours would willingly associate with, or would trust in any particular, or even admit into their service, would find their way into the Jury-box promiscuously with others, and so would men of the weakest intellect, and most perverted understandings—open scoffers at religion—men whom no one that respected his own character, could think of selecting as fit to decide upon the lives and fortunes of others.

Further consideration indeed seems to have convinced the House of Assembly, that such a system would form any thing but a desirable substitute for that which is at present in use, and under which we are in the constant habit of seeing honest, intelligent, respectable yeomen, and intelligent and upright merchants and tradesmen impannelled, to decide upon the interests of their fellow-subjects.

Abandoning the idea of such an alteration in our Jury Law, the Assembly now propose, (as they have done before in several recent Sessions,) the system of selecting Jurors by the choice of certain subordinate officers unconnected with the administration of justice, who are themselves annually elected at Township Meetings, by the voice of the people at large.

The scheme as it appears to us is liable to these decisive objections:



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1st—It is introducing the principle of popular election into the constitution of Juries, which is an innovation of a kind dangerous to the peace and welfare of the community, and not sanctioned, so far as we know, by any experiment in a country governed by English law. The local officers, who are to make the choice are themselves to be annually chosen by the mass of the people; admitting that no stipulation should be made with those officers beforehand, as to the manner in which the pannels of Juries should be composed for the year, still there can be little doubt that active means would in many cases be used to influence the choice afterwards; but it is clear that nothing would be easier or more likely to happen than the framing before the election of officers, such a list of Jurors as the majority of people in a Township, or a few busy persons who might sway the majority, would approve of and desire.

The Report.

This list might, and in many cases would be advanced as a test; and no persons would be chosen Officers who had not first pledged themselves to support a certain Jury ticket. In all free countries party politics occasionally create much excitement; at other times religious differences, or questions of purely local interest, and even the contests and pretensions of individuals, will divide a community into parties; and the condition of a country would be miserable indeed, in which the majority (whatever be the ground of division) could exclude the minority from all share in administering the laws.

To say nothing of occurrences which might be adverted to in the shorter history of our own country, we have seen society in a neighbouring State so divided into parties, as for instance, into *Masons* and *Anti-Masons*, *Abolitionists* and *Anti-Abolitionists*, that the ground of difference discovers itself in every public movement, influences elections and appointments, and pervades the whole social system. In such a state of the public mind, a trial of strength is eagerly sought upon every occasion which can afford the opportunity, and there can be no assurance that in the desire to make the ascendancy of their party as triumphant as possible, the majority would not enforce their exclusive test as rigorously in the selection of Jurors as in the choice of the Officers who are to nominate them. They would have it in their power to do so, and no one could be certain that the power would not be exerted.

In a country having a free Constitution, no abuse could be practised by the Executive departments, so oppressive and injurious, and at the same time so difficult to resist, as that to which a great portion of the community might be subjected under such a system. No public Officer, responsible to his Sovereign and to the laws, and retaining a respect for his own character, dare commit the injustice which an irresponsible majority of a large popular meeting might be found willing to lend themselves to, under excited feelings, or at the persuasion of artful and unprincipled leaders.

In short, upon the plan proposed, the administration of justice, both in the civil and criminal departments, would be made to depend upon a popular election, in which political excitement and the artifices of vindictive or designing men would have their influence, as in other cases, and in other countries.

The party numerically strongest would, in times of excitement, elect Township Officers who would adopt prescribed Jury lists; and whatever prosecutions, public or private, might spring out of the contests of the time, such as indictments for riots, or even murder, batteries, libels, &c. must be submitted to Juries elected by the partizans of one side, to the total exclusion of others.

This might become in practice a tyranny beyond the utmost effort of any single despot. The safety and happiness of the people is best protected against such evils, by a firm and constant adherence to the ancient principle of our law, which bids us look to the King as the fountain of justice; and to receive its administration through his officers; and we are persuaded, that a more unwise departure from the genius of our Constitution cannot be admitted, than the introduction of the elective principle into the institution of trial by Jury.

The single consideration that upon the plan which this Bill proposes, it would be publicly known what men alone of all the inhabitants of a District, must throughout the year dispose of every cause, criminal or civil, is sufficient in the view of your Committee, to shew the danger of such a system, since it is manifest what an opportunity, and what temptations, would be thereby afforded to suitors and their friends, to infuse into these chosen individuals the opinions which they would desire them to entertain.

It would not be very surprising indeed to see public meetings called, in each Township, of this selected portion of the inhabitants, in order to instruct them in their duty, before they

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could hear the evidence; and the objections which might in consequence be fairly urged to individual Jurymen, on the ground of prejudice, and expression of previous opinions, (though they might afford some security to the suitors) might be found very embarrassing to the business of the Courts.

The Report.

Your Committee might enforce this opinion which they have formed respecting this Bill by many additional arguments; but as the House have on former occasions manifested no inclination in favour of this measure, which appears to them so exceptionable, they do not believe that it can be necessary to discuss the principle farther, nor to do more than notice shortly the other objections to the Bill, which follow :

2nd—It is proposed that the officers who are to select Jurors of every description shall be the Commissioners of Townships, whose chief duty is to superintend the making of roads; the two Assessors, the Collector of Taxes, and the Town Clerk. With respect to the Commissioners, who are to be three in number, the office which they hold has only been created by a very recent Statute, which will expire unless it be renewed within four years; and the wisdom of the provisions respecting them, seem to be so very generally questioned, that there is, (to say the least) no certainty that these officers will be continued.

The Assessors, Collector, and Town Clerk, are all very subordinate officers, annually elected at Township meetings, for purposes wholly foreign to the administration of justice. The only one of the four likely to be above the most ordinary level for intelligence and respectability, is the Town Clerk, who is commonly much below the rank that Grand Jurors usually occupy in society. He may be over-ruled in his choice of Jurors, and then, if there shall be no such officers as Commissioners, the Assessors and Collectors, being the majority, will appoint. It is just certain that these persons will be able to read and write, and nothing more; for they are in fact of the ordinary description of Petit Jurymen, and yet it is proposed to vest in them the selection not only of Petit Jurors, but of Grand Jurors and Special Jurors.

Moreover, there is no security that these subordinate local officers may not be men of rather inferior character; and not being officers of any Court, they would not, as your Committee apprehend, be subject, like the Sheriff or his Deputies, to the summary punishment and controul of any Court, if they should corruptly abuse this most delicate and important trust.

It seems to your Committee a very improvident arrangement, which would require no qualification whatever, even for Grand or Special Jurors, except the mere will of three or four men in no responsible station, very possibly illiterate, and probably unfit themselves for the duties which they alone are to select others to discharge, and which would give these men living in the Township, among the inhabitants, connected with or friendly to some, and opposed to others, the unrestrained power to exempt whom they please, and to send whom they please.

3rd—It appears to your Committee decidedly objectionable, that not even the qualification of being a householder is required by this Bill; for according to the 7th clause, all inhabitants returned on the selected lists shall be held and taken as qualified; and though by the 10th clause parties are to be allowed their challenges or objections, that must be taken to mean challenges for some particular cause, arising from relation to the parties or to the suit, and not for any general disqualification, because all are expressly to be held legally qualified, whom the Assessors, &c. may select.

A Grand Juror or Special Juror, therefore, might be a day labourer, without education and without property, and so far as this Bill is concerned, he might be subject to various other objections, which, according to the law of England, ought to disqualify him from serving even upon common Juries.

4th—Special Juries, by this Bill, are not to be allowed, except in certain civil actions, so that the King prosecuting in informations for debts, or penalties, or by indictment for misdemeanours, is not to have the privilege which his subjects have, but must abide by the verdicts of Jurors returned through a popular election. The effect of this when the revenue laws are to be enforced, public tumults to be suppressed, or combinations put down, which embrace numerous classes of individuals, might not be found consistent with the stability of Government, the peace of society, or the pure administration of justice.

Moreover, Special Jurymen are not to be taken, as they are now taken in this Province, by lot from among all persons in the District possessing the superior qualification required by

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the statute of 1808 ; but according to this Bill they need have no qualification : they are only to be taken from such persons as the Assessors, &c. shall choose to inscribe on their lists of Jurors ; and the 14th clause of the Bill is so framed, that when a person finds it necessary to bring an action for punishing a libeller or slanderer, or trespasser, or when he is driven to defend himself against such an action, however vindictive it may be, he cannot have a Special Jury in any such case. There would, consequently, be no protection under such a law against a partial or indiscreet nomination of Jurymen.

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The Report.

As the law is now in this Province, either party prosecuting or defending may have a Special Jury, to be chosen by lot from among persons assessed to the value of £200. If he should be led by any cause to apprehend that the common Jury would be partial or incompetent, he can at present have such a Special Jury of right.

The mode also of striking a Special Jury, according to this Bill, (in the few cases in which it is allowed) seems to your Committee to be singular, and liable to very obvious objections, since the Plaintiff or Defendant, in naming out of the whole list such twelve Jurymen as he prefers, may choose persons of whose opinions in regard to the merits of his cause he may have a previous knowledge, while his opponent may be ignorant of this unfairness.

Moreover, the party desiring a Special Jury is in all cases to pay the costs, a provision which in some cases would not be reasonable.

5th—The inconvenience of a law like the present would be great in this respect, viz:—

That the forty-eight common or Petit Jurors to be summoned for each Assize must be taken by lot out of the inhabitants of perhaps twenty Townships, and in some Districts of many more. The expense and trouble of summoning them individually from such remote and detached situations, would be great ; but it is, nevertheless, made the duty of the Sheriff to do this, though he receives no salary, and is apparently to have no additional remuneration.

Your Committee will not pursue further their examination into the details of the Bill. For the reasons which they have stated, and for others which it is unnecessary to enumerate, they do not recommend its adoption. If they had approved in any degree of the principal feature of the Bill, they would have suggested such alterations in some of the provisions as might have obviated several objections, which they have noticed ;

But they have not considered it useful to attempt any amendment.

In regard to the law as it now stands, it is simple, and confined chiefly to one Statute, which is carefully framed, and not difficult to be understood or carried into effect.

It is unquestionably an apparent objection to the present Jury law of this Province, as it is to that of England, that it is in the power of an individual to select the Jurors, but it is for the public good, and for the interest of suitors, that a confidence should in this respect be reposed somewhere.

Your Committee think it can be nowhere so properly and consistently reposed, as in the High Sheriff of the District. The King is the fountain of justice : he can only act through his proper officers. The Sheriff is, for this purpose, his proper officer, and when discharging his duty he performs part of the executive functions of the Sovereign, whom in this public act he represents.

It is not the spirit of our law to entertain suspicions of corruption in such cases upon mere surmise.

All public officers, and all private trustees may abuse the confidence reposed in them : all power may possibly be perverted to bad ends : and all trusts may be betrayed—but still it is necessary to confer power, and to repose confidence, or the business of life could not be carried on.

The presumption of the law is, that the King, as he can intend no wrong, will appoint those to the office of Sheriff who will honestly use the authority committed to them for the good of the public. The Sheriff, when appointed, is more responsible in this Province than in England ; because, instead of being an annual officer, he commonly retains his situation for life, and is therefore more amenable to public opinion and censure, and has stronger motives for acting correctly.

He is liable to the control and punishment of the Court of which he is an officer ; he is less accessible to parties litigating ; and there is less danger of a bias being admitted through him individually, than through four or five electors of Juries resident in each Township, whose

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connexions and acquaintance and transactions would, from their number, embrace a larger circle, and be therefore likely to interfere in a greater number of instances.

The Report.

It is indeed difficult to understand why these Township Officers should be thought more worthy of confidence than the Sheriff. They are not likely to be so well educated, or so respectable in character; in station they cannot be otherwise than inferior, because the Sheriff holds the highest rank in his District. Whenever the Sheriff is a party, or concerned in interest in a cause depending, or whenever he is related to either of the parties, he cannot now return the Jury, unless the objection is expressly waived. The Coroner is, in such cases, the officer employed. It is true, there are cases in which the Crown may be concerned, and the Sheriff is an Officer of the Crown; but the same objection may be urged against the Judges—they are all appointed by the King, and there is no more justice in suspecting the one, than the other.

The Constitution confides to the Sovereign a power even over life in many cases, by the discretion of granting or withholding pardon. He remits any punishment as he pleases, or leaves it to be inflicted; he acts for the people; his officers represent him, and act in his name. The principle of the Constitution is, that the King is intrusted with power for the good of his people—and the Sheriff, as one of his officers, to whom he is obliged to delegate a portion of his power, is not to be suspected merely because he serves the King. But besides the fear of exposure and punishment, which is inseparable from any violation of duty in matters so openly transacted, the law provides these further securities against any evil practice on the part of the Sheriff. In all cases of felony, the defendant has a right to challenge twenty Jurors, or nearly half of the pannel, without assigning any reason, and in treason a much greater number. In cases of misdemeanor, and in all civil actions, no person need accept the ordinary Jury. If the Sheriff is suspected, or if for any cause a Jury of more than ordinary intelligence is desired, either party may now of right have a Special Jury, in the selection of which no individual can by possibility exercise the slightest influence.

This privilege, according to the proposed law, would be open to the parties in very few cases, and in effect indeed, they could have it in none; for where a Special Jury might be allowed, it would consist of persons originally selected by the choice of certain individuals, and possessing no other qualification than other Jurors. Then when the Sheriff is interested, or is related to either of the parties, he does not now return the Jury, but that duty is committed to the Coroner, as we have mentioned before.

And there is, after all, this final security, which, though not perfect, is not to be lost sight of, that the verdict of the Jury, whoever may return them, is subject to revision, and may be set aside whenever it discovers signs of partiality or prejudice.

Your Committee are persuaded, that from the time justice began to be dispensed in this Province to the present moment, the public have been satisfied with the present method of impannelling Juries; and they infer this to be the fact from the following circumstances:

1.—Although in all felonies a great number of Jurors may be set aside at the trial, at the mere pleasure of the defendant, it is seldom that the right is exercised, except in capital cases, and it is not unfrequently waived there.

2.—That although in misdemeanors, and in civil actions of all kinds, a Special Jury may now be had on asking for it, it is very seldom desired. When applied for in criminal cases it has generally been by the Crown, and not by the defendant, and in the few instances in which Special Jurors are struck in civil cases, your Committee do not imagine that a suspicion of the Sheriff's impartiality forms any motive with the parties.

3.—In those cases where, from interest or connection with the parties, the Sheriff is by law precluded from returning the Jury, it is a very common practice in this Province, as well as in England, merely to go through the form of employing the Coroner, because the trial would otherwise be irregular, while, in point of fact, the parties so little suspect the honour of the Sheriff, that they wish no other Jurors to be summoned, and by their consent, the Coroner returns a list of names taken from the Sheriff's pannel.

4.—In cases in which, beyond all others, the Crown has a direct pecuniary interest, such as inquisitions against the King's debtors, or inquisitions respecting forfeitures and escheats, it is, and always has been, the King's proper officer, the Sheriff, who returns the Jury.

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This practice has excited no dissatisfaction here, it is at this moment the law of England, and even by the Bill before us, it is not proposed to make any change in that respect in this Province.

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Our law does not regard the King or his officers as liable to any suspicion even in these cases.

It considers the Sovereign as acting for the benefit of his people, through his Courts of Justice, and through his known responsible officers.

The Report.

In conclusion, your Committee will remark that if there is any one part of our social fabric which above all others, it would be injudicious to subject rashly to the chance of experiments, it is the Trial by Jury—the corner stone of freedom—the best security for order—and the distinguishing boast of Englishmen and their descendants.

The main object of the Bill before us is to take the duty of returning Juries from the hands of the King and his responsible officers, and transfer it to others.

It ought in the opinion of your Committee to be a sufficient objection to this measure, that the system now in use was in the first instance deliberately established among us by the authority of our Legislature; that it has the sanction in this country of a practice coeval with the existence of our Courts of Justice, and that in the Mother Country it has not only the sanction of law and usage for a period of seven hundred years, through which it can be distinctly traced; but it has this further most clear and satisfactory mark of public approbation, that in the present more enlightened age, and after so many centuries of experience when the whole law of Juries was undergoing a thorough and deliberate revision, this principle of returning Juries by the King's officers, was not merely left untouched, but it was recognized and established by an express enactment. It does not appear indeed that it was even proposed to change it, although the present is certainly a period, when no backwardness is shewn in venturing upon innovations, provided they seem recommended by any appearance of utility.

Your Committee do not take it for granted that our Jury laws, resting as we think they do in the main, upon the soundest principles, are not capable of considerable improvements; on the contrary, it is their opinion that they may be in some respects amended.

The collecting into one Act, properly arranged, whatever is contained in our Statute-book on the subject, would be of itself an improvement.

The qualifications of the several descriptions of Jurors, and the disqualifications which the law recognizes might be more certainly set down, and noticed in the Statute. In civil cases, the right of challenge without assigning cause might, as your Committee think, be allowed to a very limited extent, and would be satisfactory to suitors and favourable to the ends of justice, and other minor improvements suggested by the late English Statute, or by our own experience might be beneficially adopted; but your Committee consider it convenient that any measure of this character should be attempted by a new Bill, rather than by way of amendments to one which is intended to make so entire, and as your Committee thinks, so inexpedient a change in the whole system.

(Signed)

JAMES GORDON,  
Chairman.

*Legislative Council Committee Room,*  
March 29th, 1836.

REPORT,

*On an Address from the Assembly to the King, complaining of the rejection by the Council of various Bills.*

APPENDIX K.

THE Select Committee, to whom was referred so much of the Instructions of His Excellency the Lieutenant Governor of this Province, contained in the despatch of the Right Honorable the Secretary of State for the Colonies, dated the 5th December, 1835, and communicated to this House with His Excellency's Message of the 30th January last, as relates to the Legislative Council; with instructions to report upon the subject matter of an Address to His Majesty passed by the House of Assembly in the last Session, complaining of the rejection of certain Bills by the Legislative Council—beg leave to report:—

Report on an Address from the Assembly to the King, complaining of the rejection by the Council of certain bills.

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The Report.

That in the despatch referred to them most of the public questions which have from time to time been agitated in this Colony are clearly stated; and are generally treated in a manner which cannot but be highly satisfactory to those who justly appreciate the excellence of our Constitution, and desire to preserve it unimpaired. Among the most important of these questions is that which respects the Constitution of the Legislative Council, upon which the opinions entertained by His Majesty's Government are no otherwise announced in the despatch of the Secretary of State, than by referring his Excellency the Lieutenant Governor to an extract given from the Instructions which had been communicated, in His Majesty's name, to the Commissioners appointed to enquire into the affairs of the Province of Lower Canada.

It is scarcely necessary for the Committee to remark that in this document last referred to, a determination to maintain the Constitution of the Legislature unimpaired is too plainly and strongly expressed, to leave room for the apprehension that any injurious changes will be admitted; and indeed the motives which could alone actuate any men of ordinary intelligence in this portion of the British Empire, to desire the introduction of the elective principle into the constitution of the Legislative Council, are so palpable, that if ever the time should come when the Ministers of the Crown are found to afford their countenance to such a proposition, it can only be inferred from it that there is no longer a desire to retain this valuable and highly interesting Province as an appendage of the British Crown, and that the duty of preserving the integrity of the Empire is about to be abandoned. In the few allusions made to the Legislative Council in the despatch of the Secretary of State, to his Excellency the Lieutenant Governor, the occasion for referring to this House seems to have been produced by statements which had been addressed to His Majesty's Government by the House of Assembly, in which the constitution of the Legislative Council, or their proceedings in regard to particular measures, had been spoken of in the language of complaint. It is not necessary for the Committee to notice those incidental charges against the Council, because the Assembly have in their last Session proceeded, in a direct manner, to make their alleged causes of dissatisfaction the subject of a formal remonstrance, contained in that Address to His Majesty, upon which the Committee are instructed to report.

It will be the endeavour of the Committee to shew what foundation there is, in reason and justice, for this complaint addressed by the Assembly to the Government of the Parent State.

The last Session of the Legislature, being the first Session of the twelfth Provincial Parliament, commenced on the 15th day of January, 1835, and ended on the 16th day of April. On the 15th day of April, that is, on the last day but one of a Session which lasted ninety-two days, an Address was proposed in the House of Assembly, a copy of which, taken from their Journals, is annexed to this Report. It was read a first, second, and third time, and passed on the same day. From any thing that appears on the Journals, it could not have been known to the Members of the House of Assembly generally, that it was intended to introduce such an Address at that moment. Those Members, therefore, who were present, could scarcely have been prepared for any discussion, which it might have called forth—if, indeed, the time had admitted of discussion; and those who happened to be absent when it was proposed could scarcely have had an opportunity afterwards of voting or speaking upon it, for its introduction and passing through Committee was one continued proceeding; and the third reading and final vote upon it followed after a short interval, upon the same day.—The quantity and the variety of the business before the House of Assembly at that juncture, (a few hours before the Session closed,) did not admit of a full and deliberate consideration of so grave a matter, as will be evident to any one upon an inspection of their printed journals.

The Address, it is to be further remarked, was passed at a time, and under circumstances, which made it certain that the Legislative Council could receive no regular communication of it, nor could even hear by common rumour of its passing, in time to have prepared any vindication of themselves, (if they had desired it,) against so unlooked for an attack.

No step, indeed, was taken by the House of Assembly, nor does any proposition seem to have been moved, for making the Legislative Council aware of this very unusual measure;—a measure which the Council had little reason to anticipate, since the two Houses had co-operated without the slightest interruption of friendly intercourse for a long series of years.

On the 15th April, when this Address was moved in the Assembly, the Legislative Council had before them fourteen Bills which had been sent to them by the Assembly, eleven of which

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had come up to them within the last two days ; and on the 16th of April, (the day appointed for the Prorogation,) the Assembly sent up ten other Bills—so that in the few hours that intervened between the introduction of this Address in the Assembly, and the termination of the Session, the Legislative Council had to dispose of twenty-four Bills sent up from the Assembly, among which was one for authorising a loan of £400,000, Sterling, to be contracted for in England, on the credit of the Province, and another was the Civil List Bill, or the Bill of Supply for defraying the Charges of the Civil Government and of the Administration of Justice. The former of these Bills came from the Assembly two days before they passed their Address ; and the latter, which was framed in a manner entirely unprecedented, came on the same day on which the Address was passed.

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It is plain, from this statement, that if the Legislative Council had known of the grave charges intended to be so suddenly preferred against them to His Majesty, they could have entered upon no effectual vindication of their proceedings, during the few hours of the Session that remained, without depriving themselves of the opportunity of considering the most important measures of the Session, and without exposing the public almost certainly to any evils that might result from their being lost.

It was under these circumstances that the Address was passed, and unless it had been doubted whether the most obvious considerations of justice and prudence had any influence in the Councils of His Majesty's Government, it could scarcely have seemed possible to any one that a decision was likely to be made upon such an Address to His Majesty, without any enquiry into the circumstances and manner of its passing, or that with the knowledge of those circumstances which your Committee have stated, any measures would be hastily taken in consequence of such an Address, which could impair the character or threaten the independence of a Branch of the Legislature.

No result of the kind has followed.

Your Committee now proceed to the specific grounds of the complaint preferred in the Address of the Assembly.

They represent that their exertions in a long and arduous Session were rendered unavailing with respect to various objects of great interest by the Legislative Council having rejected their Bills ; and they specify the following Bills, as those to which they intend more particularly to allude, and which the Committee will describe by adopting the titles of the Bills themselves, as they came from the Assembly, without repeating here the characters assigned to them in the Address.

- 1.—A Bill entitled “ An Act to impose a duty on various articles imported from the United States of America into this Province.”
- 2.—“ An Act for the more equal distribution of the property of persons dying intestate.”
- 3.—“ An Act to amend the Jury Laws of this Province.”
- 4.—“ An Act to repeal the several laws now in force, imposing Fines on Quakers, Menonists, and Tunkers, for non-performance of Militia duty in time of peace.”
- 5.—“ An Act to promote Education.”
- 6.—“ An Act to amend the Charter of King's College.”
- 7.—“ An Act for the disposal of the Clergy Reserves in this Province, for the purposes of General Education.”
- 8.—“ An Act to promote the freedom, peace, and quiet of Elections of Members to represent the several Counties, Ridings, Cities, and Towns in this Province, in the House of Assembly, and further and more effectually to secure the independence of that House, by adopting the mode of voting by ballot.”
- 9.—“ An Act to make a grant to the Grantham and Bath Academies.”

In speaking of the rejection of these or of any other Bills sent from the Assembly, your Committee assume that it will most readily be admitted by the House, that a Legislative Body appointed to co-operate with another in framing laws, owes, in the first place, a duty of courtesy towards that other Body, with which it is appointed to act ; and in the next place, a duty of a still more important character towards the community which is to be bound by their laws.

The first of these duties unquestionably requires of the Legislative Council, in respect to all Bills sent up from the Assembly, that they should devote their best attention to them,

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in order that by examination and discussion they may be able to form a correct judgment of their merits.

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Their duty to the community requires that after they shall have thus enabled themselves to judge of the merits of the Bills in which they are requested to concur, they should exercise their judgment honestly and firmly—neither sanctioning by their vote what they do not approve, nor rejecting what they believe to be just and expedient.

Whether the first duty, namely, the devoting their attention to the several measures of the Assembly, has been properly discharged, is a mere fact of which the Journals of the House will always afford information; and it will, of course, be concluded that this duty has been neglected, whenever it can be shewn that Bills which have been for a reasonable time in possession of the Legislative Council, have not been taken up, discussed, and disposed of.

During the last Session the Assembly passed and sent up to the Legislative Council, for their concurrence, eighty-five Bills:—

Thirty-two of these Bills were passed by the Legislative Council without amendment, of which number four were reserved by His Excellency the Lieutenant Governor for His Majesty's consideration.

Fourteen were amended in the Legislative Council, and the amendments were adopted by the Assembly:—Of this number one was reserved by His Excellency the Lieutenant Governor for His Majesty's consideration.

Three were amended in the Legislative Council, which were not passed in their amended form by the Assembly, and therefore did not become laws.

Thirty-six were not passed by the Legislative Council, being either rejected, (as the greater number of them were) after discussion and consideration of their provisions, or dropped, as was the case with a few, from inaccuracies discovered in them, of which the Assembly were apprised, and in consequence of which other Bills for the same objects were sent up to the Legislative Council and passed; or unavoidably postponed, as two or three were, which came from the Assembly within a few hours of the prorogation, when it was impossible to give them the necessary consideration, or even to pass them through the several forms.

With respect to the very few Bills which did not pass, in consequence of the Legislative Council having made amendments in them, to which the Assembly declined to accede, it is probable that the reasons for the amendments will be apparent upon the face of them, as they are recorded in the Journals of the House; and if not, your Committee have no doubt that the proper explanation given to persons conversant in the subject matters of the respective Bills, would make the reasonableness of the amendments easily appear.

Of the ten Bills which came up on the last day of the Session, six were passed. Whether the four which were not passed would have received the concurrence of the House, if time had been allowed to discuss them, your Committee are, of course, unable to say.—They were not rejected by any vote of the House.

Besides the nine Bills enumerated in the Address, eighteen seem to have been rejected after discussion, for reasons which, if it were necessary, it would doubtless be easy to recall to the recollection of the House.

The greater number of these were Bills of a private or local nature, respecting some of which the rules of the House require certain notices to be given, and other forms to be observed, which, for the protection of those interested, it is necessary to insist upon; and it is proper to remark, that in the event of any of these precautions being inadvertently omitted in one branch of the Legislature, or imprudently dispensed with, the only security against injury to private rights or local interests, is the certainty of their being observed in the other branch: and considering that the Legislative Council are not pressed with so great a variety of business as the House of Assembly, it may with reason be expected of them, that they shall be more studiously careful that individuals, or particular portions of the community, shall not be injured by Acts of the Legislature, passed hastily, and without notice to those whose interests may be affected. It is, however, unnecessary to speak more particularly of the rejection of those Bills, which the Assembly have not thought it worth their while to enumerate.



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Your Committee will, therefore, return to the nine Bills, of which the rejection has been represented to His Majesty as particularly unreasonable, and injurious to the Province.

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The most important of these Bills, viz :—

- 2.—The Bill to abolish the right of Primogeniture,
- 3.—The Bill to alter the Jury Laws,
- 5.—The Bill for establishing and regulating Schools, and
- 7.—The Bill to authorize the sale of the Clergy Reserves,

The Report.

Have in different Sessions been made the subject of special reports by select Committees of the Legislative Council, which reports were adopted by the House, and it is therefore only necessary for this Committee to refer to them for evidence, that the Bills in question have been minutely examined, and attentively considered and discussed. The reasons which have induced the Legislative Council to dissent from the respective Bills are there stated at length, and it will not be expected of this Committee to remark further upon them.

### *Of the other Bills.*

No. 1—Was intended to place the trade of this Province with the United States of America, on a footing altogether different from that on which it is established, under the recent Statutes of the Imperial Parliament.

It will be recollected by the House, that the main object of the Bill was to impose high protecting duties upon flour, and other articles of provisions imported from the United States, whether for consumption within the Province, or merely passing through our Canals, or other navigable waters, to other Colonies or countries.

As respected the first of these objects, namely, flour, &c. imported for consumption, the House, it will be remembered, felt difficulty in acceding to the change, on the mere ground of general policy. The consumers in this Province consist in a great proportion of emigrants, who have come to this country without means, and are for several years under the necessity of purchasing provisions for their families, while they are clearing their lands. To subject these and other classes of the population, such as mechanics and labourers, to the necessity of paying an enhanced price for the absolute necessaries of life, in order to give a higher remuneration to the Agriculturist than he would otherwise obtain, might perhaps be justifiable under some circumstances; but the reasons that would justify it here, seem not very evident. The soil of Upper Canada is excellent, and the climate as favourable to the growth of wheat as any can be; the farmers pay no rent, being in general the proprietors of the land; and they may almost be said to pay no taxes. The Committee do not believe that the price of labour is higher in this country than in the United States, and there does not therefore appear to be any good reason why the farmer in Upper Canada should not be able to sell his wheat in the country in which it is raised, for the same price which the foreign grower is willing to take, under the disadvantage of having to transport his grain to our market. It does not indeed seem likely that a profitable sale could be found for American wheat or flour in this Province, unless under the circumstance of the demand being greater than the quantity raised here can supply; and whenever that may happen to be the case, it would seem neither just nor politic to expose the people of our own country to pay a high duty upon such provisions as they may be compelled to obtain from abroad.

There are other considerations attending this question, which your Committee will not at present enter into. It is not impossible, if the Bill had only proposed to lay duties upon provisions imported for consumption, that the Legislative Council might have been disposed to concur with the Assembly in a temporary measure of that description, in order that its policy or impolicy might be proved by experiment.

But the other effect desired by this Bill, namely, the subjecting to high duties flour and other provisions merely carried through this Colony, in the way to other markets, besides its manifest impolicy as it regarded the trade and general interests of the Province, appeared to this House to be in direct contravention of the existing laws of the Empire.

The warehousing system established by British Statutes, which admits of flour, and certain other articles of provisions produced in the United States, being brought into these Colonies, and bonded for exportation, in order that they may be taken from hence to other British possessions, on favourable terms as to duties, is evidently advantageous in a high degree to

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this country, and at any rate it is expressly established by the supreme Legislative authority of the Empire, and can only be altered by the same authority.

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There were several other minor provisions in the Bill, some of which on discussion in the Legislative Council were thought to be clearly repugnant to the British Statutes, such as the prescribing a method for ascertaining the value of goods subject to a duty *ad valorem*, which method was distinctly inconsistent with that laid down in the British Statutes, and must evidently in most cases, have affected the amount of duty.

There were some provisions to which the House, it will be recollected, was favourably inclined, but in a Bill of this nature, the difference of opinion respecting its main principles and objects necessarily prevented its passing.

It is worthy of remark that the consequences of this difference of opinion have not in reality been of any importance to the people of this Province, in respect to one principal branch of the question, namely, the flour and other provisions imported for consumption; for it has happened, that since the discussion of the subject, and up to the present time, the people of the United States have come to our markets not as sellers, but wholly in the character of buyers, gleaning every thing from the country that its inhabitants could spare. The Bill, therefore, if it had become a law, would in this respect have had no practical effect up to this time; for our farmers, instead of requiring any protection against those of the United States, have found in that country their most profitable market throughout the past year.

Then as to the flour and other provisions carried through this Province or brought into it for exportation, if the Legislative Council had concurred with the Assembly in an enactment directly repugnant to the Imperial Statutes, regulating foreign and colonial trade, it is not easy to see what advantage the Province could have derived from such an act of legislation. It is besides not very reasonable to reckon it among the proofs of insensibility to the public welfare, on the part of the Legislative Council, that they declined to pass the Bill containing these provisions, when it is remembered that the Assembly has not merely for many years acquiesced in the present system, without an attempt to alter it, but that when such attempts have been made (as they have been on former occasions in the Assembly) they have been negatived in that House, and what is more worthy of remark, the printed Journals of the last Session shew that this most important principle of the Bill in question occasioned so much doubt and difficulty in the Assembly, that it was once rejected in that House; that in a very full House the decision was afterwards only reversed by a casting vote, and that several divisions subsequently took place upon it, in which the Assembly was almost equally divided.

With respect to the Bill No. 4—From the earliest time, a moderate fine or composition in lieu of the duty of attending Militia trainings and drills in time of peace, has been exacted of Quakers and other religious sects who decline to bear arms.

Until lately the sum was twenty shillings annually. A provision of this kind is not peculiar to this country, and it is unnecessary to say that the existing laws on the subject must have originated in the Assembly. In 1834, some one or more of these religious sects petitioned the Council and Assembly to reduce the fine to ten shillings, and to allow the money to be appropriated to the improvement of the Roads. The Assembly passed and sent up a Bill exactly conceding what the petitioners asked for, and in this Bill the Legislative Council concurred.

It is now represented as injurious in the Legislative Council that they declined, in 1835, to repeal an Act which the Assembly had themselves sent up to them in 1834, in literal compliance with the prayer of the parties interested. The Committee need scarcely call to the recollection of the House, that the reasonableness of this proposed repeal was fully discussed in the Legislative Council, and that the measure was disposed of after mature consideration.

In regard to the Bill No. 6, for making void the Charter granted by His Majesty to King's College, and making other provision for the establishment of the University.

A careful examination of the Bill will shew how far its provisions are "*in conformity with His Majesty's gracious Instructions*," as the Address asserts, and how far also they are consistent with opinions formerly expressed by the House of Assembly. The 6th, 7th, 9th, 13th, 16th, 20th, 21st, 25th, 26th, 28th and 29th clauses are to be referred to, and carefully considered by any one who desires to form an opinion upon the propriety of passing such a Bill. If there is in any country an University resting upon principles similar to those which this Bill would establish, it is not known to the Committee, and every one can decide for him-

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self the speculative question, how far it would tend to promote the interests of science, to advance religion, morality, and social order, and to maintain discipline within the University, and how far it would be likely to add to the harmony and good understanding between the Government and the Legislature, to have an University of which the principal officers should be appointed and removed by the votes of Legislative Assemblies, and of which the interests and affairs, must in consequence, become mixed up with party politics and dissensions—a University of which the Directors are to choose not only the President but the Visitor, that is the Superior, by whom they are to be themselves controlled, and in which above all, as it is expressly declared, “*Religion shall not be taught according to the Creed or Faith of any Christian Church.*”

With respect to the Bill No. 8, rejected by the Legislative Council—Its object was to substitute Vote by Ballot for the English manner of voting *viva voce*, in the election of Members of Parliament.

The subject is one upon which any individuals, or any body of men, may, without requiring a great measure of indulgence, be allowed to differ in opinion; and the Legislative Council, in rejecting the proposed innovation, were merely adhering upon a great Constitutional point, to the practice prevailing in the British Empire, and were adhering also to the opinions which the House of Assembly appears equally to have entertained until the year 1835.

In regard to the Bill No. 9, rejected by the Legislative Council—The Schools or Academies to which that Bill referred are incorporated, and the nature of them will appear on turning to the Provincial Statutes of 1830, chapter 13, and of 1834, chapter 33. It will be seen that these are Schools subject to no public government or control, either as to the appointment of teachers, the subjects to be taught, or the books to be used; and there is no responsibility to any of the public boards or authorities connected with education.

The resources of the Crown, and of the Province have been appropriated with great liberality towards the supporting an University, a College, a Grammar School in each one of the twelve Districts, and numerous Common Schools in the several Townships—all these are amenable to public regulation.

If the Legislature could devote to Education ten times the amount they now apply, it would be happy for the country, but it is to be presumed that they would always think it proper to dispense their aid through the regular channels, and that public superintendence and assistance would go together.

This Bill would have commenced a new system, of which the end could not be foreseen.

The exertion made to erect and maintain these two Schools or Academies, was creditable to the founders; but any number of persons making similar exertions would have the same right to expect similar grants. These would all diminish the ability of the Legislature to promote education systematically; and if any such applications should be refused, the rejection might be ascribed to religious prejudices, or to local preferences, or to other causes tending to excite jealousies and suspicions; and cases might indeed arise when it would be proper to refuse a public grant, but when the refusal must nevertheless seem ungracious, and might give rise to mis-construction and ill-will.

The Committee will offer no further observations respecting those rejected Bills, except the remark that the conduct of the Assembly in regard to the most important of them has been by no means uniform; and it is therefore not easy to account satisfactorily for the extreme impatience expressed in the Address, at the circumstance that the Legislative Council did not happen to take precisely that view of them, to which the Assembly had made up their minds in the year 1835.

As an illustration of this remark, the Committee reminds the House that the Bill for abolishing the right of Primogeniture, and making real estate partible equally among all the children of an intestate, has been several times rejected in the Assembly; and in 1834, (the very year before this Bill was passed by them,) the Assembly concurred in the passing of a Bill sent from the Legislative Council for amending the law of real property, in which the principles of the English law of descent are recognized and confirmed, with such modifications as had recently been introduced in England, upon the suggestions of the “real property Commissioners.”

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While this Bill was before the Assembly, it was proposed to engraft upon it the substance of their Bill (No. 2) for abolishing the right of Primogeniture; but the proposition was negatived. The Assembly had however in several preceding Sessions, of late years passed such a Bill though when it was first moved in the year 1822, the Member moving it was even refused leave to bring it in.

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The complaint is that the same preference for the English law, which the Assembly avowed in so decided a manner in the year 1822, is still retained and cherished by the Legislative Council.

The Committee having thus stated what has occurred to them in relation to the complaint addressed to His Majesty by the Assembly; it may not be unacceptable to the House, and may perhaps be useful, to offer some explanations in regard to the part which has in reality been borne by the Legislative Council, in the duty of Legislation committed to them, in common with the Assembly.

It is known that confining themselves according to analogy to the course of proceeding adopted by the Upper House of Parliament in England, the Legislative Council does not assume the right of originating what are called money Bills.

By far the greater number of Acts that are passed relate to objects which require a grant or loan of money, or which exact services for which fees or other remuneration must be assigned, or which establish regulations necessary to be enforced by providing penalties.

In the passing of such Laws the Legislative Council can only participate by framing and proposing amendments; and with what degree of caution and attention this duty has been performed, the printed Journals of the Session will shew.

By an examination of the same Journals, together with the Statute Book of the Province, it will also be discovered in what measure the services of the Legislative Council have been useful to the Country, in the framing and introducing Laws of a general and permanent character—such as those relating to the constitution and regulation of the different Courts of Justice, and the amendment of the Law in the Civil and Criminal departments; measures which concern society at large, and which must therefore have an important influence on the general interests of the Province.

It will be found that within the last four years the Legislative Council has taken its part and perhaps more than an equal part, in framing measures of this description.

Your Committee adverts to the following list of Laws in the Statute book, taking them in their order of time—(viz.)

- The Acts to amend the Law respecting the punishment of Infanticide.
- To remove doubts respecting the jurisdiction over offences committed upon the Lakes and Rivers on the frontier of the Province forming no part of any organized District.
- To declare the jurisdiction of Commissioners of Customs.
- To facilitate summary proceedings before Justices of the Peace, and to afford to such Justices reasonable protection in the discharge of their duty.
- To render the Stock held in Joint Stock Companies liable to the satisfaction of debts due by the Stockholder.
- To confirm the titles to real Estates derived through Aliens.
- To reduce the number of Capital offences—to declare what offences shall hereafter be Capital, and to abolish benefit of Clergy, and make certain alterations in criminal proceedings before and after conviction.
- To take away corruption of blood, except in cases of Treason.
- To authorize the apprehension of Fugitive Offenders from Foreign Countries and delivering them up to Justice.
- To facilitate the proceedings in Civil Actions against Corporations.
- To dispense with the taking of certain oaths, and also with the receiving of the Sacrament as a qualification for office.
- To amend the law of real estate in respect to inheritance, dower, real actions, the limitation of actions, the execution of wills, the remedy by ejectment, and in respect to tenants wrongfully holding over.
- To secure the independence of the Judges.
- To facilitate the remedy of Replevin.
- To afford security to creditors against the fraudulent practices of debtors in execution.

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To facilitate the issuing of Writs of Error from the Court of King's Bench to Inferior Courts of Record.

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To mitigate the law in respect to Imprisonment for Debt.

To enable Suitors in the District Courts to obtain the attendance of witnesses from other Districts.

To amend the law respecting absconding Debtors.

The Report.

Besides these, many others of a similar character have been passed by the Legislative Council, either as original Bills, or by way of amendments, and sent down, some few of which have been rejected, but to the greater number they have not hitherto been so fortunate as to gain the attention of the Assembly; and they are Acts of that nature that it appears to the Committee that they have not been passed by the Assembly, merely because they have never been taken up and discussed.

The subjoined table will shew that whatever good has been accomplished for the Province, by the labours of the Legislative Council, has been accomplished in the face of peculiar discouragement, such as perhaps no similar Legislative Body has had to encounter before; and which has probably prevented the amelioration of our Laws, and the improvement of our Civil Institutions in many other important particulars.

An inspection of the table appended to this Report will shew that some of the most useful of these Bills were allowed to be forty or fifty days on the table of the Assembly, and were never discussed or moved, or even read a second time—so that when the Session terminated they were lost, and the labour of the Legislative Council rendered fruitless, merely because no notice was taken of them.

Some of these Bills when sent down a second time in a subsequent Session, have been passed by the Assembly without amendment—there being no difference of opinion as to the propriety of passing them, whenever they were brought into discussion.

Many however have not been so fortunate as to gain attention at the hands of the Assembly at any time, though framed and arranged with care, and though they related to subjects of general interest and importance, and were sent down at an early period of the Session. On the evening before prorogation of the last Session, (which was by no means sudden, but after the usual notice of the probable time,) and at the very moment when the House of Assembly were passing this Address, they had on their table six Bills, which the Legislative Council had passed and sent down—some of them of a general and important nature, and likely to be extensively beneficial, but which so far as we can find from the Journals, appeared to have gained no attention from the Assembly, never having been read a second time, or any question moved upon them. These Bills were,

- 1.—A Bill for the amendment of the Law, and the better advancement of Justice, (taken principally from Acts recently passed in England, upon the suggestion of the Common Law Commissioners, and containing many provisions for diminishing the expense and delay to which Suitors are subject, and for simplifying the proceedings of Courts of Justice.)
- 2.—A Bill to amend the law respecting Bills of Exchange and Promissory Notes. (This Bill was intended to introduce two amendments made in England since our adoption of the English law, viz. that respecting accepting Bills payable at a particular place, and that which protects the innocent endorsee for value, against the defence of usury in the making of the note.)
- 3.—A Bill for the relief of the religious sect called Separatists. (This was similar to the Act recently passed in England, and was petitioned for by some of the members of that sect residing in this Province.)
- 4.—A Bill to embody in one Act the many Acts and parts of Acts which regulate the time and place of holding the Courts of General Quarter Sessions of the Peace.
- 5.—A Bill to make the remedy in cases of seduction more effectual, and to render the fathers of illegitimate children liable for their support.
- 6.—A Bill for abolishing the distinction between Grand and Petit Larceny, and to make further provision for the trial and punishment of the crime of Larceny.

It will appear from the subjoined table that several Acts, which were of a highly beneficial character, have remained unnoticed by the Assembly for forty or fifty and even eighty days, and at length the Session has closed without their having been discussed or moved in.

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APPENDIX K.

The Report.

Your Committee believes it will be difficult to find an instance in a long course of years in which any Bill of a general and public nature coming from the Assembly, three days before the conclusion of the Session, has not been discussed and disposed of on its merits; and they need scarcely remind the House how very large a proportion of the business of every Session would have fallen through, if the Legislative Council had separated without discussing such Bills as came from the Assembly within twelve days of the Prorogation, the shortest time that any one of the unnoticed Bills of the Legislative Council lay on the table of the House of Assembly.

Having presented this contrasted view of the degree of attention which the respective measures of each of the respective Houses receives from the other, the Committee offers no comment upon it; their only object being to shew that with respect to the conduct of the two Houses, in regard to the obvious duty of examining and discussing the Bills which have been matured by the one branch of the Legislature and sent to the other, no comparison can be drawn to the disadvantage of the Legislative Council. It cannot be thought unfair to seek for the grounds of a comparison in this respect, in the proceedings of the same Session in which this Address to His Majesty was passed. By turning then to the Journals of the two Houses, it will be seen that of eighty-five Bills passed by the Assembly in 1835, the Legislative Council discussed and decided upon eighty-one—adopting, rejecting, or amending them, after consideration and debate; the four which were not thus disposed of having probably not been four hours in possession of the Council.

On the other hand, of ten Bills passed by the Legislative Council and sent to the Assembly, six received no notice whatever, and were neither discussed nor moved in, two rejected, and two passed.

Of the eighty-five Bills sent to the Legislative Council, forty-six came up within the last fourteen days of the Session; while of the ten Bills sent down from the Legislative Council there was not one that was not twenty-eight days in the possession of the House of Assembly.

As it has been for some time understood in both Houses, that it is the intention of His Excellency the Lieutenant Governor to prorogue the present Session on Wednesday next, it may not seem premature in the Committee, if they venture at the end of ninety-three days which have elapsed since its commencement to form a conjecture of the probable fate of all or most of the Bills which have been passed by the Legislative Council on this occasion, and which are now before the Assembly.

They are twelve in number and are enumerated in the following table, viz. entitled—

An Act for the further amendment of the Law and the better advancement of justice.

An Act to abolish the distinction between Grand and Petit Larceny, and to enable Courts of General Quarter Sessions of the Peace, and any Court having the like powers to try all cases of simple Larceny, under certain restrictions, and to amend the laws respecting the punishment of Larceny.

An Act to appoint the time and place for holding the Court of General Quarter Sessions of the Peace in each of the several Districts of this Province, and to repeal the several laws now in force for that purpose.

An Act to amend the law respecting Bills of Exchange and Promissory Notes.

An Act to make the remedy in cases of seduction more effectual, and to render the fathers of illegitimate children liable for their support.

An Act to allow the people called "Separatists" to make a solemn affirmation and declaration instead of an oath.

An Act to appoint Trustees to carry into effect the provisions of the will of John White, Esquire, deceased.

An Act to continue and amend an Act passed in the third year of His present Majesty's reign, entitled "An Act to facilitate legal remedies against Corporations."

An Act to alter and amend an Act passed in the eighth year of His late Majesty's reign, entitled An Act to confer upon His Majesty certain powers and authorities necessary to the making, maintaining, and using the Canal intended to be completed under His Majesty's direction, for connecting the waters of Lake Ontario with the River Ottawa, and for other purposes therein mentioned.

An Act to protect the public against injury from Private Banks.

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An Act for the relief of William Conway Keele.

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An Act to provide more effectually for the punishment of certain offences, and to enable the Governor, Lieutenant Governor, or person administering the Government of this Province, to commute the sentence of death in certain cases for other punishment in this Act mentioned.

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Of these twelve Bills two only have been passed, and one other has been sent up with an amendment, upon which the Legislative Council found it necessary to request a conference, as it was evident the amendment had proceeded from a misapprehension respecting the existing law. The message requesting a conference was sent down on the third day of March last, and is still unnoticed; a circumstance to which the Committee is satisfied no parallel can be found in the proceedings of the Legislative Council, since the Legislature of Upper Canada was constituted.

From the facts which the Committee have thus brought under the notice of the House, it cannot but be plain to every one that if the Assembly, in order to answer any ulterior object of policy, had in fact formed the resolution of depriving the Legislative Council of all possibility of exercising the powers, and privileges conferred upon them by the Constitution, for the good of their fellow-subjects, they could scarcely have acted in a manner more certain to attain that object. The measures which the Legislative Council in the face of such singular discouragement has succeeded in passing are on the Statute-Book; and can be judged of by the people for whose benefit they are framed. The many other Bills to which they have hitherto failed in attracting the attention of the Assembly, are unfortunately not so open to general examination, while they lie unnoticed on the table of the Assembly; but if it be thought necessary they can be made public, and all who may take the trouble to inform themselves of their provisions, will discover that they are measures involving no rash or doubtful political changes, but are intended to remedy evident defects in our laws, to save trouble and expense to suitors, and to obviate difficulties in the administration of Justice. It will be seen that they are framed with consideration and care—that they can have no object in view but the general good, and that several of the most important are merely adoptions with necessary modifications of the improvements in the law of England, which have been sanctioned by the British Parliament, upon the suggestions of men of the soundest judgment and greatest experience.

When the House of Assembly voted their Address to His Majesty they were of course conscious that such a statement as this Report contains, could be made with truth, and it certainly was necessary to have a firm conviction of the defective understanding of the people of this Province, or of their determination to judge unjustly, before any hope could be indulged that upon such facts an opinion could be formed that the occasion for complaint was on the side of the House of Assembly.

The statement which the Committee has made can be verified at once by a reference to the Statute-Book, and to the printed Journals of the two Houses, and it establishes clearly these points:—

- 1.—That the business of the House of Assembly is so conducted, that the Legislative Council has not that opportunity for deliberate discussion of important Bills sent up to them, which the interests of the public demand, and which a proper consideration of what is due to the co-ordinate branch of the Legislature, should lead the Assembly to afford.
- 2.—That with this disadvantage prevailing to an almost incredible degree, the Legislative Council invariably bestows the most prompt and diligent attention upon every measure proposed to them by the Assembly, leaving nothing undecided which time will admit of being discussed and disposed of.
- 3.—That in their efforts to meet, to the fullest possible extent, the desires of the Assembly, the Legislative Council constantly towards the close of its Session dispenses with its rules of proceeding, and even exposes itself to the reproach of acting with a degree of haste unbecoming a Legislative body, rather than to suffer Bills to drop, for want of time, which come up in great numbers within the last few hours of the Session.

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4.—That on the other hand the Assembly has evinced a disposition towards the Council so perfectly opposite to this, that it is with the greatest difficulty their attention can be gained to any Bill proceeding from the Council; and contrary to the usage of all Legislative bodies, Messages from the Council upon various important subjects are left without reply or notice of any kind.

5.—With respect to the specific complaint against the Legislative Council for rejecting many Bills of the Assembly, that is of course no injury unless the Bills were such as ought to have been passed. Upon those, which the Assembly have specified, it is easy to form a judgment from the materials which the Committee have supplied; and upon the subject of rejection of Bills generally, the Committee believe they may say with great safety that more have not been rejected than ought to have been. They would not undertake so readily to maintain that there have not been some Bills concurred in by the Legislative Council which ought rather to have been rejected; on the contrary they are sure it will be generally remembered, and admitted by the House that upon several occasions a desire to meet the wishes of the Assembly, particularly when a measure has been repeatedly and earnestly pressed, has prevailed with the House to give its assent to Bills, which seemed to them to be of doubtful expediency. They would of course not recede from their opinion, where any question of justice or any important principle was involved, but in many cases where the measure was one of minor consequence, or of that nature that the responsibility might be allowed to rest chiefly with the Assembly, the House have not been by any means rigidly tenacious of their opinion.

It would not be difficult to remind the House of instances in which this disposition has been perhaps carried farther than could be easily justified; but that in any single instance the Legislative Council has rejected a measure of the Assembly from a feeling of the opposite kind, and contrary to their own sincere judgment upon its merits, can most certainly not be affirmed with truth.

The Committee are indeed aware that there is an imputation sometimes heedlessly cast upon the proceedings of the Legislative Council, in consequence of their occasionally passing Bills of the Assembly which they had before rejected, and perhaps repeatedly. But to minds of ordinary candour the explanation is obvious: it sometimes arises from a reluctance on the part of the Council to oppose themselves, in matters of a doubtful and unimportant kind, to the often repeated wishes of another branch of the Legislature.

In some instances facts and circumstance may have altered, and may have rendered proper a different course of conduct; in others there may have been a change in the opinion of individual Members, and as it is no part of the duty of a Legislator to maintain a character for consistency at the expense of truth and sincerity, a change of opinion will naturally be followed by a change of conduct. But probably the cause which, more frequently than any other, may have occasioned a measure to meet in one Session with a different result from that which it had met before, is one which it might be supposed could scarcely fail to occur to any person upon the slightest consideration. The Legislative Council consists of about thirty Members, who reside in various Districts of the Province—some of them remote from the seat of Government. It must of course therefore constantly happen that in different Sessions, and in different periods of the same Session, the House is variously composed—the numbers of the Members are in truth continually varying. It would be an ill compliment to the Assembly to suppose that all their measures which may have been at any time rejected, were so manifestly unwise that they obtained no support, and occasioned no difference of opinion in the Council. It happens not seldom, as it is reasonable to conceive that there is much diversity of opinion upon them; and sometimes the Council are so nearly divided that it is always uncertain while the Bill is in progress, what may be the final result. It can be no wonder therefore, if a vote taken upon such a Bill in one Session, should not express the sense of a House composed of other individuals in the next Session.

Against this apparent inconsistency, it is out of the question to guard. It occurs probably much more frequently in the Assembly than in the Legislative Council.

There is one other point on which the Committee think it material to observe. Much industry has been used to inculcate the persuasion that the Legislative Council is a body



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composed of persons closely connected with the Government by official station, and therefore unlikely to exercise an unbiassed and independent judgment.

An inspection of the Journals for several years past will shew that the endeavour to excite discontent on this ground has been unjust and unreasonable.

There are certainly some Members of the Legislative Council who hold offices of emolument under the Crown, but either from the circumstance that the duties of their offices require their constant attention, or from other causes which they may have it in their power to explain, they have not for many years been in the habit of attending, and they are but rarely to be found in their places in the Council. It is perfectly well known, and the public are daily witnesses of the fact, that the most important and critical measures before the Council, as well as the more ordinary business, have been for years past constantly discussed and disposed of in an assembly of gentlemen, among whom perhaps there was not one, and seldom more than two or three who held any public office of emolument, while the great majority of those usually present are in fact as independent of the Crown as they are independent from their circumstances and station in society. Your Committee have noticed this fact only for the purpose of shewing that where the object is to unsettle the existing order of things, and to procure if possible injurious changes, it matters little what can be stated with truth, for such statements are sure to be made as are thought most likely to promote the end in view.

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The rare attendance of those Officer of the Crown is not intended to be represented as a public advantage. On the contrary it is to be regretted that the Legislative Council has not commonly the advantage of their experience and their knowledge of the arrangements and affairs of the Government.

The Committee having thus presented to the House such facts and observations as appeared to them material in respect to the matters referred to them; they recommend that a copy of their Report, if it shall be adopted by the House, shall be transmitted through His Excellency the Lieutenant Governor to His Majesty's Secretary of State for the Colonies, accompanied by such an Address to His Majesty as may appear to the House proper for introducing the subject of the Report.

(Signed) W. ALLAN, CHAIRMAN. W. MORRIS.  
P. ADAMSON. JOHN MACAULAY.  
JAMES CROOKS.

Legislative Council Committee Room, }  
18th April, 1836.

BILLS originating in the LEGISLATIVE COUNCIL.	WHEN SENT TO THE ASSEMBLY.	REMARKS.
For the protection of the interests of certain bodies of Indians in this Province,	17th Feb'y. 1830	Never moved in, though the House continued 17 days in Session.
To declare the Jurisdiction of Commissioners of Customs,	21st Jan'y. 1831,	Not moved in, though the House continued 54 days in Session. The same bill being again sent down in 1832, was passed without amendment.
For the relief of Prisoners confined for small debts,	24th Jan'y. 1831,	Not moved in, though the House continued 51 days sitting. In a subsequent Session, when sent down as an amendment to a bill from the Assembly, it was passed by them.
For protecting Justices of the Peace in their duty,	29th Jan'y. 1831,	Not moved in, though the House continued sitting forty-six days.—Being sent down again in 1832, it passed without amendment.
For ascertaining the jurisdiction over offences committed on Lakes and Rivers,	2nd Feb'y. 1831,	Not moved in, though the House continued sitting 42 days. Being sent down again in 1832, it passed with an amendment.
To amend the law for the punishment of Infanticide,	11th Feb'y. 1831,	Not moved in, though the House continued sitting thirty-three days. The same Bill being sent down in 1832, passed without amendment.
To make certain provisions respecting the transportation of Convicts,	19th Dec'r. 1832,	Thirty-six days afterwards, the House in Committee, rose without reporting.—The same Bill sent down again twenty-third November, 1833—not moved in, though the House continued sitting eighty-two days.
To afford relief against the loss of the Register Office in the District of Niagara, by supplying proof of Registry,	12th Jan'y. 1832,	Passed the Committee in 1832, but not read a third time, though the Assembly continued sitting sixteen days. The Bill being sent down again in 1833, was passed.
To facilitate the remedy by Replevin, .....	29th Nov'r. 1833,	Not moved in, though the House continued sitting seventy-six days. Sent down again in 1834, was passed by the Assembly.
To enable Suitors in the District Courts to compel the attendance of witnesses from other Districts,	19th Feb'y. 1834,	Not moved in, though the House continued sitting fifteen days.—Being sent down again in 1835, it passed with amendment.
To prevent expense in suing out Writs of Error, ..	22nd Feb'y 1834,	Not moved in, though the Assembly continued sitting twelve days. The same Bill being sent down again in 1835, was passed without amendment.
For the amendment of the law, and the better advancement of Justice,	5th March, 1835,	Not moved in, though the House continued sitting forty-two days.
For the relief of the Sect of Separatists, .....	27th Feb'y. 1835,	Not moved in, though the House continued sitting forty-eight days.
To amend the law respecting Bills of Exchange, ..	2nd March, 1835,	Not moved in, though the Assembly continued sitting forty-five days.
To reduce into one Act the laws regulating time and place of holding the Courts of General Quarter Sessions,	5th March, 1835,	Not moved in, though the Assembly continued sitting forty-two days.
To make the remedy more effectual in cases of Seduction, and make the fathers of illegitimate children liable for their support,	6th March, 1835,	Not moved in, though the Assembly continued sitting forty-one days.
To amend the law in cases of Larceny, .....	18th March, 1835,	Not moved in, though the Assembly continued sitting twenty-nine days.

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APPENDIX K.

ADDRESS

*From the House of Assembly, referred to in the foregoing Report.*

The Report.

## TO THE KING'S MOST EXCELLENT MAJESTY.

MOST GRACIOUS SOVEREIGN :

We Your Majesty's most dutiful and loyal Subjects, the Commons of Upper Canada in Provincial Parliament assembled, humbly represent that we have applied ourselves with the greatest diligence during the present Session of the Provincial Parliament to various subjects of great interest to our constituents ; and although our proceedings have been unavoidably interrupted to a degree altogether unprecedented, by the trial of controverted elections ; and although many of the Members of this House have laboured under the disadvantage of having been without Parliamentary experience, yet the necessary measures on the subjects to which we have alluded have been brought to a satisfactory conclusion, and completed as far as depended on this House, and have been sent to the Legislative Council. It is with no ordinary mortification and regret however, that we find our exertions during a most laborious Session, rendered unavailing in respect to most of these measures by the rejection of them by the Legislative Council. Among such as have shared this fate are: Bills to protect the agricultural interests of this Province from a ruinous foreign competition—to provide for the just and equal distribution of the property of persons dying intestate—to secure an impartial trial by Jury, and to take from the Sheriffs, who hold their offices during pleasure, the power which they now possess of packing Juries—to relieve an excellent and meritorious class of your subjects from burthens and penalties, which are imposed by the Militia Laws of this Province, and which are oppressive on them, and which in time of peace are altogether unnecessary—to improve the system of our Common and District Schools, and to increase the public funds for their support—to amend the Charter of King's College in conformity with Your Majesty's gracious recommendations, and with the wishes which have at different times been strongly expressed to Your Majesty by your faithful subjects in this Province, so as to put that institution into operation on just and liberal principles—to provide for the sale of the Clergy Reserves, and the application of the monies arising therefrom to objects of common benefit, and great utility to Your Majesty's subjects in this Province, in accordance with Your Majesty's gracious invitations, and with the well-known and often-expressed wishes of Your Majesty's subjects—to promote the peace, freedom, and independence of Elections of Members of Parliament, by adopting the mode of Voting by Ballot—to grant one hundred pounds per annum for five years to the Grantham and Bath Academies, (institutions of education established by the voluntary contribution of the people, and on liberal principles.)

All these measures, and others which we will not trouble Your Majesty with enumerating, have been rejected by the Legislative Council without amendment ; and the labours of this House during a Session which we think we may justly declare has been distinguished for unprecedented diligence and application to public business, almost entirely baffled and rendered useless by the course pursued by the Legislative Council. If there were any reason to hope that these difficulties could be obviated or materially diminished in future, we should not trouble Your Majesty ; but the experience of years convinces us, that on many subjects of great and general interest, there is such a disagreement of opinion between the Legislative Council, as now constituted, and the Representatives of the people, as to bring us to the conclusion, which indeed the Legislative Council itself has expressed in relation to one of the most deeply interesting of these subjects, namely, that the Legislature of this Province cannot concur in any measure that will be satisfactory to Your Majesty's subjects in this Province. We are aware that Your Majesty has been officially informed by His Excellency Sir John Colborne that, "composed as the Legislative Council is at present, the Province has "a right to complain of the great influence of the Executive Government in it. That it "consists of seventeen Members, exclusive of the Bishop of Quebec; that of these from "accidental causes not more than fifteen ever attend to their Legislative duties; that thus out "of the number generally present six are of the Executive Council, and four hold offices "under the Government ; and that His Excellency had therefore intimated his intention of

**A P P E N D I X K.—(See Journal, page 182.)**

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“recommending to Your Majesty to increase the Legislative Council.” And it was no doubt with the desire to remedy this evil, equally felt by the people and His Excellency, that Your Majesty has since added to their number. But it is our duty to assure Your Majesty that this change has not abated the evil of which we have such serious cause to complain, while it has on the contrary produced the further division of responsibility amongst its Members, which lessens the consciousness of individual accountability without establishing any community of feeling or sentiments of respect between them and the people. We do not wish to advert to this unpleasant and mortifying condition of our public affairs in language that shall be disrespectful or offensive to the Legislative Council, nor do we presume to prescribe to Your Majesty what expedient should be adopted to afford relief in the premises to Your Majesty’s dutiful and loyal subjects in this Province, who, we are confident, desire that Your Majesty’s attention should be called to it and that we should humbly leave it to your Majesty’s wisdom to apply a suitable remedy.

The Report.

In connection with this subject we feel bound to represent to Your Majesty, that it is the earnest desire of Your Majesty’s faithful subjects that Your Majesty’s Government in this Province should be conducted by the advice of those who shall be actually and practically responsible for their proceedings, and who would as a consequence, be likely to recommend and favor such public measures as may be most desired by Your Majesty’s subjects, and in their opinion most conducive to their interests. We behold Your Majesty, in the administration of the affairs of the great Empire which Providence has committed to Your Majesty’s hands, graciously consulting the wishes of your faithful people as expressed by their Representatives, in the choice of responsible advisers to manage under Your Majesty, the affairs of the Government, and we have been accustomed to regard it as an essential and invaluable feature of the glorious Constitution of our Mother Country. The same principle we wish to see applied in the practice of our Colonial Government; until that is done, we cannot expect that the administration will give satisfaction to Your Majesty’s subjects, or that there will be any real and permanent harmony between the Government and the Representatives of the people. It is true that we might withhold the annual Grant for the support of the Government as a mark of our dissatisfaction with this state of things, and as a means of procuring redress, but being anxious to evince our forbearance and desire to avoid, as long as possible, contention and difficulty, as well as to shew our confidence in your Majesty’s paternal regard for your faithful people in this Province and gracious attention to their Constitutional rights; and being reluctant to resort to a measure, which we are aware must greatly embarrass the Government, until all other Constitutional means of seeking redress have been tried and proved unavailing—We have preferred thus to appeal to Your Majesty’s gracious and effectual interference in our behalf, and have notwithstanding our just dissatisfaction with the existing state of things, and notwithstanding the pecuniary distress which prevails in the Province, granted for the present year the necessary supplies for the support of the Government in the confident hope that effectual steps will immediately be taken for the removal of of these obstacles to the peace, welfare and good government of the Province.

When it is considered that the Ministers, who sometimes in rapid succession fill the Colonial Department, under Your Majesty, are strangers to our Province, and too distantly situated to acquire, through channels often contradictory and interested, a true and correct knowledge of the wants, wishes and genius of Your Majesty’s Canadian people, the practical need of local responsibility becomes more apparent and imperious.

(Signed)

MARSHALL S. BIDWELL,

SPEAKER.

*Commons House of Assembly,*

15th April, 1835.

Q.

## APPENDIX L.—( See Journal, page 192.)

APPENDIX L.

ADDRESS,

*To His Majesty, founded on the Report of a Select Committee relative to a certain complaint preferred by the House of Assembly respecting the rejection by the Council of various Bills.*

TO THE KING'S MOST EXCELLENT MAJESTY.

MOST GRACIOUS SOVEREIGN :

Address to His Majesty, founded on the report of a Select Committee relative to a certain complaint preferred by the House of Assembly, respecting the rejection by the Council of various Bills.

We, Your Majesty's dutiful and loyal Subjects the Legislative Council of Upper Canada, in Provincial Parliament assembled, respectfully beg leave to address ourselves to Your Majesty, upon the subject of a complaint which the House of Assembly of this Province thought fit to prefer to Your Majesty when they were last in Session.

Having for a long series of years co-operated in the most amicable spirit with the House of Assembly, in passing laws for the peace, welfare, and good government of this Colony, we find with regret, and not without astonishment, upon this occasion of our re-assembling, that during the last few hours of the preceding Session, and while we were occupied in discussing and disposing of a great number and variety of measures which had been proposed for our concurrence, the House of Assembly employed themselves in framing a sudden remonstrance to Your Majesty, injurious to the Legislative Council, and inconsistent, as we conceive, with that regard for the just independence of all branches of the Legislature, which it is the common interest and duty of every subject of Your Majesty to maintain.

We are sensible that we owe it not more to ourselves than to the people of this Colony, to maintain with firmness that independent position which the Constitution has assigned to us as a branch of the Legislature; and we are persuaded that it could not be thought unbecoming in us to pass over in silence the attack which has been made by the Assembly, and to decline entering into any vindication of our conduct as a Legislative body.

But the course of events sometimes produce exigencies, in which a departure from ordinary rule is not only justifiable, but may even become necessary.

The affairs of the two Provinces of Canada are engaging at this time, in a particular manner, the attention of Your Majesty's Government, and we believe the present to be an occasion on which it is desirable for reasons affecting the general welfare of this Colony, that the Legislative Council should descend to explanations which under ordinary circumstances it might be more proper to decline.

In the Report which accompanies this Address it has been our endeavour to present such facts and to direct attention to such evidence as will place the conduct of the Legislative Council in its true light; as we do not doubt that Your Majesty will approve of the feeling which has prompted us to demonstrate, (as we believe we have done successfully,) that the powers committed to us by the Constitution have been justly and faithfully exercised.

For many years the Legislative Council of Upper Canada consisted of but four or five Members, connected with the Executive Government by the most confidential relations, and forming in reality a body scarcely distinct from the Executive Council of the Colony, except as they were associated for the discharge of different duties. During that period however, the several branches of the Legislature being diligently occupied in making laws for the peace, welfare, and good government of the Province, no complaints were made that the Legislative Council was dependent, or inefficient, or insensible to the public interests. It is only of late years, after its numbers have been much increased, and when the great majority of its members is composed of persons wholly unconnected with the Executive Government, and independent alike in fortune and in character, that it appears to be thought necessary by the House of Assembly to instil into the public mind the opinion, that the Legislative Council does not answer the ends for which it was instituted. Your Majesty may not improbably conclude that it is by no accidental coincidence that at precisely the same moment attempts are made in this, and the adjoining Colony of Your Majesty to break down the strongest and safest barrier against measures, which are considered by many of Your Majesty's subjects to be subversive of the Royal authority, and destructive of the Constitution.

It is not because we entertain the slightest apprehension that efforts of which the tendency is so obvious, will obtain from Your Majesty's Government any countenance, that we have thought it expedient to repel these charges of the Assembly.

**A P P E N D I X L.—( See Journal, page 192.)**

APPENDIX L.

On the contrary the recent assurances of Your Majesty's determination to uphold the Constitution are so explicit and satisfactory, that they leave Your Majesty's subjects in this Colony nothing to fear.

But it is our desire that Your Majesty should be enabled to oppose facts to the injurious representations which have been conveyed to the Throne, upon a subject of deep interest to the people of this Province, and that Your Majesty should possess the satisfactory assurance that a Constitution which in principle, is well adapted to secure the liberties and advance the prosperity of this Colony, has not in practice been abused by the Legislative Council.

The Address.

If in vindicating the Legislative Council from the imputation of being hostile or indifferent to the interests of Your Majesty's subjects in this Province, we have had occasion to state facts which place the proceedings of the Assembly in an unfavourable light, we desire it may be considered by Your Majesty that such representations are made with no other object than to render more apparent, the unreasonableness of the attack which has been made upon the Legislative Council. We beg it may be understood that we prefer no complaint against the Assembly; that we make no appeal, and desire no interference. We are fully sensible that it must at all times be in the power of either of two Legislative bodies, which can act only in concert, to recall the other to a reasonable observance of courtesy and respect. The remedy is plainly in our own hands. But we have hoped, and we still hope to find redress for what at present is unquestionably a public evil, in the voluntary return of the Assembly to that course, which justice and good feeling cannot fail to point out.

We have waited patiently for this change, and have not hitherto suffered our deliberations or proceedings to be influenced in a single instance by any of the discouraging circumstances which we have stated.

As loyal subjects of Your Majesty, we are impelled by a sense of duty to declare our conviction, that it can hardly have been a sense of injury received which prompted the Assembly to this unexpected course. It is known and felt that to preserve the Constitution of this Province against injurious changes, to support the Royal authority, and to uphold with constancy the best interests of the people, are duties from which the Legislative Council, as it is now constituted, are not likely to be driven.

It is doubtless in the power of Your Majesty and of the Imperial Parliament to remove this barrier to the adoption of measures which it would perhaps have been wise to have more speedily, and decidedly discountenanced.

If through any unhappy misunderstanding of the true interests of this Province a change in the Constitution of this branch of the Legislature shall ever be assented to, the Members of the Legislative Council will be no otherwise affected than in common with the rest of the community; but it will then be most assuredly discovered that an error has been committed which it may not be possible to retrieve, and of which the effects will in our opinion be fatal to the peace and welfare of Upper Canada, and dangerous to the continuance of Your Majesty's authority.

We beg to renew upon this occasion our assurances of entire devotion to Your Majesty's person and Government.

(Signed)

**JOHN B. ROBINSON,**  
SPEAKER.

*Legislative Council Chamber,*  
Nineteenth day of April, 1836.

**A P P E N D I X M.—( See Journal, page 193.)**

APPENDIX M.

LETTER,

*From the Speaker of the Legislative Council of Lower Canada, on the subject of the Post Office.*

QUEBEC, 9th April, 1836.

SIR,

Letter from the Speaker of the Legislative Council of Lower Canada on the subject of the Post Office.

In obedience to an order of the Legislative Council of Lower Canada, I have the honor to transmit to you, a copy of the Bill sent up from the Assembly for the concurrence of the Legislative Council, "To establish and regulate a Post Office in this Province"—together with a report and the evidence reported by a Select Committee of the Legislative Council, to whom the said Bill was referred, and a copy of an Address of the Council to the King on the subject of the Post Office.

I have the honor to be,

Sir,

Your most obedient Servant,

(Signed) J. SEWELL,

*Speaker of the Legislative Council  
of Lower Canada.*

To the Honorable the SPEAKER of the  
Legislative Council of Upper Canada.

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