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JOURNALS
OF THE
SPECIAL COUNCIL
OF THE PROVINCE OF
LOWER-CANADA.

FROM THE 5th NOVEMBER, 1840, TO THE 9th FEBRUARY, 1841.

IN THE FOURTH YEAR OF THE REIGN OF

QUEEN VICTORIA.

HIS EXCELLENCY
THE RIGHT HONORABLE CHARLES, BARON SYDENHAM,
&c. &c. &c.
GOVERNOR GENERAL.

PRINTED BY ORDER OF THE SPECIAL COUNCIL.

QUEBEC:

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FREE-MASONS' HALL.

VOLUME 6.

JOURNALS
OF THE
SPECIAL COUNCIL
OF
LOWER-CANADA.

ANNO 4^o.—VICTORIÆ REGINÆ.

AT a Session of the Special Council, begun and holden at the Government House in the City of *Montreal*, in pursuance of an Act passed in the Parliament of the United Kingdom of *Great Britain and Ireland*, intituled, "*An Act to make temporary provision for the Government of Lower-Canada;*" and of a certain other Act of the same Parliament, intituled, "*An Act to amend an Act of the last Session of Parliament, for making temporary provision for the Government of Lower-Canada;*" and also of a certain other Act of the same Parliament, intituled, "*An Act to re-unite the Provinces of Upper and Lower-Canada, and for the Government of Canada.*"

THURSDAY, 5TH NOVEMBER, 1840.

PRESENT :

His Excellency the Right Honourable CHARLES, BARON SYDENHAM, Governor General.

The Honble. *Sir James Stuart*, Baronet, Chief Justice of the Province.

Messrs. *Moffatt,*
McGill,
Gerrard,
Quesnel,
Walker,
Faribault,

*Molson,
Knoulton,
Joseph Dionne,
Daly, and
Day.*

PRAYERS.

His Excellency proposed to the Council for consideration and adoption the following Ordinance, which was read for the first time :

An Ordinance to prescribe and regulate the Registering of Titles to Lands, Tenements and Hereditaments, Real or Immoveable Estates, and of Charges and Incumbrances on the same, and for the alteration and improvement of the Law, in certain particulars, in relation to the Alienation and Hypothecation of Real Estates, and the Rights and Interest acquired therein.

His Excellency then withdrew.

The Honble. the Chief Justice took the Chair.

On motion of Mr. *Day*, seconded by Mr. *Knoulton*,

ORDERED, That an Ordinance to prescribe and regulate the Registering of Titles to Lands, Tenements and Hereditaments, Real or Immoveable Estates, and of Charges and Incumbrances on the same, and for the alteration and improvement of the Law, in certain particulars, in relation to the Alienation and Hypothecation of Real Estates, and the Rights and Interest acquired therein, be read a second time, at the next sitting day.

Then,

On motion of the Honble. Mr. *McGill*, seconded by Mr. *Gerrard*,

The Council adjourned until to-morrow, at two o'clock, P. M.

 FRIDAY, 6TH NOVEMBER, 1840.

PRESENT :

The Honble. the Chief Justice, Presiding Member.

Messrs. *Moffatt,*
McGill,
Joliette,
Gerrard,
Quesnel,
Walker,
Faribault,
Molson,
Knoulton,
Joseph Dionne,
Austin,
Mondelet,
Wainwright,
Daly, and
Day.

PRAYERS.

An Ordinance to prescribe and regulate the Registering of Titles to Lands, Tenements, and Hereditaments, Real or Immoveable Estates, and of Charges and Incumbrances on the same, and for the alteration and improvement of the Law, in certain particulars, in relation to the Alienation and Hypothecation of Real Estates, and the Rights and Interest acquired therein, was, according to order, read a second time.

On motion of Mr. *Day*, seconded by Mr *Wainwright*,

RESOLVED, That the said Ordinance be referred to a Special Committee of five Members, to examine the contents thereof, and report thereon with all convenient speed.

ORDERED, That the Committee be Messrs. *Moffatt, Gerrard, Knoulton, Mondelet,* and *Day*, to meet and adjourn as they please.

Then,

On motion of the Honble. Mr. *McGill*, seconded by Mr. *Gerrard*,

The Council adjourned until to-morrow, at two o'clock, P. M.

SATURDAY, 7TH NOVEMBER, 1840.

PRESENT :

The Honble. the Chief Justice, Presiding Member.

Messrs. *Cuthbert,*
Joliette,
Gerrard,
Quesnel,
Walker,
Faribault,
Knoulton,
Joseph Dionne,
Wainwright, and
Day.

PRAYERS.

On motion of Mr. *Day*, seconded by Mr. *Wainwright*,

The Council adjourned until Monday next, at two o'clock, P. M.

MONDAY, 9TH NOVEMBER, 1840.

PRESENT :

The Honble. the Chief Justice, Presiding Member.

Messrs. *Cuthbert,*
McGill,
Joliette,
Gerrard,
Quesnel,
Walker,
Molson,
Knoulton,
Austin,
Mondelet,
Harwood,
Hale of Sherbrooke,

*Wainwright,
Daly, and
Day.*

PRAYERS.

T. W. Clinton Murdoch, Esquire, Chief Secretary to His Excellency the Governor General, was admitted in the Council Chamber, and delivered to the Presiding Member a Message from His Excellency,

And then he withdrew.

And the said Message was read by the Presiding Member, and is as followeth :—

SYDENHAM.

The Governor General transmits for the consideration of the Special Council the Draught of an Ordinance, intituled, An Ordinance to provide means for keeping in repair, that part of the road from this Province to *New Brunswick*, commonly called the *Temiscouata* Portage Road.

Government House, }
Montreal, 9th November, 1840. }

The Ordinance mentioned in the preceding Message was read for the first time.

On motion of *Mr. Walker*, seconded by *Mr. Gerrard*,

ORDERED, That the said Ordinance be read a second time, at the next sitting day.

Mr. Day, from the Special Committee to whom had been referred an Ordinance to prescribe and regulate the Registering of Titles to Lands, Tenements and Hereditaments, Real or Immoveable Estates, and of Charges and Incumbrances on the same, and for the alteration and improvement of the Law, in certain particulars, in relation to the Alienation and Hypothecation of real Estates, and the Rights and Interest acquired therein; Reported, that the Committee had gone through the said Ordinance, and had directed him to report the same, with the following amendments, viz :—

CLAUSE 1.

Line 4—After “the” insert “day on which this Ordinance shall come into force and effect.”

“ 5—Strike out “day of.”

CLAUSE 4.

Line 5—After “force” insert “or which shall be in force on the day on which this Ordinance shall come into force and effect.”

“ 13 & 14—Strike out “passing of this Ordinance” and insert “day on which this Ordinance shall come into force and effect, and such registration when so made within the period last aforesaid, shall have the effect of preserving such hypothecs, privileged and hypothecary rights and claims, according to their respective rank and priority, in the same manner as if this Ordinance had not been made.”

CLAUSE 6.

Line 12—Fill up the blank with the word “five.”

CLAUSE 7.

Line 2—Strike out “District” and insert “Judicial District, or if there be no such Sheriff, then of the Warden of the Municipal District.”

CLAUSE 8.

Line 4—After “Court” insert “of King’s Bench for any District in this Province or of the Court.”

“ 11—After “the” insert “Judicial.”

“ 12—After “appointed” insert “or to the Clerk of the Peace for that one of the present Districts within which such Registrar is to keep his office.”

CLAUSE 15.

Line 9—Fill up the blank with the word “forty.”

CLAUSE 17.

Line 4—Fill up the blank with the word “nine.”

CLAUSE 18.

Line 4—Fill up the blank with the word “ten.”

CLAUSE 21.

Line 2—After “the” insert “day on which this Ordinance shall come into force and effect.”

CLAUSE 22.

Line 1—After “that” insert “from and after the day on which this Ordinance shall come into force and effect.”

CLAUSE 28.

Line 2—After “the” insert “day on which this Ordinance shall come into force and effect.”

CLAUSE 29.

Line 2—After “the” insert “day on which this Ordinance shall come into force and effect.”

CLAUSE 30.

Line 2—After “the” insert “day on which this Ordinance shall come into force and effect.”

CLAUSE 33.

Line 2—After “the” insert “day on which this Ordinance shall come into force and effect.”

CLAUSE 34.

Line 8—After “the” insert “day on which this Ordinance shall come into force and effect.”

“ 24—After “Province” insert “or before any District Court in any District in this Province.”

“ 26—After “Judge” insert “or Court.”

“ 31—After “Judge” insert “or Court.”

CLAUSE 35.

Line 2—Strike out “passing of this Ordinance” and insert “day on which this Ordinance shall come into force and effect.”

CLAUSE 36.

Line 2—After “the” insert “day on which this Ordinance shall come into force and effect.”

CLAUSE 37.

Line 2—After “the” insert “day on which this Ordinance shall come into force and effect.”

CLAUSE 38.

Lines 7 & 8—Strike out “passing of this Ordinance” and insert “day on which this Ordinance shall come into force and effect.”

CLAUSE 39.

Line 3—After “aforesaid” insert “after the day on which this Ordinance shall come into force and effect.”

CLAUSE 40.

Line 5—Strike out “passing of this Ordinance” and insert “day on which this Ordinance shall come into force and effect.”

CLAUSE 48.

Line 5—Fill up the blank with the word “two shillings.”

“ 6—Fill up the blank with the word “four.”

“ 7—Fill up the blank with the word “four.”

“ 8—Fill up the blank with the word “sixpence.”

“ 10—Fill up the blank with the word “four.”

CLAUSE 48.

Line 17—Fill up the blank with the words “one shilling.”

“ 18—Fill up the blank with the words “two shillings.”

CLAUSE 53.

Line 23—After “the” insert “day on which this Ordinance shall come into force and effect.”

On motion of Mr. *Day*, seconded by Mr. *Gerrard*,

ORDERED, That the said Ordinance and amendments thereto, be taken into consideration at the next sitting day.

Then,

On motion of the Honble. Mr. *McGill*, seconded by Mr. *Gerrard*,

The Council adjourned until to-morrow, at Eleven o'clock, A. M.

TUESDAY, 10TH NOVEMBER, 1840.

PRESENT :

The Honble. the Chief Justice, Presiding Member.

Messrs. *Cuthbert*,
Moffatt,
Joliette,
Gerrard,
Quesnel,
Walker,
Faribault,
Molson,
Knoullon,
Joseph Dionne,
Austin,
Harwood,
Hale, of *Sherbrooke*,
Wainwright, and
Day.

PRAYERS.

His Excellency the Governor General having entered the Council Chamber, he took his seat at the head of the Table.

His Excellency then proposed to the Council for consideration and adoption the following Ordinances, which were severally read for the first time :

An Ordinance to provide for the better Internal Government of this Province by the establishment of Local or Municipal Authorities therein.

B

An Ordinance to prescribe and regulate the election and appointment of certain Officers in the several Parishes and Townships in this Province, and to make other provisions for the Local Interests of the inhabitants of these Divisions of the Province.

On motion of the Honble. the Chief Justice, seconded by Mr. *Gerrard*,

RESOLVED, That an Ordinance to provide for the better Internal Government of this Province by the establishment of Local or Municipal Authorities therein, be referred to a Special Committee of five Members to examine the contents thereof and report thereon, with all convenient speed.

ORDERED, That the Committee be the Honbles. the Chief Justice, and *Moffatt* and Messrs. *Faribault*, *Knoulton* and *Day*, to meet and adjourn as they please.

ORDERED, That an Ordinance to prescribe and regulate the election and appointment of certain Officers in the several Parishes and Townships in this Province, and to make other provisions for the Local Interests of the inhabitants of these Divisions of the Province, be referred to the said Committee.

An Ordinance to provide means of keeping in repair that part of the Road from this Province to *New Brunswick*, commonly called the *Temiscouata* Portage Road, was, according to order, read a second time.

On motion of Mr. *Walker*, seconded by Mr. *Gerrard*,

RESOLVED, That the said Ordinance be referred to a Special Committee of three Members to examine the contents thereof, and report thereon with all convenient speed.

ORDERED, That the Committee be Messrs. *Walker*, *Harwood* and *Hale*, of *Sherbrooke*, to meet and adjourn as they please.

The order of the day for taking into consideration an Ordinance to prescribe and regulate the Registering of Titles to Lands, Tenements and Hereditaments, Real or Immoveable Estates, and of Charges and Incumbrances on the same, and for the alteration and improvement of the Law in certain particulars, in relation to the Alienation and Hypothecation of Real Estates, and the Rights and Interest acquired therein, and amendments thereto, being read.

ORDERED, That the said order of the day be postponed until Thursday next.

His Excellency then withdrew.

The Honble. the Chief Justice resumed the Chair.

Then,

On motion of Mr. *Walker*, seconded by Mr. *Gerrard*,

The Council adjourned until to-morrow, at two o'clock; P. M.

WEDNESDAY, 11TH NOVEMBER, 1840.

PRESENT :

The Honble. the Chief Justice, Presiding Member.

Messrs. *Cuthbert,*
Moffatt,
M'Gill,
Joliette,
Gerrard,
Walker,
Knoulton,
Joseph Dionne,
Austin,
Harwood,
Wainwright, and
Daly.

PRAYERS.

On motion of Mr. *Walker*, seconded by Mr. *Gerrard*,

The Council adjourned until to-morrow, at two o'clock, P. M.

THURSDAY, 12TH NOVEMBER, 1840.

PRESENT :

The Honble. the Chief Justice, Presiding Member.

Messrs. *Cuthbert,*
Moffatt,
Joliette,
Gerrard,
Quesnel,
Walker,
Faribault,
Knoulton,
Austin,

*Harwood,
Hale, of Sherbrooke,
Wainwright, and
Day.*

PRAYERS.

The order of the day for taking into consideration an Ordinance to prescribe and regulate the Registering of Titles to Lands, Tenements and Hereditaments, Real or Immoveable Estates, and of Charges and Incumbrances on the same; and for the alteration and improvement of the Law in certain particulars, in relation to the Alienation and Hypothecation of Real Estates, and the Rights and Interest acquired therein, and amendments thereto, being read,

On motion of Mr. *Day*, seconded by Mr. *Wainwright*,

ORDERED, That the said Order of the day be postponed until Tuesday next.

Then,

On motion of Mr. *Walker*, seconded by Mr. *Gerrard*,

The Council adjourned until to-morrow, at two o'clock, P. M.

FRIDAY, 13TH NOVEMBER, 1840.

PRESENT :

The Honble. the Chief Justice, Presiding Member,

Messrs. *Joliette,
Gerrard,
Quesnel,
Walker,
Knoulton,
Joseph Dionne,
Austin,
Harwood,
Hale, of Sherbrooke,
Wainwright, and
Daly.*

PRAYERS.

T. W. C. Murdoch, Esquire, Chief Secretary to His Excellency the Governor General, was admitted in the Council Chamber, and delivered to the Presiding Member a Message from His Excellency,

And then he withdrew.

And the said Message was read by the Presiding Member, and is as followeth :—

SYDENHAM.

The Governor General transmits for the consideration of the Special Council, the Draught of an Ordinance, intituled, An Ordinance to enable the Governor, Lieutenant Governor, or person administering the Government, to enter into certain arrangements conducive to the interests of this Province, with regard to the debt owing to the same by the late Receiver General.

The Governor General also transmits the undermentioned documents connected with this subject, viz :—

A Financial Statement prepared by the Inspector General of Accounts.

A valuation of the Seigniori of *Lauxon*, made by the Government Agent, for the collection of the Rents.

A proposal from Sir *John Caldwell*, to surrender his property.

A Report from the Attorney General, touching Sir *John Caldwell's* proposal.

A Report from the Attorney General, in regard to the proposed Ordinance.

Government House,
Montreal, 13th November, 1840. }

The Ordinance mentioned in the preceding Message was read for the first time:

Then,

On motion of Mr. *Gerrard*, seconded by Mr. *Walker*,

The Council adjourned until to-morrow, at two o'clock, P. M.

SATURDAY, 14TH NOVEMBER, 1840.

PRESENT :

The Honble. the Chief Justice, Presiding Member.

Messrs. *Cuthbert,*
Quesnel,
Walker,
Knoulton,
Austin, and
Wainwright.

PRAYERS.

At half-past two o'clock, P. M. there being no Quorum, the Presiding Member declared this Council adjourned till Monday next, at two o'clock, P. M.

MONDAY, 16TH NOVEMBER, 1840.

PRESENT :

The Honble. the Chief Justice, Presiding Member.

Messrs. *McGill,*
Gerrard,
Walker,
Knoulton, and
Austin.

PRAYERS.

At a quarter past two o'clock, P. M. there being no Quorum, the Presiding Member declared this Council adjourned till to-morrow, at two o'clock, P. M.

TUESDAY, 17TH NOVEMBER, 1840.

PRESENT :

The Honble. the Chief Justice, Presiding Member.

Messrs. *Cuthbert,*
Moffatt,
McGill,
Gerrard,
Quesnel,
Walker,
Knoulton,
Austin,
Mondelet,
Harwood,
Wainwright,
Daly, and
Day.

PRAYERS.

His Excellency the Governor General having entered the Council Chamber, he took his seat at the head of the Table.

According to order, the Council took into consideration an Ordinance to prescribe and regulate the Registering of Titles to Lands, Tenements and Hereditaments, Real or Immoveable Estates, and of Charges and Incumbrances on the same, and for the alteration and improvement of the Law in certain particulars, in relation to the Alienation and Hypothecation of Real Estates, and the Rights and Interest acquired therein, and amendments thereto.

The first Clause of the said Ordinance, as amended by the Special Committee, being read,
 ORDERED, That the further consideration of the said Clause be postponed.

The second Clause of the said Ordinance being read,

On motion of the Honble. Mr. *Harwood*, seconded by the Honble. Mr. *Cuthbert*,

ORDERED, That the following amendments be made to the said Clause :

Line 5—Strike out “five” and insert “seven.”

Line 8—Strike out “ five ” and insert “ seven . ”

The question being then put on the said Clause as amended, it was agreed to.

The third Clause of the said Ordinance being read, and the question being put thereon, it was agreed to.

The fourth Clause of the said Ordinance, as amended by the Special Committee, being read ;

The first amendment made thereto being then read ;

ORDERED, That the consideration of the said amendment be postponed.

The second amendment made thereto, being also read, it was agreed to.

On motion of the Honble. the Chief Justice, seconded by the Honble. Mr. *Cuthbert*,

ORDERED, That the following Proviso be added to the said clause :—

“ Provided that nothing herein contained shall be construed to require
“ the Registration of the original Grant, Letters Patent, Conveyance,
“ or Title by which Lands have been granted and conveyed, and are now
“ held *en Fief, à Titre de Cens, en Franc Aleu*, or in Free and Common
“ Soccage, or of any rent, sum of money, due, duty or service, therein or
“ thereby stipulated or reserved by the Seignior, original Grantor, or Lord
“ of the Fee ”

ORDERED, That the further consideration of the said Clause be postponed.

The fifth Clause of the said Ordinance, being read, and the question being put thereon, it was agreed to ;

The sixth and seventh Clauses of the said Ordinance, as amended by the Special Committee, being read, and the question being separately put thereon, they were agreed to.

The eighth Clause of the said Ordinance, as amended by the Special Committee, being read, and the question being put thereon, it was agreed to.

ORDERED, That the further consideration of the said Clause be postponed.

The ninth to the fourteenth Clause, inclusive of the said Ordinance, being read and the question being separately put thereon, they were agreed to.

The fifteenth Clause of the said Ordinance, as amended by the Special Committee, being read, and the question being put thereon, it was agreed to.

The sixteenth Clause of the said Ordinance being read ;

ORDERED, That the consideration of the said Clause be postponed.

The seventeenth Clause of the said Ordinance, as amended by the Special Committee, being read, and the question being put thereon, it was agreed to.

The eighteenth Clause of the said Ordinance, as amended by the Special Committee, being read ;

The question being put on the amendment made thereto, it was agreed to.

The Honble. Mr. *Moffatt* moved, seconded by the Honble. Mr. *McGill*,

That the following amendment be also made to the said Clause :

Line 7—Strike out all the words from “and” inclusive, to “concurrently” also inclusive, in the fourteenth line of the said Clause.

The Council divided on the proposed amendment :

FOR THE AMENDMENT.

Messrs. *Cuthbert*,
Moffatt,
McGill,
Gerrard,
Quesnel,
Walker,
Austin,
Harwood,
Wainwright,
Daly,
Day.

AGAINST THE AMENDMENT.

The Chief Justice,
Messrs. *Knoulton*,
Mondelet,

So it was carried in the affirmative.

The question being then put on the said Clause, as amended, it was agreed to.

The nineteenth and twentieth Clauses of the said Ordinance, being again read, and the question being separately put thereon, they were agreed to.

The twenty first and twenty second Clauses of the said Ordinance, as amended by the Special Committee, being read.

ORDERED, That the consideration of the said Clauses be postponed.

The twenty third to the twenty seventh Clause, inclusive, of the said Ordinance, being again read, and the question being separately put thereon, they were agreed to.

The twenty eighth to the thirtieth Clause, inclusive, of the said Ordinance, as amended by the Special Committee, being again read ;

ORDERED, That the consideration of the said Clauses be postponed.

The thirty first and thirty second Clauses of the said Ordinance being read, and the question being separately put thereon, they were agreed to.

The thirty third Clause of the said Ordinance, as amended by the Special Committee, being read ;

ORDERED, That the consideration of the said Clause be postponed.

The thirty fourth Clause of the said Ordinance, as amended by the Special Committee, being read ;

The first amendment made thereto, being then read ;

ORDERED, That the consideration of the said amendment be postponed.

The residue of the amendments made thereto, being also read, and the question being separately put thereon, they were agreed to.

ORDERED, That the further consideration of the said Clause be postponed.

The thirty fifth and thirty sixth Clauses of the said Ordinance, as amended by the Special Committee, being read ;

ORDERED, That the consideration of the said Clauses be postponed.

The thirty seventh Clause of the said Ordinance, as amended by the Special Committee, being read ;

The amendment made thereto being then read ;

ORDERED, That the consideration of the said amendment be postponed.

The Honble. Mr. *Moffatt* moved, seconded by Mr. *Walker*,

That the following Proviso be added to the said Clause :

Line 14—After “whatever” insert “Provided always, that all Debts, Mortgages, Hypothecs, and Incumbrances, to which such Lands or Tenements, Real or Immoveable Estates, shall at the time of the death of the Father be subject or liable, shall be valid and effectual against the Right to Dower as well of the Mother as of the child or children issue of her marriage.”

The Council divided on the proposed amendment :

FOR THE AMENDMENT.

Messrs. *Moffatt*,
McGill,
Walker,
Austin,
Wainwright,
Day.

AGAINST THE AMENDMENT.

The Chief Justice,
Messrs. *Gerrard*,
Quesnel,
Knoulton,
Mondelet,
Harwood,
Daly.

So it passed in the negative.

ORDERED, That the further consideration of the said Clause be postponed.

On motion of the Honble. the Chief Justice, seconded by the Honble. Mr. *McGill*,

RESOLVED, That the further consideration of the said Ordinance, and amendments thereto, be postponed until the next sitting day.

The Council then adjourned, until to-morrow, at noon.

WEDNESDAY, 18TH NOVEMBER, 1840.

PRESENT :

The Honble. the Chief Justice, Presiding Member.

Messrs. *Cuthbert*,
Moffatt,
McGill,

*Gerrard,
Quesnel,
Walker,
Knoulton,
Austin,
Mondelet,
Harwood,
Hale, of Sherbrooke,
Wainwright,
Daly, and
Day.*

PRAYERS.

His Excellency the Governor General having entered the Council Chamber, he took his seat at the head of the Table.

According to order, the Council took into further consideration an Ordinance to prescribe and regulate the Registering of Titles to Lands, Tenements, and Hereditaments, Real or Immoveable Estates, and of Charges and Incumbrances on the same; and for the alteration and improvement of the Law, in certain particulars, in relation to the Alienation and Hypothecation of Real Estates, and the Rights and Interest acquired therein, and Amendments thereto.

The thirty-eighth, thirty-ninth and fortieth Clauses, of the said Ordinance, as amended by the Special Committee, being read,

ORDERED, That the consideration of the said Clauses be postponed.

The forty-first to the forty-seventh Clauses inclusive, of the said Ordinance, being read, and the question being separately put thereon, they were agreed to.

The forty-eighth Clause of the said Ordinance, as amended by the Special Committee, being read,

The first Amendment made thereto by the Special Committee, being also read,

Mr. *Gerrard* moved, seconded by Mr. *Walker*,

That the said Amendment be amended as follows :—

After the words “ two shillings” insert “ and six pence.”

The Council divided.

Yeas.	Nays.
The Chief Justice, Messrs. <i>Cuthbert,</i> <i>McGill,</i> <i>Gerrard,</i> <i>Walker,</i> <i>Hale, of Sherbrooke,</i> <i>Wainwright,</i> <i>Daly.</i>	Messrs. <i>Moffatt,</i> <i>Quesnel,</i> <i>Knoulton,</i> <i>Austin,</i> <i>Mondelet,</i> <i>Harwood,</i> <i>Day.</i>

So it was carried in the affirmative.

The second Amendment made thereto by the Special Committee, being also read,

Mr. *Gerrard* moved, seconded by Mr. *Walker,*

That the said Amendment be amended as follows :—

Strike out “four” and insert “three.”

The Council divided.

Yeas.	Nays.
The Chief Justice, Messrs. <i>McGill,</i> <i>Gerrard,</i> <i>Walker,</i> <i>Daly.</i>	Messrs. <i>Cuthbert,</i> <i>Moffatt,</i> <i>Quesnel,</i> <i>Knoulton,</i> <i>Austin,</i> <i>Mondelet,</i> <i>Harwood,</i> <i>Hale, of Sherbrooke,</i> <i>Wainwright,</i> <i>Day.</i>

So it passed in the negative.

The residue of the amendments made thereto by the Special Committee, being also read, and the question being separately put thereon, they were agreed to.

The question being then put on the said Clause, as amended, it was agreed to.

The forty-ninth Clause of the said Ordinance being read,

On motion of *Mr. Gerrard*, seconded by *Mr. Walker*,

ORDERED, That the following Amendment be made to the said Clause :—

Lines 5 and 6.—Strike out the words “ and twelve at noon, and the hours of two and five” and insert “ and three.”

The question being then put on the said Clause, as amended, it was agreed to.

The fiftieth to the fifty-second Clause inclusive, of the said Ordinance, being read, and the question being separately put thereon, they were agreed to.

The fifty-third Clause of the said Ordinance, as amended by the Special Committee, being read,

ORDERED, That the consideration of the said Clause be postponed.

The fifty-fourth Clause of the said Ordinance, being read,

ORDERED, That the following Amendment be made to the said Clause :—

Lines 8 and 9.—Strike out the words “ within days after the passing of this Ordinance” and insert “ on or before the day on which this Ordinance shall “ come into force and effect.”

The question being then put on the said Clause, as amended, it was agreed to.

The fifty-fifth to the fifty-seventh Clause inclusive, of the said Ordinance, being read, and the question being separately put thereon, they were agreed to.

The Schedules, to follow the last Clause of the said Ordinance, being read, and the question being separately put thereon, they were agreed to.

The sixteenth Clause of the said Ordinance, the consideration whereof had been postponed, being again read,

On motion of the Honble. the Chief Justice, seconded by *Mr. Gerrard*,

ORDERED, That the following Amendment be made to the said Clause :—

Line 15.—After “ him” insert “ or unless an Affidavit to the same effect be sworn to before “ one of the Judges of the Courts of King’s Bench or Common Pleas for this “ Province, (who is hereby empowered to take such Affidavit,) and delivered “ with such Memorial to the said Registrar or his Deputy.”

The question being then put on the said Clause, as amended, it was agreed to.

RESOLVED, That the further consideration of the said Ordinance, and Amendments thereto, be postponed until Friday next.

His Excellency then withdrew.

The Honble. the Chief Justice resumed the Chair.

Then,

On motion of Mr. *Walker*, seconded by Mr. *Gerrard*,

The Council adjourned until to-morrow, at two o'clock, P. M.

THURSDAY, 19TH NOVEMBER, 1840.

PRESENT :

The Honble. the Chief Justice, Presiding Member.

Messrs. *McGill*,
Gerrard,
Walker,
Knoulton,
Austin,
Mondelet,
Harwood,
Hale, of *Sherbrooke*,
Wainwright, and
Daly.

PRAYERS.

On motion of the Honble. Mr. *Daly*, seconded by Mr. *Hale*, of *Sherbrooke*,

The Council adjourned until to-morrow, at noon.

FRIDAY, 20TH NOVEMBER, 1840.

PRESENT :

The Honble. the Chief Justice, Presiding Member.

Messrs. *Cuthbert,*
Moffatt,
McGill,
Gerrard,
Quesnel,
Walker,
Knoulton,
Austin,
Harwood,
Hale, of Sherbrooke,
Wainwright,
Daly, and
Day.

PRAYERS.

His Excellency the Governor General having entered the Council Chamber, he took his seat at the head of the Table.

The Honble. the Chief Justice from the Special Committee, to whom had been referred An Ordinance to provide for the better Internal Government of this Province, by the establishment of Local or Municipal Authorities therein, and also An Ordinance to prescribe and regulate the election and appointment of certain Officers in the several Parishes and Townships in this Province, and to make other provisions for the Local Interests of the inhabitants of these Divisions of the Province,—Reported, that the Committee had gone through the said Ordinances, and had directed him to report the same with several amendments.

RESOLVED, That the said Ordinances, and amendments thereto, be taken into consideration at the next sitting day.

The order of the day for the further consideration of an Ordinance to prescribe and regulate the Registering of Titles to Lands, Tenements and Hereditaments, Real or Immoveable Estates, and of Charges and Incumbrances on the same, and for the alteration and improvement of the Law in certain particulars, in relation to the Alienation and Hypothecation of Real Estates, and the Rights and Interest acquired therein, and amendments thereto, being read ;

RESOLVED, That the said order of the day be postponed, until Monday next.

His Excellency then withdrew.

The Honble. the Chief Justice resumed the Chair.

Then,

On motion of Mr. *Austin*, seconded by Mr. *Knoulton*,

The Council adjourned until to-morrow, at noon.

SATURDAY, 21ST NOVEMBER, 1840.

PRESENT :

The Honble. the Chief Justice, Presiding Member.

Messrs. *Cuthbert*,
McGill,
Gerrard,
Quesnel,
Walker,
Knoulton,
Austin,
Harwood,
Hale, of *Sherbrooke*,
Wainwright,
Daly, and
Day.

PRAYERS.

His Excellency the Governor General having entered the Council Chamber, he took his seat at the head of the Table.

According to order, the Council took into consideration an Ordinance to provide for the better Internal Government of this Province, by the establishment of Local or Municipal Authorities therein, and amendments thereto, and also an Ordinance to prescribe and regulate

the Election and Appointment of certain Officers in the several Parishes and Townships in this Province, and to make other provisions for the Local Interests of the inhabitants of these Divisions of the Province, and amendments thereto.

RESOLVED, That the said Ordinances, and amendments thereto, be recommitted to the same Special Committee to whom they had already been referred, and to report thereon with all convenient speed.

His Excellency then proposed to the Council for consideration and adoption, the following Ordinance, which was read for the first time.

An Ordinance to amend a certain Ordinance of the Legislature of this Province, made and passed in the fourth year of the Reign of Her Majesty, intituled, “An Ordinance to establish new Territorial Divisions of Lower Canada, and to alter and amend the Judicature, and provide for the better and more efficient Administration of Justice throughout this Province ;” and also a certain other Ordinance of the same Legislature, made and passed in the same year, intituled, “An Ordinance to provide for the more easy and expeditious Administration of Justice in Civil Causes and matters involving small pecuniary value and interest throughout this Province.”

On motion of the Honble. the Chief Justice, seconded by the Honble. Mr. *McGill*,

ORDERED, That the said Ordinance be read a second time, at the next sitting day.

His Excellency then withdrew.

The Honble. the Chief Justice resumed the Chair.

Then,

On motion of the Honble. Mr. *McGill*, seconded by Mr. *Quesnel*,

The Council adjourned until Monday next, at two o'clock, P. M.

MONDAY, 23^D NOVEMBER, 1840.

PRESENT :

The Honble. the Chief Justice, Presiding Member.

Messrs. *Moffatt*,
McGill,

*Gerrard,
Quesnel,
Walker,
Molson,
Knoullon,
Austin,
Mondelet,
Harwood,
Hale of Sherbrooke,
Wainwright, and
Daly.*

PRAYERS.

The order of the day for the further consideration of an Ordinance to prescribe and regulate the Registering of Titles to Lands, Tenements and Hereditaments, Real or Immoveable Estates, and of Charges and Incumbrances on the same, and for the alteration and improvement of the Law, in certain particulars, in relation to the Alienation and Hypothecation of Real Estates, and the Rights and Interest acquired therein, and Amendments thereto, being read,

RESOLVED, That the said order of the day be postponed, until the next sitting day.

An Ordinance to amend a certain Ordinance of the Legislature of this Province, made and passed in the fourth year of the Reign of Her Majesty, intituled, "An Ordinance to establish new Territorial Divisions of *Lower Canada*, and to alter and amend the Judicature, and provide for the better and more efficient administration of Justice throughout this Province;" and also a certain other Ordinance of the same Legislature, made and passed in the same year, intituled, "An Ordinance to provide for the more easy and expeditious administration of Justice in civil causes and matters involving small pecuniary value and interest, throughout this Province," was, according to order, read a second time.

The question of concurrence having then been separately put upon each Clause of the said Ordinance, they were agreed to unanimously.

On motion of the Honble. Mr. *McGill*, seconded by Mr. *Gerrard*,

ORDERED, That the said Ordinance be fairly transcribed.

Then,

On motion of the Honble. Mr. *McGill*, seconded by the Honble. Mr. *Moffatt*,

The Council adjourned until to-morrow, at half past ten o'clock, A. M.

TUESDAY, 24TH NOVEMBER, 1840.**PRESENT :**

The Honble. the Chief Justice, Presiding Member.

Messrs. *Moffatt,*
Gerrard,
Quesnel,
Walker,
Molson,
Knoulton,
Austin,
Mondelet,
Harwood,
Hale, of Sherbrooke,
Wainwright, and
Daly.

PRAYERS.

His Excellency the Governor General having entered the Council Chamber, he took his seat at the head of the Table.

On motion of the Honble. the Chief Justice, seconded by Mr. *Gerrard,*

ORDERED, That an Ordinance to amend a certain Ordinance of the Legislature of this Province, made and passed in the fourth year of the Reign of Her Majesty, intituled, "An Ordinance to establish new Territorial Divisions of *Lower Canada*, and to alter and amend the Judicature and provide for the better and more efficient administration of Justice throughout this Province ;" and also, a certain other Ordinance of the same Legislature, made and passed in the same year, intituled, "An Ordinance to provide for the more easy and expeditious Administration of Justice, in Civil causes and matters, involving small pecuniary value and interest, throughout this Province," be now read for the third time.

The said Ordinance was accordingly read for the third time.

His Excellency having put the question :

" That this Ordinance do now pass,"

It was,

RESOLVED in the affirmative.

His Excellency then signed the said Ordinance, and the Great Seal of the Province was affixed thereto, by the Secretary of the Province.

Mr. *Walker*, from the Special Committee to whom had been referred an Ordinance to provide means of keeping in repair that part of the Road from this Province to *New Brunswick*, commonly called the *Temiscouata* Portage Road, Reported—that the Committee had gone through the said Ordinance, and had directed him to Report the same, with the following amendments:—

Clause 1, Lines 3, 4 & 5.—Strike out “and the said *Thomas Allen Stayner* and *William Henry Griffin* shall be, and they and the survivor or survivors of them” and insert “such persons not exceeding five in number, as the Governor, Lieutenant Governor, or person Administering the Government shall appoint, shall be, and they”

After the 1st Clause insert the following Clause marked A.

CLAUSE A.

“And be it further ordained and enacted by the authority aforesaid, that in case of the death, absence for more than three months from the Province, misconduct, inability or neglect to act, or resignation of any one or more of the Trustees so to be appointed, the Governor, Lieutenant Governor, or person administering the Government, may declare a vacancy in the said Trust, and supply and fill such vacancy, by the appointment of other one or more Trustees as the case may require.”

Clause 2, Line 38.—Strike out “Act shall come into operation within the District of *Quebec* which is to enforce the use of high runnered Winter Carriages upon the public Roads” and insert “Ordinance passed in the third year of Her Majesty’s Reign, chapter twenty-five, intituled, “An Ordinance to provide for the improvement, during the winter season, of the Queen’s Highways in this Province, and for other purposes,” shall come into operation within the District of *Quebec*, with regard to other roads than the Post Road from that City to the Town of *Three Rivers*.”

“*Line 42.*—Strike out “high runnered.”

“ “*43.*—Strike out “3d. *Victoria*, Chapter 25.”

Clause 7, Line 3—Strike out from “as” inclusive, to “therefrom” also inclusive in the 5th line.

Strike out the 9th Clause of the said Ordinance:

RESOLVED, That the said Ordinance and amendments thereto, be taken into consideration on Thursday next.

The Order of the day, for the further consideration of an Ordinance to prescribe and regulate the Registering of Titles to Lands, Tenements, and Hereditaments, Real or Immoveable Estates, and of Charges and Incumbrances on the same, and for the alteration and improvement of the Law, in certain particulars, in relation to the Alienation and Hypothecation of Real Estates, and the Rights and Interest acquired therein, and amendments thereto, being read,

RESOLVED, That the said Order of the day be postponed, until Thursday next.

His Excellency then withdrew.

The Honble. the Chief Justice resumed the Chair.

Then,

On motion of Mr. *Gerrard*, seconded by Mr. *Walker*,

The Council adjourned, until to-morrow.

WEDNESDAY, 25TH NOVEMBER, 1840.

PRESENT :

The Honble. the Chief Justice, Presiding Member.

Messrs. *Gerrard*,
Knoulton,
Harwood, and
Hale, of *Sherbrooke*.

PRAYERS.

At a quarter past two o'clock, P. M. there being no Quorum, the Presiding Member declared this Council adjourned till to-morrow, at two o'clock, P. M.

THURSDAY, 26TH NOVEMBER, 1840.

PRESENT :

The Honble. the Chief Justice, Presiding Member.

Messrs. *Moffatt,*
McGill,
Gerrard,
Quesnel,
Molson,
Knoulton,
Austin,
Mondelet,
Harwood,
Hale, of Sherbrooke,
Wainwright,
Daly, and
Day.

PRAYERS.

Mr. *Day*, from the Special Committee, to whom had been again referred an Ordinance to provide for the better internal Government of this Province by the establishment of Local or Municipal Authorities therein, and amendments thereto, and also an Ordinance to prescribe and regulate the Election and Appointment of certain Officers, in the several Parishes and Townships in this Province, and to make other provisions for the Local Interests of the Inhabitants of these Divisions of the Province, and amendments thereto, Reported—that the Committee had again gone through the said Ordinances, and amendments, and had directed him to report the same with several amendments.

On motion of Mr. *Day*, seconded by Mr. *Knoulton*,

RESOLVED, That the said Ordinances, and amendments thereto, be taken into consideration, on Monday next.

The Order of the day for the further consideration of an Ordinance to prescribe and regulate the Registering of Titles to Lands, Tenements and Hereditaments, Real or Immoveable Estates, and of Charges and Incumbrances on the same, and for the alteration and improvement of the Law, in certain particulars, in relation to the Alienation and Hypothecation of Real Estates, and the Rights and Interest acquired therein, and amendments thereto, being read,

RESOLVED, That the said Order of the day be postponed, until Tuesday next.

The Order of the day for the consideration of an Ordinance to provide means of keeping in repair, that part of the Road from this Province to *New Brunswick*, commonly called the *Temiscouata* Portage Road, and amendments thereto, being read,

RESOLVED, That the said Order of the day be postponed, until the next sitting day.

Then,

On motion of the Honble. Mr. *McGill*, seconded by the Honble. Mr. *Moffatt*,

The Council adjourned until to-morrow, at two o'clock, P. M.

FRIDAY, 27TH NOVEMBER, 1840.

PRESENT :

The Honble. the Chief Justice, Presiding Member.

Messrs. *McGill*,
Knoulton,
Austin,
Mondelet,
Hale of *Sherbrooke*, and
Wainwright.

PRAYERS.

At a quarter past two o'clock, P. M. there being no Quorum, the Presiding Member declared this Council adjourned until to-morrow, at two o'clock, P. M.

SATURDAY, 28TH NOVEMBER, 1840.

PRESENT :

The Honble. the Chief Justice, Presiding Member.

Messrs. *Moffatt*,
McGill,
Knoulton

*Austin,
Mondelet,
Wainwright,
Daly, and
Day.*

PRAYERS.

At a quarter past two o'clock, P. M. there being no Quorum, the Presiding Member declared this Council adjourned until Monday next, at noon.

MONDAY, 30TH NOVEMBER, 1840.

PRESENT :

The Honble. the Chief Justice, Presiding Member,

Messrs. *Moffatt,
McGill,
Gerrard,
Quesnel,
Knoulton,
Austin,
Mondelet,
Harwood,
Hale, of Sherbrooke,
Wainwright,
Daly, and
Day.*

PRAYERS.

His Excellency the Governor General having entered the Council Chamber, he took his seat at the head of the Table.

His Excellency then proposed to the Council for consideration and adoption the following Ordinance, which was read for the first time :

An Ordinance to amend a certain Ordinance therein mentioned.

On motion of the Honble. the Chief Justice, seconded by the Honble. Mr. *McGill*,

E

RESOLVED, That the standing order of this Council, with respect to the second reading of Ordinances be suspended, and that the said Ordinance be now read a second time.

The said Ordinance was accordingly read a second time.

The question of concurrence having then been separately put upon each Clause of the said Ordinance, they were agreed to unanimously.

On motion of the Honble. the Chief Justice, seconded by the Honble. Mr. *McGill*.

ORDERED, That the said Ordinance be fairly transcribed.

On motion of the Honble. the Chief Justice, seconded by the Honble. Mr. *McGill*.

ORDERED, That an Ordinance to amend a certain Ordinance therein mentioned, be now read for the third time.

The said Ordinance was accordingly read for the third time.

His Excellency having put the question :

“ That this Ordinance do now pass ? ”

It was,

RESOLVED in the affirmative.

His Excellency then signed the said Ordinance, and the Great Seal of the Province was affixed thereto by the Secretary of the Province.

His Excellency then withdrew.

The Honble. the Chief Justice resumed the Chair.

The order of the day for taking into consideration an Ordinance to provide for the better Internal Government of this Province by the establishment of Local or Municipal Authorities therein, and amendments thereto, and also an Ordinance to prescribe and regulate the Election and Appointment of certain Officers, in the several Parishes and Townships in this Province, and to make other provisions for the Local Interests of the Inhabitants of these Divisions of the Province, and amendments thereto, being read ;

RESOLVED, That the said order of the day be postponed, until Wednesday next.

Then,

On motion of the Honble. Mr. *McGill*, seconded by Mr. *Gerrard*,

The Council adjourned until to-morrow, at two o'clock, P. M.

TUESDAY, 1ST DECEMBER, 1840.

PRESENT :

The Honble. the Chief Justice, Presiding Member,

Messrs. *Knoulton,*
Harwood, and
Wainwright.

PRAYERS.

At a quarter past two o'clock, P. M. there being no Quorum, the Presiding Member declared this Council adjourned untill to-morrow, at two o'clock, P. M.

WEDNESDAY, 2^D DECEMBER, 1840.

PRESENT :

The Honble. the Chief Justice, Presiding Member,

Messrs. *Knoulton,*
Hale, of Sherbrooke, and
Wainwright.

PRAYERS.

At a quarter-past two o'clock, P. M. there being no Quorum, the Presiding Member declared this Council adjourned untill to-morrow, at two o'clock, P. M.

THURSDAY, 3^D DECEMBER, 1840.

PRESENT :

The Honble. the Chief Justice, Presiding Member.

Messrs. *McGill*,
Quesnel, and
Knoulton.

PRAYERS.

At a quarter past two o'clock, P. M. there being no Quorum, the Presiding Member declared this Council adjourned until to-morrow at two o'clock, P. M.

FRIDAY, 4TH DECEMBER, 1840.

PRESENT :

The Honble. the Chief Justice, Presiding Member,

Messrs. *Austin*, and
Wainwright.

PRAYERS.

At a quarter past two o'clock, P. M. there being no Quorum, the Presiding Member declared this Council adjourned until to-morrow, at two o'clock, P. M.

SATURDAY, 5TH DECEMBER, 1840.

PRESENT :

The Honble. the Chief Justice, Presiding Member,

Messrs. *Knoulton*,
Austin, and
Wainwright.

PRAYERS.

At a quarter past two o'clock, P. M. there being no Quorum, the Presiding Member declared this Council adjourned until Monday next, at two o'clock, P. M.

MONDAY, 7TH DECEMBER, 1840.

PRESENT :

The Honble. the Chief Justice, Presiding Member,

Messrs. *Knoulton*,
Austin,
Hale, of *Sherbrooke*, and
Wainwright.

PRAYERS.

At a quarter past two o'clock, P. M. there being no Quorum, the Presiding Member declared this Council adjourned until to-morrow, at two o'clock, P. M.

TUESDAY, 8TH DECEMBER, 1840.

PRESENT :

The Honble. the Chief Justice, Presiding Member,

Messrs. *Knoulton*,
Austin,
Hale, of *Sherbrooke*, and
Wainwright.

PRAYERS.

At a quarter past two o'clock, P. M. there being no Quorum, the Presiding Member declared this Council adjourned until to-morrow, at two o'clock, P. M.

WEDNESDAY, 9TH DECEMBER, 1840.

PRESENT :

The Honble. the Chief Justice, Presiding Member,

Messrs. *McGill*,
Gerrard,
Molson,
Knoulton,
Austin,
Mondelet,
Hale, of *Sherbrooke*,
Wainwright,
Ogden,
Daly, and
Day.

PRAYERS.

On motion of Mr. *Day*, seconded by Mr. *Knoulton*,

RESOLVED, That the Order for taking into consideration an Ordinance to provide for the better internal Government of this Province, by the establishment of Local or Municipal Authorities therein, and amendments thereto, and also an Ordinance to prescribe and regulate the election and appointment of certain Officers in the several Parishes and Townships in this Province, and to make other provisions for the Local Interests of the inhabitants of these Divisions of the Province, and amendments thereto, be rescinded, and that the said Ordinances and amendments be again recommitted to the same Special Committee to whom they had already been referred, and to report thereon with all convenient speed.

Then,

On motion of the Honble. Mr. *McGill*, seconded by Mr. *Gerrard*,

The Council adjourned until to-morrow, at two o'clock, P. M.

THURSDAY, 10TH DECEMBER, 1840.

PRESENT :

The Honble. the Chief Justice, Presiding Member,

Messrs. *Gerrard*,
Knoulton,

*Mondelet, and
Wainwright.*

PRAYERS.

At a quarter past two o'clock, P. M. there being no Quorum, the Presiding Member declared this Council adjourned until to-morrow, at two o'clock, P. M.

FRIDAY, 11TH DECEMBER, 1840.

PRESENT :

The Honble. the Chief Justice, Presiding Member,

Messrs. *Moffatt,
McGill,
Gerrard,
Knoulton,
Austin,
Mondelet,
Harwood,
Hale, of Sherbrooke,
Wainwright,
Daly, and
Day.*

PRAYERS.

Mr. *Day*, from the Special Committee to whom had been again referred an Ordinance to provide for the better internal Government of this Province, by the establishment of Local or Municipal Authorities therein, and amendments thereto, and also an Ordinance to prescribe and regulate the Election and Appointment of certain Officers in the several Parishes and Townships in this Province, and to make other provisions for the Local Interests of the Inhabitants of these Divisions of the Province, and amendments thereto, Reported—that the Committee had again gone through the said Ordinances and Amendments, and had directed him to report the same, with the following amendments:—

Amendments to the Ordinance to provide for the better internal Government of this Province, by the establishment of Local or Municipal Authorities therein :

Clause 1, line 3.—After “that” strike out the remainder of the Clause, and insert in lieu thereof “it shall be lawful for the Governor of this Province, by

“ his Proclamation under the Great Seal thereof, to be issued by and
 “ with the advice of Her Majesty’s Executive Council, in this behalf,
 “ to erect and constitute such and so many Districts in this Province
 “ for the purposes of this Ordinance, as to him shall appear expe-
 “ dient, and to fix, appoint and declare the limits of such Districts
 “ respectively, and also by Proclamation and by and with such
 “ advice as aforesaid, from time to time, as circumstances may
 “ render necessary, within two years from the passing of this Ordi-
 “ nance, to alter the limits of any such District.”

Clause 2, lines 1 & 2.—Strike out “ the Inhabitants of”

“ “ 3.—Strike out “ they are” and insert “ is”

“ “ 10.—Strike out “ due.”

“ “ 10 & 11—Strike out “ the functions of such Body Corporate” and insert “ its
 “ Corporate powers.”

After the second Clause insert the following Clause marked A.

CLAUSE A.

“ Provided always, and be it further ordained and enacted, that it shall not be lawful for
 “ any District Incorporated as aforesaid, to exercise any other powers of a corporation except
 “ such as are herein mentioned, or such as shall be expressly conferred by the Legislature of this
 “ Province, or such as shall be necessary for the due execution of the powers herein granted.”

Clause 3, lines 1 & 2.—Strike out “ each of the” and insert “ there shall be a District Coun-
 “ cil in each of the Districts to be erected and constituted as afore-
 “ said, which”

Clause, 4, line 5.—Strike out “ act as.”

“ “ 6.—After “ Warden” insert “ of and”

“ “ *Ibid.*—Strike out from “ which” inclusive, to the end of the Clause and
 insert “ for the purposes of this Ordinance, which Warden shall
 “ hold his office during pleasure.”

Strike out the fifth Clause and insert in lieu thereof the following Clause marked B.

CLAUSE, B.

“ And be it further ordained and enacted, that at the first meeting and at each succeeding annual meeting of the Inhabitant Householdors of the several Parishes and Townships, or reputed Parishes and Townships, in the respective Districts in this Province, to be held in pursuance of a certain Ordinance made and passed in the present year of Her Majesty’s Reign, intituled, “ An Ordinance to prescribe and regulate the election and appointment of certain Officers in the several Parishes and Townships in this Province, and to make other provisions for the local interests of these divisions of the Province,” there shall be elected by the said Inhabitant Householdors, assembled and qualified in the manner prescribed by the said Ordinance, one or two Councillors, to be members of the said District Councils, respectively, according as such local divisions as aforesaid, may by reason of the amount of their population, and according to the provisions hereinafter contained, be empowered and required to elect one or two Councillors;”

Strike out the 6th and 7th Clauses, and insert in lieu thereof the following Clauses, marked C and D.

CLAUSE, C.

“ And be it further ordained and enacted, that the number of Councillors, to be elected for each of the said Districts, shall be regulated as follows, that is to say;—Every Parish and Township, or reputed Parish and Township, in which the population shall be above three hundred, and not exceed three thousand souls, shall elect one Councillor; and every such local division in which the population shall exceed three thousand souls shall elect two Councillors; and no such local division shall be entitled to elect more than two Councillors: Provided always, that for the purposes of this Ordinance the said local divisions, respectively, shall be held to include the inhabitants, who, in pursuance of the said Ordinance passed in the fourth year of Her Majesty’s Reign, it is declared shall be joined to, and make part of the inhabitants of such local divisions respectively.”

CLAUSE, D.

“ And be it further ordained and enacted, that it shall be lawful for the Governor of this Province, before the first Monday in January in the year of our Lord one thousand eight hundred and forty to fix and determine by Proclamation, under the Great Seal of the Province, in this behalf to be issued, the number of Councillors, which, according to the amount of their population, shall be elected for each and every Parish and Township, or reputed Parish and Township, in the several Districts of this Province, and by Proclamation and Proclamations, to be issued thereafter as occasion may require, to determine when any such Parish or Township, or reputed Parish or Township, by reason of its augmented population, shall be entitled to elect two Councillors instead of one, according to the Provisions of this Ordinance.”

Strike out the 8th, 9th, 10th, 11th and 12th Clauses, and insert in lieu thereof the following clauses, marked E. F. and G.

CLAUSE, E.

“ And be it further ordained and enacted, that every person to be elected a member of a District Council, as aforesaid, shall be resident within the Parish or Township, or reputed Parish or Township, for which he shall be elected, and shall be seized and possessed to his own use, in freehold or in *Fief* or in *Roture*, of lands and tenements within the district in which such local divisions respectively, shall be situated, or within some one or other of the districts next adjoining such district, of the value of three hundred pounds currency, over and above all charges and incumbrances, due and payable upon or out of the same.”

CLAUSE, F.

“ And be it further ordained and enacted, that no person being in Holy Orders, or being a Minister or Teacher of any dissenting or religious sect or congregation, nor any Judge or Judges of any court of Justice, nor any military, naval or marine officer in Her Majesty’s service, on full pay, nor any person accountable for the district revenues, nor any person receiving any pecuniary allowance from the district for his services, nor any person having directly or indirectly, by himself or his partner, any contract, or any share or interest in any contract, with or on behalf of the district, shall be qualified to be elected a Councillor in any district Council in this Province.”

CLAUSE G.

“ And be it further ordained and enacted, that no person shall be capable of being elected a Councillor, in any of the District Councils in this Province, who shall have been attainted for treason or felony in any court of law in any of Her Majesty’s dominions.”

Clause 13, line 7.—Strike out from “as” inclusive to “such” also inclusive in the 9th line and insert “or such other fine instead thereof as may hereafter be provided by a By-Law of such Council to be made in this behalf; and the said”

Strike out the 14th Clause, and insert in lieu thereof the following Clause, marked H.

CLAUSE, H.

“ And be it further ordained and enacted, that no person elected a Councillor as aforesaid, shall be capable of acting as such until he shall have taken and subscribed before the Warden of the District, or the Justice of the Peace or other person who shall have presided at the election (who are hereby authorized to administer the said oaths,) the oath of

“ paper, and place the same, folded up, in a glass or box, from
 “ which the names shall be drawn by some person appointed
 “ by the Council for that purpose; and the third of the said Coun-
 “ cillors, or the number of Councillors to go out in pursuance of
 “ such by-law as aforesaid, who shall vacate their seats in the year
 “ then next following, shall be those whose names shall be first
 “ drawn, and the third of the said Councillors, or the number to go
 “ out of office in pursuance of such by-law as aforesaid, who shall
 “ vacate their seats in the next succeeding year, shall be those
 “ whose names shall be next drawn.”

Clause, 21, line 5.—Strike out from “or” inclusive to “appoint” also inclusive in the
 “ 7th line and insert “and the said meetings shall not at any time
 “ be held for a longer period than five successive days.”

Clause 22, line 8.—Strike out from “no” inclusive to the end of the Clause and insert
 “ shall not continue beyond the period of five days; and no matters
 “ shall be deliberated or determined on, at any such extraordinary
 “ meeting, except those for which the same shall have been spe-
 “ cially convened.”

Clause 25, line 6.—Strike out “at the close of every such meeting.”

“ “ 10.—After “of” insert “one shilling.”

Clause 26, line 6.—Strike out all the words from “for” inclusive to the end of the Clause
 and insert the following Proviso:

“ Provided always, that it shall not be lawful for such Com-
 “ mittees to sit or meet on any days except those appointed for the
 “ meetings of the said Council; and that such Committees shall
 “ be subject in all things to the authority, control, and approval
 “ of the said Council.”

Clause 27.—Insert the following Proviso at the end of the said Clause:

“ And provided also, that it shall be lawful for the Warden to
 “ appoint a person to act as Clerk until such time as a Clerk shall
 “ be appointed in the manner hereinbefore provided.”

Clause 32, line 2.—After “appointed” insert “at the first quarterly meeting in each
 “ year.”

“ “ 10.—Strike out “his partner” and insert “in conjunction with any other
 person.”

Clause 33, lines 8 & 9.—Strike out “ of perjury and shall be punished accordingly” and insert “ of wilful and corrupt perjury, and be subject to the pains and penalties by law provided for that offence.”

Clause 35, lines 2 & 3.—Strike out “ the District to appoint in.”

“ “ 3.—After “ respectively” insert “ with the approbation of the Governor
“ of the Province, for the time being, to appoint in each of the said
“ Districts.”

Clause 37, line 23.—Strike out all the words from “ for” inclusive, to the end of the Clause and insert “ For raising, assessing, levying, and appropriating such
“ monies as may be required for the purpose of carrying into effect
“ all or any of the objects for which the said District Councils, re-
“ spectively, are hereby empowered to make by-laws ; which monies
“ shall be raised, either by means of tolls, to be paid in respect of
“ any public work or works, within the limits of the said Districts
“ respectively, or by means of rates or assessments to be assessed
“ and levied on real or personal property, or both, within the limits
“ of such Districts, or in respect of such property, upon the owners
“ and occupiers thereof.”

“ For the collection of, and accounting for all tolls, rates and
“ assessments imposed, or raised under the authority of any such
“ Council, and of the revenues belonging to such Districts re-
“ spectively.”

“ For imposing and determining reasonable penalties to be re-
“ covered from such persons, as having been elected to offices, as
“ hereinbefore provided, shall refuse to serve the same, or refuse or
“ neglect to take and subscribe the oaths of office, as hereinbefore
“ prescribed for such offices respectively.”

“ For determining the amount and manner and time of payment of
“ all salaries or other remuneration of District Officers, to be ap-
“ pointed under the authority of this Ordinance.”

“ For determining the amount of salary, fees, or emoluments
“ which shall be received by the several Parish or Township Officers
“ within the limits of such Districts respectively, to be appointed or
“ elected in pursuance of any Ordinance or other Law now in force,
“ or which may hereafter be in force in this Province.”

“ For providing the means of defraying the expense of maintain-
“ ing an effective system of Police within such Districts respectively.”

“ And for providing for any other purpose, matter or thing, which
 “ shall be specially subjected to the direction and control of the said
 “ District Councils respectively, by any Act of this Province or of
 “ the Legislature of the Province of Canada.”

After the 37th Clause, insert the following Clauses, marked K. and L.

CLAUSE, K.

“ Provided always, and be it further Ordained and Enacted, that it shall not be lawful
 “ for any such District Council as aforesaid, to impose, lay, or levy any rate or assessment
 “ whatever on any lands or tenements, goods or chattels, real or personal estates belonging to
 “ Her Majesty, her heirs or successors.”

CLAUSE L.

“ Provided also, and be it further Ordained and Enacted, that it shall not be lawful for
 “ any such District Council as aforesaid, to impose, lay or levy any rate or assessment what-
 “ ever on any uncultivated lands in the several seigniories in this Province, which have been
 “ and continued, since the original grants of such seigniories, ungranted and unoccupied, in
 “ cases where the persons seized or possessed of such seigniories, may be subject
 “ or liable to an assessment or rate on the annual value of such seigniories respectively.”

Clause 38, line 14.—Strike out all the words from “and” inclusive, to the end of the Clause
 and insert “in writing, in conformity with and subject to such
 “ general regulations as shall, from time to time, be made, touching
 “ the terms and the mode of execution of any such contracts by the
 “ Board of Works of this Province.”

Strike out the 39th and 40th Clauses, and insert in lieu thereof the following Clauses,
 marked M. and N.

CLAUSE, M.

“ Provided always, and be it further Ordained and Enacted, that an authentic copy of
 “ every such By-Law, shall, forthwith after the passing thereof, be transmitted by the Warden
 “ of the District, or the Chairman of the District Council who may supply his place, to the
 “ Secretary of the Province, who shall, on receipt of the same, note on the copy so received the
 “ time of its receipt, and shall lay the same before the Governor of the Province ; and no such
 “ By-Law shall be of any force, until the expiration of thirty days after an authentic copy thereof
 “ shall have been received as aforesaid ; and it shall be lawful for the Governor of this Province,
 “ by and with the advice of Her Majesty’s Executive Council, at any time within the said period
 “ of thirty days, by his order in Council, to declare his disallowance of any such By-Law, or
 “ any part thereof, and such disallowance, together with a certificate under the hand of such

“ Secretary of the Province, certifying the day on which such By-Law was received as aforesaid, shall, with all convenient speed, be signified to the Warden of the District, wherein such By-Law shall have been passed ; and thenceforward such Bye-law, or the part thereof so disallowed, shall be void and of no effect. Provided also, that it shall be lawful for the said Governor, if he shall think fit, with the advice of Her Majesty’s Executive Council, at any time within the said period of thirty days, to enlarge the time within which such By-Law may be disallowed, and no such By-Law shall, in that case, come into force or have effect, until after the expiration of such enlarged time. And provided also, that any By-Law repugnant to the Law of the land, or to any of the provisions of this Ordinance, shall be void and of no effect.”

CLAUSE, N.

“ And be it further ordained and enacted, that the said District Councils, at their quarterly meetings aforesaid, shall have power to make such orders relative to the property belonging to such Districts, respectively, as to them may appear expedient ; and shall have power to settle and pay all accounts, which may be chargeable against the said Districts respectively, and to authorize and direct the raising of such sums of money, as may be required for the payment of the salaries and accounts due by the several Parishes and Townships, or reputed Parishes and Townships, within such Districts respectively.”

After the 41st Clause, insert the following Clauses, marked O. P. and Q.

CLAUSE, O.

“ And be it further ordained and enacted, that no Councillor shall, in any case, receive or be entitled to any wages, allowance, profit or emolument whatever, for his services as such Councillor, or by reason of his being such Councillor.”

CLAUSE, P.

“ And be it further ordained and enacted, that all and every the powers and authorities, which by any Act or Acts, Ordinance or Ordinances of the Legislature, or any Law or Laws of this Province, have been and are now vested in and may be lawfully exercised by the *Grand Voyers* of the several Districts of this Province, or by any Magistrates with regard to any highways or bridges, except in so far as the same are inconsistent with, or repugnant to the provisions of this Ordinance, shall, from and after the first Election of Councillors under the provisions of this Ordinance, become and be vested in the several District Councils aforesaid, within the limits of their respective Districts ; and in the exercise of such powers and authorities, it shall in no case be requisite, that a *Procès Verbal* for turning an old or opening a new highway, or a new bye-road, or to change an old bridge, or mark out a new one, or for the making of ditches and outlets, or for any other purpose whatsoever, should be drawn up, or that the same should be

“ confirmed or homologated by any Court of Quarter Sessions, as now by law required
 “ when such powers and authorities are exercised by the *Grand Voyers*; nor shall the
 “ intervention of any such Court, or the exercise of its powers, be in any manner required,
 “ for, or in respect of, the legal and effectual exercise of the said powers and authorities,
 “ by the said District Councils respectively, as aforesaid; any law, usage or custom to the
 “ contrary thereof notwithstanding.”

CLAUSE, Q.

“ And be it further ordained and enacted, that the respective *Grand Voyers* of the
 “ several Districts in this Province, and the respective persons who shall or may have ceased
 “ to hold the said offices or any of them, shall, after the period hereinafter appointed for
 “ the commencement of this Ordinance, deliver to the Clerks of the several District Councils
 “ in this Province, respectively, on their respective demand, all and every the Records
 “ Books, *Procès Verbaux*, Judgments, Plans, Documents, Instruments, and Writings, in their
 “ custody, possession or power, appertaining to the said offices of *Grand Voyers* respec-
 “ tively, as aforesaid, which shall relate to, or in any manner concern the Districts, in and for
 “ which such respective District Councils shall have been elected and appointed, or any
 “ Township or Parish, or reputed Parish or Township, or County in the said Districts respec-
 “ tively; and in case any such *Grand Voyer*, or person who shall have ceased to hold the
 “ office of *Grand Voyer*, shall refuse or neglect, to deliver to any such Clerk of a District
 “ Council, on his demand, all such Records, Books, *Procès Verbaux*, Judgments, Plans,
 “ Documents, Instruments, and Writings, as aforesaid, which shall relate to, or in any man-
 “ ner concern the District in and for which such Clerk shall have been appointed, or any
 “ Parish, or reputed Parish, Seignior, Township, or reputed Township, or County in the
 “ same, every such *Grand Voyer*, or person who shall have ceased to hold the office of *Grand*
 “ *Voyer*, so refusing or neglecting, shall be held to be guilty of a misdemeanor, in having
 “ disobeyed this enactment, and shall, besides, be liable to make satisfaction to the parties
 “ aggrieved or injured, for all such damages and costs as he, she, or they shall, sustain by
 “ reason of such refusal or neglect.”

Clause 42, line 22.—After “and” insert “such new Election shall be governed by the
 “ same rules and provisions as are hereinbefore provided for the
 “ Election of Councillors and”

Clause 43, line 4.—Strike out all the words from “incorporated” inclusive to the end of
 the Clause and insert “by Law incorporated.”

Amendments to the Ordinance to prescribe and regulate the election and appointment of
 certain Officers in the several Parishes and Townships in this Province, and to make other
 provisions for the Local Interests of the inhabitants of these Divisions of the Province.

Clause 1, line 2.—Strike out from “the Governor” inclusive, to the end of the Clause
 and insert “each and every of the Wardens to be appointed in the
 “ several Districts in this Province, to be hereafter established,
 “ by Warrant under his Hand and Seal, to authorize and require

“ one of the Justices of the Peace or some other discreet and
 “ competent person in the said District respectively, within twelve
 “ days after the receipt of such Warrant, to cause to be assembled,
 “ after notice in that behalf of eight days, to be posted up at two
 “ or more of the most public places in the Local Divisions herein-
 “ after mentioned, the Inhabitant Householdors of the several Pa-
 “ rishes and Townships, and reputed Parishes and Townships, in the
 “ said Districts respectively, who shall and may have the qualifica-
 “ tions hereinafter mentioned, on a certain day, and at some conveni-
 “ ent place, within such Local Divisions respectively, for the purpose
 “ of electing the Officers hereinafter mentioned, to serve in the said
 “ Local Divisions respectively, till the second Monday in the month
 “ of January, which will be in the year of our Lord one thousand
 “ eight hundred and forty-two, and until other Officers shall have
 “ been elected or appointed and sworn, in their places.”

Strike out the third Clause, and insert the following Clauses marked A. B. C. D. & E.

CLAUSE A.

“ And be it further Ordained and Enacted, that the Inhabitant Householdors, to be
 “ assembled as aforesaid, shall be severally seized and possessed to their own use in Free-
 “ hold, or in *Fief* or in *Roture*, or under a certificate, or location ticket, derived from the
 “ authority of the Governor and Council of this Province, of lands and tenements within
 “ such Parish or Township, or reputed Parish or Township as aforesaid, of the yearly
 “ value of forty shillings, sterling, or upwards, over and above all rents and charges paya-
 “ ble out of or in respect of the same, or shall have become and be severally possessed, as
 “ lessees, for a term not less than three years, of lands and tenements within such Local
 “ Divisions respectively, at and for an annual rent or consideration of not less than five
 “ pounds, sterling, of which the year's rent or consideration, next before the holding of
 “ such Election, shall have been paid before the holding of such Election; and the said
 “ Inhabitant Householdors, to be assembled as aforesaid, shall also have been resident
 “ within such Divisions respectively, during one year next before such Election.”

CLAUSE, B.

“ Provided always, and be it further ordained and enacted, that when and so soon as any
 “ rate or rates, and assessment or assessments shall be laid, by competent authority, within
 “ any such Parish or Township, or reputed Parish or Township, as aforesaid, no Inhabitant
 “ householder shall be entitled to vote at the election of any of the officers hereinafter men-
 “ tioned, or of any other officer, within such local division, unless he shall have been rated to,
 “ and in respect of the rates and assessments to be laid as aforesaid; and unless he shall have
 “ paid the amount of all such rates and assessments, as may have become due and payable
 “ by him, before the holding of any such election.”

G

 CLAUSE, C.

“ Provided also, and be it further ordained and enacted, that no person shall be capable of voting or of being elected at any such election as aforesaid, who shall not be a male person of the full age of twenty-one years, and a natural born subject of Her Majesty, or a subject of Her Majesty, naturalized by Act of the Parliament of the United Kingdom of Great Britain and Ireland, or by Act of the Legislature of Lower Canada, or of Upper Canada, or of the Province of Canada.”

CLAUSE, D.

“ Provided also, and be it further ordained and enacted, that no person being in Holy Orders, or being a Minister or Teacher of any dissenting or religious sect or congregation, nor any Judge or Clerk of any Court of Justice, nor any Military, Naval, or Marine Officer in Her Majesty’s service on full pay, shall be elected to, or for any of the offices aforesaid ; nor shall any licensed School-master, or practising Physician, nor any Miller, when the only Miller in any Mill, nor any person of sixty-five years of age, or upwards, nor any person who shall have served any of the offices aforesaid, or paid a fine for not accepting the same, within the period of five years immediately preceding any such election, be held or bound without his consent, to accept or execute any of the said offices.”

CLAUSE, E.

“ Provided also, and be it further ordained and enacted, that no person shall be capable of voting at any such election to be held as aforesaid, or of being elected at the same, who shall have been attainted for Treason or Felony, in any Court of Law, within any of Her Majesty’s dominions.”

Clause 5, line 6.—Strike out from “ Parish” inclusive to the end of the Clause, and insert “ local division in which such election shall be had ; which Clerk so elected shall continue in office till removed at any subsequent general meeting of the said Inhabitant householders assembled and qualified as aforesaid ; and it shall be the duty of the Clerk to make and preserve minutes of the proceedings of the meetings of the local division for which he shall be Clerk, and to transcribe the same in a Book to be kept for that purpose, in which shall be entered and recorded all matters relating to such local division, which it shall appertain to his office to record ; and the said Clerk shall have the custody of all records, books, documents, and papers belonging to the local division of which he shall be Clerk as aforesaid. Provided always, that at the first meeting of such Inhabitant householders, it shall be lawful for the Justice of the Peace or other person presiding, to appoint a person to act as Clerk until the Inhabitant householders shall have elected a Clerk in the manner hereinbefore provided.”

Clause 6, line 21.—Strike out from “two” inclusive to the end of the Clause, and insert,
 “ one or more fit and proper persons to be Surveyor or Surveyors of
 “ Highways and Bridges, two or more Overseers of Highways, one or
 “ more fit and proper persons to be Overseers of the Poor, two or more
 “ Fence-viewers and Inspectors of Drains, and one or more Pound-
 “ keeper or Pound-keepers, within the said local divisions respec-
 “ tively. Provided always, that it shall be lawful to elect the same
 “ person or persons to fill one or more of the said offices of Overseer
 “ of the Poor, Overseer of Highways, and of Fence-viewer and In-
 “ spector of Drains, at the same time, as to the majority of the said
 “ householders, assembled and qualified as aforesaid, shall seem
 “ expedient.”

Clause 7, line 3.—Fill up the blank with the word “five.”

“ “ 9.—Fill up the blank with the word “two.”

Clause 9, line 5.—After “purpose” insert “by the Justice of the Peace or other person be-
 “ fore whom the election shall have been held, or by the Warden of
 “ the District.”

“ “ 9.—Fill up the blank with the word “five.”

“ “ 12.—Fill up the blank with the word “two.”

Clause 10, line 8.—Strike out from “to appoint” inclusive to “elect” also inclusive in the
 tenth line, and insert “by the Justice of the Peace or other person
 “ before whom the meeting shall have been held, or by the Warden of
 “ the District, to appoint the said officers, or such of them as such
 “ local division as aforesaid shall have neglected or omitted to elect.”

Clause 11, line 9.—After “purpose” insert “by the Justice of the Peace or other person
 “ before whom the then last meeting for the election of officers for the
 “ local division shall have been held, or by the Warden of the
 “ District.”

Strike out the twelfth Clause, and insert in lieu thereof the following Clause, marked F.

CLAUSE, F.

“ Provided always, and be it further ordained and enacted, that it shall not be lawful to
 “ hold any meeting for the election of any of the officers aforesaid, in any Parish or Township,
 “ or reputed Parish or Township, in which the population shall not exceed the number of
 “ three hundred souls; and that any one or more of such Parishes or Townships, or reputed

“ Parishes or Townships, in which the population shall not exceed that number, shall, by
 “ the Warden of the District within which the same respectively shall be situated in and by
 “ his Warrant to be issued for holding meetings as aforesaid, be for the purposes of this
 “ Ordinance, united to some other Parish or Township, or reputed Parish or Township
 “ adjacent thereto or to each other, as the said Warden in and by his said Warrant, from
 “ time to time, shall appoint, and shall by the said Warrant be in like manner disunited
 “ so soon as they shall severally contain a population exceeding three hundred souls, and
 “ shall then be entitled severally to hold and exercise all the corporate rights and powers
 “ which, by virtue of this Ordinance, any Parish or Township, or reputed Parish or Township,
 “ is entitled to hold and exercise.”

Clause 13, line 3—Fill up the blank with the word “ eight.”

“ “ 9.—Fill up the blank with the words “ two hundred pounds.”

Clause 16, line 10.—Strike out from “ as” inclusive to the end of the Clause, and insert “ not
 “ repugnant to the Law of the land or to any of the provisions of this
 “ Ordinance, as they may deem proper for the management of any
 “ commons, lands, or property which may belong to the said local
 “ divisions respectively, in their corporate capacities, and for the estab-
 “ lishment of Pounds for impounding Cattle therein, at such places
 “ as they may think fit, and for determining and ascertaining the suf-
 “ ficiency of all Fences in such local divisions respectively ;
 “ and the said Inhabitant householders, or the majority of them,
 “ assembled as aforesaid, shall also have power at the said meetings, to
 “ direct such sum of money to be raised on any such local divisions
 “ respectively, as they may deem necessary, for the prosecution or
 “ defence of any action in which the said local divisions respectively,
 “ may be parties or interested ; and also to impose such penalties on
 “ persons offending against any such rule or regulation, established
 “ at such meetings, as they may think proper, not exceeding fifty shil-
 “ lings, current money of this Province, and to provide for the reco-
 “ very of such penalties, and the application of them when recovered,
 “ in such manner as they may deem expedient. Provided always,
 “ that it shall not be lawful for any such local division to exercise
 “ any other powers of a Corporation except such as are hereinbefore
 “ mentioned, or such as shall be specially conferred by the Legisla-
 “ ture of this Province, or such as shall be necessary for the due exe-
 “ cution of the powers hereinbefore granted.”

Clause 17, line 3.—Strike out from “ the” inclusive to the end of the Clause, and insert,
 “ the hours of nine in the morning and four in the afternoon, and
 “ shall in no case be continued beyond two days.”

Clause 21, line 7.—Fill up the blank with the word “ fifty.”

Strike out the twenty-third Clause, and insert the following Clauses, marked G. and H.

CLAUSE, G.

“ And be it further ordained and enacted, that from and after the first election and appointment of Parish and Township Officers to be had and made as aforesaid, in pursuance of this Ordinance, so much of an Act of the Legislature of this Province, passed in the thirty-sixth year of the Reign of His late Majesty King George the Third, intituled, “ An Act for making, repairing and altering the Highways and Bridges within this Province, and for other purposes,” and so much of a certain Ordinance of the Legislature of this Province, passed in the second year of Her Majesty’s Reign, intituled, “ An Ordinance to amend the Act passed in the thirty-sixth year of the Reign of King George the Third, chapter nine, commonly called the Road Act,” or of any other Law as provides for the appointment, by the *Grand Voyer*, or other functionaries of a Surveyor and Surveyors of Highways and Bridges in each Parish, Seigniorie and Township within this District, and for the Election of Overseers of Highways in the Parishes, Seigniories and Townships in this Province, in each year, and also so much of another Act of the Legislature of this Province, passed in the sixth year of the Reign of His late Majesty King William the Fourth, intituled, “ An Act to repeal a certain Act therein mentioned and more effectually to remedy divers abuses prejudicial to Agriculture,” as provides for the Election of Fence-viewers and Inspectors of Drains in the Parishes, Seigniories and Townships in this Province, and for the appointment of Pound-keepers in the Town of *Three Rivers*, and in the Borough of *William Henry*, and in certain Villages in this Province, and in the Divisions of the several Parishes, Seigniories and Townships of this Province, shall be and the same are hereby repealed; and all and every the powers, authorities and duties which, in and by the said three last mentioned Laws, have been and are vested in the Surveyor and Surveyors of Highways and Bridges, Overseers of Highways, Fence-viewers, Inspectors of Drains and Pound-keepers, respectively appointed and elected, or to be appointed and elected under and in pursuance of the said three Laws, shall from and after the first election and appointment of Parish and Township Officers, to be had and made in pursuance of this Ordinance, become and be vested in and imposed on the Surveyor or Surveyors of Highways and Bridges, the Overseers of Highways, Fence-viewers, Inspectors of Drains and Pound-keepers, to be elected or appointed in pursuance of the provisions in this Ordinance contained, to be by them respectively exercised and fulfilled according to law.”

CLAUSE, H.

“ And be it further ordained and enacted, that every person authorised by law to make an affirmation, instead of taking an oath, shall make such affirmation in every case in which by this Ordinance an oath is required to be taken; and if any person taking any oath required by this Ordinance, or making any affirmation instead of taking such oath, shall wilfully swear or affirm falsely, such person shall be deemed guilty of perjury, and shall be punished accordingly.”

After the last Clause insert the following Schedules marked one, two, three and four:—

SCHEDULES.

Oaths to be administered to Voters.

(No. 1.)

You swear (or affirm, as the case may be) that your name is that your addition, (profession or trade) is abode is at of in the that the place of your that you have been resident within the during the year next preceding this election, that you are of the full age of twenty-one years, and that you have not already voted at this Election.

So help you God.

(No 2.)

You swear (or affirm as the case may be) that your name is that your addition is in the Township (or other place as the case may be) of are seized and possessed to your own use, of a land and tenement being in the of which land and tenement so possessed by you, is of the clear yearly value of forty shillings sterling, over and above all rents and charges payable out of, or in respect of the same.

So help you God.

(No. 3.)

You swear (or affirm as the case may be) that your name is that your addition is the less than three years, of a land and tenement being in the of which land and tenement is so possessed by you, at and for an annual rent or consideration of five pounds or upwards, of which the rent or consideration for the year next before the holding of this Election, has been paid.

So help you God.

(No. 4.)

You swear (or affirm as the case may be) that your name is
 your addition is and your place of abode is in the
 of that you have been rated and assessed as an Inhabitant Householder
 of and have paid the amount at which you are so rated and assessed.

So help you God.

On motion of Mr. *Day*, seconded by Mr. *Knoulton*,

RESOLVED, That the said Ordinances, and Amendments thereto, be taken into consideration at the next sitting day.

Then,

On motion of the Honble. Mr. *McGill* seconded by Mr. *Gerrard*,

The Council adjourned, until to-morrow, at noon.

SATURDAY, 12TH DECEMBER, 1840.

PRESENT :

The Honble. the Chief Justice, Presiding Member,

Messrs. *Moffatt*,
McGill,
Gerrard,
Knoulton,
Austin,
Mondelet,
Harwood,
Hale, of *Sherbrooke*,
Wainwright,
Ogden,
Daly, and
Day.

PRAYERS.

His Excellency the Governor General having entered the Council Chamber, he took his seat at the head of the Table.

His Excellency then proposed to the Council, for consideration and adoption, the following Ordinances, which were severally read for the first time :

An Ordinance to authorize the Corporation of the Trinity House of Quebec to borrow a certain sum of money, and for other purposes relative to the said Corporation.

An Ordinance to amend and extend the provisions of an Ordinance passed in the third year of Her Majesty's Reign, intituled, "An Ordinance to provide for the improvement of " the Roads in the neighbourhood of, and leading to the City of Montreal, and to raise a " fund for that purpose."

The Order of the day, for taking into consideration an Ordinance to provide for the better internal Government of this Province, by the establishment of Local or Municipal Authorities therein, and amendments thereto ; and also an Ordinance to prescribe and regulate the Election and Appointment of certain Officers, in the several Parishes and Townships in this Province, and to make other provisions for the Local Interests of the Inhabitants of these Divisions of the Province, and amendments thereto, being read ;

Mr. *Wainwright* moved, seconded by the Honble. Mr. *Harwood*,

That the said order of the day be discharged.

The Council divided on the motion :

FOR THE MOTION.

Messrs. *Moffatt*,
Gerrard,
Harwood,
Wainwright.

AGAINST THE MOTION.

The Chief Justice,
Messrs. *McGill*,
Knoulton,
Austin,
Mondelet,
Hale, of *Sherbrooke*,
Ogden,
Daly,
Day.

So it passed in the negative.

The Council then took into consideration, an Ordinance to prescribe and regulate the Election and Appointment of certain Officers in the several Parishes and Townships in this Province, and to make other provisions for the Local Interests of the inhabitants of these Divisions of the Province, and amendments thereto.

The first Clause of the said Ordinance, as amended by the Special Committee, being again read, and the question being put thereon, it was agreed to.

Mr. *Day* then moved, seconded by Mr. *Ogden*,

That the said Clause be also amended as follows :

Line 9—After “Townships” insert “and of union of Parishes or Townships or of reputed
“ Parishes and Townships, to be established in the manner hereinafter provided.”

The Council divided on the proposed Amendment :

FOR THE AMENDMENT.

Messrs. *McGill*,
Gerrard,
Austin,
Mondelet,
Hale of Sherbrooke,
Wainwright,
Ogden,
Day.

AGAINST THE AMENDMENT.

The Chief Justice,
Messrs. *Moffatt*,
Knoulton,
Harwood,

So it was carried in the affirmative,

And,

ORDERED, accordingly.

The second Clause of the said Ordinance, being again read, and the question being put thereon, it was agreed to.

The third Clause of the said Ordinance, being again read, and the question being put thereon, it passed in the negative.

The Clauses marked A. B. C. D. and E, reported by the Special Committee, being again read, and the question being separately put thereon, they were agreed to.

The fourth Clause of the said Ordinance, being again read,

Mr. *Day* moved, seconded by Mr. *Ogden*,

That the said Clause be amended as follows :

Line 5—Strike out all the words after “have” to the end of the Clause, and insert
“ authority upon the requirement of any Candidate or Elector to administer
“ any or all of the oaths contained in the Schedule hereunto annexed, and shall

“ also have like authority to preserve order, enforce obedience and commit for
 “ a contempt of his authority, as before the passing of the aforesaid Act of
 “ the Imperial Parliament, intituled, “ An Act to make temporary provision for
 “ the Government of Lower Canada,” belonged to any Returning Officer at an
 “ Election of a Member to serve in the Legislative Assembly of this Province.”

The Council divided on the proposed Amendment :

FOR THE AMENDMENT.

Messrs. *McGill,*
Gerrard,
Austin,
Mondelet,
Harwood,
Hale of Sherbrooke,
Wainwright,
Ogden,
Daly,
Day.

AGAINST THE AMENDMENT.

The Chief Justice,
 Messrs. *Moffatt,*
Knaulton.

So it was carried in the affirmative.

The question being then put upon the said fourth Clause, as amended, it was agreed to.

The fifth, sixth and seventh Clauses of the said Ordinance, as amended by the Special Committee, being again read, and the question being separately put thereon, they were agreed to.

The eighth Clause of the said Ordinance, being again read, and the question being put thereon, it was agreed to.

The ninth, tenth and eleventh Clauses of the said Ordinance, as amended by the Special Committee, being again read, and the question being separately put thereon, they were agreed to.

The twelfth Clause of the said Ordinance being again read, and the question being put thereon, it passed in the negative.

The Clause marked F. reported by the Special Committee in lieu of the said twelfth Clause, being again read, and the question being put thereon, it was agreed to.

The thirteenth to the twenty second Clause inclusive, of the said Ordinance being again read, and the Amendments made by the Special Committee to several of the same, being also read, and the question being separately put thereon, they were agreed to.

The twenty-third Clause of the said Ordinance being again read, and the question being put thereon, it passed in the negative.

The Clauses marked G and H. reported by the Special Committee, in lieu of the said twenty third Clause, being again read, and the question being separately put thereon, they were agreed to.

The twenty fourth and twenty fifth Clauses of the said Ordinance, being again read, and the question being separately put thereon, they were agreed to.

The twenty-sixth Clause of the said Ordinance being again read,

Mr. *Hale* of *Sherbrooke*, moved, seconded by the Honble. Mr. *Moffatt*,

That the said Clause be amended as follows :

Line 2—Strike out all the words from “ and ” inclusive, to the end of the said Clause, and insert “ shall be and remain in force until the first day of May, one thousand eight hundred and forty-six and no longer.”

The Council divided on the proposed amendment :

FOR THE AMENDMENT.

Messrs. *Moffatt*,
Harwood,
Hale of *Sherbrooke*,
Wainwright.

AGAINST THE AMENDMENT.

The Chief Justice.
Messrs. *McGill*,
Gerrard,
Knoulton,
Austin,
Mondelet,
Ogden,
Daly,
Day.

So it passed in the negative.

The question being then put upon the said twenty-sixth Clause, it was agreed to.

Schedules numbers, one, two, three and four, to follow the last Clause, reported from the Special Committee, being then read, and the question being separately put thereon, they were agreed to.

The Preamble and Title of the said Ordinance being again read, and the question being separately put thereon, they were agreed to.

Mr. *Day*, moved, seconded by Mr. *Ogden*,

That the said Ordinance, as amended, be fairly transcribed.

The Council divided on the motion :

FOR THE MOTION.

Messrs. The Chief Justice.
McGill,
Knoulton,
Austin,
Mondelet,
Hale of Sherbrooke,
Ogden,
Daly,
Day.

AGAINST THE MOTION.

Messrs. *Moffatt,*
Gerrard,
Harwood,
Wainwright.

So it was carried in the Affirmative,

And,

ORDERED, Accordingly.

The Council then took into consideration an Ordinance to provide for the better Internal Government of this Province, by the establishment of local or municipal authorities therein, and Amendments thereto.

The first Clause of the said Ordinance, as amended by the Special Committee, being again read, and the question being put thereon, it was agreed to.

The second Clause of the said Ordinance, as amended by the Special Committee, being again read, and the question being put thereon, it passed in the negative.

ORDERED, That the following Clause be inserted in lieu thereof:

“ And be it further Ordained and Enacted, that each of the Districts so erected and constituted shall be, and is hereby constituted a Body Corporate, and as such, shall have perpetual succession and a common seal, with power to break, renew and alter the same at pleasure, and shall be capable in law, of suing and being sued, and of purchasing and holding lands and tenements, situated within the limits of such District, for the use of the inhabitants thereof, and of making and entering into such contracts and agreements as may be necessary for the exercise of its corporate functions, and that the powers aforesaid shall be exercised by and through and in the name of the Council of every such District respectively.”

The Clause marked A, reported by the Special Committee, to follow the second Clause of the said Ordinance being again read, and the question being put thereon, it was agreed to.

The third and fourth Clauses of the said Ordinance, as amended by the Special Committee, being again read, and the question being separately put thereon, they were agreed to.

The fifth Clause of the said Ordinance being again read, and the question being put thereon, it passed in the negative.

The Clause marked B, reported by the Special Committee in lieu thereof, being again read.

On motion of Mr. *Day*, seconded by the Honble. Mr. *Harwood*,

ORDERED, That the said Clause be amended as follows :

Line 2.—Strike out “and at each succeeding annual meeting.”

Line 4.—After “Townships” insert “or union of Parishes and Townships or of reputed
“ Parishes and Townships.”

After “Councillors” at the end of the said Clause, insert: “and at each succeeding annual meeting to be held as aforesaid, there shall be elected by the
“ inhabitant householders assembled and qualified as aforesaid, a Councillor or
“ Councillors, to supply the place of the Councillor or Councillors (if any there be)
“ who, having been elected for the local division for which the meeting shall be
“ held shall have vacated his or their seat or seats, in the manner hereinafter
“ provided; and a Councillor to represent such local division in the District
“ Council, if such local division shall, since the then last election, have become
“ entitled to elect two such Councillors instead of one.”

The question being then put upon the said Clause, as amended, it was agreed to.

The sixth and seventh Clauses of the said Ordinance being again read, and the question being separately put thereon, they passed in the negative.

The Clauses marked C and D, reported by the Special Committee in lieu thereof, being again read, and the question being separately put thereon, they also passed in the negative.

ORDERED, That the following Clauses be inserted in lieu thereof:

“ And be it further Ordained and Enacted, that the said Inhabitant householders shall
“ at every such meeting first proceed to the election of a Councillor or Councillors; and the
“ Poll for such election if demanded by any candidate or by any three electors then present,
“ shall be kept open to an hour not later than three in the afternoon of the first day of such
“ meeting, and shall then finally close. And the name of each elector voting at such election
“ shall be written in Poll Lists, to be kept at such election by the Justice of the Peace or other
“ person holding the same; and after the final close of such Poll, such Justice or other person
“ shall forthwith proceed publicly to declare the number of votes given for each candidate, and

“ shall declare the person or persons having the majority of votes in his or their favor, to be
 “ duly elected Councillor or Councillors as aforesaid ; and if there should be at such final
 “ closing of the Poll, an equal number of votes polled for two or more persons to be Council-
 “ lers as aforesaid, it shall be lawful for such Justice or other person holding such election,
 “ and he is hereby required, whether otherwise qualified or not, to give a vote for one or
 “ other of the persons having such equality of votes, and so determine the election ; and
 “ the Poll Lists kept at such election, shall, by such Justice of the Peace or other person,
 “ be delivered, after the conclusion of every such election, to the Clerk of the District for
 “ which such election shall have been held.”

“ And be it further Ordained and Enacted, that the number of Councillors, to be
 “ elected for each of the said districts, shall be regulated as follows, that is to say :—Every
 “ Parish and Township, or reputed Parish and Township in which the population shall be
 “ above three hundred and not exceeding three thousand souls, shall elect one Councillor,
 “ and every Parish and Township, or reputed Parish or Township, in which the population
 “ shall exceed three thousand souls, shall elect two Councillors ; and no Parish or Town-
 “ ship shall be entitled to elect more than two Councillors : Provided always that the Unions
 “ of Parishes and Townships and of reputed Parishes and Townships, to be made in pur-
 “ suance of the said Ordinance, passed in the fourth year of Her Majesty’s Reign, shall be
 “ taken and considered to constitute Parishes and Townships for all the purposes of this
 “ Ordinance.”

“ And be it further Ordained and Enacted, that it shall be lawful for the Governor of
 “ this Province, before the first Monday in January, in the year of our Lord one thousand
 “ eight hundred and forty-two, to fix and determine by Proclamation under the Great Seal
 “ of the Province, in this behalf to be issued, by and with the advice and consent of Her
 “ Majesty’s Executive Council, the number of Councillors which, according to the amount
 “ of their population, shall be elected for each and every Parish and Township or re-
 “ puted Parish and Township in the several districts in this Province, and by Proclamation
 “ and Proclamations to be issued thereafter as occasion may require, to determine when any
 “ Parish or Township, or reputed Parish or Township, by reason of its augmented popu-
 “ lation, shall be entitled to elect two Councillors instead of one, according to the provisions
 “ of this Ordinance, and also when any Parish or Township, or reputed Parish or Town-
 “ ship, forming part of a Union as aforesaid, shall be respectively and separately entitled
 “ to elect a Councillor or Councillors by reason of its augmented population.”

The eighth to the twelfth Clause inclusive, of the said Ordinance being again read, and the question being separately put thereon, they passed in the negative.

The Clauses marked E. F and G. reported by the Special Committee in lieu thereof, being again read, and the question being separately put thereon, they were agreed to.

The thirteenth Clause of the said Ordinance, as amended by the Special Committee, being again read,

The Honble. Mr. *McGill* moved, seconded by Mr. *Gerrard*,

That the blank in the said Clause be filled up with the word “ twenty.”

Mr. *Hale of Sherbrooke*, moved in amendment, seconded by Mr. *Wainwright*,

That the word "twenty" in the said motion be struck out, and the word "ten" substituted.

The Council divided on the motion of amendment.

YEAS.

Messrs. *Knoulton*,
Austin,
Mondelet,
Harwood,
Hale of Sherbrooke,
Wainwright,
Daly.

NAYS.

The Chief Justice.
Messrs. *Moffatt*,
McGill,
Gerrard,
Ogden,
Day.

So it was carried in the affirmative.

The question being then put upon the main motion, as amended, it was agreed to.

The question being also put upon the said Clause, as amended, it was agreed to.

The fourteenth Clause of the said Ordinance being again read, and the question being put thereon, it passed in the negative.

The Clause marked H, reported by the Special Committee in lieu thereof, being then read, and the question being put thereon, it was agreed to.

The fifteenth Clause of the said Ordinance, being again read, and the question being put thereon, it was agreed to.

The sixteenth and seventeenth Clauses of the said Ordinance, as amended by the Special Committee, being again read, and the question being separately put thereon, they were agreed to.

The eighteenth Clause of the said Ordinance being again read, and the question being put thereon, it passed in the negative.

The Clause marked I, reported by the Special Committee in lieu thereof, being again read, and the question being put thereon, it was agreed to.

The nineteenth Clause of the said Ordinance, as amended by the Special Committee, being again read, and the question being put thereon, it was agreed to.

The twentieth Clause of the said Ordinance, being again read, and the question being put thereon, it was agreed to.

The twenty-first and twenty-second Clauses of the said Ordinance, as amended by the Special Committee, being again read, and the question being separately put thereon, they were agreed to.

The twenty-third Clause of the said Ordinance being again read,

ORDERED, That the said Clause be struck out, and the following be substituted in lieu thereof:

“ And be it further Ordained and Enacted, that it shall be lawful for the Governor of this Province, by and with the advice of the Executive Council, by his Proclamation under the Great Seal of the Province, in that behalf to be issued, to appoint and determine, and to alter from time to time, as occasion may require, the place of meeting for every such District Council.”

The twenty-fourth to the thirty-sixth Clause, inclusive, of the said Ordinance being again read, and the amendments made by the Special Committee to several of the same, being also read, and the question being separately put thereon, they were agreed to.

RESOLVED, That the further consideration of the said Ordinance, and amendments thereto, be postponed until Monday next.

Then,

On motion of the Honble. Mr. *McGill*, seconded by Mr. *Gerrard*,

The Council adjourned until Monday next, at noon.

MONDAY, 14TH DECEMBER, 1840.

PRESENT :

The Honble. The Chief Justice, Presiding Member.

Messrs. *Moffatt*,
McGill,
Gerrard,
Molson,
Knoulton,

*Austin,
Mondelet,
Harwood,
Hale of Sherbrooke,
Wainwright,
Ogden,
Daly, and
Day.*

PRAYERS.

His Excellency the Governor General having entered the Council Chamber, he took his seat at the head of the table.

According to order, the Council resumed the further consideration of an Ordinance to provide for the better Internal Government of this Province, by the establishment of local or municipal authorities therein, and amendments thereto.

The thirty-seventh Clause of the said Ordinance, as amended by the Special Committee, being again read, and the question being put thereon, it was agreed to.

On motion of Mr. *Hale of Sherbrooke*, seconded by Mr. *Ogden*,

ORDERED, That the following amendment be also made to the said Clause :

Line 22.—After “ respectively,” insert “ For providing for the establishment of, and a reasonable allowance for, the support of Parish and Township Schools.”

Mr. *Wainwright* then moved, seconded by the Honble. Mr. *Harwood*,

That the following Proviso be added at the end of the first amendment made by the Special Committee to the said Clause :

“ Provided that such Assessment shall not in the aggregate in any one year exceed the sum of one penny in the pound.”

The Council divided on the said Proviso :

YEAS.

Messrs. *Moffatt,
Harwood,
Hale of Sherbrooke,
Wainwright,*

NAYS.

The Chief Justice,
Messrs. *McGill,
Gerrard,
Molson,*

*Knoulton,
Austin,
Mondelet,
Ogden,
Daly,
Day.*

So it passed in the negative.

The Clause marked K, reported from the Special Committee, to follow the thirty-seventh Clause, being again read, and the question being put thereon, it was agreed to.

The Clause marked L, reported from the Special Committee, to follow Clause marked K, being again read, and the question being put thereon,

The Council divided :

FOR THE CLAUSE.

The Chief Justice.
Messrs. *Gerrard,
Knoulton,
Austin,
Mondelet,
Harwood,
Ogden,
Day.*

AGAINST THE CLAUSE.

Messrs. *Moffatt,
McGill,
Molson,
Hale of Sherbrooke,
Wainwright,
Daly.*

So it was carried in the affirmative.

The thirty-eighth Clause of the said Ordinance, as amended by the Special Committee, being again read, and the question being put thereon, it was agreed to.

The thirty-ninth and fortieth Clauses of the said Ordinance, being again read, and the question being separately put thereon, they passed in the negative.

The Clauses marked M and N, reported by the Special Committee in lieu thereof, being again read, and the question being separately put thereon, they were agreed to.

The forty-first Clause of the said Ordinance being again read, and the question being put thereon, it was agreed to.

The Clauses marked O. P and Q, reported by the Special Committee, to follow the forty-first Clause, being again read, and the question being separately put thereon, they were agreed to.

The forty-second Clause of the said Ordinance, as amended by the Special Committee, being again read, and the question being put thereon, it was agreed to.

On motion of the Honble. Mr. *Mondelet*, seconded by Mr. *Wainwright*,

ORDERED, That the following Clause be added to the said Ordinance, and do follow the forty-second Clause :

“ And be it further Ordained and Enacted, that it shall be lawful for the Governor of this Province, on any claim which may be made by any of the persons holding offices which will become and be abolished expressly or virtually under the provisions of this Ordinance, for compensation for loss by reason of such abolition of the said offices, to determine by and with the advice of the Executive Council of this Province, whether such claim have or have not a reasonable and just foundation, and if such claim be admitted to be well founded and just, to assess and award thereupon such compensation as by the said Governor, with such advice as aforesaid, may be deemed reasonable and proper, regard being had to the tenure under which the said offices have been held, and to the appointment which might be made of the said persons if qualified to offices of a similar or other nature, and to all such circumstances as may and ought to be considered in relation to such claim ; and the compensation that may be assessed and awarded as aforesaid, shall be paid out of the unappropriated monies for public uses in the hands of the Receiver General of this Province.”

The forty-third Clause of the said Ordinance, as amended by the Special Committee, being again read, and the question being put thereon, it was agreed to.

The forty-fourth and forty-fifth Clauses of the said Ordinance being again read, and the question being separately put thereon, they were agreed to.

The Preamble and Title of the said Ordinance being again read, and the question being separately put thereon, they were agreed to.

Mr. *Day* moved, seconded by Mr. *Knoulton*,

That the said Ordinance, as amended, be fairly transcribed.

The Honble. Mr. *Moffatt* moved in amendment, seconded by the Honble. Mr. *Harwood*,

That all the words in the said motion after “ that,” be struck out, and the following be substituted : “ in the present state of this Province, and on the eve of its Union with Upper

“ Canada, soon after which the United Legislature must be called together, it is inexpedient
 “ that the Special Council should proceed further with this Ordinance.”

The Council divided on the motion of Amendment :

YEAS.

Messrs. *Moffatt,*
Harwood,
Wainwright.

NAYS.

The Chief Justice,
 Messrs. *McGill,*
Gerrard,
Molson,
Knoulton,
Austin,
Mondelet,
Hale of Sherbrooke,
Ogden,
Daly,
Day.

So it passed in the negative.

The question being then put on the main motion :

The Council divided thereon :

YEAS.

The Chief Justice,
 Messrs. *McGill,*
Molson,
Knoulton,
Austin,
Mondelet,
Hale of Sherbrooke,
Ogden,
Daly,
Day.

NAYS.

Messrs. *Moffatt,*
Gerrard,
Harwood,
Wainwright.

So it was carried in the affirmative.

And,

ORDERED, Accordingly.

RESOLVED, That an Ordinance to authorize the Corporation of the Trinity House of Quebec to borrow a certain sum of money and for other purposes relative to the said Corporation, be referred to a Special Committee of three Members, to examine the contents thereof, and report thereon with all convenient speed.

ORDERED, That the Committee be Messrs. *Molson, Hale of Sherbrooke and Daly*, to meet and adjourn as they please.

RESOLVED, That an Ordinance to amend and extend the provisions of an Ordinance passed in the third year of Her Majesty's Reign, intituled, "An Ordinance to provide for the improvement of the Roads in the neighbourhood of and leading to the City of Montreal, and to raise a fund for that purpose," be referred to a Special Committee of five Members, to examine the contents thereof, and report thereon with all convenient speed.

ORDERED, That the Committee be the Honble. Messrs. *Moffatt, McGill, Austin, Harwood and Daly*, to meet and adjourn as they please.

RESOLVED, That an Ordinance to prescribe and regulate the registering of Titles to Lands, Tenements and Hereditaments, Real or Immoveable Estates, and of charges and incumbrances on the same, and for the alteration and improvement of the Law in certain particulars, in relation to the alienation and hypothecation of Real Estates, and the rights and interests acquired therein, and amendments thereto, be taken into further consideration on Wednesday next.

The Council then adjourned until Wednesday next, at two o'clock, P. M.

WEDNESDAY, 16TH DECEMBER, 1840,

PRESENT :

The Honble. The Chief Justice, Presiding Member.

Messrs. *Moffatt,*
McGill,
Gerrard,
Molson,
Knoulton,
Austin,

*Mondelet,
Harwood,
Hale of Sherbrooke,
Wainwright,
Daly, and
Day.*

PRAYERS.

His Excellency the Governor General having entered the Council Chamber, he took his seat at the head of the Table.

According to order, the Council resumed the further consideration of an Ordinance to prescribe and regulate the registering of Titles to Lands, Tenements and Hereditaments, Real or Immoveable Estates, and of charges and incumbrances on the same, and for the alteration and improvement of the law in certain particulars, in relation to the alienation and hypothecation of Real Estates, and the rights and interest acquired therein, and amendments thereto.

Mr. *Day* moved, seconded by the Honble. Mr. *Moffatt*,

That the following Clause marked A, be added to the said Ordinance, and do follow the first Clause :

CLAUSE A.

“ And be it further Ordained and Enacted, that no notice which a subsequent actual purchaser or incumbrancer for a valuable consideration may have of a prior sale or incumbrance not registered, shall vitiate or render void such subsequent purchase or incumbrance for a valuable consideration duly registered : Provided always, that every person who having made such prior sale or incumbrance shall subsequently sell or incumber the same Lands, Tenements or Hereditaments, Real or Immoveable Estates. And every person who shall fraudulently make such subsequent purchase or incumbrance shall be deemed guilty of a misdemeanor, and shall moreover be liable in all damages which may be sustained by the party aggrieved by reason of such subsequent sale or incumbrance, and the registration thereof.”

The Council divided :

FOR THE CLAUSE.

Messrs. *Moffatt,
Molson,
Austin,
Mondelet,*

AGAINST THE CLAUSE.

The Chief Justice,
Messrs. *McGill,
Gerrard,
Knoulton.*

*Harwood,
Hale of Sherbrooke,
Wainwright,
Daly,
Day.*

So it was carried in the affirmative,

And,

ORDERED, Accordingly.

RESOLVED, That the further consideration of the said Ordinance and amendments thereto, be postponed until Friday next.

The Council then adjourned until to-morrow, at two o'clock, P. M.

THURSDAY, 17TH DECEMBER, 1840.

PRESENT :

The Honble. The Chief Justice, Presiding Member.

Messrs. *Moffatt,
McGill,
Gerrard,
Molson,
Knoulton,
Austin,
Mondelet,
Harwood,
Hale of Sherbrooke, and
Wainwright.*

PRAYERS.

Mr. *Hale of Sherbrooke*, from the Special Committee to whom had been referred an Ordinance to authorize the Corporation of the Trinity House of *Quebec* to borrow a certain sum of money, and for other purposes relative to the said Corporation, reported, That the Committee had gone through the said Ordinance, and had directed him to report the same without any amendment.

On motion of Mr. *Hale* of *Sherbrooke*, seconded by Mr. *Molson*,

ORDERED, That the said Ordinance be read a second time on the next sitting day.

Then,

On motion of the Honble. Mr. *McGill*, seconded by Mr. *Gerrard*,

The Council adjourned until to-morrow, at two o'clock, P. M.

FRIDAY, 18TH DECEMBER, 1840.

PRESENT :

The Honble. the Chief Justice, Presiding Member.

Messrs. *Moffatt*,
McGill,
Gerrard,
Molson,
Knoulton,
Austin,
Mondelet,
Harwood,
Hale of *Sherbrooke*,
Wainwright,
Ogden,
Daly, and
Day.

PRAYERS.

His Excellency the Governor General having entered the Council Chamber, he took his seat at the head of the Table.

The Honble. Mr. *Moffatt*, from the Special Committee to whom had been referred an Ordinance to amend and extend the provisions of an Ordinance passed in the third year of Her Majesty's Reign, intituled, "An Ordinance to provide for the improvement of the " Roads in the neighbourhood of and leading to the City of Montreal, and to raise a fund " for that purpose," reported, That the Committee had gone through the said Ordinance and had directed him to report the same with the following amendments :

Clause 1, Line 24.—Strike out from “thirdly” inclusive, to the end of the Clause.

“ 2, “ 9.—Strike out from “and” inclusive, to the end of the Clause, and insert :
 “ and thence along the said front road, to a point at, or within
 “ one hundred yards of the land commonly called *McNaughton’s* farm
 “ from which point the road may be carried across, to a point on the
 “ *Upper Lachine* Road, at, or within one hundred yards of the place on
 “ the said *Upper Lachine* Road, commonly known as the “ *Petit Vil-*
 “ *lage de Lachine* ;” or, from the point hereinbefore mentioned, at or
 “ within one hundred yards of the land commonly called *McNaughton’s*
 “ farm, it shall and may be lawful for the said Trustees, if they shall
 “ deem it more advantageous for the public to continue the road in a
 “ south westerly direction to a point on the *Lower Lachine* Road
 “ ninthly mentioned in the said seventh section of the Ordinance afore-
 “ said, at or near the Bridge over the *Lachine* Canal, instead of carrying
 “ the road across to the *Upper Lachine* Road as aforesaid.”

Clause 3, Line 16.—After “*Montreal*” insert “ or of any Magistrates.”

“ “ 17.—Strike out “ passing of this Ordinance” and insert “ the date of the
 “ notification mentioned in the twelfth section of this Ordinance.”

Strike out the fourth Clause and insert in lieu thereof, the following Clause marked A.

CLAUSE A.

“ And be it further Ordained and Enacted by the authority aforesaid, that so much of the
 “ said *Upper Lachine* Road mentioned in the seventh Section of the said Ordinance, as shall lie
 “ between the point of departure therefrom of the road running in a north westerly direction
 “ secondly mentioned in the first section of this Ordinance, and a point at or within one hun-
 “ dred yards of the place on the said *Upper Lachine* Road, commonly called “ *Petit Village*
 “ *de Lachine*,” shall be and is hereby excepted from the operation of the said Ordinance, and
 “ the control of the said Trustees over so much of the said road, under the fourteenth
 “ or any other section of the said Ordinance, shall cease and determine as if such portion of
 “ the said road had not been included or mentioned in the said seventh section, or in any
 “ other part of the said Ordinance; any thing therein contained to the contrary notwith-
 “ standing.”

Clause 5, Lines 2 and 3.—Strike out “ are authorized to make by” and insert “ shall make
 “ under the authority of.”

“ 6, “ 10.—Strike out from “ and” inclusive, to “ *River Jesus*” also inclusive, in
 the 15th line.

“ “ “ 25.—Strike out from “ and” inclusive, to “ brought” also inclusive, in the
 31st line. K

After the sixth Clause, insert the following Clause marked B.

CLAUSE B.

“ And be it further Ordained and Enacted by the authority aforesaid, that the said Trustees shall, and they are hereby directed and required to cause a draw-bridge or opening of at least forty feet wide, to be made over the main channel of the river, in the bridge to be erected over the same between the *Isle Bourdon*, and the Island of *Montreal*, and to cause the said draw-bridge to be so constructed, that it may be drawn up or otherwise opened for the passing of Sloops, Schooners, Steamboats or other vessels with standing rigging or other contrivances rising above the deck, navigating upon the said river ; and the said Trustees shall, and they are hereby authorized to employ one or more proper person or persons, who shall, during the season of the navigation, cause the said draw-bridge to be drawn up or otherwise opened without delay, as often as he or they shall be required so to do by the owners or persons navigating or having charge of such vessels as aforesaid respectively, which shall have occasion to pass through the said bridge, so that such vessels may pass through the same, with their rigging or other contrivances as aforesaid standing, without interruption, fee or reward, any thing in this Ordinance to the contrary notwithstanding.”

Clause 7, Line 14.—Fill up the blank with the word “ twenty.”

“ 8, “ 15.—After “ vehicle” insert “or winter carriage or vehicle without wheels.”

“ 10, “ 4.—After “ transport” insert “ by water carriage.”

After “ notwithstanding” at the end of the Clause, insert :—“ Provided always, that nothing in this section shall extend to prevent any person from carrying any other person or any goods for hire across the said river in winter vehicles and upon the ice.”

Clause 11, Line 11.—After “ Grand Voyer” insert “ Magistrates.”

“ “ 19.—After “ Grand Voyer” insert “ Magistrates.”

“ “ 23.—After “ trust” insert “ in them vested.”

“ 12, “ 1.—Strike out from “ And” inclusive, to “ such” also inclusive, in the 67th line, and insert ;—“ And as in certain cases it may be doubtful to whom the compensation ascertained by the award of a Jury empannelled for that purpose, or in any other lawful manner, to be payable by the said Trustees for any land or real property taken, or damage done to any party in the exercise of the powers vested in them by the Ordinance aforesaid, and by this Ordinance, shall be paid ; be it therefore further Ordained and Enacted by the authority aforesaid, that it shall be lawful for the said Trustees in all such.”

Clause 12, Line 72.—After “situate” insert : “to await the distribution of the said Court
“ to the party, or among the parties lawfully entitled to such compensa-
“ tion or to any part thereof.”

Strike out the thirteenth Clause.

Clause 14, Line 15.—Strike out “within years after the’ and insert “so soon as the.”

“ 15, “ 11 and 12.—Strike out “and on the security of the Public Revenue of the
“ Province” and insert “and not to be paid out of, or chargea-
“ ble against the General Revenue of this Province.”

Strike out the nineteenth Clause.

RESOLVED, That the said Ordinance, and amendments thereto, be taken into considera-
tion, at the next sitting day.

An Ordinance to authorize the Corporation of the Trinity House of *Quebec*, to borrow a
certain sum of money, and for other purposes relative to the said Corporation, was, accord-
ing to order, read a second time.

The question of concurrence having then been put upon each Clause of the said Ordi-
nance, they were agreed to unanimously.

On motion of the Honble. Mr. *McGill*, seconded by the Honble. The Chief Justice,

ORDERED, That the said Ordinance be fairly transcribed.

According to order, the Council resumed the further consideration of an Ordinance to
prescribe and regulate the registering of Titles to Lands, Tenements, and Hereditaments,
Real or Immoveable Estates, and of charges and incumbrances on the same; and for the
alteration and improvement of the law in certain particulars, in relation to the alienation and
hypothecation of Real Estates, and the rights and interest acquired therein, and amend-
ments thereto.

The Honble. Mr. *Moffatt* moved, seconded by the Honble. Mr. *Harwood*,

That the following Clause be added to the said Ordinance, and do follow the fourth
Clause :

“ And be it further ordained and enacted, that all and every right, title or claim,

“ charge or incumbrance, in, to, upon, or affecting any lands, tenements or heredita-
 “ ments, real or immoveable estate, created by or arising from the operation of Law, which
 “ shall not be, or shall be in part only, evidenced and supported by any written Instrument
 “ whatsoever, whether such right, title or claim, charge or incumbrance be of, or belonging
 “ to, or in favour of any married woman, minor, interdicted person, absentee or any other
 “ person whatsoever, shall and may be registered within twelve calendar months, from and
 “ after the passing of this Ordinance by filing of Record in the Office of the Registrar of
 “ the District in which such lands, tenements or hereditaments, real or immoveable estate,
 “ are situated, such written Instrument, if any there be, in the possession, power or pro-
 “ curement of the person or persons requiring such registration, together with (and if no
 “ such written Instrument exists, then by filing only with such Registrar,) a solemn
 “ declaration in writing of such person or persons sufficient to afford a distinct designation
 “ and declaration of the person and persons and of the lands, tenements or hereditaments,
 “ real or immoveable estate to be affected thereby, and of the exact nature and amount of
 “ the said right, title, claim, charge or incumbrance; and if such exact amount cannot be,
 “ or be not ascertained at the time of such Registration, then the approximate or probable
 “ amount of the same, so far as the same can be then ascertained or appreciated; and if
 “ within the said period of twelve months, no such Registration shall be made, or if any
 “ written Instrument aforesaid, with such solemn declaration, or such solemn declaration alone
 “ shall not be sufficient to afford a distinct intimation of the nature and extent of such right,
 “ title or claim, charge or incumbrance, and the exact or approximate amount thereof, and
 “ a distinct designation of the lands, tenements or hereditaments, real or immoveable estate
 “ to be affected thereby, every such right, title, claim, charge or incumbrance, so defectively
 “ registered, shall be absolutely null and void, to all intents and purposes as against any
 “ purchaser or incumbrancer for a valuable consideration, whose right, title or claim,
 “ charge or incumbrance shall have been effectively and duly registered according to the
 “ provisions of this Ordinance. Provided always that every such right, title or claim,
 “ charge or incumbrance of or belonging to or in favour of any married woman, created by
 “ or arising from her marriage, or from the operation of Law thereupon, and every such
 “ right, title or claim, charge or incumbrance of or belonging to, or in favour of any minor
 “ or interdicted person, shall and may be so registered by any of the several persons
 “ respectively hereinafter mentioned and designated, for and in relation to the registration
 “ of hypothecs and incumbrances of wives, minors and interdicted persons, subject to all
 “ the liabilities, penalties and provisions by this Ordinance imposed and made for and in
 “ relation to the registration of such hypothecs and incumbrances.”

The Council divided :

FOR THE CLAUSE.

Messrs. *Moffatt,*
McGill,
Molson,
Harwood,

AGAINST THE CLAUSE.

The Chief Justice,
 Messrs. *Gerrard,*
Knoulton,
Austin,

*Hale of Sherbrooke,
Wainwright,
Day.*

*Mondelet,
Ogden,
Daly.*

The votes being equally divided,

His Excellency the Governor General gave his casting vote in the negative.

On motion of the Honble. Mr. *Mondelet*, seconded by Mr. *Austin*,

ORDERED, That the twelfth Clause of the said Ordinance be reconsidered.

ORDERED, That the following amendments be made to the said Clause :

Line 26.—Strike out from “ Kingdom ” inclusive, to “ America ” also inclusive, in the 27th line, and insert “ Foreign State.”

“ 33.—Strike out “ Kingdom, Republic or ” and insert “ Foreign.”

On motion of the Honble. Mr. *Mondelet*, seconded by Mr. *Wainwright*,

ORDERED, That the fifteenth Clause of the said Ordinance be reconsidered.

ORDERED, That the following amendments be made to the said Clause :

Line 5.—After “ due ” insert “ and also in cases of mutations on which the *droit de relief* shall accrue and become due.”

“ 7.—Strike out “ the right of.”

“ 8.—After “ ventes ” insert, “ or of such *droit de relief*.”

“ 15.—After “ sale ” insert “ or the mutation.”

The Honble. Mr. *Mondelet* then moved, seconded by the Honble. Mr. *Harwood*,

That the thirty-fifth and thirty-seventh Clauses of the said Ordinance, be reconsidered with a view to proposing the following amendments:

Clause 35, Line 4.—After “ upwards ” insert “ whose marriage shall be solemnized or had “ after the passing of this Ordinance.”

“ 37, “ 2.—After “ that ” strike out the remaining words in the said line.

Clause 37, Line 5.—After “Marriage” insert “to be solemnized or had after the passing of
“ this Ordinance.”

The Council divided on the motion :

FOR THE MOTION.

Messrs. *Mondelet,*
Harwood,

AGAINST THE MOTION.

The Chief Justice,
Messrs. *Moffatt,*
McGill,
Gerrard,
Molson,
Knoulton,
Austin,
Hale of Sherbrooke,
Wainwright,
Daly,
Day.

So it passed in the negative.

RESOLVED, That the further consideration of the said Ordinance, and amendments thereto, be postponed until the next sitting day.

The Council then adjourned until to-morrow, at two o'clock, P. M.

SATURDAY, 19TH DECEMBER, 1840.

PRESENT :

The Honble. The Chief Justice, Presiding Member.

Messrs. *Moffatt,*
McGill,
Faribault,
Mondelet,
Wainwright,
Ogden, and
Day.

PRAYERS,

At half past two o'clock, P. M. there being no quorum, the Presiding Member declared this Council adjourned until Monday next, at two o'clock, P. M.

MONDAY, 21ST DECEMBER, 1840.

PRESENT :

The Honble. the Chief Justice, Presiding Member.

Messrs. *Moffatt,*
McGill,
Quesnel,
Faribault,
Molson,
Knoulton,
Austin,
Mondelet,
Harwood,
Hale of Sherbrooke,
Ogden,
Daly, and
Day.

PRAYERS.

His Excellency the Governor General having entered the Council Chamber, he took his seat at the head of the Table.

According to order, the Council took into consideration an Ordinance to amend and extend the provisions of an Ordinance passed in the third year of Her Majesty's Reign, intitled, "An Ordinance to provide for the improvement of the Roads in the neighbourhood of and leading to the City of Montreal, and to raise a fund for that purpose, and amendments thereto."

The first to the third Clause inclusive, of the said Ordinance, as amended by the Special Committee, being again read and the question being separately put thereon, they were agreed to.

The fourth Clause of the said Ordinance being again read, and the question being put thereon, it passed in the negative.

The Clause marked A. reported from the Special Committee, in lieu thereof, being then read and the question being put thereon, it was agreed to.

The fifth and sixth Clauses of the said Ordinance, as amended by the Special Committee, being again read, and the question being separately put thereon, they were agreed to.

The Clause marked B. reported from the Special Committee to follow the sixth Clause, being then read, and the question being put thereon, it was agreed to.

The seventh to the eleventh Clause inclusive, of the said Ordinance, being again read, and the amendments made by the Special Committee to several of the same, being also read, and the question being separately put thereon, they were agreed to.

The twelfth Clause of the said Ordinance, as amended by the Special Committee, being again read, and the question being put thereon,

The Council divided :

FOR THE CLAUSE AS AMENDED.

AGAINST THE CLAUSE AS AMENDED.

Messrs. *Moffatt,*
Quesnel,
Faribault,
Knoulton,
Austin,
Mondelet,
Harwood,
Hale of Sherbrooke.

The Chief Justice,
 Messrs. *McGill,*
Molson,
Ogden,
Day.

So it was carried in the affirmative.

The thirteenth Clause of the said Ordinance, being again read, and the question being put thereon, it passed in the negative.

The fourteenth Clause of the said Ordinance, as amended by the Special Committee, being again read, and the question being put thereon, it was agreed to.

The fifteenth Clause of the said Ordinance, as amended by the Special Committee, being then read,

Mr. *Hale of Sherbrooke,* moved, seconded by the Honble. Mr. *Moffatt,*

That the following amendment be made to the said Clause :

Line 26.—Strike out from “*Provided*” inclusive, to “*Reign*” also inclusive, in the 38th line, of the said Clause.

The Council divided :

FOR THE AMENDMENT.

Messrs. *Moffatt,*
Quesnel,
Hale of Sherbrooke.

AGAINST THE AMENDMENT.

The Chief Justice.
Messrs. *McGill,*
Faribault,
Molson,
Knoulton,
Austin,
Mondelet,
Harwood,
Ogden,
Daly,
Day.

So it passed in the negative.

The question being then put upon the said Clause, as amended, it was agreed to.

On motion of Mr. *Ogden*, seconded by Mr. *Day*,

ORDERED, That the following Clause marked C, be added to the said Ordinance, and do follow the fifteenth Clause :

CLAUSE C.

“ And be it further Ordained and Enacted, that over and above the sums which the
“ said Trustees are authorized by the preceding section of this Ordinance and by the Ordi-
“ nance hereby amended to raise by way of loan, it shall be lawful for the said Trustees, at
“ any time and as often as occasion may require, to raise in like manner such further sum
“ or sums, not exceeding in the whole six thousand pounds currency, as may be necessary to
“ enable the Trustees to pay off the principal of any loan which they may have bound them-
“ selves to repay at any certain time, and which the funds in their hands, or which will pro-
“ bably be in their hands at such time, and applicable to such repayment, shall appear in-
“ sufficient to enable them to repay. Provided always, that any sum or sums raised under
“ the authority of this section, shall be applied solely to the purpose herein mentioned, that
“ no such sum shall be borrowed without the approval of the Governor, Lieutenant Gover-
“ nor, or person administering the Government of this Province, and that the whole sum due
“ by the said Trustees, under debentures then unredeemed and issued under the authority of
“ this Ordinance, and of the Ordinance, hereby amended, shall in no case exceed fifty-three
“ thousand pounds currency ; and all the provisions of this Ordinance and of the Ordinance
“ hereby amended, touching the terms on which any sum shall be borrowed under the autho-
“ rity thereof by the Trustees, the rate of interest payable thereon, the payment of such interest,
“ the advance by the Receiver General of the sums necessary to enable the Trustees to pay

“ such interest, and the repayment of the sums so advanced, shall be extended to any sum or sums borrowed under the authority of this section.”

The sixteenth, seventeenth and eighteenth Clauses of the said Ordinance, being again read, and the question being separately put thereon, they were agreed to.

The nineteenth Clause of the said Ordinance being again read, and the question being put thereon, it passed in the negative.

The twentieth and twenty-first Clauses of the said Ordinance, being again read, and the question being separately put thereon, they were agreed to.

RESOLVED, That the further consideration of the said Ordinance be postponed, until the next sitting day.

According to order, the Council resumed the further consideration of an Ordinance to prescribe and regulate the registering of Titles to Lands, Tenements and Hereditaments, Real or Immoveable Estates, and of charges and incumbrances on the same; and for the alteration and improvement of the Law in certain particulars, in relation to the alienation and hypothecation of Real Estates, and the rights and interest acquired therein, and amendments thereto.

The first, fourth, twenty-first, twenty-second, twenty-eighth, twenty-ninth, thirtieth, thirty-third, thirty-fourth, thirty-fifth, thirty-sixth, thirty-seventh, thirty-eighth, thirty-ninth, fortieth and fifty-third Clauses of the said Ordinance, as amended by the Special Committee, the consideration whereof had been postponed, being again severally read, and the question being separately put thereon, they were agreed to.

The Honble. the Chief Justice moved, seconded by the Honble. Mr. *McGill*,

That the Clause marked A, adopted by this Council on the 16th instant, to follow the first Clause of the said Ordinance, be now reconsidered.

The Council divided on the motion :

FOR THE MOTION.

The Chief Justice,
Messrs. *McGill*,
Knoulton.

AGAINST THE MOTION.

Messrs. *Moffatt*,
Faribault,
Molson,
Austin,
Mondelet,
Harwood,
Hale of Sherbrooke,

*Ogden,
Day.*

So it passed in the negative.

RESOLVED, That the further consideration of the said Ordinance, and amendments thereto, be postponed until the next sitting day.

Then,

On motion of the Honble. Mr. *McGill*, seconded by Mr. *Molson*,

The Council adjourned until to-morrow, at two o'clock, P. M.

TUESDAY, 22^D DECEMBER, 1840.

PRESENT :

The Honble. The Chief Justice, Presiding Member.

Messrs. *Moffatt*,
McGill,
Quesnel,
Faribault,
Knoulton,
Austin,
Mondelet,
Harwood,
Hale of Sherbrooke,
Ogden, and
Day.

PRAYERS.

On motion of the Honble. Mr. *McGill*, seconded by the Honble. Mr. *Moffatt*,

The Council adjourned until to-morrow, at two o'clock, P. M.

WEDNESDAY, 23^D DECEMBER, 1840.

PRESENT :

The Honble. The Chief Justice, Presiding Member.

Messrs. *McGill,*
Quesnel,
Molson,
Knoulton,
Austin,
Mondelet,
Harwood,
Hale of Sherbrooke,
Ogden,
Daly, and
Day.

PRAVERS.

His Excellency the Governor General having entered the Council Chamber, he took his seat at the head of the Table.

According to order, the Council resumed the further consideration of an Ordinance to amend and extend the provisions of an Ordinance passed in the third year of Her Majesty's Reign, intituled, "An Ordinance to provide for the improvement of the " Roads in the neighbourhood of and leading to the City of Montreal, and to raise a fund " for that purpose."

On motion of Mr. *Ogden*, seconded by Mr. *Day*,

ORDERED, That the Clause marked C, adopted by this Council on the 21st instant, to follow the fifteenth Clause of the said Ordinance, be now reconsidered.

ORDERED, That the following amendments be made to the said Clause :

Lines 8 and 9.—Strike out "not exceeding in the whole six thousand pounds currency."

" 25.—Strike out "three" and insert "seven."

The Honble. Mr. *Harwood* moved, seconded by the Honble. Mr. *Mondelet*,

That the second Clause of the said Ordinance be now reconsidered.

The Council divided on the motion :

FOR THE MOTION.

Messrs. *Quesnel,*
Molson,
Mondelet,
Harwood,
Hale of Sherbrooke,
Daly,
Day.

AGAINST THE MOTION.

The Chief Justice,
Messrs. *McGill,*
Knoulton,
Austin,
Ogden,

So it was carried in the affirmative.

The Honble. Mr. *Harwood* then moved, scnded by the Honble. Mr. *Mondelet*,

That the following amendment be made to the said Clause :

After "aforesaid" at the end thereof, insert the following words : " or should the said Trustees on further examination deem it more advantageous for the public to retain the *Upper Lachine* Road, as provided by the aforesaid Ordinance passed in the third year of Her Majesty's Reign, intituled, " An Ordinance to provide for the improvement of the Roads in the neighbourhood of and leading to the City of Montreal, and to raise a fund for that purpose," it shall be lawful for them so to do, and in that case all the provisions of this Ordinance touching the substitution of any other line of Road for the said *Upper Lachine* Road, shall be void and of no effect."

The Council divided on the proposed Amendment :

FOR THE AMENDMENT.

Messrs. *Quesnel,*
Molson,
Mondelet,
Harwood,
Hale of Sherbrooke,
Daly,
Day.

AGAINST THE AMENDMENT.

The Chief Justice,
Messrs. *McGill,*
Knoulton,
Austin,
Ogden.

So it was carried in the affirmative.

RESOLVED, That the further consideration of the said Ordinance be postponed, until the next sitting day

According to order, the Council resumed the further consideration of an Ordinance to prescribe and regulate the registering of Titles to Lands, Tenements and Hereditaments, Real or Immoveable Estates, and of charges and incumbrances on the same ; and for the alteration and improvement of the Law in certain particulars, in relation to the alienation and hypothecation of Real Estates, and the rights and interest acquired therein, and amendments thereto.

On motion of the Honble. the Chief Justice, seconded by the Honble. Mr. *McGill*,

ORDERED, That the following Clause marked B, be added to the said Ordinance, and do follow the fifty-sixth Clause.

CLAUSE B.

“ And be it further Ordained and Enacted, that it shall be lawful for the Governor of this Province, with the advice of Her Majesty’s Executive Council, by his Proclamation in this behalf, to fix and declare the day from and after which this Ordinance shall have force and effect. Provided that such day shall not be later than the thirty-first day of December, which will be in the year of our Lord one thousand eight hundred and forty-one.”

RESOLVED, That the further consideration of the said Ordinance be postponed, until the next sitting day.

On motion of Mr. *Hale of Sherbrooke*, seconded by the Honble. Mr. *Daly*.

RESOLVED, That an Ordinance to provide means of keeping in repair that part of the Road from this Province to New Brunswick, commonly called the *Temiscouata Portage* Road, and amendments thereto, be taken into consideration at the next sitting day.

The Council then adjourned until to-morrow, at two o’clock, P. M.

THURSDAY, 24TH DECEMBER, 1840.

PRESENT :

The Honble. the Chief Justice, Presiding Member.

Messrs *Moffatt*,
McGill,

*Quesnel,
Molson,
Knoulton,
Austin,
Mondelet,
Harwood,
Hale of Sherbrooke,
Ogden,
Daly, and
Day.*

PRAYERS.

His Excellency the Governor General having entered the Council Chamber, he took his seat at the head of the Table.

His Excellency then proposed to the Council for consideration and adoption the following Ordinances, which were severally read for the first time.

An Ordinance to empower the Corporation of the Trinity House of *Quebec* to sell and convey a certain portion of the Harbour of the *Cul-de-Sac* in the City of *Quebec*, to the Corporation of the said City.

An Ordinance to authorize certain further improvements in the Harbour of *Montreal*, to establish new rates of Wharfage therein, to authorize the Commissioners for the improvement of the same to borrow a further sum of money, and for other purposes relative to the said Harbour.

RESOLVED, That an Ordinance to empower the Corporation of the Trinity House of *Quebec* to sell and convey a certain portion of the Harbour of the *Cul-de-Sac* in the City of *Quebec*, to the Corporation of the said City, be referred to a Special Committee of three Members, to examine the contents thereof, and report thereon with all convenient speed.

ORDERED, That the Committee be Messrs. *Molson, Daly* and *Day*, to meet and adjourn as they please.

RESOLVED, That an Ordinance to authorize certain further improvements in the Harbour of *Montreal*, to establish new rates of Wharfage therein, to authorize the Commissioners for the improvement of the same, to borrow a further sum of money and for other purposes relative to the said Harbour, be referred to a Special Committee of five Members, to examine the contents thereof, and report thereon with all convenient speed.

ORDERED, That the Committee be Messrs. *Moffatt, McGill, Quesnel, Molson* and *Daly*, to meet and adjourn as they please.

According to order, the Council resumed the further consideration of an Ordinance to prescribe and regulate the registering of Titles to Lands, Tenements and Hereditaments, Real or Immoveable Estates, and of charges and incumbrances on the same; and for the alteration and improvement of the Law in certain particulars, in relation to the alienation and hypothecation of Real Estates, and the rights and interest acquired therein, and amendments thereto.

The eighth Clause of the said Ordinance, as amended by the Special Committee, the consideration whereof, had been postponed, being again read,

ORDERED, That the blank in the said Clause be filled up with the following words :
“ as follows, that is to say, every Registrar for any District other than the Districts in
“ which the Cities of *Quebec* and *Montreal*, shall lie in the penal sum of Two thousand pounds,
“ and each of the Registrars for the said Districts in which the said Cities of *Quebec* and
“ *Montreal* respectively shall lie in the penal sum of Five thousand pounds.”

The question being then put upon the said Clause, as amended, it was agreed to.

The Preamble and Title of the said Ordinance being again read, and the question being separately put thereon, they were agreed to.

The Governor General having then put the question,

That the said Ordinance, as amended, be fairly transcribed.

Mr. *Ogden* moved, seconded by Mr. *Austin*,

That the Clause marked A, adopted by this Council, on the 16th instant, to follow the first Clause of the said Ordinance, be expunged, with a view of proposing a Proviso in lieu thereof.

The question being put on the said motion, it was agreed to.

Mr. *Ogden* then moved, seconded by Mr. *Day*,

That the following Proviso be added at the end of the first Clause, and do form part thereof :

“ Provided always, that no notice or knowledge of any prior unregistered sale, grant, mortgage, hypothec, privilege, or incumbrance of, or upon lands, tenements or hereditaments, subject to enregistration, given to, or possessed by any party to whom, or in whose favor any subsequent sale, grant, mortgage, hypothec, privilege or incumbrance of the same lands, tenements or hereditaments, or of any part or parcel thereof, duly enregistered, may have been made or created, shall vitiate, or in any wise affect any right,

“ title, claim or interest whatever, so derived to, and vested in any such subsequent purchaser, grantee, mortgagee, hypothecary, or privileged creditor or incumbrancer, for a valuable consideration, and that each and every person, who knowing the existence of any such enregistered prior sale, grant, mortgage, hypothec, privilege or incumbrance, of or upon any lands, tenements or hereditaments, as aforesaid, shall fraudulently make any such subsequent sale of the same lands, tenements or hereditaments, or of any part or parcel thereof, shall be guilty of a misdemeanor, and being thereof duly convicted, shall be liable to such imprisonment, not exceeding twelve calendar months, and also to such fine and penalty not exceeding five hundred pounds, current money of this Province, as the Court before whom the conviction shall take place shall think it right to inflict.”

The Council divided :

FOR THE PROVISIO.

Messrs. *Moffatt,*
Quesnel,
Molson,
Austin,
Mondelet,
Harwood,
Hale of Sherbrooke,
Ogden,
Daly,
Day.

AGAINST THE PROVISIO.

The Chief Justice,
Messrs. *McGill,*
Knoulton.

was carried in the affirmative.

The question being then put on the motion, that the said Ordinance, as amended, be fairly transcribed,

The Council again divided :

FOR THE MOTION.

Messrs. *Moffatt,*
Molson,
Austin,
Mondelet,
Harwood,
Hale of Sherbrooke,
Ogden,
Daly,
Day.

AGAINST THE MOTION.

The Chief Justice,
Messrs. *McGill,*
Quesnel,
Knoulton.

So it was carried in the Affirmative, and

ORDERED, Accordingly.

His Excellency then withdrew.

The Honble. the Chief Justice resumed the Chair.

According to order, the Council resumed the further consideration of an Ordinance to amend and extend the provisions of an Ordinance passed in the third year of Her Majesty's Reign, intituled, "An Ordinance to provide for the improvement of the Roads in the neighbourhood of and leading to the City of Montreal, and to raise a fund for that purpose."

The Honble. Mr. *Harwood* moved, seconded by Mr. *Hale* of *Sherbrooke*,

That the Clause marked A, adopted by this Council, on the 21st instant, in lieu of the fourth Clause of the said Ordinance, be now reconsidered.

The Council divided on the motion :

FOR THE MOTION.

Messrs. *McGill*,
Quesnel,
Molson,
Mondelet,
Harwood,
Hale of *Sherbrooke*,
Daly,
Day.

AGAINST THE MOTION.

Messrs. *Moffatt*,
Austin,
Ogden.

So it was carried in the affirmative,

The Honble. Mr. *Harwood* then moved, seconded by Mr. *Hale* of *Sherbrooke*,

That the following amendment be made to the said Clause :

Line 2.—After "that" insert "if the said Trustees should adopt the line of Road first mentioned in the second section of this Ordinance, either with or without adopting the line secondly mentioned in the said section, then and not otherwise."

The Council divided on the proposed amendment :

Yeas 8.
Nays 3.

So it was carried in the affirmative.

The Honble. Mr. *Moffatt* withdrew.

The Honble. Mr. *Harwood* moved, seconded by Mr. *Hale* of *Sherbrooke*,

That the fifth Clause of the said Ordinance be now reconsidered.

The Council divided on the motion :

FOR THE MOTION.

Messrs. *McGill*,
Quesnel,
Molson,
Mondelet,
Hale of *Sherbrooke*,
Daly,
Day.

AGAINST THE MOTION.

Messrs. *Austin*,
Ogden.

So it was carried in the affirmative,

The Honble. Mr. *Harwood* then moved, seconded by Mr. *Hale* of *Sherbrooke*,

That the following amendment be made to the said Clause :

Line 2, After "that" insert "if the said Trustees should adopt the line of Road firstly
" mentioned in the second Section of this Ordinance, either with or without adopt-
" ing the line secondly mentioned in the said Section, then, and not otherwise."

The Council divided on the proposed amendment.

Yeas 8.
Nays 2.

So it was carried in the affirmative.

The Honble. Mr. *McGill* moved, seconded by Mr. *Ogden*,

That the twelfth Clause of the said Ordinance be now reconsidered.

The Council divided on the motion :

M 2

FOR THE MOTION.

The Chief Justice,
Messrs. *McGill*,
Molson,
Ogden,
Daly,
Day.

AGAINST THE MOTION.

Messrs. *Quesnel*,
Austin,
Mondelet,
Harwood,
Hale of Sherbrooke.

So it was carried in the affirmative.

The Honble. Mr. *McGill* then moved, seconded by Mr. *Ogden*,

That the portion of the said twelfth Clause, viz: from its commencement to the word "aforesaid" in the sixty-third line, struck out by the Council on the 21st instant, be replaced and make part of the said Clause.

The Council divided on the motion :

Yeas 6.
Nays 5.

So it was carried in the affirmative.

The Preamble and Title of the said Ordinance being again read, and the question being separately put thereon, they were agreed to.

The Honble. Mr. *McGill* moved, seconded by Mr. *Ogden*,

That the said Ordinance, as amended, be fairly transcribed.

The Council divided on the motion :

Yeas 6.
Nays 5.

So it was carried in the affirmative.

And,

ORDERED, Accordingly.

The order of the day for taking into consideration an Ordinance to provide means of keeping in repair that part of the Road from this Province to *New Brunswick*, commonly called the *Temiscouata Portage* Road, and amendments thereto, being read.

ORDERED, That the said order of the day be postponed, until the next sitting day.

Then,

On motion of the Honble. Mr. *McGill*, seconded by Mr. *Quesnel*,

The Council adjourned until Saturday next, at two o'clock, P. M.

SATURDAY, 26TH DECEMBER, 1840.

PRESENT :

The Honble. The Chief Justice, Presiding Member.

Messrs. *McGill*,
Quesnel,
Knoulton,
Austin,
Mondelet,
Hale of Sherbrooke, and
Ogden.

PRAYERS.

At half past two o'clock, P. M. there being no quorum, the Presiding Member declared this Council adjourned until Monday next, at two o'clock, P. M.

MONDAY, 28TH DECEMBER, 1840.

PRESENT :

The Honble. the Chief Justice, Presiding Member.

Messrs. *Moffatt*,
McGill,
Gerrard,
Molson,
Knoulton,
Austin,

*Mondelet,
Hale of Sherbrooke,
Ogden,
Daly, and
Day.*

PRA YERS.

According to order, the Council took into consideration an Ordinance to provide means of keeping in repair that part of the Road from this Province to *New Brunswick*, commonly called the *Temiscouata Portage* Road, and amendments thereto.

The first Clause of the said Ordinance, as amended by the Special Committee, being again read, and the question being put thereon, it was agreed to.

The Clause marked A, reported by the Special Committee to follow the first Clause of the said Ordinance, being again read, and the question being put thereon, it was agreed to.

The second to the eighth Clause inclusive, of the said Ordinance, being again read, and the amendments made by the Special Committee, to several of the same, being also read, and the question being separately put thereon, they were agreed to.

The ninth Clause of the said Ordinance being again read, and the question being put thereon, it passed in the negative.

The tenth and eleventh Clauses of the said Ordinance, being again read, and the question separately put thereon, they were agreed to.

The Preamble and Title of the said Ordinance being again read, and the question being separately put thereon, they were agreed to.

On motion of Mr. *Hale of Sherbrooke*, seconded by the Honble. Mr. *McGill*,

ORDERED, That the said Ordinance, as amended, be fairly transcribed.

Mr. *Molson* from the Special Committee to whom had been referred an Ordinance to empower the Corporation of the Trinity House of *Quebec* to sell and convey a certain portion of the Harbour of the *Cul-de-Sac* in the City of *Quebec*, to the Corporation of the said City, reported, That the Committee had gone through the said Ordinance, and had directed him to report the same without any amendment.

On motion of Mr. *Molson*, seconded by the Honble. Mr. *McGill*,

ORDERED, That the said Ordinance be now read a second time.

The said Ordinance was accordingly read a second time.

The question of concurrence having then been put upon each Clause of the said Ordinance, they were agreed to unanimously.

On motion of Mr. *Molson*, seconded by the Honble. Mr. *McGill*,

ORDERED, That the said Ordinance be fairly transcribed.

Then,

On motion of the Honble. Mr. *McGill*, seconded by Mr. *Gerrard*,

The Council adjourned until to-morrow, at two o'clock, P. M.

TUESDAY, 29TH DECEMBER, 1840,

PRESENT :

The Honble. The Chief Justice, Presiding Member.

Messrs. *Moffatt*,
McGill,
Gerrard,
Molson,
Knoulton,
Austin,
Harwood,
Hale of Sherbrooke,
Ogden,
Daly, and
Day.

PRAYERS.

His Excellency the Governor General having entered the Council Chamber, he took his seat at the head of the Table.

On motion of Mr. *Day*, seconded by the Honble. Mr. *Daly*,

ORDERED, That an Ordinance to prescribe and regulate the Election and Appointment of certain Officers in the several Parishes and Townships in this Province, and to make other

provisions for the Local Interests of the inhabitants of these Divisions of the Province, be now read for the third time.

The said Ordinance was accordingly read for the third time.

His Excellency having put the question :

“ That this Ordinance do now pass ?”

It was,

RESOLVED, in the affirmative.

On motion of Mr. *Day*, seconded by the Honble. Mr. *Daly*,

ORDERED, That an Ordinance to provide for the better internal Government of this Province by the establishment of local or municipal authorities therein, be now read for the third time.

The said Ordinance was accordingly read for the third time.

His Excellency having put the question :

“ That this Ordinance do now pass ?”

It was,

RESOLVED, in the affirmative.

On motion of Mr. *Molson*, seconded by the Honble. Mr. *Daly*,

ORDERED, That an Ordinance to authorize the Corporation of the Trinity House of *Quebec*, to borrow a certain sum of money, and for other purposes relative to the said Corporation, be now read for the third time.

The said Ordinance was accordingly read for the third time.

His Excellency having put the question :

“ That this Ordinance do now pass ?”

It was,

RESOLVED, in the affirmative.

On motion of Mr. *Molson*, seconded by the Honble. Mr. *Daly*,

ORDERED, That an Ordinance to empower the Corporation of the Trinity House of *Quebec* to sell and convey a certain portion of the Harbour of the *Cul-de-Sac* in the City of *Quebec*, to the Corporation of the said City, be now read for the third time.

The said Ordinance was accordingly read for the third time.

His Excellency having put the question :

“ That this Ordinance do now pass ? ”

It was,

RESOLVED, in the affirmative.

His Excellency then signed each of the said Ordinances, and the Great Seal of the Province, was severally affixed to the same, by the Secretary of the Province.

The Council then adjourned until to-morrow, at two o'clock, P. M.

WEDNESDAY, 30TH DECEMBER, 1840.

PRESENT :

The Honble. The Chief Justice, Presiding Member.

Messrs. *Moffatt,*
McGill,
Gerrard,
Quesnel,
Molson,
Knoulton,
Austin,
Harwood,
Hale of Sherbrooke, and
Day.

PRAYERS.

Charles N. Montizambert, Esquire, Assistant Civil Secretary to His Excellency the Go-
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vernor General, was admitted in the Council Chamber, and delivered to the Presiding Member, a Message from His Excellency.

And then he withdrew.

And the said Message was read by the Presiding Member, and is as followeth :

SYDENHAM.

The Governor General transmits for the consideration of the Special Council, the draught of an Ordinance, intituled, "An Ordinance to make provision for defraying the civil expenditure of the Provincial Government, for the year ending on the tenth day of October, one thousand eight hundred and forty-one, for the support of certain Charitable Institutions, for the promotion of Education ; for certain Public Works ; for the improvement of the Internal Communications ; for the encouragement of Agriculture, and for other purposes."

Government House,
Montreal, 30th December, 1840. }

The Ordinance mentioned in the preceding Message was read for the first time.

On motion of Mr. Day, seconded by the Honble. Mr. McGill,

ORDERED, That the said Ordinance be read a second time, at the next sitting day.

The Honble. Mr. Moffatt, from the Special Committee, to whom had been referred an Ordinance to authorize certain further improvements in the Harbour of Montreal, to establish new rates of Wharfage therein, to authorize the Commissioners for the improvement of the same, to borrow a further sum of money, and for other purposes relative to the said Harbour, reported, That the Committee had gone through the said Ordinance, and had directed him to report the same, with the following amendments :

Clause 1, Line 31.—Strike out from "said" inclusive, to the end of the Clause, and insert :

" Governor, Lieutenant-Governor, or person administering the Government of this Province, if at any time he shall deem it expedient to appoint so many persons as he may think proper, to be Commissioners under this Ordinance, and to remove them and appoint others in their stead from time to time ; and the Commissioners so appointed shall and may jointly with those appointed or to be appointed under the authority of the Provincial Act first above cited, have and exercise all the powers and perform all the duties, vested

“ in or to be performed by the Commissioners appointed under the said Act, by any law ; and the word “ Commissioners ” hereinafter used, shall apply to and mean as well the Commissioners appointed under this Ordinance as those appointed under the said Provincial Act : Provided always, that any majority of the said Commissioners, for the time being, or of such of them as shall be then within this Province, shall and may exercise all the powers vested in the said Commissioners by this Ordinance or by any other Ordinance or Act.”

Strike out the second Clause.

Clause 3, Line 1.—Strike out from “ and ” inclusive, to “ therefore ” also inclusive, in the 7th line, and insert : “ And be it further.”

“ 19.—After “ by ” insert : “ this Ordinance or by any.”

“ 4, “ 6.—After “ Ordinance ” insert : “ or of any other Ordinance or Act.”

“ “ 14.—Strike out “ and shall not be relative to or part of the said pier or break “ water.”

“ 6, “ 9.—Strike out “ low.”

“ “ 12.—Strike out “ rafts.”

“ “ *Ibid.*—Strike out “ and of vessels laden with firewood.”

“ “ 17.—Strike out “ they ” inclusive, to “ season ” also inclusive, in the 21st line.

“ 9, “ 32.—Strike out “ in the stream ” and insert : “ whether in the stream or “ otherwise.”

After the twelfth Clause, insert the following Clause, marked A.

CLAUSE A.

“ And be it further Ordained and Enacted, that the tolls, rates and wharfage dues hereby imposed, shall be held to be tolls and dues levyable in the Port of *Montreal*, within the meaning of the eighteenth section of the Act of the Legislature of this Province, passed in the sixth year of the reign of His late Majesty, and intituled, “ An Act to provide for the

“ management and care of the *Lachine* Canal, and to establish certain rates, tolls and duties to be taken thereon,” and the provisions and enactments of the said Act shall be and are hereby extended accordingly.”

RESOLVED, That the said Ordinance, and amendments thereto, be taken into consideration at the next sitting day.

Then,

On motion of the Honble. Mr. *McGill*, seconded by Mr. *Gerrard*,

The Council adjourned until to-morrow, at two o'clock, P. M.

THURSDAY, 31ST DECEMBER, 1840.

PRESENT :

The Honble. The Chief Justice, Presiding Member.

Messrs. *Moffatt*,
McGill,
Gerrard,
Quesnel,
Molson,
Knoulton,
Austin,
Mondelet,
Harwood,
Hale of Sherbrooke,
Ogden,
Daly, and
Day.

PRAYERS.

His Excellency the Governor General having entered the Council Chamber, he took his seat at the head of the Table.

On motion of Mr. *Day*, seconded by the Honble. Mr. *Daly*,

ORDERED, That an Ordinance to amend and extend the provisions of an Ordinance passed in the third year of Her Majesty's Reign, intituled, " An Ordinance to provide " for the improvement of the Roads in the neighbourhood of and leading to the City of " *Montreal*, and to raise a fund for that purpose," be now read for the third time.

The said Ordinance was accordingly read for the third time.

His Excellency having put the question :

" That this Ordinance do now pass ?"

It was,

RESOLVED, in the affirmative.

On motion of Mr. *Hale* of *Sherbrooke*, seconded by the Honble. Mr. *Harwood*,

ORDERED, That an Ordinance to provide means for keeping in repair that part of the Road from this Province to *New Brunswick*, commonly called the *Temiscouata Portage Road*, be now read for the third time.

The said Ordinance was accordingly read for the third time.

His Excellency having put the question :

" That this Ordinance do now pass ?"

It was,

RESOLVED, in the affirmative.

His Excellency then signed each of the said Ordinances, and the Great Seal of the Province was severally affixed to the same, by the Secretary of the Province.

The order of the day for the second reading of an Ordinance to make provision for defraying the Civil Expenditure of the Provincial Government, for the year ending on the tenth day of October, one thousand eight hundred and forty-one, for the support of certain Charitable Institutions ; for the promotion of Education ; for certain Public Works ; for the improvement of the Internal Communications ; for the encouragement of Agriculture, and for other purposes, being read,

On motion of Mr. *Day*, seconded by the Honble. Mr. *Daly*,

ORDERED, That the said order of the day be postponed, until Monday next .

According to order, the Council took into consideration an Ordinance to authorize

certain further improvements in the Harbour of *Montreal*, to establish new rates of Wharfage therein, to authorize the Commissioners for the improvement of the same, to borrow a further sum of money and for other purposes relative to the said Harbour, and amendments thereto.

The first Clause of the said Ordinance, as amended by the Special Committee, being again read, and the question being put thereon, it was agreed to.

The second Clause of the said Ordinance, being again read, and the question being put thereon, it passed in the negative.

The third Clause of the said Ordinance, as amended by the Special Committee, being again read, and the question being put thereon, it was agreed to.

On motion of the Honble. Mr. *McGill*, seconded by Mr. *Molson*,

ORDERED, That the following amendment be also made to the said third Clause :

Line 17, Strike out "ten thousand four hundred and twenty-five," and insert "seventeen thousand."

The fourth Clause of the said Ordinance, as amended by the Special Committee, being again read, and the question being put thereon, it was agreed to.

The fifth Clause of the said Ordinance, being again read,

On motion of the Honble. Mr. *McGill*, seconded by Mr. *Molson*,

ORDERED, That the following amendments be made to the said Clause :

Line 2, Strike out from "perform" inclusive, to "purposes," also inclusive, in the sixteenth line, and insert "to continue the Revetment Wall upwards beyond the point to which it may be necessary to continue the same, in order to make and complete the double Ramp at Grey Nuns' Street."

Lines 17 and 18, Strike out the words "or from purchasing the said property or any part of it."

Line 21, After "behalf" at the end of the said Clause, insert the following proviso :
 " Provided always, that it shall be lawful for the said Commissioners, with such consent and approval as aforesaid, to fill up and level the hollow ground in and about St. Joseph Street at and near its junction with Commissioners' Street throughout its whole length, in those portions thereof in which the level may

“ have been deranged by the work performed for the improvement of the said Har-
 “ bour, and to pay the amount which shall be ascertained (in the manner provided in
 “ like cases by the Acts and Ordinances relative to the improvement of the said Har-
 “ bour) to be due to any party for any damage sustained by such party by reason
 “ of any thing done by the Commissioners in pursuance of the provisions of this
 “ Ordinance, or any other Act or Ordinance.”

The question being then put on the said Clause, as amended, it was agreed to.

His Excellency then withdrew.

The Honble. the Chief Justice resumed the Chair.

The sixth Clause of the said Ordinance, as amended by the Special Committee, being again read,

It was moved,

That the last paragraph of the said Clause be struck out,

The Council divided on the motion :

FOR THE MOTION.

Messrs. *Moffatt,*
Mc Gill,
Quesnel,
Molson.

AGAINST THE MOTION.

Messrs. *Gerrard,*
Knoulton,
Austin,
Mondelet,
Harwood,
Hale of Sherbrooke.
Ogden,
Daly,
Day.

So it passed in the negative.

The question being then put upon the said Clause, as amended, it was agreed to.

ORDERED, That the two following Paragraphs be also added at the end of the said Clause:

“ They may make a sufficient water course along all those parts of the street or high-
 “ way next to the said Harbour, which are or shall be bounded by the revetment wall, and
 “ along which no such water course has yet been made ; and the water course so to be made
 “ shall be at the same distance from the back of the revetment wall, as the water course
 “ already made, now is.”

“ And they may pave with good dressed flag stones, in a proper and substantial manner, and as a foot path, all the space between the back of the revetment wall, and the water course made or to be made as aforesaid, except so much as shall be required for placing a sufficient curb stone between the space so to be paved, and the said water course; and they shall place such curb stone as aforesaid; Provided always, that it shall be lawful for the said Commissioners, with such consent and approval as aforesaid, to fill up and level the hollow in and about St. Joseph Street, at and near its junction with Commissioners' Street, and to level Commissioners' Street throughout its whole length, or those portions thereof in which the level may have been deranged by the work performed for the improvement of the said Harbour, and to pay the amount which shall be ascertained, (in the manner provided in like cases by the Acts and Ordinances relative to the improvement of the said Harbour,) to be due to any party for any damage sustained by such party by reason of any thing done by the Commissioners in pursuance of the provisions of this Ordinance, or of any other Ordinance or Act.”

ORDERED, That the following Clause be also added to the said Ordinance, and do follow the said sixth Clause :

“ And be it further Ordained and Enacted, that the north-westerly side of the said water course shall, throughout its whole length, be the boundary of the works under the control and management of the said Commissioners on the side next the City of *Montreal*, and shall form the line of division between the said works and that part of the street or highway along which the said water course shall run which shall be under the control and management of the Corporation of the Mayor, Aldermen and Citizens of the City of *Montreal*.”

The seventh and eighth Clauses of the said Ordinance, being again read, and the question being separately put thereon, they were agreed to.

The ninth Clause of the said Ordinance, as amended by the Special Committee, being again read, and the question being put thereon, it was agreed to.

The tenth to the fourteenth Clause, inclusive, of the said Ordinance being again read,

ORDERED, That the consideration of the said Clauses be postponed.

The fifteenth and sixteenth Clauses of the said Ordinance, being again read, and the question being separately put thereon, they were agreed to.

The Schedule to follow the last Clause of the said Ordinance, being again read,

Mr. *Molson* moved, seconded by the Honble. Mr. *Harwood*,

That the following amendment be made to the said Schedule :

Line 9.—Strike out “ half ” and insert “ one quarter of a . ”

The Council divided :

FOR THE AMENDMENT.

Messrs. *Molson,*
Harwood.

AGAINST THE AMENDMENT.

Messrs. *Moffatt,*
McGill,
Gerrard,
Quesnel,
Knoulton,
Austin,
Hale of Sherbrooke,
Day.

So it passed in the negative.

The question being put on the said Schedule, it was agreed to.

RESOLVED, That the further consideration of the said Ordinance, and amendments thereto, be postponed until the next sitting day.

Then,

On motion of Mr. *Hale of Sherbrooke*, seconded by Mr. *Austin*,

The Council adjourned until Saturday next, at two o'clock, P. M.

SATURDAY, 2ND JANUARY, 1841.

PRESENT :

The Honble. the Chief Justice, Presiding Member.

Messrs. *Moffatt,*
McGill,
Gerrard,

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*Molson,
Knoulton,
Austin,
Hale of Sherbrooke, and
Day.*

PRAYERS.

At half past two o'clock, P. M., there being no quorum, the Presiding Member declared this Council adjourned until Monday next, at two o'clock, P. M.,

MONDAY, 4TH JANUARY, 1841,

PRESENT :

The Honble. The Chief Justice, Presiding Member.

Messrs. *Moffatt,
McGill,
Gerrard,
Molson,
Knoulton,
Austin,
Mondelet,
Hale of Sherbrooke,
Daly, and
Day.*

PRAYERS.

An Ordinance to make provision for defraying the Civil Expenditure of the Provincial Government, for the year ending on the tenth day of October, one thousand eight hundred and forty-one, for the support of certain Charitable Institutions; for the promotion of Education; for certain Public Works; for the improvement of the Internal Communications; for the encouragement of Agriculture, and for other purposes, was, according to order, read a second time.

The first Clause of the said Ordinance being again read,

On motion of Mr. *Day*, seconded by the Honble. Mr. *Moffatt*,

ORDERED, That the following amendments be made to the said Clause :

After the ninth item of the said Clause, insert the following : “for completing and publishing the Index to the Statutes and Ordinances of this Province, a sum not exceeding Two hundred poundssterling.”

After the last item in the said Clause, insert the following : “For a survey of the best line for a Canal or Rail Road to connect the *Bay of Fundy* with the Gulph of *Saint Lawrence*, a sum not exceeding Five hundred pounds sterling.”

The question being then put upon the said Clause, as amended, it was agreed to.

The remaining Clauses of the said Ordinance being again read, and the question being separately put thereon, they were agreed to.

The Preamble and Title of the said Ordinance being again read, and the question being separately put thereon, they were agreed to.

On motion of Mr. *Day*, seconded by the Honble. Mr. *Daly*.

ORDERED; That the said Ordinance, as amended, be fairly transcribed.

According to order, the Council resumed the further consideration of an Ordinance to authorize certain further improvements in the Harbour of *Montreal*, to establish new rates of Wharfage therein, to authorize the Commissioners for the improvement of the same to borrow a further sum of money, and for other purposes relative to the said Harbour, and amendments thereto.

The tenth Clause of the said Ordinance, the consideration whereof had been postponed, being again read,

On motion of the Honble. Mr. *Moffatt*, seconded by the Honble. Mr. *McGill*,

ORDERED, That the said Clause be struck out of the said Ordinance, and that the following Clause be inserted in lieu thereof:

CLAUSE A.

“ And be it further Ordained and Enacted, that the said rates of wharfage shall be due and payable by the owner, master, purser, conductor, person in charge of, or consignee of the vessel, steamboat, boat, barge, scow, raft or craft of any kind upon which or in respect of articles shipped on board of, or landed from which, such rates of wharfage may be due, saving the recourse any such person paying the same may by law have against any

“ other person or persons to recover the sum so paid ; and each any every the powers and
 “ authorities vested by a certain Ordinance passed in the second year of Her Majesty’s
 “ reign, and intituled, “ An Ordinance for the more easy and certain collection of the
 “ Harbour dues at *Montreal*,” in the Collector of the Harbour dues, with regard to the
 “ rates, tolls and wharfage dues in the said Ordinance mentioned, and to the recovery
 “ thereof, shall be and are hereby vested in and shall and may be exercised by the said Com-
 “ missioners, with regard to the rates, tolls and wharfage dues hereby imposed, and to the
 “ recovery and means of enforcing or insuring payment thereof, and each and every person
 “ bound by the said Ordinance to make any report to the Collector of Harbour dues, shall
 “ make such report to the said Commissioners, or to such person as they shall appoint to
 “ receive such report, under the same penalties for neglect or for making any false or
 “ insufficient report as are imposed for a like offence in and by the said Ordinance ; which
 “ said penalties shall be recovered, applied and accounted for in the manner appointed in
 “ and by the said Ordinance with regard to the penalties thereby imposed.”

The eleventh and twelfth Clauses of the said Ordinance, the consideration whereof had been postponed, being again read, and the question being separately put thereon, they were agreed to.

The Clause marked A, reported from the Special Committee to follow the twelfth Clause, being again read, and the question being put thereon, it was agreed to.

The thirteenth Clause of the said Ordinance, the consideration whereof had been postponed, being again read,

On motion of the Honble. Mr. *Moffatt*, seconded by the Honble. Mr. *McGill*,

ORDERED, That the said Clause be struck out of the said Ordinance, and that the following Clauses be substituted in lieu thereof :

“ And be it further Ordained and Enacted, that the monies arising from the tolls, rates
 “ and wharfage dues hereby imposed, shall be applied by the said Commissioners ;—Firstly,—
 “ to the payment of such reasonable expenses of collecting the same as are hereby authorized,
 “ and of all other expenses indispensably incurred by the said Commissioners in the per-
 “ formance of the duties hereby assigned to them :—Secondly,—in defraying any expenses
 “ by them incurred in keeping the works constructed or to be constructed by the said Com-
 “ missioners, their predecessors or successors in office, for the improvement of the Harbour
 “ of *Montreal* under the authority of any Act or Ordinance, in efficient repair ; which said
 “ expenses the said Commissioners are hereby authorized to incur, without any special
 “ application to or approval by the Governor, Lieutenant Governor, or person administering
 “ the Government, any thing in any Act or Ordinance to the contrary notwithstanding :—
 “ Thirdly,—in paying off the principal of any sum or sums borrowed or to be borrowed by
 “ them, or which may have been borrowed by their predecessors in office under the authority
 “ of any Act or Ordinance heretofore passed, or of this Ordinance, and which shall have
 “ been or shall be made redeemable at a certain time :—Fourthly,—in paying the interest

“ then due and payable on any money borrowed or to be borrowed by the said Commissioners, their predecessors or successors in office :—Fifthly,—in repaying to the Receiver General any sum or sums of money advanced by that officer to the Commissioners under the authority of this Ordinance or of any other Ordinance or Act :—Sixthly,—in paying off the principal of any sum or sums borrowed or to be borrowed by them, or their predecessors or successors in office, under this Ordinance, or under any other Ordinance or Act, and which shall not have been made redeemable at a certain time : Provided always, that the said Commissioners shall pay off the principal of the sums to be borrowed under the authority of this Ordinance, by payments of not less than ten per cent on the whole amount so borrowed ; and the intended payment of any part of the said principal shall be announced by the said Commissioners, by an advertisement inserted during at least three successive weeks in one of the Newspapers published in the City of *Montreal*, in the English language, and in one of the Newspapers published in the French language in the said City, if any there be, and the persons to whom the said principal shall be due, shall receive the portion thereof so announced to be payable, and shall grant to the said Commissioners an acquittance for the same, nor shall any interest accrue or be payable on any such portion from and after the day on which the said Commissioners shall, by such advertisement, offer and shall be ready to repay the same.”

“ And be it further Ordained and Enacted, that over and above the sums which the said Commissioners have borrowed or are authorized to borrow under the authority of any former Act or Ordinance now in force, or of the preceding sections of this Ordinance, it shall be lawful for them at any time and as often as occasion may require, to borrow in like manner such further sum or sums as may be necessary to enable them to pay off the principal of any loan which they may have bound or may bind themselves to repay at any certain time, and which the funds in their hands or which will probably be in their hands at such time and applicable to such repayment, shall appear insufficient to enable them to repay, or such further sum or sums as they may find it expedient at any time to borrow in order to pay off the principal of any sum borrowed at a greater rate of interest than that which they shall pay on such further sum to be borrowed as aforesaid : Provided always, that any sum or sums borrowed under the authority of this section, shall be applied solely to the purposes herein mentioned, and that no such sum shall be so borrowed without the approval of the Governor, Lieutenant Governor, or person administering the Government of the Province, and that the whole sum due by the said Commissioners under debentures then un-redeemed and issued under the authority of any former Act or Ordinance, or of this Ordinance, shall in no case exceed one hundred and eight thousand pounds currency ; and all the provisions of this Ordinance touching the terms on which any sum shall be borrowed under the authority thereof by the said Commissioners, the rate of interest payable thereon, the payment of such interest, the advance by the Receiver General of the sums necessary to enable the Commissioners to pay such interest, the repayment of the sums so advanced, the manner in which the principal of such sums may be paid off by the Commissioners to the lenders, and the mode of preventing further interest from becoming due on the sums they may be ready to pay off as aforesaid, shall be extended to any sum or sums borrowed under the authority of this section.”

The fourteenth Clause of the said Ordinance, the consideration whereof had been postponed, being again read, and the question being put thereon, it was agreed to.

ORDERED, That the Schedule to follow the last Clause of the said Ordinance be now reconsidered.

ORDERED, That the following amendment be made to the said Schedule :

Line 18.—Strike out “ ton for each trip, one farthing” and insert, “ diem, one half penny.”

The Preamble and Title of the said Ordinance being again read, and the question being separately put thereon, they were agreed to.

On motion of the Honble. Mr. *Moffatt*, seconded by the Honble. Mr. *McGill*,

ORDERED, That the said Ordinance, as amended, be fairly transcribed.

Then,

On motion of the Honble. Mr. *McGill*, seconded by Mr. *Gerrard*,

The Council adjourned until to-morrow, at two o'clock, P. M.

TUESDAY, 5TH JANUARY, 1841.

PRESENT :

The Honble. The Chief Justice, Presiding Member.

Messrs. *McGill*,
Quesnel,
Molson,
Knoulton,
Austin,
Mondelet,
Hale of Sherbrooke,
Daly, and
Day.

PRAYERS.

At half past two o'clock, P. M. there being no quorum, the Presiding Member declared this Council adjourned until Thursday next, at two o'clock, P. M.

THURSDAY, 7TH JANUARY, 1841.

PRESENT :

The Honble. The Chief Justice, Presiding Member.

Messrs. *Moffatt,*
McGill,
Gerrard,
Quesnel,
Molson,
Knoulton,
Austin,
Mondelet,
Hale of Sherbrooke,
Ogden, and
Daly.

PRAYERS.

T. W. Clinton Murdoch, Esquire, Chief Secretary to His Excellency the Governor General, was admitted in the Council Chamber, and delivered to the Presiding Member, two Messages from His Excellency.

And then he withdrew.

And the said Messages were read by the Presiding Member, and are as followeth :

SYDENHAM.

The Governor General transmits for the consideration of the Special Council, the draught of an Ordinance, intituled, "An Ordinance to amend an Act of the Provincial Parliament of this Province, intituled, "An Act for making a Rail Road from Lake Champlain to the River *Saint Lawrence*."

Government House, }
 Montreal, 5th January, 1841. }

SYDENHAM.

The Governor General transmits for the consideration of the Special Council, the draught of an Ordinance, intituled, "An Ordinance for making a Rail Road from *Sherbrooke* to *Saint John's*."

Government House,
Montreal, 7th January, 1841. }

The Ordinances mentioned in the preceding Messages, were severally read for the first time.

On motion of Mr. *Molson*, seconded by the Honble. Mr. *McGill*,

RESOLVED, That an Ordinance to amend an Act of the Provincial Parliament of this Province, intituled, "An Act for making a Rail Road from *Lake Champlain* to the River "*Saint Lawrence*," be referred to a Special Committee of three Members, to examine the contents thereof, and report thereon with all convenient speed.

ORDERED, That the Committee be Messrs. *McGill*, *Molson* and *Day*, to meet and adjourn as they please.

On motion of Mr. *Hale* of *Sherbrooke*, seconded by Mr. *Austin*,

RESOLVED, That an Ordinance for making a Rail Road from *Sherbrooke* to *Saint John's*, be referred to a Special Committee of five Members, to examine the contents thereof, and report thereon with all convenient speed.

ORDERED, That the Committee be Messrs. *Gerrard*, *Knoulton*, *Austin*, *Mondelet* and *Hale* of *Sherbrooke*, to meet and adjourn as they please.

Then,

On motion of the Honble. Mr. *McGill*, seconded by Mr. *Gerrard*,

The Council adjourned until to-morrow, at two o'clock, P. M.

FRIDAY, 8TH JANUARY, 1841.
PRESENT :

The Honble. The Chief Justice, Presiding Member.

Messrs. *Moffatt,*
McGill,
Gerrard,
Quesnel,
Molson,
Austin,
Mondelet,
Hale of Sherbrooke,
Ogden, and
Daly.

PRAYERS.On motion of the Honble. Mr. *McGill*, seconded by Mr. *Gerrard*,

The Council adjourned until to-morrow, at two o'clock, P. M.

SATURDAY, 9TH JANUARY, 1841.
PRESENT :

The Honble. The Chief Justice, Presiding Member.

Messrs. *Moffatt,*
McGill,
Gerrard,
Quesnel,
Molson,
Knoulton,
Austin,
Mondelet,
Hale of Sherbrooke,
Ogden, and
Daly.

PRAYERS.

P

His Excellency the Governor General having entered the Council Chamber, he took his seat at the head of the Table.

On motion of the Honble. Mr. *McGill*, seconded by Mr. *Gerrard*,

ORDERED, That an Ordinance to make provision for defraying the civil expenditure of the Provincial Government, for the year ending on the tenth day of October, one thousand eight hundred and forty-one, for the support of certain Charitable Institutions; for the promotion of Education; for certain Public Works; for the improvement of the Internal Communications; for the encouragement of Agriculture, and for other purposes, be now read for the third time.

The said Ordinance was accordingly read for the third time.

His Excellency having put the question :

“ That this Ordinance do now pass ? ”

It was,

RESOLVED, in the affirmative.

His Excellency then signed the said Ordinance, and the Great Seal of the Province, was affixed thereto, by the Secretary of the Province.

His Excellency then proposed to the Council, for consideration and adoption, the following Ordinances, which were severally read for the first time.

An Ordinance for suspending a certain Ordinance, intituled, “ An Ordinance for establishing regulations respecting Aliens coming into this Province or residing therein,” and a certain other Ordinance, intituled, “ An Ordinance for amending an Ordinance for establishing regulations respecting Aliens coming into this Province or residing therein.”

“ An Ordinance to provide for the construction of a Turnpike Road from the River *Richelieu* opposite the Town of *Dorchester*, commonly called *St. John's*, to the Village of *Granby*.”

On motion of Mr. *Ogden*, seconded by the Honble. Mr. *Mondelet*,

ORDERED, That an Ordinance for suspending a certain Ordinance, intituled, “ An Ordinance for establishing regulations respecting Aliens coming into this Province or residing therein,” and a certain other Ordinance, intituled, “ An Ordinance for amending an Ordinance for establishing regulations respecting Aliens coming into this Province or residing therein,” be read a second time at the next sitting day.

On motion of Mr. *Hale* of *Sherbrooke*, seconded by Mr. *Austin*,

RESOLVED, That an Ordinance to provide for the construction of a Turnpike Road from the River *Richelieu* opposite the Town of *Dorchester*, commonly called *Saint John's*, to the Village of *Granby*, be referred to a Special Committee of five Members, to examine the contents thereof and report thereon with all convenient speed.

ORDERED, That the Committee be Messrs. *Knoulton*, *Austin*, *Hale* of *Sherbrooke*, *Daly* and *Day*, to meet and adjourn as they please.

His Excellency then withdrew.

The Honble. The Chief Justice resumed the Chair.

Mr. *Hale* of *Sherbrooke* from the Special Committee, to whom had been referred an Ordinance for making a Rail Road from *Sherbrooke* to *Saint John's*, reported, That the Committee had gone through the said Ordinance, and had directed him to report the same, with the following amendments :

- Clause 6, Line 4.—Strike out from “erect” inclusive, to “under” also inclusive, in the 18th line, and insert : “ station and constantly keep at least one person as a
 “ guard, whose duty it shall be to prevent any obstruction being or re-
 “ maining upon the said Rail Road, or upon such public highway, and to
 “ watch over the safety of the persons and property passing and conveyed
 “ either upon the said highway, or upon the said Rail Road ; and for each
 “ and every neglect or refusal to comply with the provisions of this sec-
 “ tion, the said company shall incur.”
- “ 18, “ 10.—Strike out from “said” inclusive, to “the” also inclusive, in the 12th line, and insert : “ District, Territorial Division or Sheriff’s District
 “ within which such.”
- “ 37, “ 10.—After “ weight” insert : “ or per ton measurement (at the option of the
 “ said Company.)”
- “ 43, “ 6.—Strike out “ western” and insert : “ eastern.”
- “ 53, “ 15.—Strike out from “ all” inclusive, to “ any” also inclusive, in the 16th line, and insert : “ one or more of the said Sections as they shall deem
 “ advisable, provided that such Section or Sections shall commence at
 “ the Town of *Sherbrooke*, and be continued uninterruptedly towards the
 “ said River *Richelieu* as aforesaid, and upon that.”
- “ 54, “ 25.—Strike out “ three” and insert : “ five.”

Clause 54, line 29.—Strike out “three” and insert : “five.”

On motion of Mr. *Hale* of *Sherbrooke*, seconded by Mr. *Austin*,

ORDERED, That the said Ordinance and Amendments thereto, be taken into consideration, at the next sitting day.

Then,

On motion of the Honble. Mr. *McGill*, seconded by Mr. *Austin*,

The Council adjourned until Monday next, at two o'clock, P. M.

MONDAY, 11TH JANUARY, 1841.

PRESENT :

The Honble. The Chief Justice, Presiding Member.

Messrs. *Moffatt*,
McGill,
Gerrard,
Quesnel,
Molson,
Knoulton,
Austin,
Mondelet,
Hale of *Sherbrooke*,
Ogden,
Daly, and
Day.

PRAYERS.

An Ordinance for suspending a certain Ordinance, intituled, “An Ordinance for establishing regulations respecting Aliens coming into this Province, or residing therein, and a certain other Ordinance, intituled, “An Ordinance for amending an Ordinance for establishing regulations respecting Aliens coming into this Province, or residing therein,” was, according to order, read a second time.

The question of concurrence having then been separately put upon each Clause of the said Ordinance, they were agreed to.

On motion of Mr. *Ogden*, seconded by the Honble. Mr. *Daly*,

ORDERED, That the said Ordinance be fairly transcribed.

According to order, the Council took into consideration an Ordinance for making a Rail Road from *Sherbrooke* to *Saint John's*, and amendments thereto.

The first to the fifty-third Clause inclusive, of the said Ordinance being again read, and the amendments made by the Special Committee to several of the same, being also read, and the question being separately put thereon, they were agreed to.

The fifty-fourth Clause of the said Ordinance, being again read, the amendments made by the Special Committee to the same being then also read, and the question being separately put thereon :

The Council divided :

FOR THE AMENDMENTS.

Messrs. *McGill*,
Gerrard,
Molson,
Knoulton.
Austin,
Hale of Sherbrooke.

AGAINST THE AMENDMENTS.

Messrs. *Moffatt*,
Quesnel,
Mondelet,
Daly.

So they were carried in the affirmative.

The question being then put on the said Clause, as amended, it was agreed to.

The fifty-fifth to the fifty-seventh Clause, inclusive of the said Ordinance, being again read, and the question being separately put thereon, they were agreed to.

The Preamble and Title of the said Ordinance being again read, and the question being separately put thereon, they were agreed to.

On motion of Mr. *Hale of Sherbrooke*, seconded by Mr. *Austin*,

ORDERED, That the said Ordinance, as amended, be fairly transcribed.

Mr. *Hale of Sherbrooke*, from the Special Committee, to whom had been referred an Ordinance to provide for the construction of a Turnpike Road from the River *Richelieu*,

opposite the Town of *Dorchester*, commonly called *Saint John's*, to the Village of *Granby*, reported, That the Committee had gone through the said Ordinance, and had directed him to report the same with the following amendments :

Clause 14, Line 10.—Strike out “ Church in the said village ” and insert : “ Mill in the said
“ village known as *Guerout's Mill*.”

“ 21, “ 18.—Strike out “ six pence ” and insert : “ five pence.”

“ “ “ 23.—Strike out “ five pence ” and insert : “ six pence.”

“ “ “ 37.—Strike out “ nine pence ” and insert : “ seven pence half penny.”

“ “ “ 46.—Strike out “ one penny half penny ” and insert : “ one penny.”

“ “ “ 48.—Strike out “ four pence,” and insert : “ three pence.”

On motion of Mr. *Hale* of *Sherbrooke*, seconded by Mr. *Knoulton*,

ORDERED, That the said Ordinance, and amendments thereto, be taken into consideration at the next sitting day.

Then,

On motion of the Honble. Mr. *McGill*, seconded by Mr. *Gerrard*,

The Council adjourned until to-morrow, at two o'clock, P. M.

TUESDAY, 12TH JANUARY, 1841.

PRESENT :

The Honble. The Chief Justice, Presiding Member,

Messrs. *Moffatt*,
Gerrard,
Quesnel,
Molson,
Knoulton,

*Austin,
Mondelet,
Hale of Sherbrooke,
Daly, and
Day.*

PRAYERS.

According to order, the Council took into consideration an Ordinance to provide for the construction of a Turnpike Road from the River *Richelieu* opposite the Town of *Dorchester*, commonly called *Saint John's*, to the Village of *Granby*, and amendments thereto.

The first to the thirtieth Clause inclusive, of the said Ordinance, being again read; and the amendments made by the Special Committee, to several of the same, being also read, and the question being separately put thereon, they were agreed to.

The thirty-first Clause of the said Ordinance, being again read,

On motion of the Honble. Mr. *Moffatt*, seconded by Mr. *Quesnel*,

ORDERED, That the following amendment be made to the said Clause :

Line 8.—After “ shares ” insert “ or by the said Company, expended on the said Road.”

The Honble. Mr. *Moffatt* then moved, seconded by Mr. *Quesnel*,

That the following amendment be also made to the said Clause :

Line 10.—Strike out from “ by ” inclusive, to “ aforesaid ” also inclusive, in the fifteenth line.

The Council divided on the proposed amendment :

FOR THE AMENDMENT.

Messrs. *Moffatt*,
Quesnel,
Molson.
Hale of Sherbrooke.
Daly.

AGAINST THE AMENDMENT.

The Chief Justice,
Messrs. *Gerrard*,
Knoulton,
Austin,
Mondelet,
Day.

So it passed in the negative.

The question being then put upon the said Clause, as amended, it was agreed to.

The thirty-second to the thirty-fourth Clause inclusive, of the said Ordinance, being again read, and the question being separately put thereon, they were agreed to.

The Preamble and Title of the said Ordinance being again read, and the question being separately put thereon, they were agreed to.

On motion of Mr. *Hale* of *Sherbrooke*, seconded by Mr. *Knoulton*,

ORDERED, That the said Ordinance, as amended, be fairly transcribed.

Then,

On motion of Mr. *Gerrard*, seconded by the Honble. Mr. *Mondelet*,

The Council adjourned until to-morrow, at two o'clock, P. M.

WEDNESDAY, 13TH JANUARY, 1841.

PRESENT :

The Honble. The Chief Justice, Presiding Member.

Messrs. *Moffatt*,
McGill,
Gerrard,
Quesnel,
Molson,
Austin,
Mondelet,
Hale of *Sherbrooke*,
Ogden, and
Daly.

PRAYERS

T. W. Clinton Murdoch, Esquire, Chief Secretary to His Excellency the Governor General, was admitted in the Council Chamber, and delivered to the Presiding Member, a Message from His Excellency.

And then he withdrew.

And the said Message was read by the Presiding Member, and is as followeth :

SYDENHAM.

The Governor General transmits for the consideration of the Special Council, the draught of an Ordinance, intituled, "An Ordinance to authorize the Council of the City of *Montreal*, to discharge a certain debt contracted by the Magistrates of the said City, for "lighting the same with Gas"

Government House,
Montreal, 13th January, 1841. }

The Ordinance mentioned in the preceding Message, was read for the first time.

On motion of the Honble. Mr. *McGill*, seconded by Mr. *Quesnel*,

ORDERED, That the said Ordinance be read a second time, at the next sitting day.

Then,

On motion of the Honble. Mr. *McGill*, seconded by Mr. *Gerrard*,

The Council adjourned until to-morrow, at two o'clock, P. M.

THURSDAY, 14TH JANUARY, 1841,

PRESENT :

The Honble. The Chief Justice, Presiding Member.

Messrs. *McGill*,
Gerrard,
Molson,
Knoulton,
Austin,
Hale of Sherbrooke,
Ogden,
Daly, and
Day.

Q

PRAYERS.

At half past two o'clock, P. M. there being no quorum, the Presiding Member declared this Council adjourned until to-morrow, at two o'clock, P. M.

FRIDAY, 15TH JANUARY, 1841.

PRESENT :

The Honble. The Chief Justice, Presiding Member.

Messrs. *Moffatt,*
McGill,
Gerrard,
Quesnel,
Knoulton,
Austin,
Mondelet,
Hale of Sherbrooke, and
Day.

PRAYERS.

At half past two o'clock, P. M. there being no quorum, the Presiding Member declared this Council adjourned until to-morrow, at two o'clock, P. M.

SATURDAY, 16TH JANUARY, 1841.

PRESENT :

The Honble. the Chief Justice, Presiding Member.

Messrs. *Moffatt,*
McGill,
Gerrard,
Quesnel,
Molson,

*Knoulton,
Austin,
Mondelet,
Hale of Sherbrooke,
Daly, and
Day.*

PRAYERS.

T. W. Clinton Murdoch, Esquire, Chief Secretary to His Excellency the Governor General, was admitted in the Council Chamber, and delivered to the Presiding Member, a Message from His Excellency.

And then he withdrew.

And the said Message was read by the Presiding Member, and is as followeth :

SYDENHAM.

The Governor General transmits for the consideration of the Special Council, the draught of an Ordinance, intituled, "An Ordinance for establishing and maintaining better means of communication between the City of *Montreal* and *Chambly*."

Government House,
Montreal, 15th January, 1841. }

The Ordinance mentioned in the preceding Message was read for the first time.

On motion of Mr. *Day*, seconded by the Honble. Mr. *McGill*.

RESOLVED, That the said Ordinance be referred to a Special Committee of three Members, to examine the contents thereof, and report thereon with all convenient speed.

ORDERED, That the Committee be Messrs. *Gerrard*, *Hale* of *Sherbrooke* and *Day*, to meet and adjourn as they please.

An Ordinance to authorize the Council of the City of *Montreal*, to discharge a certain debt, contracted by the Magistrates of the said City, for lighting the same with Gas, was, according to order, read a second time.

The first and second Clauses of the said Ordinance being again read, and the question being separately put thereon, they were agreed to.

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The third Clause of the said Ordinance being again read, and the question being put thereon, it passed unanimously in the negative.

The Preamble and Title of the said Ordinance being again read, and the question being separately put thereon, they were agreed to.

On motion of the Honble. Mr. *McGill*, seconded by Mr. *Quesnel*,

ORDERED, That the said Ordinance, as amended, be fairly transcribed.

Then,

On motion of the Honble. Mr. *McGill*, seconded by Mr. *Gerrard*,

The Council adjourned until Monday next, at two o'clock, P. M.

MONDAY, 18TH JANUARY, 1841.

PRESENT :

The Honble. The Chief Justice, Presiding Member.

Messrs. *Moffatt*,
Gerrard,
Quesnel,
Molson,
Knoulton,
Austin,
Mondelet,
Hale of Sherbrooke,
Daly, and
Day.

PRAYERS.

On motion of the Honble. Mr. *Moffatt*, seconded by Mr. *Molson*,

ORDERED, That the order for transcribing an Ordinance for making a Rail Road from *Sherbrooke* to *Saint John's*, be rescinded, with a view to the re-consideration and amendment of the fifty-first Clause of the said Ordinance.

The said Clause being again read,

On motion of the Honble. Mr. *Moffatt*, seconded by Mr. *Molson*,

ORDERED, That the following amendment be made thereto :

Line 32.—Strike out from “the” inclusive, to “Ordinance,” also inclusive, in the fifty-fourth line of the said Clause and insert “the said Company shall not in any way
“interfere with or infringe the privileges granted to the Honorable Robert
“Jones and his legal representatives by a certain Act of the Legislature of this
“Province, passed in the sixth year of the Reign of His late Majesty George
“the Fourth, intituled, “An Act to authorize Robert Jones, to build a Toll
“Bridge over the River *Richelieu* in the Parish of *Saint Luke* at *Saint John's*
“near the Rapids, to fix the rates of Toll for passing thereon, and to provide
“regulations for the same,” without the express consent in writing of the said
“Robert Jones or his legal representatives.”

On motion of Mr. *Hale* of *Sherbrooke*, seconded by Mr. *Austin*,

ORDERED, That the further consideration of the said Ordinance be postponed, until the next sitting day.

Then,

On motion of Mr. *Gerrard*, seconded by the Honble. Mr. *Mondelet*,

The Council adjourned until to-morrow, at two o'clock, P. M.

TUESDAY, 19TH JANUARY, 1841.

PRESENT :

The Honble. The Chief Justice, Presiding Member.

Messrs. *Moffatt*,
McGill.

*Gerrard,
Quesnel,
Molson,
Knoulton,
Austin,
Mondelet,
Hale of Sherbrooke,
Daly, and
Day.*

PRAYERS.

According to order, the Council took into further consideration an Ordinance for making a Rail Road from *Sherbrooke* to *Saint John's*.

On motion of Mr. *Hale* of *Sherbrooke*, seconded by Mr. *Austin*,

ORDERED, That the following amendments be made to the said Ordinance :

Clause 1, line 44.—Strike out “Town of *Dorchester*, commonly called *Saint John's*,” and insert “River *Richelieu*, as aforesaid.”

“ 51, “ 16.—Strike out from “purpose” inclusive, to “*John's*” also inclusive, in the nineteenth line, and insert “purposes of the said Rail Road.”

“ 53, “ 8.—Strike out from “from” inclusive, to “five” also inclusive in the 13th line, and insert “and the remaining distance from thence to the said “River *Richelieu* as aforesaid, shall be divided as equally as may be “into three sections, to be respectively sections three, four and five.”

Preamble, lines 6 and 7.—Strike out “the ‘Town of *Dorchester*, commonly called *Saint John's*” and insert “any such point upon either Bank of the “River *Richelieu*, as the Company of Proprietors hereinafter constituted shall select.”

Line 10.—Strike out “Town of *Dorchester*,” and insert “said River *Richelieu* as aforesaid.”

On motion of Mr. *Hale* of *Sherbrooke*, seconded by Mr. *Austin*,

ORDERED, That the further consideration of the said Ordinance be postponed, until the next sitting day.

T. W. Clinton Murdoch, Esquire, Chief Secretary to His Excellency the Governor General, was admitted in the Council Chamber, and delivered to the Presiding Member, a Message from His Excellency.

And then he withdrew.

And the said Message was read by the Presiding Member, and is as followeth :

SYDENHAM.

The Governor General transmits for the consideration of the Special Council, the draught of an Ordinance, intituled, "An Ordinance to declare and regulate the Tolls to be taken on the Bridge over *Cap Rouge* River; and for other purposes relative to the said "Bridge."

Government House,
Montreal, 19th January, 1841. }

The Ordinance mentioned in the preceding Message was read for the first time.

On motion of the Honble. Mr. *Daly*, seconded by the Honble. Mr. *Mondelet*,

RESOLVED, That the said Ordinance be referred to a Special Committee of three members, to examine the contents thereof, and report thereon with all convenient speed.

ORDERED, That the Committee be Messrs. *Knoulton*, *Mondelet* and *Daly*, to meet adjourn as they please,

Then,

On motion of the Honble. Mr. *McGill*, seconded by Mr. *Gerrard*,

The Council adjourned until to-morrow, at two o'clock, P. M.

WEDNESDAY, 20TH JANUARY, 1841.

PRESENT :

The Honble. The Chief Justice, Presiding Member

Messrs. *Moffatt,*
McGill,
Gerrard,
Quesnel,
Molson,
Knoulton,
Austin,
Mondelet,
Hale of Sherbrooke,
Daly, and
Day.

PRAYERS.

T. W. Clinton Murdoch, Esquire, Chief Secretary to His Excellency the Governor General, was admitted in the Council Chamber, and delivered to the Presiding Member a Message from His Excellency.

And then he withdrew.

And the said Message was read by the Presiding Member, and is as followeth :

SYDENHAM.

The Governor General transmits for the consideration of the Special Council, the draught of an Ordinance, intituled, " An Ordinance for the better regulation of the Office of " Sheriff, in this Province."

Government House,
Montreal, 20th January, 1841. }

The Ordinance mentioned in the preceding Message was read for the first time.

On motion of Mr. *Day*, seconded by Mr. *Gerrard*,

RESOLVED, That the said Ordinance be referred to a Special Committee of five members, to examine the contents thereof, and report thereon with all convenient speed.

ORDERED, That the Committee be Messrs. *Moffatt, Gerrard, Quesnel, Mondelet* and *Day*, to meet and adjourn as they please.

According to order, the Council took into further consideration an Ordinance for making a Rail Road from *Sherbrooke* to *Saint John's*.

On motion of Mr. *Hale* of *Sherbrooke*, seconded by Mr. *Austin*,

ORDERED, That the following amendment be made to the said Ordinance :

Title, line 2.—Strike out “*Saint John’s*” and insert “a point upon either Bank of the
“*River Richelieu.*”

On motion of Mr. *Hale* of *Sherbrooke*, seconded by Mr. *Austin*,

ORDERED, That the said Ordinance, as amended, be fairly transcribed.

Mr. *Day*, from the Special Committee to whom had been referred an Ordinance for establishing and maintaining better means of communication between the City of *Montreal* and *Chambly*, reported, That the Committee had gone through the said Ordinance and had directed him to report the same with the following amendments :

Clause 3, line 12.—Strike out “one” and insert “two.”

“ 4, “ 6 and 7.—Strike out “or personally upon any one of the said Trustees.”

“ 6, “ 38.—Strike out “such value or price or of.”

“ 9, “ 7.—After “say” insert the following Rates of Toll :

“ For every Coach, Stage Coach, waggon or other carriage with four wheels,
“ drawn by two horses, or other beasts, the sum of one shilling and six
“ pence currency ; and for every additional horse or other beasts to the
“ same, the sum of six pence currency.”

“ For every such Coach, Stage Coach, Waggon, or other carriage, drawn by one
“ horse or other beast, the sum of one shilling and three pence currency.”

“ For every Gig, Caleche, Cart or other carriage with two wheels, drawn by
“ two horses or other beasts, the sum of one shilling and six pence
“ currency.”

“ For every such Gig, Caleche, Cart or other carriage, drawn by one horse or
“ other beast, the sum of one shilling and three pence currency.”

“ For every Saddle Horse, Ass or Mule, with its rider, the sum of six pence
“ currency.”

“ For every Horse, Mare, Gelding, Ass, Mule, Bull, Ox, Cow or head of
“ cattle, the sum of four pence currency.”

“ For every Sheep, Calf, Lamb, Goat, or Hog, the sum of two pence cur-
“ rency.”

“ For every Sleigh, Train, Drag, Berlin, Cariole, or other winter vehicle
 “ whatever, drawn by one or two horses, the sum of ten pence currency.”

“ And for every additional horse or other beast to the same, the sum of two
 “ pence currency.”

Clause 18, Line 8.—Strike out from “upon” inclusive, to “ferry” also inclusive, in the tenth line, and insert, “ a public ferry of such nature as to the said Trustees
 “ shall seem fit, between the commencement of the said Turnpike Road
 “ on the south bank of the River *St. Lawrence*, and any part of the Island
 “ or City of *Montreal*, and to lease the said ferry for one year, or for a term
 “ of years ; provided always, that nothing herein contained shall be con-
 “ stituted to confer upon the said Trustees any exclusive privilege in
 “ the said ferry.”

“ “ 17.—Strike out from “to erect” inclusive, to “and” also inclusive, in the
 twenty-third line.

“ “ 29.—Strike out from “from” inclusive, to “in” also inclusive, in the thirty-
 second line, and insert “to.”

“ 19, “ 5.—After “say” insert : “For every coach, stage-coach, waggon or other car-
 “ riage with four wheels, drawn by two horses or other beasts, the sum of
 “ one shilling and six pence currency ; and for every additional horse or
 “ other beast to the same, the sum of six pence currency.”

“ For every such coach, stage-coach, waggon or other carriage, drawn by
 “ one horse or other beast, the sum of one shilling and three pence cur-
 “ rency.”

“ For every gig, caleche, cart or other carriage with two wheels, and for
 “ every sleigh, berlin, train, or other winter carriage, drawn by two horses,
 “ or other beasts, the sum of one shilling and six pence currency.”

“ For every such gig, caleche, cart, sleigh, berlin, train or other carriage,
 “ drawn by one horse or other beast, the sum of one shilling and three
 “ pence, currency.”

“ For every saddle horse, ass or mule, with its rider, the sum of six pence
 “ currency.”

“ For every horse, mare, gelding, ass, mule, bull, ox, cow or head of cattle,
 “ the sum of four pence currency.”

“ For every sheep, calf, lamb, goat or hog, the sum of one half penny cur-
 “ rency.”

“ For each person on foot, and for each person over five, in any carriage
 “ drawn by four horses or other beasts, or over three in any carriage,

“ drawn by a less number than four such horses or beasts, two pence currency : Provided always, that the rates of ferriage as above, shall be those authorized to be demanded, taken, paid for and recovered in case of the ferry being for a distance under two miles, but may be double the respective amounts of the same, at the discretion of the Trustees, should the said ferry be for a distance exceeding two miles : Provided further, that it shall be competent to the said Trustees to establish reasonable rates of ferriage for all grain, flour, oatmeal, meat, plank, boards and other lumber, and for all other goods, wares and merchandize, not forming the load or part of the load of any of the above mentioned carriages or beasts.”

Strike out the twenty-sixth Clause of the said Ordinance.

On motion of Mr. *Day*, seconded by Mr. *Hale* of *Sherbrooke*,

ORDERED, That the said Ordinance, and amendments thereto, be taken into consideration on the next sitting day.

The Honble. Mr. *Daly*, from the Special Committee to whom had been referred an Ordinance to declare and regulate the Tolls to be taken on the Bridge over *Cap Rouge* River, and for other purposes relative to the said Bridge, reported, That the Committee had gone through the said Ordinance and had directed him to report the same with the following amendment :

Clause 2, lines 15 and 16.—Strike out “one hundred” and insert “fifty.”

On motion of the Honble. Mr. *Daly*, seconded by Mr. *Day*,

ORDERED, That the said Ordinance, and amendment thereto, be now taken into consideration.

The said Ordinance was read throughout.

The first Clause of the said Ordinance being again read, and the question being put thereon, it was agreed to.

The second Clause of the said Ordinance, as amended by the Special Committee, being again read.

ORDERED, That the consideration of the said Clause be postponed.

The third to the eighth Clause, inclusive, of the said Ordinance being again read, and the question being separately put thereon, they were agreed to.

The ninth Clause of the said Ordinance being again read,

The Honble. Mr. *Moffatt* moved, seconded by Mr. *Molson*,

That the following amendment be made to the said Clause :

Line 5.—Strike out “two” and insert “one.”

The Council divided on the proposed amendment:

FOR THE AMENDMENT.

Messrs. *Moffatt*,
Molson.

AGAINST THE AMENDMENT.

Messrs. *McGill*,
Gerrard,
Quesnel,
Knoulton.
Austin,
Mondelet,
Hale of Sherbrooke,
Daly,
Day.

So it passed in the negative.

The question being then put upon the said ninth Clause, it was agreed to.

The tenth and eleventh Clauses of the said Ordinance being again read, and the question being separately put thereon, they were agreed to.

The twelfth Clause of the said Ordinance being again read,

ORDERED, That the consideration of the said Clause be postponed.

The thirteenth and fourteenth Clauses of the said Ordinance being again read, and the question being separately put thereon, they were agreed to.

On motion of the Honble. Mr. *Daly*, seconded by Mr. *Day*,

ORDERED, That the further consideration of the said Ordinance, and amendments thereto, be postponed until the next sitting day.

Then,

On motion of the Honble. Mr. *McGill*, seconded by Mr. *Gerrard*,

The Council adjourned until to-morrow, at two o'clock, P. M.

THURSDAY, 21ST JANUARY, 1841.

PRESENT :

The Honble. The Chief Justice, Presiding Member.

Messrs. *Moffatt,*
McGill,
Gerrard,
Molson,
Knoulton,
Austin,
Mondelet,
Hale of Sherbrooke,
Ogden,
Daly, and
Day.

PRAYERS.

Mr. *Day*, from the Special Committee to whom had been referred an Ordinance for the better regulation of the Office of Sheriff in this Province, reported, That the Committee had gone through the said Ordinance, and had directed him to report the same with the following amendments :

Clause 1, *line* 7.—After “sureties” insert, “not exceeding four in number.”

“ “ “ 8 and 9.—Strike out “jointly and severally.”

“ “ “ 12.—Fill up to the blank with the words “five thousand.”

“ “ “ 16.—Fill up to the blank with the words “two thousand five hundred.”

“ “ “ 22.—Strike out “the penal sum” and insert : “so much of the penal sum in
“ the said recognizance specified as they respectively shall thereby become
“ liable to pay.”

“ 2, “ 8.—Strike out “two.”

“ “ “ *Ibid.*—After “sureties” insert, “not exceeding four in number.”

“ 10, “ 8.—After “Sheriff” insert, “which may have come into their hands, possession or power.”

Clause 16, Line 11.—Strike out “the sum of” and insert, “a sum not exceeding twenty-five pounds.”

“ 18, “ 12.—Fill up to the blank with the words “three hundred pounds.”

“ 19, “ 10.—Strike out “writs” and insert, “final writs and process.”

“ 21, “ 4.—After “Gaols” insert, “now erected, and being or hereafter to be erected.”

“ 24, “ 9.—After “costs,” insert, “unless legally entitled to be otherwise maintained.”

“ 32, “ 26.—Fill up to the blank with the word “twenty.”

“ 37, “ 31.—Strike out from “and” inclusive, to the end of the Clause, and insert, “and on sales exceeding the last mentioned sum one quarter per cent for every hundred pounds, beyond that sum.”

“ 40, “ 5.—Fill up to the blank with the word “fifteen.”

“ “ “ *Ibid.*—Strike out “December” and insert “May.”

On motion of Mr. *Day*, seconded by Mr. *Gerrard*,

ORDERED, That the said Ordinance, and amendments thereto, be taken into consideration on the next sitting day.

His Excellency the Governor General having entered the Council Chamber, he took his seat at the head of the table.

On motion of Mr. *Hale* of *Sherbrooke*, seconded by Mr. *Austin*,

ORDERED, That an Ordinance for making a Rail Road from *Sherbrooke* to a point upon either Bank of the River *Richelieu*, be now read for the third time.

The said Ordinance was accordingly read for the third time.

His Excellency having put the question :

“ That this Ordinance do now pass ?”

It was,

RESOLVED, in the affirmative.

On motion of Mr. *Hale* of *Sherbrooke*, seconded by Mr. *Knoulton*,

ORDERED, That an Ordinance to provide for the construction of a Turnpike Road from the River *Richelieu* opposite the Town of *Dorchester*, commonly called *Saint John's*, to the Village of *Granby*, be now read for the third time.

The said Ordinance was accordingly read for the third time.

His Excellency having put the question :

“ That this Ordinance do now pass ? ”

It was,

RESOLVED, in the affirmative.

On motion of the Honble. Mr. *Moffatt*, seconded by Mr. *Molson*,

ORDERED, That an Ordinance to authorize certain further improvements in the Harbour of *Montreal*, to establish new rates of Wharfage therein, to authorize the Commissioners for the improvement of the same to borrow a further sum of money, and for other purposes relative to the said Harbour, be now read for the third time.

The said Ordinance was accordingly read for the third time.

His Excellency having put the question :

“ That this Ordinance do now pass ? ”

It was,

RESOLVED, in the affirmative.

On motion of Mr. *Day*, seconded by the Honble. Mr. *Daly*,

ORDERED, That an Ordinance for suspending a certain Ordinance, intituled, “ An Ordinance for establishing regulations respecting Aliens coming into this Province or residing therein,” and a certain other Ordinance, intituled, “ An Ordinance for amending an Ordinance for establishing regulations respecting Aliens coming into this Province or residing therein,” be now read for the third time.

The said Ordinance was accordingly read for the third time.

His Excellency having put the question :

“ That this Ordinance do now pass ?”

It was,

RESOLVED, in the affirmative.

On motion of the Honble. Mr. *McGill*, seconded by Mr. *Gerrard*,

ORDERED, That an Ordinance to authorize the Council of the City of *Montreal* to discharge a certain debt contracted by the Magistrates of the said City, for lighting the same with Gas, be now read for the third time.

The said Ordinance was accordingly read for the third time.

His Excellency having put the question :

“ That this Ordinance do now pass ?”

It was,

RESOLVED, in the affirmative.

His Excellency then signed each of the said Ordinances, and the Great Seal of the Province was severally affixed to the same, by the Secretary of the Province.

His Excellency then withdrew.

The Honble. The Chief Justice resumed the Chair.

According to order, the Council took into consideration an Ordinance for establishing and maintaining better means of communication between the City of *Montreal* and *Chambly*, and amendments thereto.

The first to the eighth Clause, inclusive, of the said Ordinance being again read, and the amendments made by the Special Committee to several of the same being also read, and the question being separately put thereon, they were agreed to.

The ninth Clause of the said Ordinance, as amended by the Special Committee, being again read.

ORDERED, That the consideration of the said Clause be postponed.

The tenth Clause of the said Ordinance being again read, and the question being put thereon, it was agreed to.

The eleventh and twelfth Clauses of the said Ordinance being again read,

ORDERED, That the consideration of the said Clauses be postponed.

The thirteenth to the seventeenth Clause, inclusive, of the said Ordinance, being again read, and the question being separately put thereon, they were agreed to.

The eighteenth Clause of the said Ordinance, as amended by the Special Committee, being again read, and the question being put thereon, it was agreed to.

The nineteenth Clause of the said Ordinance, as amended by the Special Committee, being again read,

ORDERED, That the consideration of the said Clause be postponed.

The twentieth to the twenty-fourth Clause, inclusive, of the said Ordinance, being again read, and the question being separately put thereon, they were agreed to.

The twenty-fifth and twenty-sixth Clauses of the said Ordinance being again read,

ORDERED, That the consideration of the said Clauses be postponed.

The twenty-seventh to the forty-first Clause, inclusive, of the said Ordinance, being again read, and the question being separately put thereon, they were agreed to.

On motion of Mr. *Day*, seconded by Mr. *Hale* of *Sherbrooke*,

ORDERED, That the further consideration of the said Ordinance, and amendments thereto, be postponed until the next sitting day.

According to order, the Council took into further consideration an Ordinance to declare and regulate the Tolls to be taken on the Bridge over *Cap Rouge* River, and for other purposes relative to the said Bridge, and amendment thereto.

On motion of the Honble. Mr. *Daly*, seconded by Mr. *Ogden*,

RESOLVED, That the said Ordinance, and amendment thereto, be re-committed to the same Special Committee to whom it had already been referred, to report thereon with all convenient speed.

Then,

On motion of the Honble. Mr. *McGill*, seconded by Mr. *Gerrard*,

The Council adjourned until to-morrow, at two o'clock, P. M.

FRIDAY, 22ND JANUARY, 1841.

PRESENT :

The Honble. The Chief Justice, Presiding Member,

Messrs. *Moffatt*,
McGill,
Gerrard,
Quesnel,
Molson,
Knoulton,
Austin,
Mondelet,
Hale of Sherbrooke,
Daly, and
Day.

PRAYERS.

According to order, the Council took into consideration an Ordinance for the better regulation of the Office of Sheriff in this Province, and amendments thereto.

The first to the thirty-sixth Clause, inclusive, of the said Ordinance, being again read, and the amendments made by the Special Committee to several of the same, being also read, and the question being separately put thereon, they were agreed to.

The thirty-seventh Clause of the said Ordinance, as amended by the Special Committee, being again read,

The Honble. Mr. *Moffatt* moved, seconded by the Honble. Mr. *McGill*,

That the following amendment be made to the said Clause :

Line 29.—Strike out from “and” inclusive, to “sum” also inclusive, in the thirty-third line, and insert “of one per cent on every hundred pounds for the next five hundred pounds, and a half per cent on every hundred pounds exceeding one thousand pounds.”

The Council divided on the proposed amendment :

FOR THE AMENDMENT.

Messrs. *Moffatt,*
McGill,
Austin.

AGAINST THE AMENDMENT.

The Chief Justice,
Messrs. *Gerrard,*
Quesnel,
Molson,
Knoulton,
Mondelet,
Hale of Sherbrooke,
Day.

So it passed in the negative.

The question being then put upon the said thirty-seventh Clause, as amended, it was agreed to.

The thirty-eighth to the forty-first Clause, inclusive, of the said Ordinance, being again read, and the amendments made by the Special Committee to the fortieth Clause, being also read, and the question being separately put thereon, they were agreed to.

Schedules numbers One and Two, to follow the last Clause of the said Ordinance, being again read, and the question being separately put thereon, they were agreed to.

The Preamble and Title of the said Ordinance being again read, and the question being separately put thereon, they were agreed to.

On motion of Mr. *Day*, seconded by Mr. *Hale of Sherbrooke*,

ORDERED, That the said Ordinance, as amended, be fairly transcribed.

The order of the day for taking into further consideration an Ordinance for establishing and maintaining better means of communication between the City of *Montreal* and *Chambly*, and amendments thereto, being read,

On motion of Mr. *Day*, seconded by Mr. *Knoulton*,

ORDERED, That the said order of the day be postponed until the next sitting day.

Then,

On motion of the Honble. Mr. *McGill*, seconded by Mr. *Gerrard*,

The Council adjourned until to-morrow, at two o'clock, P. M.

SATURDAY, 23^D JANUARY, 1841.

PRESENT :

The Honble. The Chief Justice, Presiding Member.

Messrs. *McGill*,
Gerrard,
Quesnel,
Molson,
Knoulton,
Austin,
Mondelet,
Hale of Sherbrooke,
Daly, and
Day.

PRAYERS.

According to order, the Council took into further consideration an Ordinance for establishing and maintaining better means of communication between the City of *Montreal* and *Chambly*, and amendments thereto.

The ninth Clause of the said Ordinance, as amended by the Special Committee, the consideration whereof had been postponed, being again read ;

Mr. *Hale of Sherbrooke* moved, seconded by the Honble. Mr. *McGill*,

That the following Rates of Toll be substituted in lieu of those reported by the Special Committee, forming part of the said ninth Clause :

“ For every waggon, wain, cart, or other wheel carriage for the transportation of loads,
 “ the wheels whereof have tires or tracks of the breadth of four inches or upwards,
 “ English measure, drawn by one or two horses or other beasts, if the same be loaded in
 “ whole or in part, the sum of two shillings currency ; and if the same be not loaded the

“ sum of one shilling and four pence currency ; and for every such waggon, wain, or cart, with wheels, the tires or tracks whereof shall have a breadth less than four and not less than two and a quarter inches, English measure, drawn as aforesaid, if loaded in whole or in part, the sum of two shillings and four pence currency ; and if not loaded the sum of one shilling and eight pence currency ; and for every such waggon, wain or cart with wheels, the tires or tracks whereof shall have a breadth less than two and a quarter inches, English measure, drawn as aforesaid, if loaded in whole or in part, the sum of two shillings and eight pence currency ; and if not loaded the sum of two shillings currency ; and for every additional horse or other beast to any such waggon, wain or cart herein before mentioned, the further sum of one shilling and four pence currency ; for every coach, stage coach, gig, caleche, dennet, spring-cart, or other wheel carriage, (other than waggons, wains, and carts of the description hereinbefore mentioned) having wheels with tires of the breadth of two and a quarter inches or upwards, English measure, drawn by one horse or other beast, the sum of two shillings and eight pence currency ; and for every such coach, stage coach, gig, caleche, dennet, spring-cart, or other wheel carriage, (other than waggons, wains and carts of the description hereinbefore mentioned) having wheels with tires or tracks less than two and a quarter inches, English measure, in breadth, drawn as aforesaid, the sum of three shillings currency ; and for every additional horse to such stage coach, gig, caleche, dennet, spring-cart, or other wheel carriage, the further sum of one shilling and four pence currency ; for every sleigh, train, drag, berline, cariole, or other winter vehicle whatsoever, drawn by one or two horses or other beast or beasts, the sum of one shilling and four pence currency ; and for every additional horse, the further sum of six pence currency ; for every horse, mare or gelding with a rider, the sum of one shilling and four pence currency ; for every horse, mare, gelding, ass, mule, bull, ox, cow, and head of other neat cattle, not drawing, the sum of eight pence currency ; for every sheep, lamb, hog, calf or goat, the sum of two pence currency.”

The Council divided on the proposed Rates of Toll :

YEAS.

NAYS.

Messrs. *McGill,*
Gerrard,
Molson,
Knoulton,
Austin,
Mondelet,
Hale of Sherbrooke,
Daly,
Day.

Mr. *Quesnel.*

So they were carried in the affirmative.

And,

ORDERED, Accordingly.

The question being then put upon the said Clause, as amended, it was agreed to.

The eleventh and twelfth Clauses of the said Ordinance, the consideration whereof had been postponed, being again read, and the question being separately put thereon, they were agreed to.

The nineteenth Clause of the said Ordinance, as amended by the Special Committee, the consideration whereof had been postponed, being again read, and the question being put thereon, it was agreed to.

On motion of the Honble. Mr. *Mondelet*, seconded by Mr. *Hale* of *Sherbrooke*,

ORDERED, That the following Clause marked A. be added to the said Ordinance, and do follow the nineteenth Clause :

CLAUSE A.

“ And be it further Ordained and Enacted, that the said Trustees may, if they think proper, commute the Tolls on the said Ferry with any person or persons, by taking a certain sum of money either yearly or monthly in lieu thereof.”

The twenty-fifth Clause of the said Ordinance, the consideration whereof had been postponed, being again read ;

On motion of the Honble. Mr. *Mondelet*, seconded by Mr. *Hale* of *Sherbrooke*,

ORDERED, That the following amendment be made to the said Clause :

Lines 7 and 8.—Strike out “ whereby the payment of such Toll shall or may be avoided,” and insert “ for the purpose of evading the payment of such Toll.”

The question being then put on the said Clause, as amended, it was agreed to.

The twenty-sixth Clause of the said Ordinance, the consideration whereof had been postponed, being again read, and the question being put thereon, it passed unanimously in the negative.

On motion of the Honble. Mr. *Mondelet*, seconded by Mr. *Hale* of *Sherbrooke*,

ORDERED, That the fourteenth Clause of the said Ordinance be reconsidered.

ORDERED, That the following amendment be made to the said Clause :

Line 2.—Strike out from “may” inclusive, to “and” also inclusive, in the fifth line.

The question being then put upon the said Clause, as amended, it was agreed to.

On motion of Mr. *Knoulton*, seconded by Mr. *Day*,

ORDERED, That the third Clause of the said Ordinance be reconsidered.

ORDERED, That the following amendment be made to the said Clause :

Line 5.—Strike out “five” and insert “seven.”

The question being then put upon the said Clause, as amended, it was agreed to.

The Preamble and Title of the said Ordinance being again read, and the question being separately put thereon, they were agreed to.

On motion of Mr. *Day*, seconded by Mr. *Knoulton*,

ORDERED, That the said Ordinance, as amended, be fairly transcribed.

T. W. Clinton Murdoch, Esquire, Chief Secretary to His Excellency the Governor General, was admitted in the Council Chamber, and delivered to the Presiding Member a Message from His Excellency.

And then he withdrew.

And the said Message was read by the Presiding Member, and is as followeth :

SYDENHAM.

The Governor General transmits for the consideration of the Special Council, the draught of an Ordinance, intituled, “An Ordinance to provide for the improvement of certain Roads in the neighbourhood of and leading to the City of *Quebec*, and to raise a fund for that purpose.”

Government House, }
Montreal, 23rd January, 1841. }

The Ordinance mentioned in the preceding Message was read for the first time.

On motion of the Honble. Mr. *Dal*, seconded by Mr. *Day*,

RESOLVED, That the said Ordinance be referred to a Special Committee of five members, to examine the contents thereof, and report thereon with all convenient speed.

ORDERED, That the Committee be Messrs. *Knoulton*, *Mondelet*, *Hale of Sherbrooke*, *Daly* and *Day*, to meet and adjourn as they please.

Then,

On motion of the Honble. Mr. *McGill*, seconded by Mr. *Gerrard*,

The Council adjourned until Monday next, at two o'clock, P. M.

MONDAY, 25TH JANUARY, 1841.

PRESENT :

The Honble. The Chief Justice, Presiding Member.

Messrs. *Moffatt*,
Gerrard,
Quesnel,
Molson,
Knoulton,
Austin,
Mondelet,
Hale of Sherbrooke,
Ogden,
Daly, and
Day.

PRAYERS.

On motion of Mr. *Hale of Sherbrooke*, seconded by the Honble. Mr. *Mondelet*,

ORDERED, That the order for transcribing an Ordinance for establishing and maintaining better means of communication between the City of *Montreal* and *Chambly*, be rescinded, and that the said Ordinance be taken into further consideration, at the next sitting day.

The Honble. Mr. *Daly*, from the Special Committee to whom had been referred an Ordinance to provide for the improvement of certain Roads in the neighbourhood of and leading to the City of *Quebec*, and to raise a fund for that purpose, reported, That the Committee had gone through the said Ordinance, and had directed him to report the same, with the following amendments :

Clause 9, Line 7.—After “Road” insert, “or *la Grande Allée*.”

“ “ “ 10.—After “same” insert, “and also the public cross-road now open at the
“ place commonly called *New Kilmarnock*, and leading from the said
“ *St. Louis* Road, to the said Cove or Beach Road.”

“ “ “ 27.—Strike out from “to” inclusive, to “direction” also inclusive, in the
thirty-sixth line, and insert, “ along the south bank of the River
“ *St. Charles*, across the stream commonly called the *Little River*,
“ and to the point where the said Road is intersected by the Road
“ leading to the Bridge over the said River *St. Charles*, commonly
“ called the *Red Bridge* or *Commissioners’ Bridge*.”

“ “ “ 46.—After “limits” insert, “and all Bridges, or other public works upon
“ such roads, within the said limits respectively.”

“ 10, “ 5.—Strike out “six” and insert “three.”

“ “ “ 6.—Strike out “four” and insert “two.”

“ “ “ 11.—Strike out “eight” and insert “four.”

“ “ “ 12.—Strike out “six” and insert “three.”

“ “ “ 15.—Strike out “one shilling” and insert “six pence.”

“ “ “ 16.—Strike out “eight” and insert “four.”

“ “ “ 18.—Strike out “four” and insert “two.”

“ “ “ 25.—Strike out “eight” and insert “four.”

“ “ “ 30.—Strike out “one shilling” and insert “six pence.”

“ “ “ 32.—Strike out “four” and insert “two.”

“ “ “ 35.—Strike out “four” and insert “two.”

Clause 10, Line 36.—Strike out “two pence” and insert “one penny.”

“ “ “ 37.—Strike out “four” and insert “two.”

“ “ “ 40.—Strike out “two pence” and insert “one penny.”

“ “ “ 41.—Strike out “four pence” and insert “two pence half penny.”

“ 14, “ 13.—Strike out “the gate on such road, except through such Turnpike,” and insert, “the same Turnpike.”

“ 18, “ 2.—Strike out from “may” inclusive, to “and” also inclusive, in the fifth line.

On motion of the Honble. Mr. *Daly*, seconded by Mr. *Hale* of *Sherbrooke*,

ORDERED, That the said Ordinance, and amendments thereto, be taken into consideration on the next sitting day.

Then,

On motion of Mr. *Gerrard*, seconded by the Honble. Mr. *Mondelet*,

The Council adjourned until to-morrow, at two o'clock, P. M.

TUESDAY, 26TH JANUARY, 1841.

PRESENT :

The Honble. The Chief Justice, Presiding Member.

Messrs. *Moffatt*,
McGill,
Gerrard,
Quesnel,
Knoulton,
Austin,
Mondelet,

*Hale of Sherbrooke,
Ogden,
Daly, and
Day.*

PRAYERS.

His Excellency the Governor General having entered the Council Chamber, he took his seat at the head of the Table.

On motion of Mr. *Day*, seconded by the Honble. Mr. *Daly*,

ORDERED, That an Ordinance for the better regulation of the Office of Sheriff in this Province, be now read for the third time.

The said Ordinance was accordingly read for the third time.

His Excellency having put the question :

“ That this Ordinance do now pass ?”

It was,

RESOLVED, in the affirmative.

His Excellency then signed the said Ordinance, and the Great Seal of the Province was affixed thereto by the Secretary of the Province.

His Excellency then proposed to the Council, for consideration and adoption, the following Ordinances, which were severally read for the first time.

An Ordinance to amend two certain Ordinances therein mentioned, relative to the administration of Justice in this Province, and to make other and further provision on the same subject.

An Ordinance to provide for the erection and establishment of Court Houses and Gaols in certain Judicial Districts in this Province.

RESOLVED, That the said Ordinances be referred to a Special Committee of five Members, to examine the contents thereof, and report thereon with all convenient speed.

ORDERED, That the Committee be the Honble. The Chief Justice, and Messrs. *Mondelet, Ogden, Daly and Day*, to meet and adjourn as they please,

According to order, the Council took into further consideration an Ordinance for establishing and maintaining better means of communication between the City of *Montreal* and *Chambly*.

On motion of Mr. *Hale* of *Sherbrooke*, seconded by Mr. *Knoulton*,

ORDERED, That the following amendment be made to the said Ordinance :

Clause 9.—Strike out the Rates of Toll in the said Clause, and insert the following in lieu thereof : “ For every waggon, wain, cart, or other wheel carriage for the transportation of loads, the wheels whereof have tires or tracks of the breadth of four inches or upwards, English measure, drawn by one or two horses or other beasts, if the same be loaded in whole or in part, the sum of one shilling currency ; and if the same be not loaded the sum of eight pence currency ; and for every such waggon, wain, or cart, with wheels, the tires or tracks whereof shall have a breadth less than four and not less than two and a quarter inches, English measure, drawn as aforesaid, if loaded in whole or in part, the sum of one shilling and one penny currency ; and if not loaded the sum of eleven pence currency ; and for every such waggon, wain or cart with wheels, the tires or tracks whereof shall have a breadth less than two and a quarter inches, English measure, drawn as aforesaid, if loaded in whole or in part, the sum of one shilling and four pence currency ; and if not loaded the sum of one shilling currency ; and for every additional horse or other beast to any such waggon, wain or cart, herein before mentioned, the further sum of eight pence currency ; for every coach, stage coach, gig, caleche, dennet, spring cart or other wheel carriage, (other than waggons, wains, and carts of the description herein before mentioned) having wheels with tires of the breadth of two and a quarter inches or upwards, English measure, drawn by one horse or other beast, the sum of one shilling and four pence currency ; and for every such coach, stage coach, gig, caleche, dennet, spring cart, or other wheel carriage, (other than waggons, wains and carts of the description herein before mentioned) having wheels with tires or tracks less than two and a quarter inches, English measure, in breadth, drawn as aforesaid, the sum of one shilling and eight pence currency ; and for every additional horse to such stage coach, gig, caleche, dennet, spring cart, or other wheel carriage, the further sum of eight pence currency ; for every sleigh, train, drag, berline, cariole, or other winter vehicle whatsoever, drawn by one or two horses or other beast or beasts, the sum of eight pence currency ; and for every additional horse, the further sum of two pence half penny currency ; for every horse, mare or gelding with a rider, the sum of eight pence currency ; for every horse, mare, gelding, ass, mule, bull, ox, cow, and head of other neat cattle, not drawing, the sum of two pence half penny currency ; for every sheep, lamb, hog, calf, or goat, the sum of one half penny currency.”

On motion of the Honble. Mr. *Moffatt*, seconded by Mr. *Quesnel*,

ORDERED, That the following amendment be also made to the said Ordinance :

Clause 18.—After “Province” at the end of the said Clause, insert the following words :
 “ and that no real estate or property shall be purchased, acquired or held for
 “ the said purposes within the limits of the Harbour of *Montreal*, which shall
 “ for the purpose of this section be held to extend from the entrance of
 “ the *Lachine* Canal to the lower extremity of the revetment wall adjoining
 “ the Government Works at the Commissariat Store.”

On motion of Mr. *Hale* of *Sherbrooke*, seconded by Mr. *Knoulton*,

ORDERED, That the said Ordinance, as amended, be fairly transcribed.

His Excellency then withdrew.

The Honble. The Chief Justice resumed the Chair.

According to order, the Council took into consideration an Ordinance to provide for the improvement of certain Roads in the neighbourhood of and leading to the City of *Quebec*, and to raise a fund for that purpose, and amendments thereto.

The first to the eighth Clause, inclusive, of the said Ordinance, being again read, and the question being separately put thereon, they were agreed to.

The ninth Clause of the said Ordinance, as amended by the Special Committee, being again read, and the question being put thereon, it was agreed to.

The tenth Clause of the said Ordinance being again read,

The amendments made thereto by the Special Committee being also read, and the question being put thereon,

The Council divided :

FOR THE AMENDMENTS.

Messrs. *Quesnel*,
Knoulton,
Hale of *Sherbrooke*,
Daly.

AGAINST THE AMENDMENTS.

The Chief Justice,
 Messrs. *Moffatt*,
McGill,
Gerrard,
Austin,
Mondelet,
Day.

So they passed in the negative.

The question being then put upon the said tenth Clause, it was agreed to.

The eleventh and twelfth Clauses of the said Ordinance being again read, and the question being separately put thereon, they were agreed to.

The thirteenth Clause of the said Ordinance being again read, and the question being put thereon, it passed unanimously in the negative.

The fourteenth Clause of the said Ordinance, as amended by the Special Committee, being again read, and the question being put thereon, it was agreed to.

On motion of Mr. *Day*, seconded by the Honble. Mr. *Moffatt*,

ORDERED, That the following amendment be also made to the said Clause :

Line 2.—Strike out “two” and insert “one.”

The fifteenth, sixteenth and seventeenth Clauses of the said Ordinance being again read, and the question being separately put thereon, they were agreed to.

The eighteenth Clause of the said Ordinance, as amended by the Special Committee, being again read, and the question being put thereon, it was agreed to.

The nineteenth to the thirty-fifth Clause, inclusive, of the said Ordinance, being again read, and the question being separately put thereon, they were agreed to.

The thirty-sixth Clause of the said Ordinance being again read, and the question being put thereon, it passed unanimously in the negative.

The thirty-seventh to the forty-second Clause, inclusive, of the said Ordinance, being again read, and the question being separately put thereon, they were agreed to.

Schedule A, to follow the last Clause of the said Ordinance, being again read, and the question being put thereon, it was agreed to.

The Preamble and Title of the said Ordinance being again read, and the question being separately put thereon, they were agreed to.

On motion of the Honble. Mr. *Daly*, seconded by Mr. *Hale* of *Sherbrooke*,

ORDERED, That the said Ordinance, as amended, be fairly transcribed.

Then,

On motion of the Honble. Mr. *McGill*, seconded by Mr. *Gerrard*,

The Council adjourned until to-morrow, at two o'clock, P. M.

WEDNESDAY, 27TH JANUARY, 1841.

PRESENT :

His Excellency The Governor General.

Messrs. *Moffatt*,
McGill,
Gerrard,
Quesnel,
Molson,
Knoulton,
Austin,
Mondelet,
Hale of Sherbrooke,
Ogden,
Daly, and
Day.

PRAYERS.

His Excellency proposed to the Council, for consideration and adoption, the following Ordinance, which was read for the first time.

An Ordinance to provide for the improvement of a certain part of the Road from the City of *Montreal* to the *Côte Saint Michel*.

On motion of Mr. *Molson*, seconded by Mr. *Knoulton*,

RESOLVED, That the said Ordinance be referred to a Special Committee of three members, to examine the contents thereof, and report thereon with all convenient speed.

ORDERED, That the Committee be Messrs. *Molson*, *Knoulton* and *Hale of Sherbrooke*, to meet and adjourn as they please.

On motion of Mr. *Day*, seconded by Mr. *Hale* of *Sherbrooke*,

ORDERED, That an Ordinance for establishing and maintaining better means of communication between the City of *Montreal* and *Chambly*, be now read for the third time.

The said Ordinance was accordingly read for the third time.

His Excellency having put the question :

“ That this Ordinance do now pass ? ”

It was,

RESOLVED, in the affirmative.

His Excellency then signed the said Ordinance, and the Great Seal of the Province was affixed thereto by the Secretary of the Province.

Mr. *Ogden*, from the Special Committee to whom had been referred an Ordinance to amend two certain Ordinances therein mentioned, relative to the administration of Justice in this Province, and to make other and further provision on the same subject, and also an Ordinance to provide for the erection and establishment of Court Houses and Gaols in certain Judicial Districts in this Province, reported, That the Committee had gone through the said Ordinances, and had directed him to report the first of the same, without any amendment, and the second, with the following amendments :

Amendments to the Ordinance to provide for the erection and establishment of Court Houses and Gaols in certain Judicial Districts in this Province :

Clause 7, Line 20.—Strike out from “saving” inclusive, to the end of the Clause, and insert : “ and the Commissioners may, after fifteen days notice in that behalf to the proprietor, possessor or occupant of the piece or parcel of land to which such award shall relate, enter upon, take possession of, and use such piece or parcel of land for the purposes of this Ordinance ; any law, statute or usage to the contrary notwithstanding.”

“ 8, “ 10.—Strike out from “Provided” inclusive, to the end of the Clause.

“ 10, “ 11.—Strike out from “not” inclusive, to the end of the Clause, and insert :
 “ be necessary to defray the expenses to be by them respectively incurred in carrying this Ordinance into effect : Provided always,
 “ that the sum so advanced shall not in the whole exceed fifty thousand pounds currency, nor shall the sums so advanced during the
 “ present year, exceed in the whole twenty-five thousand pounds
 “ currency.”

Clause 13, Line 13.—After “shall” insert, “if the Ordinance cited in the twentieth section
“ of this Ordinance shall be then in force.”

“ 14, “ 11.—After “Ordinance” insert “or before the passing thereof.”

“ “ “ 15.—After “same” insert “except those hereinafter mentioned.”

“ “ “ 17.—After “Judicial” insert “District or.”

“ 19, “ 8.—After “Sheriff” insert “if any there be.”

“ 20, “ 6.—After “shall” insert “from and after the time when the Ordinance
“ hereinafter cited shall come into force.”

On motion of Mr. *Ogden*, seconded by Mr. *Day*,

ORDERED, That the said Ordinances, and amendments thereto, be taken into consideration at the next sitting day.

On motion of the Honble. Mr. *Daly*, seconded by Mr. *Hale* of *Sherbrooke*,

ORDERED, That the order for transcribing an Ordinance to provide for the improvement of certain Roads in the neighbourhood of and leading to the City of *Quebec*, and to raise a fund for that purpose, be rescinded, and that the said Ordinance be taken into further consideration at the next sitting day.

Then,

On motion of the Honble. Mr. *McGill*, seconded by Mr. *Gerrard*,

The Council adjourned until to-morrow, at two o'clock, P. M.

THURSDAY, 28TH JANUARY, 1841.

PRESENT :

His Excellency the Governor General.

Messrs. *Moffatt*,
McGill,

U

*Gerrard,
Quesnel,
Molson
Knoulton,
Austin,
Mondelet,
Hale of Sherbrooke,
Ogden,
Daly, and
Day.*

PRAYERS.

According to order, the Council took into consideration an Ordinance to amend two certain Ordinances therein mentioned, relative to the administration of Justice in this Province, and to make other and further provision on the same subject.

The question of concurrence having been separately put upon each Clause of the said Ordinance, they were agreed to.

On motion of Mr. *Ogden*, seconded by Mr. *Day*,

ORDERED, That the said Ordinance be fairly transcribed.

His Excellency proposed to the Council, for consideration and adoption, the following Ordinance, which was read for the first time.

An Ordinance to authorize the transfer of the property of the old Gaol, in the City of *Montreal*, to the principal Officers of Her Majesty's Ordinance.

On motion of Mr. *Ogden*, seconded by Mr. *Day*,

RESOLVED, That the said Ordinance be referred to a Special Committee of five members, to examine the contents thereof, and report thereon with all convenient speed.

ORDERED, That the Committee be Messrs. *Moffatt*, *McGill*, *Gerrard*, *Quesnel* and *Ogden*, to meet and adjourn as they please.

His Excellency was pleased to name the Hon ble. Mr. *Moffatt*, to preside at the Council Table during His Excellency's absence.

His Excellency then withdrew.

The Honble. Mr. *Moffatt* took the Chair.

According to order, the Council took into consideration an Ordinance to provide for the erection and establishment of Court Houses and Gaols in certain Judicial Districts in this Province, and amendments thereto.

The first to the twelfth Clause inclusive, of the said Ordinance being again read, and the amendments made by the Special Committee to several of the same, being also read, and the question being separately put thereon, they were agreed to.

The thirteenth, fourteenth and fifteenth Clauses of the said Ordinance being again read ;

ORDERED, That the consideration of the said Clauses be postponed.

The sixteenth, seventeenth and eighteenth Clauses of the said Ordinance being again read, and the question being separately put thereon, they were agreed to.

The nineteenth Clause of the said Ordinance being again read,

The amendment made thereto by the Special Committee, being also read and the question being put thereon, it passed unanimously in the negative.

The question being then put upon the said nineteenth Clause, it was agreed to.

The twentieth Clause of the said Ordinance being again read ;

ORDERED, That the consideration of the said Clause be postponed.

The twenty-first and twenty-second Clauses of the said Ordinance being again read, and the question being separately put thereon, they were agreed to.

On motion of Mr. *Ogden*, seconded by Mr. *Molson*,

RESOLVED, That the further consideration of the said Ordinance, and amendments thereto, be postponed until the next sitting day.

According to order, the Council took into further consideration an Ordinance to provide for the improvement of certain Roads in the neighbourhood of and leading to the City of *Quebec*, and to raise a fund for that purpose.

On motion of the Honble. Mr. *Daly*, seconded by Mr. *Hale* of *Sherbrooke*,

ORDERED, That the following amendment be made to the said Ordinance :

Clause 14, Lines 5 and 6.—Strike out the words “ on which there shall be no more than one
“ Turnpike Gate or Toll Bar.”

On motion of the Honble. Mr. *Daly*, seconded by Mr. *Hale* of *Sherbrooke*,

ORDERED, That the said Ordinance, as amended, be fairly transcribed.

Mr. *Day*, from the Special Committee to whom had been referred an Ordinance to amend an Act of the Provincial Parliament of this Province, intituled, "An Act for making a Rail Road from Lake *Champlain* to the River *Saint Lawrence*," reported, That the Committee had gone through the said Ordinance and had directed him to report the same with the following amendments :

Clause 1, Line 35.—After "manner" insert "therein provided."

After the third Clause insert the following Clause marked A.

CLAUSE A.

"And whereas in and by the said Act, in the thirty-ninth section thereof, it is enacted: and provided "That the said Company of Proprietors shall within six calendar months after any lands shall be taken for the use of the said Rail Road or undertaking, divide and separate, and keep divided and constantly separated, the land so taken from the lands and grounds adjoining thereto, with a sufficient post and rail, hedge, ditch, bank, or other fence sufficient to keep off hogs, sheep and cattle to be set and made on the lands or grounds which shall be purchased by, conveyed to, or vested in the said Company of Proprietors as aforesaid, and shall at their own costs and charges, from time to time maintain, support and keep in sufficient repair, the said posts, rails, hedges, ditches, trenches, banks, and other fences so set up and made as aforesaid," it is hereby ordained and enacted and declared, that it shall not be necessary for the said Company in any manner to divide or separate, or to keep divided or separated, the lands so taken for the use of the said Rail Road, from the lands of the Common of Laprairie, until they shall be thereunto specially required, by the Governor, Lieutenant Governor or person administering the Government of this Province, any thing in the said section to the contrary notwithstanding."

On motion of Mr. *Day*, seconded by Mr. *Molson*,

ORDERED, That the said Ordinance, and amendments thereto, be taken into consideration at the next sitting day.

Mr. *Molson*, from the Special Committee to whom had been referred an Ordinance to provide for the improvement of a certain part of the Road from the City of *Montreal* to the *Côte Saint Michel*, reported, That the Committee had gone through the said Ordinance and had directed him to report the same with the following amendments:

Clause 4, Line 11.—After "place" insert "within the said City of *Montreal*, of which notice shall be inserted in two of the newspapers published in the said City during at least two weeks previously to the opening of such book."

" 24.—Strike out "seven" and insert "five."

Clause 16, Line 14.—After Ordinance” insert “ unless in ascertaining such proportion in
 “ reference to any of the said several Roads, the result shall exhibit a
 “ fractional part of a penny, in which case such fractional part of a
 “ penny shall be deducted, and the sum remaining after such deduction
 “ shall be Rate and Toll upon such Road.”

“ 21, “ 2.—Strike out from “ may” inclusive, to “ and” also inclusive, in the fifth line.

“ 24, “ 16 —Strike out from “on” inclusive, to “ Toll” also inclusive, in the twenty-fifth line and insert “ if any there be on the Road to be thrown open,
 “ and the said Toll-gates shall thereupon be kept open and no toll shall
 “ be collected thereat or in case that any arrangement shall be made
 “ between the said Company and the said Trustees in the manner
 “ authorized in the nineteenth section of this Ordinance for the levy-
 “ ing and collecting the Tolls which the said Company are hereby
 “ authorized to collect by the gate-keepers of the said Trustees, the
 “ said Surveyor or the said Justices shall forbid any such Tolls to be
 “ levied or collected by the said gate-keepers until such part of the said
 “ Road so out of repair shall have been sufficiently repaired and a
 “ certificate from the said Surveyor or Justices of the Peace shall be
 “ granted to that effect; and if the said Company or the said gate-
 “ keepers respectively shall not immediately obey such order or pro-
 “ hibition to throw open such gates, or to forbear from levying or col-
 “ lecting such Toll, or shall during the time that such gates ought to
 “ have been kept open or such Toll forborne as aforesaid, hinder or
 “ delay any person passing, or take or demand any Toll.”

“ 32, “ 12.—Strike out from “ by an” inclusive, to “ aforesaid” also inclusive in
 “ the seventeenth line.

On motion of Mr. *Molson*, seconded by Mr. *Ogden*,

ORDERED, That the said Ordinance, and amendments thereto, be taken into considera-
 tion at the next sitting day.

Then,

On motion of the Honble. Mr. *McGill*, seconded by Mr. *Gerrard*,

The Council adjourned until to-morrow, at two o'clock, P. M.

FRIDAY, 29TH JANUARY, 1841.

PRESENT :

The Honble. Mr. *Moffatt*, Presiding Member.

Messrs. *McGill*,
Gerrard,
Quesnel,
Molson,
Knoulton,
Austin,
Mondelet,
Hale of Sherbrooke,
Ogden,
Daly, and
Day.

PRAYERS.

According to order, the Council took into further consideration an Ordinance to provide for the erection and establishment of Court Houses and Gaols in certain Judicial Districts in this Province, and amendments thereto.

The thirteenth Clause of the said Ordinance, the consideration whereof had been postponed, being again read,

The amendment made thereto by the Special Committee, being also read,

The Honble. Mr. *McGill* moved, seconded by the Honble. Mr. *Mondelet*,

That the said amendment be amended as follows :

Strike out "force" and insert "operation."

The Council divided :

YEAS.

Messrs. *McGill*,
Mondelet,
Hale of Sherbrooke.

NAYS.

Messrs. *Moffatt*,
Gerrard,
Quesnel,
Molson,
Knoulton.

*Austin,
Ogden,
Daly,
Day.*

So it passed in the negative.

The question being then put upon the said Clause, as amended by the Special Committee, it was agreed to.

The fourteenth Clause of the said Ordinance, as amended by the Special Committee, the consideration whereof had been postponed, being again read, and the question being put thereon, it was agreed to.

On motion of Mr. *Ogden*, seconded by Mr. *Hale* of *Sherbrooke*,

ORDERED, That the following amendments be also made to the said Clause :

Line 12.—Strike out from “the” inclusive, to “and” also inclusive, in the fourteenth line.

“ 14.—Strike out “salaries and.”

The fifteenth Clause of the said Ordinance, the consideration whereof had been postponed, being again read, and the question being put thereon, it was agreed to.

The twentieth Clause of the said Ordinance, as amended by the Special Committee, the consideration whereof had been postponed, being again read, and the question being put thereon, it was agreed to.

The Preamble and Title of the said Ordinance being again read, and the question being separately put thereon, they were agreed to.

On motion of Mr. *Ogden*, seconded by Mr. *Hale* of *Sherbrooke*,

ORDERED, That the said Ordinance, as amended, be fairly transcribed.

According to order, the Council took into consideration an Ordinance to amend an Act of the Provincial Parliament of this Province, intituled, “An Act for making a Rail Road from Lake *Champlain* to the River *Saint Lawrence*,” and amendments thereto.

The first Clause of the said Ordinance, as amended by the Special Committee, being again read, and the question being put thereon, it was agreed to.

The second and third Clauses of the said Ordinance being again read, and the question being separately put thereon, they were agreed to.

The Clause marked A, reported by the Special Committee, to follow the third Clause of the said Ordinance being again read, and the question being put thereon, it was agreed to.

The fourth and fifth Clauses of the said Ordinance being again read and the question being separately put thereon, they were agreed to.

The Preamble and Title of the said Ordinance being again read, and the question being separately put thereon, they were agreed to.

On motion of Mr. *Day*, seconded by Mr. *Molson*,

ORDERED, That the said Ordinance, as amended, be fairly transcribed.

According to order, the Council took into consideration an Ordinance to provide for the improvement of a certain part of the Road from the City of *Montreal* to the *Côte Saint Michel*, and amendments thereto.

The first, second and third Clauses of the said Ordinance being again read, and the question being separately put thereon, they were agreed to.

The fourth Clause of the said Ordinance, as amended by the Special Committee, being again read, and the question being put thereon, it was agreed to.

The fifth to the thirteenth Clause, inclusive, of the said Ordinance being again read, and the question being separately put thereon, they were agreed to.

The fourteenth Clause of the said Ordinance being again read,

On motion of Mr. *Quesnel*, seconded by the Honble. Mr. *Mondelet*,

ORDERED, That the following amendment be made to the said Clause :

Line 11.—Strike out from “who” inclusive, to “hereof,” also inclusive, in the eighteenth line.

The question being then put upon the said Clause, as amended, it was agreed to.

The fifteenth Clause of the said Ordinance being again read, and the question being put thereon, it was agreed to.

The sixteenth Clause of the said Ordinance, as amended by the Special Committee, being again read,

ORDERED, That the consideration of the said Clause be postponed.

The seventeenth to the twentieth Clause, inclusive, of the said Ordinance, being again read, and the question being separately put thereon, they were agreed to.

The twenty-first Clause of the said Ordinance, as amended by the Special Committee, being again read, and the question being put thereon, it was agreed to.

The twenty-second and twenty-third Clauses of the said Ordinance being again read, and the question being separately put thereon, they passed in the negative.

The twenty-fourth Clause of the said Ordinance, as amended by the Special Committee, being again read, and the question being put thereon, it was agreed to.

The twenty-fifth to the thirty-first Clause inclusive, of the said Ordinance, being again read, and the question being separately put thereon, they were agreed to.

The thirty-second Clause of the said Ordinance, as amended by the Special Committee, being again read, and the question being put thereon, it was agreed to.

The thirty-third to the thirty-fifth Clause, inclusive, of the said Ordinance, being again read, and the question being separately put thereon, they were agreed to.

On motion of Mr. *Molson*, seconded by the Honble. Mr. *McGill*,

ORDERED, That the further consideration of the said Ordinance, and amendments thereto, be postponed until the next sitting day.

Then,

On motion of the Honble. Mr. *McGill*, seconded by Mr. *Gerrard*,

The Council adjourned until to-morrow, at eleven o'clock, A. M.

SATURDAY, 30TH JANUARY, 1841.

PRESENT :

The Honble. Mr. *Moffatt*, Presiding Member.

Messrs. *McGill*,

X

Gerrard,
 Quesnel,
 Molson,
 Knoulton,
 Austin,
 Mondelet,
 Hale of Sherbrooke,
 Ogden,
 Daly, and
 Day.

PRAYERS.

Mr. Ogden, from the Special Committee to whom had been referred an Ordinance to authorize the transfer of the property of the old Gaol in the City of *Montreal*, to the principal Officers of Her Majesty's Ordnance, reported, That the Committee had gone through the said Ordinance, and had directed him to report the same with the following amendments :

Clause 1, Line 6.—Strike out "Arbitrator" and insert "*Expert.*"

" " " 8.—Strike out "Arbitrator" and insert "*Expert.*"

" " " *Ibid.*—Strike out "Arbitrators" and insert "*Experts.*"

" " " 9.—Strike out "Arbitrator" and insert "*Expert.*"

" " " 10.—After "mentioned," insert "and before they proceed to act as such "*Experts.*"

" 2, " 9.—After "being," insert : " Provided always, that so much in width along
 " the whole front of the said lot of ground as shall be necessary to
 " make the footpath hereinafter mentioned in a line with that along
 " the Government Garden also hereinafter mentioned, shall be reserved
 " to form part of the public street in front of the said lot, and a flagged
 " pavement or footpath shall be made and maintained by the principal
 " Officers of Her Majesty's Ordnance (if the said lot be transferred to
 " them as hereinafter provided) along the whole front of the said lot,
 " and of the same width and flagged in the same manner as the flagged
 " footpath along the front of the Government Garden, lying to the east-
 " ward of the said lot, and separated from it by a public thoroughfare
 " leading to the *Champ de Mars* ;—And if the said transfer be effected,
 " then the Prothonotaries of the Court of King's Bench for the District
 " of *Montreal*, or the persons or officers in whom the property of the

“ Court House in the said City, and of the lot of ground whereon it
 “ stands, is or shall be then by law vested, are hereby authorized and
 “ required to cede to the Council of the said City, so much of the said
 “ last mentioned lot as may be necessary to continue the said footpath
 “ of the width and in the line aforesaid along the whole front of the
 “ said lot ; and the said Council shall and may after such cession, pave
 “ the said footpath with flag stone in like manner, and erect a proper
 “ wall and iron railing to divide the same from the remainder of the
 “ said lot, and shall for ever after maintain the same in good and suffi-
 “ cient repair.”

Clause 3, Line 2.—After “that”, insert: “ if the Governor, Lieutenant-Governor, or per-
 “ son administering the Government, shall be satisfied that the report
 “ of the said *Experts* is correct and just, and shall in writing under his
 “ hand, approve and sanction the same, then.”

“ 4, “ 3.—Strike out from “remain” inclusive, to the end of the Clause, and insert :
 “ be and are hereby appropriated to defray the expense of erecting a
 “ Penitentiary or House of Correction in and for the District of *Montreal*,
 “ or some other Public Building for civil purposes within the said City
 “ of *Montreal*, and the cost of the ground on which the same shall be
 “ erected : and it shall be lawful for the Governor, Lieutenant-Go-
 “ vernor, or person administering the Government, to cause such Peni-
 “ tentiary or House of Correction, or other Public Building as afore-
 “ said, to be erected and completed at any place within the said limits,
 “ for such civil purposes according to such plan, in such manner and
 “ under such superintendence and control as to him shall appear ex-
 “ pedient ; and by his warrant or warrants, to be issued from time to
 “ time, to authorize the payment or advance by the said Receiver Gene-
 “ ral, to the persons mentioned in such warrant or warrants, of such
 “ sum or sums as may be necessary to defray any expenses incurred or
 “ to be incurred in or about the erection and completion of the said
 “ Penitentiary or House of Correction or other Public Building as
 “ aforesaid, and not exceeding in the whole the sum so paid to the
 “ Receiver General as the value and price of the Gaol and lot of
 “ ground, of the property of which the transfer is hereby authorized.”

On motion of Mr. *Ogden*, seconded by Mr. *Molson*,

ORDERED, That the said Ordinance, and amendments thereto, be now taken into
 consideration.

The said Ordinance was read throughout.

The first, second, third and fourth Clauses of the said Ordinance, as amended by the Special Committee, being again read, and the question being separately put thereon, they were agreed to.

The fifth Clause of the said Ordinance being again read, and the question being put thereon, it was agreed to.

The Preamble and Title of the said Ordinance being again read, and the question being separately put thereon, they were agreed to.

On motion of Mr. *Ogden*, seconded by Mr. *Molson*,

ORDERED, That the said Ordinance, as amended, be fairly transcribed.

The order of the day for the further consideration of an Ordinance to provide for the improvement of a certain part of the Road from the City of *Montreal* to the *Côte Saint Michel*, and amendments thereto, being read ;

On motion of Mr. *Molson*, seconded by Mr. *Hale* of *Sherbrooke*,

ORDERED, That the said order of the day be postponed until the next sitting day.

His Excellency the Governor General having entered the Council Chamber, he took his seat at the head of the Table.

On motion of the Honble. Mr. *Daly*, seconded by Mr. *Hale* of *Sherbrooke*,

ORDERED, That an Ordinance to provide for the improvement of certain Roads in the neighbourhood of and leading to the City of *Quebec*, and to raise a fund for that purpose, be now read for the third time.

The said Ordinance was accordingly read for the third time.

His Excellency having put the question :

“ That this Ordinance do now pass.?”

It was,

RESOLVED, in the affirmative.

On motion of Mr. *Day*, seconded by Mr. *Molson*,

ORDERED, That an Ordinance to amend an Act of the Provincial Parliament of this Province, intituled, "An Act for making a Rail Road from Lake *Champlain* to the River *Saint Lawrence*," be now read for the third time.

The said Ordinance was accordingly read for the third time.

His Excellency having put the question :

"That this Ordinance do now pass?"

It was,

RESOLVED, in the affirmative.

On motion of Mr. *Ogden*, seconded by Mr. *Day*,

ORDERED, That an Ordinance to amend two certain Ordinances therein mentioned, relative to the administration of Justice in this Province, and to make other and farther provision on the same subject, be now read for the third time.

The said Ordinance was accordingly read for the third time.

His Excellency having put the question :

"That this Ordinance do now pass?"

It was,

RESOLVED, in the affirmative.

On motion of Mr. *Ogden*, seconded by Mr. *Day*,

ORDERED, That an Ordinance to provide for the erection and establishment of Court Houses and Gaols in certain Judicial Districts in this Province, be now read for the third time.

The said Ordinance was accordingly read for the third time.

His Excellency having put the question :

"That this Ordinance do now pass?"

It was,

RESOLVED, in the affirmative.

His Excellency then signed each of the said Ordinances, and the Great Seal of the Province was severally affixed to the same by the Secretary of the Province.

His Excellency then proposed to the Council, for consideration and adoption, the following Ordinance, which was read for the first time.

An Ordinance to extend the Provisions of a certain Ordinance concerning the erection of Parishes for civil purposes, to Parishes canonically erected before the passing of the said Ordinance.

On motion of Mr. *Quesnel*, seconded by the Honble. Mr. *Mondelet*,

RESOLVED, That the said Ordinance be referred to a Special Committee of four members, to examine the contents thereof, and report thereon with all convenient speed.

ORDERED, That the Committee be Messrs. *Moffatt*, *Quesnel*, *Mondelet*, and *Daly*, to meet and adjourn as they please,

His Excellency then withdrew.

The Honble. Mr. *Moffatt* resumed the Chair.

Then,

On motion of the Honble. Mr. *McGill*, seconded by Mr. *Gerrard*,

The Council adjourned until Monday next, at two o'clock, P. M.

MONDAY, 1ST FEBRUARY, 1841.

PRESENT :

The Honble. Mr. *Moffatt*, Presiding Member.

Messrs. *McGill*,
Gerrard,
Quesnel,

*Molson,
Knoulton,
Austin,
Mondelet,
Hale of Sherbrooke,
Ogden, and
Daly.*

PRAYERS.

Mr. *Quesnel*, from the Special Committee to whom had been referred an Ordinance to extend the provisions of a certain Ordinance concerning the erection of Parishes for civil purposes, to Parishes canonically erected before the passing of the said Ordinance, reported, That the Committee had gone through the said Ordinance, and had directed him to report the same, without any amendment.

On motion of Mr. *Quesnel*, seconded by the Honble. Mr. *Mondelet*,

ORDERED, That the said Ordinance be now read a second time.

The said Ordinance was accordingly read a second time.

The question of concurrence having then been put upon the said Ordinance, it was agreed to unanimously.

On motion of Mr. *Quesnel*, seconded by the Honble. Mr. *Mondelet*,

ORDERED, That the said Ordinance be fairly transcribed.

According to order, the Council took into further consideration an Ordinance to provide for the improvement of a certain part of the Road from the City of *Montreal* to the *Côte Saint Michel*, and amendments thereto.

The sixteenth Clause of the said Ordinance, the consideration whereof had been postponed, being again read,

The amendment made thereto by the Special Committee being also read, and the question being put thereon, it passed unanimously in the negative.

The question being then put upon the said Clause, it was agreed to.

The Preamble and Title of the said Ordinance being again read, and the question being separately put thereon, they were agreed to.

On motion of Mr. *Molson*, seconded by Mr. *Hale of Sherbrooke*,

ORDERED, That the said Ordinance, as amended, be fairly transcribed.

Then,

On motion of the Honble. Mr. *McGill*, seconded by Mr. *Gerrard*,

The Council adjourned until to-morrow, at two o'clock, P. M.

TUESDAY, 2^D FEBRUARY, 1841.

PRESENT :

The Honble. Mr. *Moffatt*, Presiding Member.

Messrs. *McGill*,
Gerrard,
Quesnel,
Molson,
Knoulton,
Austin,
Mondelet,
Harwood,
Hale of Sherbrooke,
Ogden, and
Daly.

PRAYERS.

T. W. Clinton Murdoch, Esquire, Chief Secretary to His Excellency the Governor General, was admitted in the Council Chamber and delivered to the Presiding Member, a Message from His Excellency.

And then he withdrew.

And the said Message was read by the Presiding Member, and is as followeth :

SYDENHAM.

The Governor General transmits for the consideration of the Special Council, the draughts of two Ordinances, intituled, as follows, viz :

“An Ordinance to amend the Ordinance to incorporate the City and Town of *Quebec*.”

“An Ordinance to amend the Ordinance to Incorporate the City and Town of *Montreal*.”

Government House,
Montreal, 2d February, 1841. }

The Ordinances mentioned in the preceding Message were severally read for the first time.

On motion of the Honble. Mr. *McGill*, seconded by Mr. *Quesnel*,

RESOLVED, That the said Ordinances be referred to a Special Committee of five Members, to examine the contents thereof, and report thereon with all convenient speed.

ORDERED, That the Committee be Messrs. *McGill*, *Gerrard*, *Quesnel*, *Mondelet* and *Harwood*, to meet and adjourn as they please.

Mr. *Ogden*, from the Special Committee to whom had been again referred an Ordinance to declare and regulate the Tolls to be taken on the Bridge over *Cap Rouge* River, and for other purposes relative to the said Bridge, reported, That the Committee had gone through the said Ordinance and had directed him to report the same with the following amendments:

Clause 1, Line 40.—Strike out from “be paid” inclusive, to the end of the Clause, and insert: “after deducting the expenses of collection, and the sums
“ necessary to defray any other expenses which the Commissioners
“ are hereby authorized to incur, be paid over by the said Commis-
“ sioners in sums of not less than fifty pounds currency, to the Trus-
“ tees to be appointed under the authority of a certain Ordinance
“ passed during the present Session of the Legislature, and intitled,
“ An Ordinance to provide for the improvement of certain Roads in
“ the neighbourhood of, and leading to the City of *Quebec*, and to
“ raise a fund for that purpose,” and shall form part of the funds at
“ the disposal of the said Trustees for the purposes of the said Or-
“ dinances; provided always, that the said Trustees shall, and they
“ are hereby authorized and required to advance to the said Commis-
“ sioners from time to time out of the funds aforesaid, and as occasion
“ may require, such sum or sums of money as may be necessary to
“ enable the said Commissioners to defray the expenses of any re-
“ pairs to or of the reconstruction of the said bridge if necessary, on
“ being required to make such advance, by a requisition from the
“ said Commissioners, approved in writing by the Governor, Lieu-
“ tenant-Governor, or person administering the Government of this
“ Province, any thing in the said Ordinance to the contrary notwith-
“ standing.”

“ 12, “ 2.—After “Commissioners” insert “and the Trustees to be appointed
“ under the Ordinance herein above cited.”

Strike out the thirteenth Clause and insert in lieu thereof, the following Clause marked A.

CLAUSE A.

“ Provided always, and be it further Ordained and Enacted, that it shall be lawful for the Governor, Lieutenant-Governor, or person administering the Government of this Province, at any time, and whenever he shall deem it expedient, to appoint all the Trustees appointed under the said Ordinance, to be Commissioners for carrying this Ordinance into effect,—any provisions in this Ordinance limiting the number of such Commissioners to the contrary notwithstanding ; and during the time the said Trustees shall be such Commissioners, the said Bridge shall be held to be part of the Roads and Bridges under the control and management of the said Trustees, as if it had been mentioned in the ninth section of the said Ordinance, and the toll authorized by this Ordinance to be levied and taken from the persons using the said Bridges, and collected during the said time, shall form part of the funds placed by the said Ordinance at the disposal of the said Trustees, and shall and may be applied by them in the same manner as the tolls levied under the authority of the said Ordinance.”

On motion of Mr. *Ogden*, seconded by Mr. *Knoulton*,

ORDERED, That the said Ordinance, and amendments thereto, be taken into consideration at the next sitting day.

Then,

On motion of the Honble. Mr. *McGill*, seconded by Mr. *Gerrard*,

The Council adjourned until to-morrow, at eleven o'clock, A. M.

WEDNESDAY, 3^D FEBRUARY, 1841.

Eleven o'clock, A. M.

PRESENT :

The Honble. Mr. *Moffatt*, Presiding Member,

Messrs. *McGill*,

*Gerrard,
Quesnel,
Molson,
Knoulton,
Austin,
Mondelet,
Harwood,
Hale of Sherbrooke,
Ogden,
Daly, and
Day.*

PRAYERS.

According to order, the Council took into consideration an Ordinance to declare and regulate the Tolls to be taken on the Bridge over *Cap Rouge* River, and for other purposes relative to the said Bridge, and amendments thereto.

The first to the twelfth Clause inclusive, of the said Ordinance, being again read, and the amendments made by the Special Committee to several of the same being also read, and the question being separately put thereon, they were agreed to.

The thirteenth Clause of the said Ordinance being again read, and the question being put thereon, it passed unanimously in the negative.

The Clause marked A, reported by the Special Committee, to be substituted in lieu thereof, being again read, and the question being put thereon, it was agreed to.

The fourteenth and fifteenth Clauses of the said Ordinance being again read, and the question being separately put thereon, they were agreed to.

The Preamble and Title of the said Ordinance being again read, and the question being separately put thereon, they were agreed to.

On motion of Mr. *Ogden*, seconded by Mr. *Knoulton*,

ORDERED, That the said Ordinance, as amended, be fairly transcribed.

Then,

On motion of Mr. *Gerrard*, seconded by the Honble. Mr. *McGill*,

The Council adjourned until two o'clock, P. M. this day.

WEDNESDAY, 3^d FEBRUARY, 1841.

Two o'clock, P. M.

PRESENT :

The Honble. Mr. *Moffatt*, Presiding Member.

Messrs. *McGill*,
Gerrard,
Quesnel,
Molson,
Knoulton,
Austin,
Mondelet,
Hale of Sherbrooke,
Ogden, and
Daly.

PRAYERS.

T. W. Clinton Murdoch, Esquire, Chief Secretary to His Excellency the Governor General, was admitted in the Council Chamber, and delivered to the Presiding Member a Message from His Excellency.

And then he withdrew.

And the said Message was read by the Presiding Member, and is as followeth :

SYDENHAM.

The Governor General transmits for the consideration of the Special Council, the draughts of three Ordinances, intituled, as follows, viz :

“An Ordinance to authorize and enable the Corporation of the City of *Montreal* to erect a public Edifice in the said City, for certain purposes.”

“An Ordinance to facilitate the dispatch of the business now before the Court of King’s Bench for the District of *Montreal*.”

“An Ordinance to authorize the repayment of a certain sum therein mentioned, advanced out of the Military Chest for certain Provincial purposes.”

Government House,
Montreal, 3rd February, 1841. }

The Ordinances mentioned in the preceding Message were severally read for the first time.

On motion of the Honble. Mr. *McGill*, seconded by Mr. *Molson*,

RESOLVED, That an Ordinance to authorize and enable the Corporation of the City of *Montreal* to erect a public Edifice in the said City, for certain purposes, be referred to a Special Committee of five Members, to examine the contents thereof, and report thereon with all convenient speed.

ORDERED, That the Committee be Messrs. *McGill*, *Gerrard*, *Quesnel*, *Molson* and *Hale* of *Sherbrooke*, to meet and adjourn as they please.

On motion of Mr. *Ogden*, seconded by Mr. *Hale* of *Sherbrooke*,

RESOLVED, That an Ordinance to facilitate the dispatch of the business now before the Court of King's Bench for the District of *Montreal*, be referred to a Special Committee of five Members, to examine the contents thereof, and report thereon with all convenient speed.

ORDERED, That the Committee be Messrs. *Quesnel*, *Mondelet*, *Austin*, *Ogden* and *Day*, to meet and adjourn as they please.

On motion of Mr. *Ogden*, seconded by Mr. *Gerrard*,

RESOLVED, That the standing order of this Council with respect to the second reading of Ordinances, be suspended, and that an Ordinance to authorize the repayment of a certain sum therein mentioned advanced out of the Military Chest for certain Provincial purposes, be now read a second time.

The said Ordinance was accordingly read a second time.

The question of concurrence having then been separately put upon each Clause of the said Ordinance, they were agreed to unanimously.

On motion of Mr. *Ogden*, seconded by Mr. *Gerrard*,

ORDERED, That the said Ordinance be fairly transcribed.

The Honble. Mr. *McGill*, from the Special Committee to whom had been referred an Ordinance to amend the Ordinance to Incorporate the City and Town of *Quebec*, and also an Ordinance to amend the Ordinance to Incorporate the City and Town of *Montreal*, reported, That the Committee had gone through the said Ordinances and had directed him to report the same with the following amendments :

Amendments to the Ordinance to amend the Ordinance to Incorporate the City and Town of Quebec.

After the fourteenth Clause, insert the following Clause marked A.

CLAUSE A.

“ And be it further Ordained and Enacted, that the duty or duties which the said Council are by the said forty-first section of the said Ordinance authorized to impose on sales by auction, may be imposed on all goods sold by an auctioneer within the said City, whether the same may be sold by auction or by private sale, any thing in the said section to the contrary notwithstanding.”

Clause 15, Line 9.—After “ on” insert “ wholesale and retail dealers in goods, wares or merchandize of any kind, keepers of eating houses, coffee houses or ordinaries, pawn brokers.”

“ 16, “ 5.—Fill up the blank with the words “ five shillings.”

“ 18, “ 52.—After “ thereof” insert : “ For regulating all vehicles of any kind what ever in which any articles shall be exposed for sale in any public market, or in any street or public place within the said city, and for imposing a duty or duties on such vehicles, and establishing the mode in which such duty or duties shall be collected and paid.”

“ 53.—After “ aforesaid” insert “ or for any other purpose for which they are authorized by this Ordinance to make any by-law.”

After the eighteenth Clause, insert the following Clauses marked B. and C.

CLAUSE B.

“ And be it further Ordained and Enacted, that the said Council shall have full power and authority by any by-law, to change the site of any market or market-place within the said Act, or to establish any new market or market-place, or to abolish any market or market-place then or now existing, or to appropriate the site thereof or any part of such site for any other public purpose whatever, any law, statute, or usage, to the contrary notwithstanding ; saving to any party aggrieved by any act of the said Council under the authority of this section any recourse such party may by law have against the Corporation of the said City for any damage by such party sustained by reason of such act.”

CLAUSE C.

“ And be it further Ordained and Enacted, that the seventh section of the Act of the

“ Provincial Legislature, passed in the thirty-ninth year of the Reign of His Majesty King George the Third, and intituled, “ An Act for the better regulating the weights and measures of this Province,” shall be and is hereby repealed, and from and after the passing of this Ordinance the said Council may cause the different articles sold in any market to be weighed and measured (when required by any party interested therein,) by such person or officer, and under such regulations, and on the payment of such fees, as the said Council shall, by a by-law, from time to time appoint and make in that behalf.”

Clause 20, Lines 40 and 41.—Strike out “ herein first above cited” and insert “ to Incorporate the City and Town of Quebec.”

“ 22, “ 3.—After “ Curators” insert “ *grévés de substitutions.*”

“ 24.—After “ Ordinance” insert “ saving always the rights of any person or party to the whole or any part of the purchase money or compensation to be paid by the said Corporation for any real property purchased or taken as aforesaid.”

“ 23, “ 30.—After “ respectively” insert “ and shall have power to administer an oath to any party or person who may be willing to be examined on oath by them, and who, if he or she shall wilfully swear falsely, when so examined, shall be deemed guilty of wilful and corrupt perjury.”

“ 24, “ 16.—After “ aforesaid” insert “ so refusing and neglecting.”

“ 22.—After “ by” insert “ by such Justice instead of.”

“ 24.—After “ aforesaid” insert “ and the arbitrator appointed by the said Council.”

“ 25, “ 4.—After “ same” insert “ or in case it be doubtful to what person or party the same shall of right belong.”

After the twenty-sixth Clause insert the following Clause marked D.

CLAUSE D.

“ And be it further Ordained and Enacted, that all corporations, ecclesiastical or civil, whose property or any part of whose property shall be conveyed to or taken by the said Corporation of the City of Quebec, under the authority of this Ordinance or of the Ordinance herein first cited and amended, may invest the price or compensation paid for the property so conveyed or taken in other real property in any part of this Province, and may take and hold the same without Her Majesty’s Letters of Mortmain, any law to the contrary notwithstanding.”

Clause 28, Line 4.—After “Society” insert “or by any Justices of the Peace or other
“ functionaries whatsoever by virtue of any power transferred to and
“ vested in the said Council.”

“ 14.—After “District” insert “if the offender be punishable by imprison-
“ ment.”

Amendments to the Ordinance to amend the Ordinance to Incorporate the City and
Town of *Montreal*.

After the fourteenth Clause, insert the following Clause marked A.

CLAUSE A.

“ And be it further Ordained and Enacted, that the duty or duties which the said Coun-
“ cil are by the said forty-first Section of the said Ordinance authorized to impose on sales by
“ auction, may be imposed on all goods sold by an auctioneer within the said City, whether
“ the same may be sold by auction, or by private sale, any thing in the said section to the
“ contrary notwithstanding.”

Clause 15, Line 9.—After “on” insert “wholesale and retail dealers in goods, wares or
“ merchandize of any kind, keepers of eating houses, coffee houses or
“ ordinaries, pawn brokers.”

“ 16, “ 5.—Fill up the blank with the words “five shillings.”

“ 18, “ 52.—After “thereof” insert : “ For regulating all vehicles of any kind what-
“ ever in which any articles shall be exposed for sale in any public
“ market, or in any street or public place within the said City, and for
“ imposing a duty or duties on such vehicles and establishing the
“ mode in which such duty or duties shall be collected and paid.”

“ “ “ —After “aforesaid” insert “or for any other purpose for which they
“ are authorized by this Ordinance to make any by-law.”

After the eighteenth Clause, insert the following Clauses marked B, C, D, E and F.

CLAUSE B.

“ And be it further Ordained and Enacted, that the said Council shall have full power
“ and authority by any by-law, to change the site of any market or market place within the
“ said City, or establish any new market or market place, or to abolish any market or market
“ place then or now existing, or to appropriate the site thereof, or any part of such site, for
“ any other public purpose whatever, any law, statute, or usage, to the contrary notwith-

“ standing ; saving to any party aggrieved by any act of the said Council under the authority
“ of this section, any remedy such party may by law have against the Corporation of the said
“ City, for any damage by such party sustained by reason of such act.”

CLAUSE C.

“ And be it further Ordained and Enacted, that the seventh section of the Act of the
“ Provincial Legislature, passed in the thirty-ninth year of the Reign of His Majesty King
“ *George* the Third, and intituled, “ An Act for the better regulating the Weights and Mea-
“ sures of this Province,” shall be and is hereby repealed, in so far as regards the said City
“ of *Montreal* ; and from and after the passing of this Ordinance, the said Council may
“ cause the different articles sold in any market, to be weighed and measured (when required
“ by any party interested therein,) by such person or officer, and under such regulations and
“ on the payment of such fees, as the said Council shall, by a by-law, from time to time
“ appoint and make in that behalf.”

CLAUSE D.

“ And be it further Ordained and Enacted, that the fourteenth section of the Act of
“ the Provincial Legislature, passed in the forty-seventh year of the Reign of His Majesty
“ King *George* the Third, and intituled, “ An Act for building a New Market House in the
“ City of *Montreal*, for removing part of the stalls on the old market place, and regulating
“ the same, and to authorize the borrowing a certain sum of money for those purposes,”
“ shall be and is hereby repealed ; and all prosecutions for offences against any rules or
“ regulations validly made or to be made concerning any market or market place in the
“ said City, shall and may be prosecuted in the name of the Corporation of the said City, by
“ such person or persons as the Council thereof shall from time to time appoint for that
“ purpose.”

CLAUSE E.

“ And be it further Ordained and Enacted, that any space under cover along the sides
“ of the market place established by the Provincial Act last above cited, may be let by the
“ said Corporation for the purpose of selling or exposing to sale therein, any kind of com-
“ modity or articles whatever, any thing in the said Act to the contrary notwithstanding.”

CLAUSE F.

“ And be it further Ordained and Enacted, that the nineteenth section of the Provincial
“ Act last above cited shall be and is hereby repealed ; and all fines and penalties imposed
“ by or under the authority of the said Act, or by the said Council, by virtue of any powers
“ vested in them with regard to the market or market place in the said Act mentioned, shall
“ be appropriated in the manner hereinafter provided with respect to the fines and penalties
“ imposed by any by-law of the said Council.”

Clause 20, Lines 40 and 41.—Strike out “herein first above cited” and insert “to Incorporate the City and Town of *Montreal*.”

- “ 22, “ 3.—After “Curators” insert “*grévés de substitutions*.”
- “ 24.—After “Ordinance” insert “saving always the rights of any person or party to the whole or any part of the purchase money or compensation to be paid by the said Corporation for any real property purchased or taken as aforesaid.”
- “ 23, “ 30.—After “respectively” insert “and shall have power to administer an oath to any party or person who may be willing to be examined on oath by them, and who, if he or she shall wilfully swear falsely, when so examined, shall be deemed guilty of wilful and corrupt perjury.”
- “ 24, “ 16.—After “aforesaid” insert “so refusing and neglecting.”
- “ 22.—After “by” insert “by such Justice instead of.”
- “ 24.—After “aforesaid” insert “and the arbitrator appointed by the said Council.”
- “ 25, “ 4.—After “same” insert “or in case it be doubtful to what person or party the same shall of right belong.”

After the twenty-sixth Clause insert the following Clause marked G:

CLAUSE G.

“ And be it further Ordained and Enacted, that all corporations, ecclesiastical or civil, whose property or any part of whose property shall be conveyed to or taken by the said Corporation of the City of *Montreal*, under the authority of this Ordinance or of the Ordinance herein first cited and amended, may invest the price or compensation paid for the property so conveyed or taken, in other real property in any part of this Province, and may take and hold the same without Her Majesty's Letters of Mortmain, any law to the contrary notwithstanding.”

Clause 28, Line 4.—After “Society” insert “or by any Justices of the Peace or other functionaries whatsoever by virtue of any power transferred to and vested in the said Council.”

Clause 28, Line 14.—After “District” insert “if the offender be punishable by imprisonment.”

On motion of the Honble. Mr. *McGill*, seconded by Mr. *Gerrard*,

ORDERED, That the said Ordinances, and amendments thereto, be taken into consideration at the next sitting day.

On motion of Mr. *Molson*, seconded by Mr. *Ogden*,

ORDERED, That the order for transcribing an Ordinance to provide for the improvement of a certain part of the Road from the City of *Montreal* to the *Côte Saint Michel*, be rescinded, and that the said Ordinance be taken into further consideration at the next sitting day.

Then,

On motion of the Honble. Mr. *McGill*, seconded by Mr. *Gerrard*,

The Council adjourned until to-morrow, at eleven o'clock, A. M.

THURSDAY, 4TH FEBRUARY, 1841.

Eleven o'clock, A. M.

PRESENT :

The Honble. Mr. *Moffatt*, Presiding Member.

Messrs. *McGill*,
Gerrard,
Quesnel,
Molson
Knoulton,
Austin,
Mondelet,
Harwood,
Hale of Sherbrooke,
Ogden, and
Daly.

Z 2

PRAYERS.

The order of the day for taking into consideration an Ordinance to amend the Ordinance to Incorporate the City and Town of *Quebec*, and amendments thereto, being read,

On motion of the Honble. Mr. *McGill*, seconded by Mr. *Quesnel*,

ORDERED, That the said order of the day be postponed until the next sitting of the Council.

The order of the day for taking into consideration an Ordinance to amend the Ordinance to Incorporate the City and Town of *Montreal*, and amendments thereto, being read,

On motion of the Honble. Mr. *McGill*, seconded by Mr. *Quesnel*,

ORDERED, That the said order of the day be postponed until the next sitting of the Council.

According to order, the Council took into further consideration an Ordinance to provide for the improvement of a certain part of the Road from the City of *Montreal* to the *Côte Saint Michel*.

On motion of Mr. *Molson*, seconded by Mr. *Gerrard*,

ORDERED, That the following amendments be made to the said Ordinance :

Clause 14, Lines 8 and 9.—Strike out “to the said *Côte St. Michel*, and until it strikes the
“ front Road of the said *Côte*”, and insert “and the *Côte St. Michel*,
“ in the Parish of *Montreal*, and through and along a portion of
“ the *Côte St. Michel*, in the Parish of *Sault au Recollet*, to the front
“ Road of the *Côte St. Michel*, in the Parish last mentioned.”

Line 21.—Strike out “twelve” and insert “eight.”

Clause 16, Line 6.—Strike out all the words from “not” inclusive, to the end of the Clause, and insert : “ hereinafter mentioned, that is to say :— For every waggon,
“ wain, cart, or other wheel carriage for the transportation of loads,
“ the wheels whereof have tires or tracks of the breadth of five inches or
“ upwards, English measure, drawn by one horse or other beast, if the
“ same be loaded in whole or in part, the sum of two pence currency,
“ and if unloaded, the sum of one penny half penny currency ; and for
“ every such waggon, wain or cart, with wheels, the tires or tracks
“ whereof shall have a breadth less than five and not less than two and
“ a quarter inches, English measure, drawn as aforesaid, if loaded in

“ whole or in part, the sum of three pence currency, and if not loaded,
 “ the sum of two pence currency ; and for every such waggon, wain or
 “ cart, with wheels, the tires or tracks whereof shall have a breadth of
 “ less than two and a quarter inches, drawn as aforesaid, if loaded in
 “ whole or in part, the sum of four pence currency, and if not loaded,
 “ the sum of three pence currency, and for every additional horse or
 “ other beast to any such waggon, wain or cart hereinbefore mentioned,
 “ the further sum of two pence currency ; for every coach, stage-coach,
 “ gig, caleche, dennet, spring-cart, or other wheeled carriage (other
 “ than waggons, wains or carts,) having wheels or tires of the breadth
 “ of two and a quarter inches or upwards, English measure, drawn by
 “ one horse or other beast, the sum of three pence, currency ; and for
 “ every such coach, stage-coach, gig, caleche, dennet, spring-cart or
 “ other wheel carriage (other than waggons, wains or carts) having
 “ wheels, tires or tracks less than two and a quarter inches, English
 “ measure, in breadth, drawn as aforesaid, the sum of four pence cur-
 “ rency ; and for every additional horse or other beast to such stage-
 “ coach, gig, caleche, dennet, spring-cart, or other wheel carriage, the
 “ further sum of two pence, currency ; for every sleigh, train, drag,
 “ berline, cariole, or other winter vehicle whatsoever, two pence cur-
 “ rency ; for every horse, mare or gelding, with a rider, the sum of
 “ one penny half penny currency ; for every horse, mare, gelding,
 “ ass, mule, ox, cow and head of other neat cattle, not drawing, the sum
 “ of one penny currency ; for every score of sheep, lambs, hogs or
 “ swine, the sum of two pence currency ; Provided always, that the
 “ said Company may at any time lower the said tolls, and may again
 “ raise the same, provided they do not in any case exceed the tolls and
 “ rates above mentioned.”

Preamble, Line 3.—After “*Michel*” insert “in the Parish of *Sault au Recollet*.”

Title, Line 3.—After “*Michel*” insert “in the Parish of *Sault au Recollet*.”

On motion of Mr. *Molson*, seconded by Mr. *Gerrard*,

ORDERED, That the said Ordinance, as amended, be fairly transcribed.

Mr. *Ogden*, from the Special Committee to whom had been referred an Ordinance to facilitate the dispatch of the business now before the Court of King’s Bench for the District of *Montreal*, reported, That the Committee had gone through the said Ordinance, and had directed him to report the same with the following amendments :

Clause 2, Line 5.—After “brought” insert “or to be brought.”

“ 3, “ 12.—After “*Arrêt*” insert “before or.”

Clause 3, Line 12.—After “Judgment” insert “or a writ of *Saisie Revendication.*”

“ 4, “ 8.—Fill up the blank with the words “nine hundred.”

“ “ “ 9.—Strike out “Currency” and insert “Sterling.”

“ 8, “ 2.—After “the” insert “thirty-first.”

“ “ “ 3.—After “of” insert “December.”

“ “ “ 4.—After “and” insert “forty-one.”

“ “ “ *Ibid.*—After “longer” insert the following Proviso: “ Provided always, that
“ if a certain Ordinance passed in the fourth year of Her Majesty’s
“ Reign, and intituled, “ An Ordinance to establish new territorial divi-
“ sions of *Lower Canada*, and to alter and amend the Judicature, and to
“ provide for the better and more efficient administration of Justice
“ throughout this Province,” shall, in the manner by law provided, be
“ brought into force and effect before the day last mentioned, then this
“ Ordinance shall expire on the day on which the said Ordinance shall
“ be so brought into force and effect as aforesaid.”

On motion of Mr. *Ogden*, seconded by Mr. *Knoulton*,

ORDERED, That the said Ordinance, and amendments thereto, be now taken into consideration.

The said Ordinance was read throughout.

The first Clause of the said Ordinance being again read,

The Honble. Mr. *Mondelet* moved, seconded by the Honble. Mr. *Daly*,

That the following amendment be made to the said Clause :

Lines 6 and 7.—Strike out “Commissioner of the Inferior Term” and insert “Judge or
“ Assistant Judge in addition to the Judges already appointed.”

The Council divided on the proposed amendment :

FOR THE AMENDMENT.

Messrs. *Quesnel*,
Mondelet,

AGAINST THE AMENDMENT.

Messrs. *Moffatt*,
McGill,

Daly.

*Gerrard,
Molson,
Knoulton,
Austin,
Harwood,
Hale of Sherbrooke,
Ogden.*

So it passed in the negative.

The question being then put upon the said Clause, it was agreed to.

The second and third Clauses of the said Ordinance, as amended by the Special Committee, being again read, and the question being separately put thereon, they were agreed to.

The Honble. Mr. *Mondelet* moved, seconded by the Honble. Mr. *Daly*,

That the following Clause marked A, be added to the said Ordinance, and do follow the third Clause :

CLAUSE A.

“ And be it further Ordained and Enacted, that from and after the passing of this Ordinance, it shall not be necessary to indorse on any Writ of *Saisie Revendication* the affidavit whereon the same shall have been obtained, but that instead thereof, the Prothonotary or Clerk of the Court whence such Writ shall issue, shall indorse on the same that it is “ issued upon the affidavit of ” (specifying the name and designation of the person who shall have made such affidavit) “ for the value of ” (specifying the value mentioned in such affidavit) and shall sign such indorsement.”

The Council divided :

FOR THE CLAUSE.

Messrs. *Mondelet,*
Daly.

AGAINST THE CLAUSE.

Messrs. *Moffatt,*
McGill,
Gerrard,
Quesnel,
Molson,
Knoulton,
Austin,
Harwood,
Hale of Sherbrooke,
Ogden.

So it passed in the negative.

The fourth to the eighth Clause, inclusive, of the said Ordinance, being again read, and the amendments made by the Special Committee to several of the same being also read, and the question being separately put thereon, they were agreed to.

The Preamble and Title of the said Ordinance being again read, and the question being separately put thereon, they were agreed to.

On motion of Mr. *Ogden*, seconded by Mr. *Knoulton*;

ORDERED, That the said Ordinance, as amended, be fairly transcribed.

Mr. *McGill*, from the Special Committee to whom had been referred an Ordinance to authorize and enable the Corporation of the City of *Montreal* to erect a Public Edifice in the said City, for certain purposes, reported, That the Committee had gone through the said Ordinance, and had directed him to report the same, with the following amendments :

Clause 1, Line 2.—Strike out from “that” inclusive, to “enacted” also inclusive, in the first line of the second Clause.

Strike out the third Clause.

Strike out the seventh and eighth Clauses.

Clause 20, Line 23.—Strike out from “excepting” inclusive, to the end of the Clause.

“ 25, “ 4.—Strike out from “saving” inclusive, to the end of the Clause.

The Honble. Mr. *McGill* moved, seconded by Mr. *Molson*,

That the said Ordinance, and amendments thereto, be taken into consideration at the next sitting of the Council.

The Council divided on the motion :

FOR THE MOTION.

Messrs. *Knoulton*,
Austin,
Harwood,
Hale of Sherbrooke.

AGAINST THE MOTION.

Messrs. *Moffatt*,
McGill,
Gerrard,
Quesnel,
Molson,
Mondelet,
Ogden,
Daly.

So it passed in the negative.

On motion of the Honble. Mr. *McGill*, seconded by Mr. *Molson*,

ORDERED, That the said Ordinance, and amendments thereto, be taken into consideration to-morrow.

Then,

On motion of the Honble. Mr. *Daly*, seconded by Mr. *Gerrard*,

The Council adjourned until two o'clock, P. M. this day.

THURSDAY, 4TH FEBRUARY, 1841.

Two o'clock, P. M.

PRESENT:

The Honble. Mr. *Moffatt*, Presiding Member.

Messrs. *McGill*,
Gerrard,
Quesnel,
Molson,
Knoulton,
Austin,
Mondelet,
Harwood,
Hale of Sherbrooke,
Ogden, and
Daly.

PRAYERS.

T. W. Clinton Murdoch, Esquire, Chief Secretary to His Excellency the Governor General, was admitted in the Council Chamber and delivered to the Presiding Member, a Message from His Excellency.

And then he withdrew.

A A

And the said Message was read by the Presiding Member, and is as followeth :

SYDENHAM.

The Governor General transmits herewith, for the information of the Special Council, Accounts of the Revenue and Expenditure of the Province of *Lower-Canada*, for the year one thousand eight hundred and forty.

Government House,
Montreal, 4th February, 1841. }

According to order, the Council took into consideration an Ordinance to amend the Ordinance to incorporate the City and Town of *Quebec*, and amendments thereto.

The first to the fourteenth Clause inclusive, of the said Ordinance, being again read, and the question being separately put thereon, they were agreed to.

The Clause marked A, reported by the Special Committee, to follow the fourteenth Clause of the said Ordinance, being again read, and the question being put thereon,

The Council divided :

FOR THE CLAUSE.

Messrs. *McGill*,
Gerrard,
Quesnel,
Harwood.

AGAINST THE CLAUSE.

Messrs. *Moffatt*,
Molson,
Knoullton,
Austin,
Hale of Sherbrooke,
Ogden,
Daly.

So it passed in the negative.

The fifteenth Clause of the said Ordinance, as amended by the Special Committee, being again read, and the question being put thereon, it was agreed to.

The sixteenth Clause of the said Ordinance, as amended by the Special Committee, being again read, and the question being put thereon,

The Council divided :

FOR THE CLAUSE AS AMENDED.

Messrs. *McGill,*
Gerrard,
Quesnel,
Molson,
Knoulton,
Austin,
Harwood,
Ogden.

AGAINST THE CLAUSE AS AMENDED.

Messrs. *Moffatt,*
Hale of Sherbrooke,
Daly.

So it was carried in the affirmative.

The seventeenth Clause of the said Ordinance being again read, and the question being put thereon, it was agreed to.

The eighteenth Clause of the said Ordinance, as amended by the Special Committee, being again read, and the question being put thereon, it was agreed to.

The Clauses marked B, and C, reported by the Special Committee, to follow the eighteenth Clause of the said Ordinance being again read, and the question being separately put thereon, they were agreed to.

The nineteenth Clause of the said Ordinance being again read ;

ORDERED, That the consideration of the said Clause be postponed.

The twentieth Clause of the said Ordinance, as amended by the Special Committee, being again read ;

ORDERED, That the consideration of the said Clause be postponed.

The twenty-first Clause of the said Ordinance being again read ;

Mr. *Quesnel* moved, seconded by the Honble. Mr. *Daly*,

That the following Proviso be added at the end of the said Clause :

“ Provided always, that nothing herein contained shall authorize the said Council to take possession of any ground belonging to any public establishment, Religious Community, or which is held in Mortmain.”

The Council divided :

A A 2

FOR THE PROVISO.

Messrs. *Quesnel,*
Austin,
Harwood,
Hale of Sherbrooke,
Daly.

AGAINST THE PROVISO.

Messrs. *Moffatt,*
McGill,
Gerrard,
Molson,
Knoulton,
Ogden.

So it passed in the negative.

The question being then put upon the said Clause, it was agreed to.

The twenty-second Clause of the said Ordinance, as amended by the Special Committee, being again read, and the question being put thereon, it was agreed to.

The twenty-third Clause of the said Ordinance, as amended by the Special Committee, being again read, and the question being put thereon,

The Council divided :

FOR THE CLAUSE AS AMENDED.

Messrs. *McGill,*
Gerrard,
Molson,
Knoulton,
Ogden.

AGAINST THE CLAUSE AS AMENDED.

Messrs. *Moffatt,*
Quesnel,
Austin,
Harwood,
Hale of Sherbrooke,
Daly.

So it passed in the negative.

The twenty-fourth and twenty-fifth Clauses of the said Ordinance, as amended by the Special Committee, being again read,

ORDERED, That the consideration of the said Clauses be postponed.

The twenty-sixth Clause of the said Ordinance being again read ;

ORDERED, That the consideration of the said Clause be postponed.

The Clause marked D, reported by the Special Committee to follow the twenty-sixth Clause of the said Ordinance, being again read, and the question being put thereon, it was agreed to.

The twenty-seventh Clause of the said Ordinance being again read, and the question being put thereon, it was agreed to.

The twenty-eighth Clause of the said Ordinance, as amended by the Special Committee, being again read, and the question being put thereon, it was agreed to.

The twenty-ninth to the thirty-second Clause, inclusive, of the said Ordinance being again read, and the question being separately put thereon, they were agreed to.

On motion of the Honble. Mr. *McGill*, seconded by Mr. *Gerrard*,

ORDERED, That the further consideration of the said Ordinance, and amendments thereto, be postponed until the next sitting day.

According to order, the Council took into consideration an Ordinance to amend the Ordinance to Incorporate the City and Town of *Montreal*, and amendments thereto.

The first to the fourteenth Clause inclusive, of the said Ordinance being again read, and the question being separately put thereon, they were agreed to.

The Clause marked A, reported by the Special Committee, to follow the fourteenth Clause of the said Ordinance, being again read, and the question being put thereon,

The Council divided :

FOR THE CLAUSE.

Messrs. *McGill*,
Gerrard,
Quesnel,
Harwood.

AGAINST THE CLAUSE.

Messrs. *Moffatt*,
Molson,
Knoultton,
Austin,
Hale of Sherbrooke,
Ogden,
Daly.

So it passed in the negative.

The fifteenth Clause of the said Ordinance, as amended by the Special Committee, being again read, and the question being put thereon, it was agreed to.

The sixteenth Clause of the said Ordinance, as amended by the Special Committee, being again read, and the question being put thereon,

The Council divided :

FOR THE CLAUSE AS AMENDED.

AGAINST THE CLAUSE AS AMENDED.

Messrs. *McGill,*
Gerrard,
Quesnel,
Molson,
Knoulton,
Austin,
Harwood,
Ogden.

Messrs. *Moffatt,*
Hale of Sherbrooke.
Daly.

So it was carried in the affirmative,

The seventeenth Clause of the said Ordinance, being again read and the question being put thereon, it was agreed to.

The eighteenth Clause of the said Ordinance, as amended by the Special Committee, being again read and the question being put thereon, it was agreed to.

The Clauses marked B, C, D, E and F, reported by the Special Committee, to follow the eighteenth Clause of the said Ordinance, being again read and the question being separately put thereon, they were agreed to.

The nineteenth Clause of the said Ordinance being again read ;

ORDERED, That the consideration of the said Clause be postponed.

The twentieth Clause of the said Ordinance, as amended by the Special Committee, being again read ;

ORDERED, That the consideration of the said Clause be postponed.

The twenty-first Clause of the said Ordinance being again read ;

Mr. *Quesnel* moved, seconded by the Honble. Mr. *Daly*,

That the following Proviso be added at the end of the said Clause :

“ Provided always, that nothing herein contained shall authorize the said Council to take possession of any ground belonging to any public establishment, Religious Community or which is held in Mortmain.”

The Council divided :

FOR THE PROVISIO.

Messrs. *Quesnel,*
Austin,
Harwood,
Hale of Sherbrooke,
Daly.

AGAINST THE PROVISIO.

Messrs. *Moffatt,*
McGill,
Gerrard,
Molson,
Knoulton,
Ogden.

So it passed in the negative.

The question being then put upon the said Clause, it was agreed to.

The twenty-second Clause of the said Ordinance, as amended by the Special Committee, being again read, and the question being put thereon, it was agreed to.

The twenty-third Clause of the said Ordinance, as amended by the Special Committee, being again read, and the question being put thereon,

The Council divided :

FOR THE CLAUSE AS AMENDED.

Messrs. *McGill,*
Gerrard,
Molson,
Knoulton,
Ogden.

AGAINST THE CLAUSE AS AMENDED.

Messrs. *Moffatt,*
Quesnel,
Austin,
Harwood,
Hale of Sherbrooke,
Daly.

So it passed in the negative.

The twenty-fourth and twenty-fifth Clauses of the said Ordinance, as amended by the Special Committee, being again read ;

ORDERED, That the consideration of the said Clauses be postponed.

The twenty-sixth Clause of the said Ordinance being again read ;

ORDERED, That the consideration of the said Clause be postponed.

The Clause marked G, reported by the Special Committee, to follow the twenty-sixth Clause of the said Ordinance, being again read, and the question being put thereon, it was agreed to.

The twenty-seventh Clause of the said Ordinance being again read, and the question being put thereon, it was agreed to.

The twenty-eighth Clause of the said Ordinance, as amended by the Special Committee, being again read, and the question being put thereon, it was agreed to.

The twenty-ninth to the thirty-second Clause, inclusive, of the said Ordinance, being again read, and the question being separately put thereon, they were agreed to.

On motion of the Honble. Mr. *McGill*, seconded by Mr. *Gerrard*,

ORDERED, That the further consideration of the said Ordinance, and amendments thereto, be postponed until the next sitting day.

Then,

On motion of the Honble. Mr. *McGill*, seconded by Mr. *Gerrard*,

The Council adjourned until to-morrow, at eleven o'clock, A. M.

FRIDAY, 5TH FEBRUARY, 1841.

Eleven o'clock, A. M.

PRESENT :

The Honble. Mr. *Moffatt*, Presiding Member.

Messrs. *McGill*,
Gerrard,
Quesnel,
Molson,
Knoulton,
Austin,
Mondelet,
Harwood,
Hale of Sherbrooke,
Ogden, and
Daly.

PRAYERS.

T. W. Clinton Murdoch, Esquire, Chief Secretary to His Excellency the Governor General, was admitted in the Council Chamber, and delivered to the Presiding Member a Message from His Excellency.

And then he withdrew.

And the said Message was read by the Presiding Member, and is as followeth :

SYDENHAM.

The Governor General transmits for the consideration of the Special Council, the draught of an Ordinance, intituled, "An Ordinance to amend the Law relative to the granting of Licences to keep Houses of Public Entertainment, and to enable the Magistrates resident in the City of *Montreal* to hold another Special Session for granting certificates on which such Licenses may be granted during the present year."

Also the draught of an Ordinance, intituled, "An Ordinance to make further provision for the effectual improvement of the Internal Communications between this Province and *New Brunswick*."

Government House,
Montreal, 5th February, 1841. }

The Ordinances mentioned in the preceding Message were severally read for the first time.

According to order, the Council took into consideration an Ordinance to authorize and enable the Corporation of the City of *Montreal* to erect a Public Edifice in the said City, for certain purposes, and amendments thereto.

The first Clause of the said Ordinance being again read ;

The amendment made thereto by the Special Committee being also read, and the question being put thereon,

The Council divided :

FOR THE AMENDMENT.

Messrs. *Gerrard*,
Quesnel,

AGAINST THE AMENDMENT.

Messrs. *Moffatt*,
McGill,

B B

Harwood,
Hale of Sherbrooke.

Molson,
Knoulton,
Austin,
Mondelet,
Ogden,
Daly.

So it passed in the negative.

The question being then put upon the said Clause, it was agreed to.

The second Clause of the said Ordinance being again read;

Mr. *Quesnel* moved, seconded by Mr. *Hale* of *Sherbrooke*,

That the following amendment be made to the said Clause :

Line 3.—Strike out from “any” inclusive, to “than” also inclusive, in the fourth line.

The Council divided on the proposed amendment :

FOR THE AMENDMENT.

Messrs. *Gerrard,*
Quesnel,
Harwood,
Hale of Sherbrooke,
Daly.

AGAINST THE AMENDMENT.

Messrs. *Moffatt,*
McGill,
Molson,
Knoulton,
Austin,
Mondelet,
Ogden.

So it passed in the negative.

The question being then put on the said Clause,

The Council divided thereon :

FOR THE CLAUSE.

Messrs. *Moffatt,*
McGill,
Molson,
Knoulton,
Austin,
Mondelet,
Ogden.

AGAINST THE CLAUSE.

Messrs. *Gerrard,*
Quesnel,
Harwood,
Hale of Sherbrooke,
Daly.

So it was carried in the affirmative.

The third Clause of the said Ordinance being again read, and the question being put thereon, it passed unanimously in the negative.

The Honble. Mr. *McGill* moved, seconded by the Honble. Mr. *Mondelet*,

That the following Clause marked A, be inserted in lieu of the third Clause, and do form part of the said Ordinance :

CLAUSE A.

“ And be it further Ordained and Enacted by the authority aforesaid, that the said Corporation from and after the passing of the present Ordinance, and as soon as they shall have determined the probable amount necessary for effecting the purchase of the lot or lots of land aforesaid, and for the erection of the building aforesaid, shall and they are hereby authorized and empowered to impose an annual equal and personal rate upon each and every man above the age of twenty-one years, being a resident of the City of *Montreal*, and having resided therein for upwards of six calendar months; the whole of such rate so imposed not to exceed in any one year one twentieth part of the capital borrowed or to be borrowed, and the interest due or to become due thereon for the purposes aforesaid. Provided that when the building aforesaid shall have been erected and completed, the revenues and profits arising thereof, if any there be, shall first be deducted from the annual amount to be so assessed. Provided that all paupers, journeymen, and domestic servants shall be exempted from the imposition of the rate aforesaid. Provided further, that the said Corporation of *Montreal* shall have power, and they are hereby authorized in case the above personal rate as aforesaid should be insufficient for the payment of the annual amount to be so assessed, to impose annually a further rate or assessment to be levied on real or personal property, or both, within the said City, or upon the owners or occupiers thereof, in respect of such property.”

Mr. *Hale of Sherbrooke* moved in amendment, seconded by Mr. *Austin*,

That all the words in the said Clause after “ that ” be struck out, and the following substituted in lieu thereof: “ it shall be lawful for the Council of the said City, by a by-law or by laws, to impose such rates and assessments on real and personal property, or both, within the said City, as shall be necessary in each year to raise (clear of all expenses of collection) a sum sufficient to pay the interest payable during such year on that part of the sum borrowed under the authority of this Ordinance which shall then remain unpaid, and one fiftieth part of the principal of the sum so borrowed or to be borrowed; and the sums to be raised as aforesaid, shall and may be so raised over and above

“ and in addition to any sum or sums which the said Council are authorized by any other
 “ law to raise or levy.”

The Council divided on the motion of amendment :

FOR THE AMENDMENT.

AGAINST THE AMENDMENT.

Messrs. *Moffatt,*
McGill,
Knoulton,
Austin,
Mondelet,
Harwood,
Hale of Sherbrooke,
Ogden,
Daly.

Messrs. *Gerrard,*
Quesnel.

So it was carried in the affirmative.

The question being then put upon the main motion, as amended,

The Council again divided :

YEAS.

NAYS.

Messrs. *Moffatt,*
McGill,
Knoulton,
Austin,
Mondelet,
Harwood,
Hale of Sherbrooke,
Ogden,
Daly.

Messrs. *Gerrard,*
Quesnel.

So it was carried in the affirmative;

And,

ORDERED, Accordingly.

The fourth to the ninth Clause, inclusive, of the said Ordinance, being again read, and the question being separately put thereon, they were agreed to.

The tenth Clause of the said Ordinance being again read ;

On motion of the Honble. Mr. *Mondelet*, seconded by the Honble. Mr. *McGill*,

ORDERED, That the following amendments be made to the said Clause :

Line 6.—Strike out “ free.”

“ 8.—Strike out “ free.”

The question being then put upon the said Clause, as amended, it was agreed to.

The eleventh to the nineteenth Clause, inclusive, of the said Ordinance being again read, and the question being separately put thereon, they were agreed to.

The twentieth Clause of the said Ordinance being again read,

The amendment made thereto by the Special Committee being also read, and the question being put thereon, it passed unanimously in the negative.

The question being then put upon the said Clause, it was agreed to.

The twenty-first to the twenty-fourth Clause, inclusive, of the said Ordinance, being again read, and the question being separately put thereon, they were agreed to.

The twenty fifth Clause of the said Ordinance being again read,

The amendment made thereto by the Special Committee being also read, and the question being put thereon, it passed unanimously in the negative.

The question being then put upon the said Clause it was agreed to.

The twenty-sixth Clause of the said Ordinance being again read, and the question being put thereon, it was agreed to.

The Preamble and Title of the said Ordinance being again read, and the question being separately put thereon, they were agreed to.

The Honble. Mr. *McGill* moved, seconded by the Honble. Mr. *Mondelet*,

That the said Ordinance, as amended, be fairly transcribed.

The Council divided on the motion :

YEAS.

NAYS.

Messrs. *Moffatt*,
McGill,

Messrs. *Gerrard*,
Quesnel,

*Molson,
Knoulton,
Austin,
Mondelet,
Ogden,
Daly.*

*Harwood,
Hale of Sherbrooke.*

So it was carried in the affirmative,

And,

ORDERED, Accordingly,

On motion of Mr. *Ogden*, seconded by the Honble. Mr. *McGill*,

RESOLVED, That an Ordinance to amend the Law relative to the granting of Licences to keep Houses of Public Entertainment, and to enable the Magistrates resident in the City of *Montreal* to hold another special Session for granting certificates on which such Licences may be granted during the present year, be referred to a Special Committee of three Members, to examine the contents thereof and report thereon with all convenient speed.

ORDERED, That the Committee be Messrs. *Harwood*, *Hale of Sherbrooke*, and *Ogden*, to meet and adjourn as they please.

On motion of Mr. *Ogden*, seconded by the Honble. Mr. *McGill*,

RESOLVED, That an Ordinance to make further provision for the effectual improvement of the Internal Communications between this Province and *New Brunswick*, be referred to a Special Committee of three Members, to examine the contents thereof and report thereon with all convenient speed.

ORDERED, That the Committee be Messrs. *McGill*, *Gerrard*, and *Ogden*, to meet and adjourn as they please.

According to order, the Council took into further consideration an Ordinance to amend the Ordinance to Incorporate the City and Town of *Quebec*, and amendments thereto.

The twenty-fourth Clause of the said Ordinance as amended by the Special Committee, the consideration whereof had been postponed, being again read;

On motion of the Honble. Mr. *McGill*, seconded by Mr. *Gerrard*,

ORDERED, That the said Clause be struck out of the said Ordinance, and that the following Clause marked E, be substituted in lieu thereof:

CLAUSE E.

“ And be it further Ordained and Enacted, that in all cases where the said Council, and
“ the persons seized, or possessed of, or interested in the said pieces or parcels of ground
“ or other real property, or any of them, or of any part thereof, shall be absent, or shall not
“ be known, or shall not by voluntary agreement, or by arbitration, settle and determine the
“ price and prices, compensation and compensations to be paid for the said premises, or any
“ part thereof, such price and prices, compensation and compensations shall be ascertained,
“ fixed and determined in manner following, that is to say:—the Justices of the Peace resident
“ within the said City and Town of *Quebec*, in a special Session to be for that purpose holden
“ upon a Petition to them addressed, and upon proof that notice in writing was given one month
“ previously to the party seized, possessed of or interested in such pieces or parcels of
“ ground or real property, or to his, her, or their tutor, curator, administrator, attorney,
“ agent, or curator *ad hoc*, of the intention of the said Council to present such Petition to
“ the said Justices of the Peace, for the purpose of taking possession of, entering into, and
“ appropriating to the use of the said Corporation, such pieces or parcels of ground or other
“ real property, shall summon a Jury of twelve disinterested persons taken from among the
“ persons resident within the said City qualified to be special Jurors in civil cases, and the
“ said Jury shall determine upon their oaths the amount of the price or compensation which
“ they shall deem reasonable to be paid by the said Corporation, for such pieces or parcels
“ of ground or real property as aforesaid: Provided always, that any determination as afore-
“ said, in which any nine of the Jurors shall agree, shall for the purposes of this Ordinance
“ have the same effect, as if all the Jurors had agreed therein.”

The twenty-fifth Clause of the said Ordinance as amended by the Special Committee, the consideration whereof had been postponed, being again read, and the question being put thereon, it was agreed to.

The twenty-sixth Clause the said Ordinance, the consideration whereof had been postponed, being again read, and the question being put thereon, it was agreed to.

On motion of the Honble. Mr. *McGill*, seconded by Mr. *Gerrard*,

ORDERED, That the further consideration of the said Ordinance, and amendments thereto, be postponed until the next sitting day.

According to order, the Council took into further consideration an Ordinance to amend the Ordinance to Incorporate the City and Town of *Montreal*, and amendments thereto.

The twenty-fourth Clause of the said Ordinance as amended by the Special Committee, the consideration whereof had been postponed, being again read,

On motion of the Honble. Mr. *McGill*, seconded by Mr. *Gerrard*,

ORDERED, that the said Clause be struck out of the said Ordinance, and that the following Clause marked H, be substituted in lieu thereof :

CLAUSE H.

“ And be it further Ordained and Enacted, that in all cases where the said Council, and the persons seized, or possessed of, or interested in the said pieces or parcels of ground or other real property, or any of them, or of any part thereof, shall be absent, or shall not be known, or shall not by voluntary agreement, or by arbitration, settle and determine the price and prices, compensation and compensations to be paid for the said premises, or any part thereof, such price and prices, compensation and compensations shall be ascertained, fixed and determined in manner following, that is to say :—the Justices of the Peace resident within the said City and Town of *Montreal*, in a special Session to be for that purpose holden upon a Petition to them addressed, and upon proof that notice in writing was given one month previously to the party seized, possessed of or interested in such pieces or parcels of ground or real property, or to his, her, or their tutor, curator, administrator, attorney, agent, or curator *ad hoc*, of the intention of the said Council to present such Petition to the said Justices of the Peace, for the purpose of taking possession of, entering into, and appropriating to the use of the said Corporation, such pieces or parcels of ground or other real property, shall summon a Jury of twelve disinterested persons, taken from among the persons resident within the said City qualified to be special Jurors in civil cases, and the said Jury shall determine upon their oaths the amount of the price or compensation which they shall deem reasonable to be paid by the said Corporation, for such pieces or parcels of ground or real property as aforesaid : Provided always, that any determination as aforesaid, in which any nine of the Jurors shall agree, shall for the purposes of this Ordinance have the same effect, as if all the Jurors had agreed therein.”

The twenty-fifth Clause of the said Ordinance, as amended by the Special Committee, the consideration whereof had been postponed, being again read, and the question being put thereon, it was agreed to.

The twenty-sixth Clause of the said Ordinance, the consideration whereof had been postponed, being again read, and the question being put thereon, it was agreed to.

On motion of the Honble. Mr. *McGill*, seconded by Mr. *Gerrard*,

ORDERED, That the further consideration of the said Ordinance, and amendments thereto, be postponed until the next sitting day.

Mr. *Ogden*, from the Special Committee to whom had been referred an Ordinance to amend the Law relative to the granting of Licences to keep Houses of Public Entertainment, and to enable the Magistrates resident in the City of *Montreal* to hold another special Session for granting certificates on which such Licences may be granted during the present

year, reported, That the Committee had gone through the said Ordinance and had directed him to report the same, without any amendment.

On motion of Mr. *Ogden*, seconded by Mr. *Quesnel*,

RESOLVED, That the standing order of this Council with respect to the second reading of Ordinances be suspended, and that the said Ordinance be now read a second time.

The said Ordinance was accordingly read a second time.

The first, second and third Clauses of the said Ordinance being again read, and the question being separately put thereon, they were agreed to.

The fourth Clause of the said Ordinance being again read, and the question being put thereon, it passed unanimously in the negative.

The Preamble and Title of the said Ordinance being again read, and the question being separately put thereon, they were agreed to.

On motion of Mr. *Ogden*, seconded by Mr. *Molson*,

ORDERED, That the said Ordinance, as amended, be fairly transcribed.

Mr. *Ogden*, from the Special Committee to whom had been referred an Ordinance to make further provision for the effectual improvement of the Internal Communications between this Province and *New Brunswick*, reported—That the Committee had gone through the said Ordinance and had directed him to report the same, without any amendment.

On motion of Mr. *Ogden*, seconded by Mr. *Knoulton*,

RESOLVED, That the standing order of this Council with respect to the second reading of Ordinances be suspended, and that the said Ordinance be now read a second time.

The said Ordinance was accordingly read a second time.

The first Clause of the said Ordinance being again read ;

ORDERED, That the blank in the said Clause be filled up with the word "five."

The question being then put upon the said Clause, as amended, it was agreed to.

The second Clause of the said Ordinance being again read, and the question being put thereon, it was agreed to.

The third Clause of the said Ordinance being again read ;

ORDERED, That the blank in the said Clause be filled up with the words "two thousand five hundred."

The question being then put upon the said Clause, as amended, it was agreed to.

The fourth and fifth Clauses of the said Ordinance being again read, and the question being separately put thereon, they were agreed to.

The Preamble and Title of the said Ordinance being again read, and the question being separately put thereon, they were agreed to.

On motion of Mr. *Ogden*, seconded by Mr. *Molson*,

ORDERED, That the said Ordinance, as amended, be fairly transcribed.

Then,

On motion of Mr. *Molson*, seconded by Mr. *Quesnel*,

The Council adjourned until to-morrow, at eleven o'clock, A. M.

SATURDAY, 6TH FEBRUARY, 1841.

Eleven o'clock, A. M.

PRESENT :

The Honble. Mr. *Moffatt*, Presiding Member.

Messrs. *McGill*,
Gerrard,
Quesnel,
Molson,
Knoultton,
Austin,
Mondelet,
Harwood,

*Hale of Sherbrooke,
Ogden, and
Daly.*

PRAYERS.

According to order, the Council took into further consideration an Ordinance to amend the Ordinance to Incorporate the City and Town of *Quebec*, and amendments thereto.

The nineteenth Clause of the said Ordinance, the consideration whereof had been postponed, being again read, and the question being put thereon, it was agreed to.

The twentieth Clause of the said Ordinance, as amended by the Special Committee, the consideration whereof had been postponed, being again read ;

On motion of the Honble. Mr. *McGill*, seconded by Mr. *Quesnel*,

ORDERED, That the said Clause be struck out of the said Ordinance, and that the following Clauses marked F, G, H and I, be substituted in lieu thereof :

CLAUSE F.

“ And be it further Ordained and Enacted, that from and after the said first day of May next after the passing of this Ordinance, the said Ordinance passed in the second year of Her Majesty's Reign, and intituled, “ An Ordinance to suspend for a limited time certain parts of two Ordinances therein mentioned as far as the same relate to the City of *Quebec*, and to establish a Society therein for preventing accidents by fire,” and all by-laws made by the said Fire Society, or by the said Council, under the authority of the said Ordinance, shall be repealed ; and the books, papers, documents, monies, and things delivered and paid over to the said Council, in pursuance of the next preceding section of this Ordinance, shall remain the property of the Corporation of the said City and under the control of the said Council.”

CLAUSE G.

“ And be it further Ordained and Enacted, that from and after the said first day of May next after the passing of this Ordinance, a certain Ordinance passed in the seventeenth year of the Reign of His late Majesty King *George* the Third, and intituled, “ An Ordinance for preventing accidents by fire,” and a certain Ordinance passed in the thirtieth year of the Reign aforesaid, and intituled, “ An Act or Ordinance to amend an Act or Ordinance for preventing accidents by fire, passed in the seventeenth year of His Majesty's Reign,” and a certain Act passed in the fifty-ninth year of the same Reign, and intituled, “ An Act to repeal in part an Ordinance passed in the seventeenth year of His Majesty's Reign,

“ intituled, “ An Ordinance for preventing accidents by fire, and for other purposes therein
“ mentioned,” shall be, and remain repealed, in so far as they relate to the said City of
“ Quebec.”

CLAUSE H.

“ And for the better protection of the lives and property of the inhabitants of the said
“ City, and for preventing accidents by fire therein, be it further Ordained and Enacted,
“ that from after the said first day of May next after the passing of this Ordinance, the said
“ Council of the said City shall have full power and authority to make by-laws, which shall
“ be binding on all persons within the said City, for the following purposes ; that is to say :

“ For establishing such rules and regulations as they shall deem expedient for pre-
“ venting accidents by fire, and for the conduct of all persons present at any fire within the
“ said City.

“ For appointing all such officers as they may deem necessary for carrying such rules and
“ regulations as aforesaid into effect, and for prescribing the duties of such officers, and
“ providing for their adequate remuneration out of the funds of the said City.

“ For defraying, out of the said funds, any expenses which they may deem it right to in-
“ cur for the purchase of engines or apparatus of any kind, or for any other purpose relative
“ to the prevention of accidents by fire, or to the means of arresting the progress of fires.

“ For authorizing such officers as shall be appointed by the Council for that purpose,
“ to visit and examine at suitable times and hours, to be established in such by-laws, as well
“ the interior as the exterior of all houses, buildings and real property of any description
“ within the said City, for the purpose of ascertaining whether the rules and regulations to
“ be made as aforesaid have been duly observed and obeyed ; and for obliging all proprietors,
“ possessors or occupants of such houses, buildings or real property, to admit such officers
“ and persons into and upon the same, at the times and for the purposes aforesaid.

“ For causing all Chimnies within the said City to be swept in such manner, by such
“ persons, and at such times as the said Council shall appoint.

“ For vesting in such members of the said Council, and in such officers as shall be
“ designated in such by-laws, the power of causing to be demolished or taken down, all
“ buildings or fences which such members or officers shall deem necessary to be demolished
“ or taken down, in order to arrest the progress of any fire.

“ For preventing thefts and depredations at fires, and for punishing any person who
“ shall resist or maltreat any member or officer of the Council in the execution of any duty
“ assigned to him or in the exercise of any power vested in him, by any by-law made under
“ the authority of this section.

“ For defraying out of the funds of the City any expense to be incurred by the said Council in assisting any person in their employ who shall have received any wound or contracted any disease at any fire, or in assisting or providing for the family of any person in their employ who shall perish at any fire, or in bestowing rewards in money, medals or otherwise, upon any person who shall have performed any meritorious action at any fire.

“ For imposing, over and above all other rates, assessments, or duties which the said Council are empowered to impose, such tax or duty on and in respect of each chimney actually used in the said City, and payable by the occupant of the house or building in which such chimney shall be, as they shall deem expedient; and for regulating the times and manner in which such tax or duty shall be collected and paid; Provided always, that the said Council shall make no further charge for causing any chimney to be swept in the manner to be provided by any by-law in that behalf as aforesaid.”

CLAUSE I.

“ Provided always, and be it further Ordained and Enacted, that the said Council shall and may, out of the funds of the said City, pay and discharge all debts and obligations lawfully contracted by the said Fire Society, and due at the time of the passing of this Ordinance; and shall also pay and continue to pay the annuity or retiring allowance payable before the passing of this Ordinance by the Fire Society aforesaid, to the person or persons who immediately before the establishment of the said Fire Society held the office of Overseer to prevent accidents by fire for the said City of Quebec.”

The Preamble and Title of the said Ordinance being again read, and the question being separately put thereon, they were agreed to.

On motion of the Honble. Mr. *McGill*, seconded by Mr. *Gerrard*,

ORDERED, That the said Ordinance, as amended, be fairly transcribed.

According to order, the Council took into further consideration an Ordinance to amend the Ordinance to Incorporate the City and Town of *Montreal*, and amendments thereto.

The nineteenth Clause of the said Ordinance, the consideration whereof had been postponed, being again read, and the question being put thereon, it was agreed to.

The twentieth Clause of the said Ordinance, as amended by the Special Committee, the consideration whereof had been postponed, being again read;

On motion of the Honble. Mr. *McGill*, seconded by Mr. *Quesnel*,

ORDERED, That the said Clause be struck out of the said Ordinance, and that the following Clauses marked I, K, L and M, be substituted in lieu thereof:

CLAUSE I.

“ And be it further Ordained and Enacted, that from and after the said first day of May next after the passing of this Ordinance, the said Ordinance passed in the second year of Her Majesty's Reign, and intituled, “ An Ordinance to suspend for a limited time certain parts of two Ordinances therein mentioned as far as the same relate to the City of *Montreal*, and to establish a Society therein for preventing accidents by fire,” and all by-laws made by the said Fire Society, or by the said Council, under the authority of the said Ordinance, shall be repealed; and the books, papers, documents, monies, and things delivered and paid over to the said Council, in pursuance of the next preceding section of this Ordinance, shall remain the property of the Corporation of the said City, and under the control of the said Council.”

CLAUSE K.

“ And be it further Ordained and Enacted, that from and after the said first day of May next after the passing of this Ordinance, a certain Ordinance passed in the seventeenth year of the Reign of His late Majesty King *George* the Third, and intituled, “ An Ordinance for preventing accidents by fire,” and a certain Ordinance passed in the thirtieth year of the Reign aforesaid, and intituled, “ An Act or Ordinance to amend an Act or Ordinance for preventing accidents by fire, passed in the seventeenth year of His Majesty's Reign,” and a certain Act passed in the fifty-ninth year of the same Reign, and intituled, “ An Act to repeal in part an Ordinance passed in the seventeenth year of His Majesty's Reign, intituled, “ An Ordinance for preventing accidents by fire,” and for other purposes therein mentioned,” shall be, and remain repealed, in so far as they relate to the said City of *Montreal*.”

CLAUSE L.

“ And for the better protection of the lives and property of the inhabitants of the said City, and for preventing accidents by fire therein, be it further Ordained and Enacted, that from and after the said first day of May next after the passing of this Ordinance, the said Council of the said City shall have full power and authority to make by-laws which shall be binding on all persons within the said City, for the following purposes; that is to say:

“ For establishing such rules and regulations as they shall deem expedient for preventing accidents by fire, and for the conduct of all persons present at any fire within the said City.

“ For appointing all such officers as they may deem necessary for carrying such rules and regulations as aforesaid into effect, and for prescribing the duties of such officers, and providing for their adequate remuneration out of the funds of the said City.

“ For defraying, out of the said funds, any expenses which they may deem it right to incur for the purchase of engines or apparatus of any kind, or for any other purpose re-

“ lative to the prevention of accidents by fire, or to the means of arresting the progress of
“ fires.

“ For authorizing such officers as shall be appointed by the Council for that purpose
“ to visit and examine at suitable times and hours, to be established in such by-laws, as
“ well the interior as the exterior of all houses, buildings and real property of any descrip-
“ tion within the said City, for the purpose of ascertaining whether the rules and regulations
“ to be made as aforesaid have been duly observed and obeyed; and for obliging all pro-
“ prietors, possessors or occupants of such houses, buildings or real property, to admit
“ such officers and persons into and upon the same, at the times and for the purposes
“ aforesaid.

“ For causing all Chimnies within the said City to be swept in such manner, by such
“ persons, and at such times as the said Council shall appoint.

“ For vesting in such members of the said Council, and in such officers as shall be
“ designated in such by-laws, the power of causing to be demolished or taken down, all
“ buildings or fences which such members or officers shall deem necessary to be demolished
“ or taken down, in order to arrest the progress of any fire.

“ For preventing thefts and depredations at fires, and for punishing any person who
“ shall resist or maltreat any member or officer of the Council in the execution of any duty
“ assigned to him, or in the exercise of any power vested in him, by any by-law made under
“ the authority of this section.

“ For defraying out of the funds of the City any expense to be incurred by the said
“ Council in assisting any person in their employ who shall have received any wound or
“ contracted any disease at any fire, or in assisting or providing for the family of any person
“ in their employ who shall perish at any fire, or in bestowing rewards in money, medals or
“ otherwise, upon any person who shall have performed any meritorious action at any fire.

“ For imposing, over and above all other rates, assessments, or duties which the said
“ Council are empowered to impose, such tax or duty on and in respect of each chimney
“ actually used in the said City, and payable by the occupant of the house or building in
“ which such chimney shall be, as they shall deem expedient; and for regulating the times
“ and manner in which such tax or duty shall be collected and paid; Provided always, that
“ the said Council shall make no further charge for causing any chimney to be swept in
“ the manner to be provided by any by-law in that behalf as aforesaid.”

CLAUSE M.

“ Provided always, and be it further Ordained and Enacted, that the said Council shall
“ and may, out of the funds of the said City, pay and discharge all debts and obligations

“ lawfully contracted by the said Fire Society, and due at the time of the passing of this
 “ Ordinance ; and shall also pay and continue to pay the annuity or retiring allowance
 “ payable before the passing of this Ordinance by the Fire Society aforesaid, to the person
 “ or persons who immediately before the establishment of the said Fire Society held the
 “ office of Overseer to prevent accidents by fire for the said City of *Montreal*.”

The Preamble and Title of the said Ordinance being again read, and the question being separately put thereon, they were agreed to.

On motion of the Honble. Mr. *McGill*, seconded by Mr. *Gerrard*,

ORDERED, That the said Ordinance, as amended, be fairly transcribed.

Charles N. Montizambert, Esquire, Assistant Civil Secretary to His Excellency the Governor General, was admitted in the Council Chamber, and delivered to the Presiding Member a Message from His Excellency.

And then he withdrew.

And the said Message was read by the Presiding Member, and is as followeth :

SYDENHAM.

The Governor General transmits for the consideration of the Special Council, the draught of an Ordinance, intituled, “ An Ordinance to amend the Laws relative to “ Winter Roads.”

Government House, }
Montreal, 6th February, 1841. }

The Ordinance mentioned in the preceding Message was read for the first time.

On motion of Mr. *Ogden*, seconded by Mr. *Quesnel*,

RESOLVED, That the said Ordinance be referred to a Special Committee of five members, to examine the contents thereof and report thereon with all convenient speed.

ORDERED, That the Committee be Messrs. *Gerrard*, *Quesnel*, *Harwood*, *Hale* of *Sherbrooke* and *Ogden*, to meet and adjourn as they please.

Then,

On motion of the Honble. Mr. *McGill*, seconded by Mr. *Gerrard*,

The Council adjourned until two o'clock, P. M. this day.

SATURDAY, 6TH FEBRUARY, 1841.

Two o'clock, P. M.

PRESENT :

The Honble. Mr. *Moffatt*, Presiding Member.

Messrs. *McGill*,
Gerrard,
Quesnel,
Molson,
Knoulton,
Austin,
Mondelet,
Harwood,
Hale of Sherbrooke,
Ogden, and
Daly.

PRAYERS.

His Excellency the Governor General having entered the Council Chamber, he took his seat at the head of the Table.

On motion of Mr. *Ogden*, seconded by Mr. *Molson*,

ORDERED, That an Ordinance to declare and regulate the Tolls to be taken on the Bridge over *Cap Rouge* River, and for other purposes relative to the said Bridge, be now read for the third time.

The said Ordinance was accordingly read for the third time.

His Excellency having put the question :

“ That this Ordinance do now pass ? ”

It was,

RESOLVED, in the affirmative.

On motion of Mr. *Molson*, seconded by Mr. *Knoulton*,

D D

ORDERED, That an Ordinance to provide for the improvement of a certain part of the Road from the City of *Montreal* to the *Côte Saint Michel*, in the Parish of *Sault au Recollet*, be now read for the third time.

The said Ordinance was accordingly read for the third time.

His Excellency having put the question :

“ That this Ordinance do now pass ?”

It was,

RESOLVED, in the affirmative.

On motion of Mr. *Quesnel*, seconded by the Honble. Mr. *Mondelet*,

ORDERED, That an Ordinance to extend the provisions of a certain Ordinance concerning the erection of Parishes for civil purposes, to Parishes canonically erected before the passing of the said Ordinance, be now read for the third time.

The said Ordinance was accordingly read for the third time.

His Excellency having put the question :

“ That this Ordinance do now pass ?”

It was,

RESOLVED, in the affirmative.

On motion of Mr. *Ogden*, seconded by Mr. *Molson*,

ORDERED, That an Ordinance to authorize the transfer of the property of the old Gaol in the City of *Montreal*, to the principal Officers of Her Majesty's Ordinance, be now read for the third time.

The said Ordinance was accordingly read for the third time.

His Excellency having put the question.

“ That this Ordinance do now pass ?”

It was,

RESOLVED, in the affirmative.

On motion of Mr. *Ogden*, seconded by Mr. *Gerrard*,

ORDERED, That an Ordinance to authorize the repayment of a certain sum therein mentioned advanced out of the Military Chest, for certain Provincial purposes, be now read for the third time.

The said Ordinance was accordingly read for the third time.

His Excellency having put the question :

“ That this Ordinance do now pass ?”

It was,

RESOLVED, in the affirmative.

On motion Mr. *Ogden*, seconded by Mr. *Knoulton*,

ORDERED, That an Ordinance to facilitate the dispatch of the business now before the Court of King's Bench for the District of *Montreal*, be now read for the third time.

The said Ordinance was accordingly read for the third time.

His Excellency having put the question :

“ That this Ordinance do now pass ?”

It was,

RESOLVED, in the affirmative.

On motion of the Honble. Mr. *McGill*, seconded by the Honble. Mr. *Mondelet*,

ORDERED, That an Ordinance to authorize and enable the Corporation of the City of *Montreal* to erect a Public Edifice in the said City for certain purposes, be now read for the third time.

The said Ordinance was accordingly read for the third time.

His Excellency having put the question .

“ That this Ordinance do now pass ?”

It was,

RESOLVED, in the affirmative.

On motion of Mr. *Ogden*, seconded by Mr. *Quesnel*,

ORDERED, That an Ordinance to amend the Law relative to the granting of Licences to keep Houses of Public Entertainment, and to enable the Magistrates resident in the City of *Montreal* to hold another Special Session for granting certificates on which such Licences may be granted during the present year, be now read for the third time.

The said Ordinance was accordingly read for the third time.

His Excellency having put the question :

“ That this Ordinance do now pass ?”

It was,

RESOLVED, in the affirmative.

On motion of Mr. *Ogden*, seconded by Mr. *Hale* of *Sherbrooke*,

ORDERED, That an Ordinance to make further provision for the effectual improvement of the Internal Communications between this Province and *New Brunswick*, be now read for the third time.

The said Ordinance was accordingly read for the third time.

His Excellency having put the question :

“ That this Ordinance do now pass ?”

It was,

RESOLVED, in the affirmative.

His Excellency then signed each of the said Ordinances and the Great Seal of the Province was severally affixed to the same, by the Secretary of the Province.

On motion of the Honble. Mr. *Daly*, seconded by Mr. *Austin*,

ORDERED, That the order for transcribing an Ordinance to prescribe and regulate the registering of Titles to Lands, Tenements and Hereditaments, Real or Immoveable Estates, and of charges and incumbrances on the same; and for the alteration and improvement of the law in certain particulars, in relation to the alienation and hypothecation of Real

Estates, and the rights and interest acquired therein, be rescinded, and that the said Ordinance be taken into further consideration at the next sitting day.

His Excellency then withdrew.

The Honble. Mr. *Moffatt* resumed the Chair.

Mr. *Ogden*, from the Special Committee to whom had been referred an Ordinance to amend the Laws relative to Winter Roads, reported, That the Committee had gone through the said Ordinance and had directed him to report the same with the following amendments :

Clause 1, Line 8.—Fill up the blank with the word “eight.”

“ “ “ 22.—Fill up the blank with the word “six.”

“ 2, “ 19.—Strike out from “and”, inclusive, to “Roads”, also inclusive, in the twenty-first line, and insert “except.”

“ 3, “ 9.—After “the” insert “Common.”

After the third Clause insert the following Clause marked A.

CLAUSE A.

“ And be it further Ordained and Enacted, that the words “the main public or post road by which communication is had between the Town of *Three Rivers* and the City of *Quebec*,” in the fifth section of the said Ordinance, do and shall mean and be construed to mean, the *Saint Foy* Road from the City of *Quebec* to its junction with the route commonly called “*La Suede*,” the said route to the foot of the hill called “*La Côte de Champigny*,” the road leaving the said route near the said *Côte* and leading past the farm commonly called *Hough’s* farm, to the church of the Parish of *Saint Augustin*, and thence to the route or road leading downward to the main front road along the bank of the River *St. Lawrence*, in the Parish of *La Pointe aux Trembles*, the said route or road, and the said main road along or nearest to the bank of the said river from the Parish last mentioned to the south-western boundary of the District of *Quebec*.”

On motion of Mr. *Ogden*, seconded by Mr. *Austin*,

ORDERED, That the said Ordinance, and amendments thereto, be taken into consideration at the next sitting day.

Then,

On motion of the Honble. Mr. *McGill*, seconded by Mr. *Gerrard*.

The Council adjourned until Monday next, at eleven o'clock, A. M.

MONDAY, 8TH FEBRUARY, 1841.

Eleven o'clock, A. M.

PRESENT :

The Honble, Mr. *Moffatt*, Presiding Member.

Messrs. *McGill*,
Gerrard,
Quesnel,
Molson,
Knoulton,
Austin,
Mondelet,
Harwood,
Hale of Sherbrooke, and
Ogden,

PRAYERS.

According to order, the Council took into consideration an Ordinance to amend the Laws relative to Winter Roads, and amendments thereto.

The first, second and third Clauses of the said Ordinance, as amended by the Special Committee, being again read and the question being separately put thereon, they were agreed to.

The Clause marked A, reported by the Special Committee to follow the third Clause of the said Ordinance, being again read, and the question being put thereon, it was agreed to.

The fourth Clause of the said Ordinance being again read, and the question being put thereon, it was agreed to.

The Preamble and Title of the said Ordinance being again read, and the question being separately put thereon, they were agreed to.

On motion of Mr. *Ogden*, seconded by Mr. *Hale of Sherbrooke*,

ORDERED, That the said Ordinance, as amended, be fairly transcribed.

Then,

On motion of Mr. *Gerrard*, seconded by Mr. *Quesnel*,

The Council adjourned until two o'clock, P. M, this day.

MONDAY, 8TH FEBRUARY, 1841.

Two o'clock, P. M.

PRESENT :

The Honble. Mr. *Moffatt*, Presiding Member.

Messrs. *McGill*,
Gerrard,
Quesnel,
Molson,
Knoulton,
Austin,
Mondelet,
Harwood,
Hale of Sherbrooke
Ogden,
Daly, and
Day.

PRAYERS.

According to order, the Council took into further consideration an Ordinance to prescribe and regulate the registering of Titles to Lands, Tenements and Hereditaments, Real or Immoveable Estates, and of charges and incumbrances on the same ; and for the alteration and improvement of the Law in certain particulars, in relation to the alienation and hypothecation of real Estates, and the rights and interests acquired therein.

The Honble. Mr. *Daly* moved, seconded by Mr. *Austin*,

That the following Clause be added to the said Ordinance, and do follow the fifty-seventh Clause :

“ And be it further Ordained and Enacted, that if at the time when the Proclamation mentioned in the next preceding section shall issue, a certain Ordinance passed in the fourth year of Her Majesty’s Reign, and intituled, “ An Ordinance to provide for the more easy and expeditious administration of Justice, in civil causes and matters involving small pecuniary value and interest throughout this Province,” shall not be in force, then it shall be lawful for the Governor of this Province, in and by the Proclamation aforesaid, to divide this Province into Districts for the purposes of this Ordinance, and to declare and appoint that any one or more of the Municipal Districts into which this Province may be divided, under the authority of a certain Ordinance passed in the present session of the Legislature of this Province, and intituled, “ An Ordinance to provide for the better internal Government of this Province by the establishment of local or municipal authorities therein,” shall, from and after the day to be appointed in such Proclamation, form, or shall be united into a District for all the purposes of this Ordinance, and that a Registry Office shall, from and after the said day, be kept in and for each District so constituted in and for the purposes of this Ordinance, at such place as shall be appointed in such Proclamation ; and it shall be lawful for the Governor of this Province, by any Proclamation to be issued in like manner at any time before the twenty-ninth day of December, in the year of our Lord, one thousand eight hundred and forty-two, to change the place at which the Registry Office shall be held in any District to be constituted in the manner mentioned in this section ; any thing in any part of this Ordinance contrary to the provisions of this section notwithstanding.”

The Council divided :

FOR THE CLAUSE.

Messrs. *Moffatt*,
McGill,
Gerrard,
Molson,
Knoulton,
Austin,
Mondelet,
Harwood,
Hale of Sherbrooke,
Ogden,
Daly,
Day.

AGAINST THE CLAUSE.

Mr. *Quesnel*.

So it was carried in the affirmative,

And,

ORDERED, accordingly.

The Honble. Mr. *Daly*, then moved, that the said Ordinance, as amended, be fairly transcribed.

The Council divided on the motion :

FOR THE MOTION.

Messrs. *Moffatt*;
McGill,
Gerrard,
Molson,
Austin,
Mondelet,
Hale of Sherbrooke,
Daly,
Day.

AGAINST THE MOTION.

Messrs. *Quesnel*,
Knoulton,
Harwood,
Ogden.

So it was carried in the affirmative,

And,

ORDERED, accordingly.

Then,

On motion of the Honble. Mr. *McGill*, seconded by Mr. *Gerrard*,

The Council adjourned until to-morrow, at two o'clock, P. M.

TUESDAY, 9TH FEBRUARY, 1841.

PRESENT :

The Honble. Mr. *Moffatt*, Presiding Member.

Messrs. *McGill*,
Gerrard,
Quesnel,
Molson,
Knoulton,
E E

*Austin,
Mondelet,
Harwood,
Hale of Sherbrooke,
Ogden,
Daly, and
Day.*

PRAYERS.

His Excellency the Governor General having entered the Council Chamber, he took his seat at the head of the table.

On motion of the Honble. Mr. *Daly*, seconded by Mr. *Austin*,

ORDERED, That an Ordinance to prescribe and regulate the registering of Titles to Lands, Tenements and Hereditaments, Real or Immoveable Estates and of Charges and incumbrances on the same, and for the alteration and improvement of the Law in certain particulars, in relation to the alienation and hypothecation of real Estates, and the rights and interest acquired therein, be now read for the third time.

The said Ordinance was accordingly read for the third time.

His Excellency having put the question :

“ That this Ordinance do now pass ? ”

It was,

RESOLVED, in the affirmative.

On motion of the Honble. Mr. *McGill*, seconded by Mr. *Gerrard*,

ORDERED, That an Ordinance to amend the Ordinance to Incorporate the City and Town of *Quebec*, be now read for the third time.

The said Ordinance was accordingly read for the third time.

His Excellency having put the question :

“ That this Ordinance do now pass ? ”

It was,

RESOLVED, in the affirmative.

On motion of the Honble. Mr. *McGill*, seconded by Mr. *Gerrard*,

ORDERED, That an Ordinance to amend the Ordinance to Incorporate the City and Town of *Montreal*, be now read for the third time.

The said Ordinance was accordingly read for the third time.

His Excellency having put the question :

“ That this Ordinance do now pass ?”

It was,

RESOLVED, in the affirmative.

On motion of Mr. *Ogden*, seconded by Mr. *Knoulton*,

ORDERED, That an Ordinance to amend the Laws relative to Winter Roads, be now read for the third time.

The said Ordinance was accordingly read for the third time.

His Excellency having put the question :

“ That this Ordinance do now pass ?”

It was,

RESOLVED, In the affirmative.

His Excellency then signed each of the said Ordinances and the Great Seal of the Province was severally affixed to the same, by the Secretary of the Province.

His Excellency then withdrew.

And the Council separated.

FINIS.

A P P E N D I X

TO THE

SIXTH VOLUME

OF THE

J O U R N A L S

OF THE

SPECIAL COUNCIL

OF THE PROVINCE OF

LOWER CANADA.

SIXTH SESSION.

APPENDIX

TO THE

SIXTH VOLUME

OF THE

JOURNALS OF THE SPECIAL COUNCIL

OF THE

PROVINCE OF LOWER CANADA.

SIXTH SESSION.

LIST OF THE APPENDIX.

APPENDIX.

- A. DOCUMENTS connected with the Draught of An Ordinance relative to the Debt due to the Province of Lower Canada, by the late Receiver General, Sir John Caldwell, Baronet. (Laid before the Special Council, by Message, 13th November, 1840.)
- B. MESSAGE from the Governor General with the opinions given by the Chief Justice of the Province, and the several Judges, on the operation of the Ordinance 2d Vic. Cap. 13. (Received by the Special Council during its last Session on the 27th April, 1840.)
- C. ESTIMATE of the Expenditure of the Civil Government of Lower Canada, for the year ending 10th October, 1841. (Received with the Supply Ordinance 30th December, 1840.)
- D. ACCOUNTS of the Revenue and Expenditure of the Province of Lower Canada, for the year 1840. (Laid before the Special Council by Message, 4th February, 1841.)
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APPENDIX, (A.)

DOCUMENTS connected with the Draught of An Ordinance relative to the Debt due to the Province of Lower Canada, by the late Receiver General, Sir John Caldwell, Baronet. (Laid before the Special Council by Message, 13th November, 1840.)

No. 1.

Financial Statement prepared by the Inspector General of Accounts.

NOTES respecting the Debt due to the Crown by Sir John Caldwell, Bart. late Receiver General of Lower Canada.

The principal Debt was,..... £106,797 6 8 Cy.

Pending the decision by His Majesty and privy Council of the case in appeal, under a special agreement consented to by the Lords of the Treasury, Sir John Caldwell, was permitted to receive the Rents and profits of the Estate known as the Seignior of Lauzon, in consideration of his paying £2000 Currency, annually to the Public Chest on account of the Debt:

From the 14th June, 1826, the date when the agreement commenced, to the 14th December, 1835 when it ceased, being nine years and a half, during which period Sir John paid..... £19,000 0 0

The Debt being thus reduced to..... £87,797 6 8

The Judgement in the case in appeal being given against the claim set up by Sir John's Son, to that Estate, it was taken in execution by the Sheriff of the District of Quebec, and advertized for sale; but on the pressing solicitation of Sir John, and representing that the property if then brought to a forced sale would be sacrificed, and moreover that he had in prospect a purchaser who would give something like the value of the property: the Governor was induced to postpone the sale from time to time, and finally the Law Officers were directed to put it off for an undefined period.

Carried forward, £87,797 6 8

Brought forward, £87,797 6 8

The Government since that time have had a temporary possession of the property.—An Agent was appointed to collect the Rents and profits arising from it.

There has been collected and paid to the Receiver General, from 1836, to the present date, the sum of,.....£9,369 19 6
Deduct expenses of collection,.....£938 11 9

Leaves to be credited to Sir John,..... £8,431 7 9

Leaving a Balance still due of,..... £79,365 18 11 Cy.

Montreal, 21st Feby. 1840.

(Signed,) JOS. CARY,

I. G. P. P. Accts.

Mem. In addition to the above Sir John Caldwell, still owes a balance of between £3000 and £4000 to the Jesuits' Estates, which bears Interest—under a separate Judgement.

Since the above date there has been paid by the Agent for Lauzon, a further net sum of,..... £690 9 11

Leaving the Balance due,..... £78,675 9 0 Cy.

13th November, 1840.

(Signed,) J. C.

No. 2.

Valuation of the Seignior of Lauzon, made by the Government Agent for the collection of the Rents.

Quebec, 19th March, 1840.

SIR,

I have the honor to acknowledge the receipt of your letter of the 14th instant, in which you require me to state, for the information of His Excellency the Governor General, the actual value of the Seignior of Lauzon, the price it might reasonably be expected to fetch, if sold, and the calculations on which my estimates may be founded.

1st. Question. What is the value of the Seignior of Lauzon ?

Answer. I estimate its value under existing circumstances to be, at the lowest, one thousand pounds sterling for each square league of its superficies ;—and as the Seignior contains about thirty six square leagues, I estimate its value at thirty six thousand pounds currency.

2nd. What price might it reasonably be expected to fetch if offered for sale ?

Answer. It would, I think, be very difficult, in consequence of the present scarcity of money, to obtain more than twenty five thousand pounds for the Seignior, especially if it were sold by Sheriff's Sale. For it would in this case be sacrificed, not to mention the Sheriff's poundage which would be deducted from the price obtained.

Reasons on which I found my estimate of £36,000.

The amount of my receipts from the Seignior of Lauzon, for the three years ending on the first of October, 1838, is £7634, leaving out, shillings and pence. I take one third of this, or £2544, as an average ; and this at 8 per cent, represents a principal sum of,

	£31,800 0 0
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The last concessions have been made at the rate of £1.2.9 for each lot of 3 arpents by 30. There are still about 342 lots to be conceded in the eastern and western corners of the Seignior : but as there are some swamps in these parts I take each lot of 3 by 30 at 15s. of *cens et rentes*, which gives £256 yearly ; and this sum at 8 per cent, represents a principal sum of,

	£3,200 0 0
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Lastly, taking into consideration the dependencies of the Saw-Mills and the sites on which Saw-Mills and Grist-Mills might be constructed, I add a further sum of,

	£1,000 0 0
	£36,000 0 0

An estimate which I consider to be the lowest which can fairly be made, for the following reasons, that is to say :

Istly. Because in the course of three years, I received for *lods et ventes* accrued during a period of two years at most; in the 1st year,..... £396 0 0

In the second year,..... £533 0 0

In the third year,..... £705 0 0

And it is probable that these *lods et ventes* will increase gradually, more particularly when the lands now wild, shall be conceded.

2ndly. Because the actual amount of the *cens et rentes*, is about £1200 yearly, and there remains due in each year about £250 of arrears; without reckoning the *lods et ventes*, which remain due, and the exact amount of which cannot be specified, because the purchasers are never in haste to exhibit their titles, whatever diligence may be used in endeavouring to make them do so.

3rdly. Lastly, because this Seigniory, by reason of its situation in the immediate neighbourhood of Quebec, and of its rivers and water courses, is as susceptible of improvement as any property in the Province. The principal Rivers are the *Chaudière*, the *Beaurivage* and the *Etchemin*, on which and other water courses, there are at present five Grist-Mills, and two Saw-Mills of great importance; besides six very advantageous sites for new Mills.

All which cannot fail to increase the value of the said Seigniory.

The whole nevertheless humbly submitted to the consideration of His Excellency the Governor General.

I have the honor to subscribe myself

Sir,

Your very obedient servant,

(Signed,) ANT. A. PARENT.

T. W. C. Murdoch, Esq. }
 Chief Secretary to }
 H. E. the Gov. Genl. }

No. 3.

Proposal from Sir John Caldwell to surrender his Property.

(DUPLICATE.)

Philadelphia, 7th June, 1840.

SIR,

I beg to be permitted to draw your Excellency's attention to the subject of the debt due by me to Her Majesty's Provincial Government of Lower Canada, for the doing which the approaching Union of the Provinces of Upper and Lower Canada, will I trust plead my excuse.

I beg leave to be allowed to state to your Excellency :

That the debt due by me under judgement of Her Majesty's Courts of Lower Canada, being without interest, is in progress of gradual extinction by the payment of the annual revenues of Lauzon, which have been relinquished by me to that purpose.

That a great Rise in the value of that property as well as in that of the extensive tracts of Township lands held by me, and now under seizure of Her Majesty's Government, may be confidently looked to as the immediate result of the Union of the Provinces, and the greatly extended scale of Emigration consequent thereon.

I beg to have the honor further to state to your Excellency :

That during the last Session which was held of the Provincial Parliament of Lower Canada, and which was held at Quebec, in 1836, a Special Committee was appointed to whom were referred the affairs of the late Receiver General.

That, to that Committee I tendered the surrender to the Province of the Seigniorship of Lauzon, in satisfaction of the debt due by me.

That the Committee reported favorably as to the acceptance of such proposal, and to which report I beg to be permitted to refer your Excellency.

That the sudden Prorogation of the Assembly in that year, and their not having since met has prevented the report being followed up by any definite measure.

The approaching Union between the Provinces of Upper and Lower Canada, rendering perhaps some final arrangement desirable respecting my affairs, added to the extreme anxiety I feel at my advanced period of life no longer to remain a Debtor to Her Majesty's Government

of Lower Canada, induce me without soliciting your Excellency, for that further delay which might be authorized by the well founded expectation of a great rise in the value of properties so extensive, to submit to your Excellency the following proposal.

I beg permission to surrender in satisfaction of the debt due by me to Her Majesty's Government of Lower Canada, the Seigniori of Lauzon, and also all the lands held by me in the Townships in the Districts of Quebec and Three-Rivers, those in the District of Montreal, having been sold or rather sacrificed in 1830, in consequence of the Sheriff of that District, not having obeyed the injunction of Her Majesty's Attorney General, to put off the Sale. Should your Excellency be pleased on behalf of Her Majesty's Government of Lower Canada, to entertain the proposal I have now the honor to make, I have given Edward Henry Bowen, Esq. the holder of my power of Attorney, directions to execute whatever deeds in my behalf with reference to the above mentioned surrender, which your Excellency may please to direct—I have the honor to be,

Your Excellency's very obedient,

and very devoted servant,

(Signed,) JOHN CALDWELL.

The Right Hon. His Excy. Poulett Thomson,
Governor General, &c. &c. &c.
British North America.

No. 4.

Report from the Attorney General touching Sir John Caldwell's Proposal.

Montreal, 27th June, 1840.

SIR,

In obedience to the commands of His Excellency the Governor General, I have attentively considered the proposal of Sir John Caldwell, formerly Receiver General of this Province, to surrender to Her Majesty, the Seigniori of Lauzon, and other property of his, situated in the Townships of this Province, as the consideration for a release of all claims against him, in his official capacity; and having in view the object of determining whether there be any reason for objecting to the arrangement offered by that Gentleman, I have now the honor of reporting, for His Excellency's information, the grounds for my humble opinion, that it would be inexpedient for His Excellency to accede to Sir John Caldwell's wishes on that subject.

B

Sir John Caldwell, being a public debtor, it becomes a matter for anxious enquiry, as to what authority, under present circumstances, can absolve him from a debt not only acknowledged by him, but established by judicial decisions.

Whatever may be Sir John Caldwell's title to have his actual situation, and his obviously fair proposal, equitably judged, I cannot refrain, humbly, from questioning whether any composition, with him, can, at this moment, judiciously or legally, be entered into by the Government; for a composition, such as sought for, is a release to all intents and purposes; and I fear that the granting of such a favor might be considered as not lying within the bounds of the discretion exercisable by His Excellency.

The debt due by Sir John Caldwell, in its present condition, can only be considered, as forming part of the public funds of the Province, and no judicial means have yet been ultimately perfected to ascertain the fact, whether his estate be or be not sufficient to satisfy his obligations to the public; if, therefore, His Excellency should compromise with Sir John, that proceeding might be deemed a departure from the principle, that unappropriated funds should not be parted with, unless with legislative sanction.

From Sir John Caldwell's statements, and from the proceedings of the House of Assembly on this subject, it seems sufficiently clear that the interests of the Province would be best consulted by an immediate adjustment of the matter, upon some such conditions as those submitted by Sir John; but, looking at the question, in a legal light, I feel bound to advise that His Excellency should not adopt, that inchoate inquiry of the Legislature of this Province, as the basis of any arrangement of this difficulty.

I have the honor to be,

Sir,

Your obedient servant,

(Signed,) C. R. OGDEN,

Attorney General.

T. W. C. Murdoch, Esq.
Chief Secretary,
&c. &c.

No. 5.

Report from the Attorney General in regard to the proposed Ordinance.

Montreal, November, 1840.

SIR,

In obedience to the commands of His Excellency the Governor General, conveyed to me in your letter of the 18th of June last, I have considered the subject therein referred to me, and have now the honor to report for His Excellency's information that I see no legal objection to the passing of an Ordinance, to enable His Excellency, to enter into the arrangement proposed by Sir John Caldwell, with regard to the property of the latter now under seizure for his debt to the Province.

I have the honor to submit the Draught of An Ordinance prepared in conformity with these views.

Having thus answered the only legal question referred to me, and the question of the expediency of proposing the measure being one for the consideration of His Excellency alone, I might here close this Report ; but it may perhaps afford some facility in considering the case, if I briefly advert to some of the facts connected with it, and more particularly to the proceedings on the subject in the popular branch of the late Legislature.

The latest of these took place in the Session of 1835-6, when a Committee was appointed on the 18th January, 1836, to inquire into the state of the affairs relating to the defalcation of the late Receiver General, and was instructed to inquire into the measures to be adopted to secure the rights of the Province. On the 25th of February, this Committee reported.

The same offer on the part of Sir John Caldwell, which is now under the consideration of His Excellency, had been then made by Sir John, and was then before the Committee, who state in their Report their opinion " that for the sake of cutting short a great number of litigious difficulties, and of avoiding the enormous expenses which always attend a Sheriff's sale, and the great sacrifice which such sale would cost the Province, it would be expedient to listen favourably to the proposal of the said John Caldwell, Esq." The House did not concur entirely in this Report, but on the 5th of March, they passed certain resolutions which they afterwards embodied in the Bill of which a copy is hereunto annexed. This Bill was passed and sent to the Legislative Council where it dropped. By this Bill, the Assembly admit the probability of the Seigniori of Lauzon, not selling for its real value, and the necessity of avoiding the loss, which would accrue to the Province, by its being sold for too small a price,

by appointing Commissioners to purchase it for the Province, and they admit also the necessity of avoiding the great expenses attending a Sheriff's Sale by enacting, that if the said Commissioners purchase the Seignior, the Sheriff shall be intitled to no poundage, a provision to the justness of which I cannot assent. In the remainder of the Report, the majority of the House could not consistently concur, because they had repeatedley declared that they looked to Her Majesty's Government in England for the reimbursement of the sum due by the late Receiver General, and that for this reason they ought not to interfere in any arrangement which the Government might think proper to make with that Officer. This pretension on the part of the House of Assembly was expressly referred to in a Despatch from His Majesty's Secretary of State to Sir James Kempt, dated 30th October, 1826, in which it is expressly stated, that " Her Majesty's Government cannot admit that the Province of Lower Canada, has any claim " on the Government of the United Kingdom of Great Britain and Ireland, to make good " the loss which has been sustained by reason of the insolvency of Mr. Caldwell the Receiver " General of the Province." But notwithstanding this Dispatch (which was communicated to them) the House of Assembly persisted in their said pretension, and could not therefore consistently adopt the course recommended by their Committee in 1836, although they might be convinced that the pecuniary Interests of the Province would be advanced by the arrangement proposed by Mr. Caldwell.

No difficulty of this kind would stand in the way of the settlement of the question by the Special Council, and the only question with them (if His Excellency should think proper to submit the Ordinance,) would be, whether the Interests of the Province, would be advanced by the acceptance of Sir John Caldwell's offer, whether the real value of the property offered is or is not nearly or altogether equal to the amount owing by Sir John, and whether, in case of its not selling for a sum equal to that amount, the probability of obtaining any further sum would be of more value than that gained to the Province, by saving the Sheriff's poundage and the other expenses of a forced sale.

I have the honor to be,

Sir,

Your obedient servant,

(Signed,) C. R. OGDEN,

Attorney General.

T. W. C. Murdoch, Esq.
Chief Secretary,
&c. &c. &c.

APPENDIX, (B.)

MESSAGE from the Governor General, with the opinions given by the Chief Justice of the Province and the several Judges, on the operation of the Ordinance 2d. Victoria, Cap. 13. (Received by the Special Council during its last Session on the 27th April, 1840.)

C. POULETT THOMSON.

The Governor General transmits for the information of the Special Council, with reference to the Draught of "An Ordinance to remove certain doubts as to the construction of the Ordinance therein mentioned, relative to the appointment of Assistant Judges in certain Districts of this Province," the opinions given by the Chief Justice of the Province and the several Judges, with the exception of his honor Mr. Gale, whose opinion has not yet been received, on the operation of the Ordinance, 2d Vict. Cap. 13.

Government House,
Montreal, 27th April, 1840. }

No. 1.

Chief Justice Stuart.

Montreal, 19th March, 1840.

SIR,

In compliance with the desire of His Excellency the Governor General signified to me in your Letter of the 16th instant, I have the honour to transmit herewith, to be laid before His Excellency, my Report on the subject mentioned by you, as required by His Excellency.

I have the honor to be,

Sir,

Your obedient humble servant,

J. STUART, C. J.

T. W. C. Murdoch, Esqr.
Chief Secretary,
&c. &c. &c.

To His Excellency the Right Honorable Charles Poulett Thomson, one of Her Majesty's most Honorable Privy Council, Governor General of British North America, and Captain General and Governor in Chief in and over the Provinces of Lower Canada and Upper Canada, Nova Scotia, New Brunswick and the Island of Prince Edward, and Vice Admiral of the same, &c. &c. &c.

MAY IT PLEASE YOUR EXCELLENCY,

In obedience to Your Excellency's command, signified in Mr. Secretary Murdoch's Letter of the 16th instant, requiring me to explain the circumstances, which prevented the holding of the Criminal Term of the Court of King's Bench at Three Rivers, which ought to have been held on the 13th instant, I have the honor to submit the following Statement of these circumstances :—

By the eleventh Section of the Provincial Statute 34 George III. c. 6, commonly called the Judicature Act, the first four Juridical Days of the Terms of the Court of King's Bench, to be held at Three Rivers, in March and September, are appropriated for the exercise of the Criminal Jurisdiction of the Court, which is vested in the Chief Justice of the Province, or the Chief Justice of the Court of King's Bench at Montreal, in conjunction with two Justices of the Court of King's Bench for the Districts of Quebec and Montreal and the Provincial Judge (now called the Resident Judge) or any two of them.

Under this Statute, therefore, the presence of two of the Judges of the Courts of King's Bench of Quebec and Montreal, or of one of them with, the Resident Judge, in conjunction with one of the Chief Justices, is indispensably necessary for the Exercise of the Criminal Jurisdiction of the Court of King's Bench at Three Rivers.

Without being aware of the Judges, individually, who, it was intended, should proceed from the Districts of Quebec and Montreal, to assist in holding the Court at Three Rivers, and it being no part of my duty to ascertain this fact, I left Montreal, on the 11th instant, to give my attendance at Three Rivers, and reached that place in the evening of that day. The Resident Judge was then absent on duty, in the District of St. Francis, and he together with Mr. Justice Cochran returned to Three Rivers, in the evening of the 12th instant.

On the morning of the 13th instant, a short time before the hour appointed for opening the Court, I met these Gentlemen, in the Judges' Chamber and there learnt, for the first time, that the Judges from Quebec and Montreal, who were to assist in holding the Court, were Mr. Justice Gale from Montreal, and Mr. Justice Cochran, from Quebec, and that the former of these Gentlemen was not expected to arrive till after the close of the Criminal Term, to take part in the duties of the Civil Term. It then became a question, whether Mr.

Justice Cochran, as an Assistant Judge of the Court of King's Bench at Quebec, was competent to exercise the powers conferred by the Clause of the Judicature Act above cited, on the Judges of that Court, in relation to the Court of King's Bench at Three Rivers;—it being the first instance, since my appointment to the Bench, in which an Assistant Judge attended, for the purpose of exercising those powers, in conjunction with the Chief Justice.—No such powers could be derived to Mr. Cochran, as Assistant Judge, except under the authority of the Legislature; and he himself referred to the Second Section of the Provincial Ordinance, 2nd Victoria, c. 13, as having, in his opinion, vested in him, as an Assistant Judge, the same powers as, by the Judicature Act, the Judges of the Courts of King's Bench at Quebec and Montreal are enabled to exercise, in the Court of King's Bench at Three Rivers.

Upon a careful examination of this Section of the Ordinance, I was clearly of opinion, That the Assistant Judges appointed under this Ordinance, could derive from it no power to sit in the Court of King's Bench at Three Rivers; and being of this opinion I was constrained, however reluctantly, to declare from the Bench, that the Members of the Court, who were actually present, were not competent to exercise the Criminal Jurisdiction of the Court, and that the Criminal Court of the District could not, therefore, on that occasion be held.

The grounds of this opinion, which I was thus called upon to form, and on which I have acted, I shall beg leave now respectfully to submit to your Excellency.

The Judges of the Courts of King's Bench for the Districts of Quebec and Montreal are, as such invested with Judicial Power in those Districts: they are moreover by the clause of the Judicature Act above referred to, made Members of the Court of King's Bench for the District of Three Rivers, in which, by the express enactment of the Legislature, they are enabled to sit and act as Judges; and by a recent Statute (10 and 11 George 4th, c.) they are also, made Members of the Court of King's Bench for the District of St. Francis, which has been erected since the passing of the Judicature Act.

These several Powers continue exclusively, in the Ordinary Judges of the Courts of King's Bench at Quebec and Montreal, except in so far as they have, by the authority of the Legislature, become vested in the Assistant Judges, and it is from the Ordinance above cited alone, that the Assistant Judges could derive these Powers. It is only, necessary, therefore, to bring under view the Enactments of this Ordinance, to ascertain whether all, or a part only, of the Powers of the Ordinary Judges, have become vested in the Assistant Judges.

By the first Section of the Ordinance it is enacted “ that, from and after the passing of
“ this Ordinance, it shall be lawful for the Governor, &c. from time to time, and whenever, by
“ reason of illness, or necessary absence with the permission and leave of the Governor, &c.,
“ or of suspension from office, any of the Justices of the said Courts of King's Bench for the
“ Districts of Quebec and Montreal, or of the Resident Judge for the District of Three Rivers,
“ cannot sit in their respective Courts, or act as such Justices, or resident Judge, to supply his
“ or their place or places, and to nominate, constitute, and appoint, by an Instrument or

“ Instruments under the Great Seal of the said Province, one or more Assistant Judges, to sit
 “ and act in the said Courts of King’s Bench for the Districts of Quebec and Montreal, or to
 “ sit and act in the place of the Resident Judge of the said District of Three Rivers, as the
 “ case may be, during such illness, absence, or suspension from office.”

This Clause empowers the Governor to appoint Assistant Judges to sit and act in the Courts at Quebec and Montreal, under the circumstances therein stated, *and in those Courts only*. The only other Clause, in the Ordinance, from which the Assistant Judges could derive Powers to sit in *any other Courts*, is the *second Section*, which is in the following words :—

“ And be it further enacted, &c., That the said Assistant Judges, who shall in any of
 “ the cases be nominated, constituted and appointed, in the place and stead of any of the
 “ Justices of the Courts of King’s Bench for the Districts of Quebec and Montreal, shall have
 “ the same power and authority, in the Courts of King’s Bench, in Term, as the Justices of
 “ either of the said Courts now by Law have, when sitting in Term, in the Court of King’s
 “ Bench for the District of Three Rivers.”

This clause is expressed in such terms, as really to admit of no reasonable meaning or import, and is therefore incapable of receiving any execution. It declares, that the Assistant Judges, to be appointed in the place of the Judges of the Courts of King’s Bench for Quebec and Montreal, shall have the same power *in the Courts of King’s Bench, in Term*, as the Justices of either of the said Courts now by law have, when sitting in Term, in the Court of King’s Bench for the District of Three Rivers. In what Courts is it, that the Assistant Judges are by this Clause to have the same power as the Judges to whom they are substituted? No other Courts than the Courts of King’s Bench for Quebec and Montreal are previously mentioned, to which the words “ Courts of Kings Bench ” can apply—They must, therefore, be understood, as meaning the Courts of King’s Bench for the Districts of Quebec and Montreal; and ascribing this meaning to them, we should be prepared to find it subsequently declared, that the powers so vested in the Assistant Judges were to be those which were held *in Term*, by the Judges in whose places they were appointed. This would be a reasonable enactment, as the first clause does not define or declare what powers the Assistant Judges shall have, but merely authorizes the Governor to appoint Assistant Judges, *to sit and act in the Courts in question*, and such an enactment might be deemed proper, in order to vest absolutely, and without offering room for doubt, in the Assistant Judges, the whole of the Judicial Power and authority of the Judges in whose places they might be appointed. But the conclusion of this clause is utterly inconsistent with what the first part of it would have led one to expect, by declaring that the Assistant Judges shall have—not the powers which the Judges, in whose places they were to be appointed, have in the Courts of King’s Bench at Quebec and Montreal, in Term, *but* the powers which these Judges have when sitting in Term, in *another Court*, in *another District*. Now, it is *impossible*, that the Assistant Judges *could* have, in the Courts at Quebec and Montreal, *the same powers*, which the Judges, in whose places they are appointed, have in the Court of King’s Bench at Three Rivers, and it would be absurd to assign to them the *same powers*:—Because the Constitution and Jurisdiction of these Courts

are essentially different, and are incompatible with the exercise of the same powers, by Judges individually, *in all*.—The Courts at Quebec and Montreal are composed of four permanent Judges, appointed for each of these Districts, in which Courts the Assistant Judges could only act, in conjunction with the other Judges of the same Court, and with the same powers;—while the Court at Three Rivers is composed of a certain number of these Judges who, in rotation, give only an occasional attendance at Three Rivers, to assist in forming the Court there, and of the Resident Judge of that District, in which last Court the Assistant Judges, in like manner, could only act in conjunction with one of the Chief Justices, in the exercise of its Criminal Jurisdiction, and in conjunction with the Resident Judge, in the exercise of its Civil Jurisdiction.—So also, the Courts at Quebec and Montreal take cognizance of suits brought within the Districts of Quebec and Montreal, while the Court at Three Rivers takes cognizance of suits brought within the District of Three Rivers,—making it impossible, that the same powers could be exercised by the Assistant Judges, in the Courts at Quebec and Montreal, in what respects Jurisdiction, as the Judges, in whose places they are appointed, could or might exercise, in Term, at Three Rivers.—The second section of the Ordinance, therefore, under the only construction of which it is susceptible, is without rational meaning, and must, therefore, be without effect.

But it has been urged by the persons, who are of opinion, that the Assistant Judges are competent to sit in the Court of King's Bench at Three Rivers, and exercise Civil and Criminal Jurisdiction there, that the words "Courts of King's Bench," where they secondly occur in this Clause, are to be understood as meaning "*all the Courts of King's Bench in the Province.*" In the first place, such an extension of the meaning of these words would be inconsistent with the context, and subject matter in which they are found, and contrary to the established rules of construction, and is, therefore, not to be admitted. But, if it were admissible, the absurdity of the Clause, as already shewn in what respects the Courts at Quebec and Montreal, would only be increased, by extending it to a greater number of Courts.—The effect of this construction, also, would be, to enable the Assistant Judges appointed for each of the Courts at Quebec and Montreal, to exercise Judicial Powers, not only in *both* those Courts, which obviously could never have been intended by the Legislature, and also in the Court of King's Bench at St. Francis, of which the constitution is similar to that of the Court at Three Rivers, but to exercise these Judicial powers, in the same manner, and to the same extent that the Judges, in whose places they are appointed, could exercise them, in the Court of King's Bench at Three Rivers, which in the nature of things, it is impossible they could do.—That this construction cannot be adopted is, therefore, manifest.

It is evident that a strange mistake has occurred, in framing the Clause in question; and it would be difficult to account for the insertion of a Clause so incongruous and defective, in the Ordinance now referred to without an acquaintance with a Statute *in pari materia*, for a similar purpose and which, from the similarity of the language used in the two Laws, seems evidently to have been the *Precedent* from which the Ordinance was copied.—This Statute is the 58th. George the Third, c. 12, by which the Governor of the Province was authorized to appoint Assistant Judges, to supply the places of those who might, by reason of illness, be disqualified for their functions. The first clause of the Ordinance corresponds exactly with the first.

clause of this Statute. But, in copying the second section of the Statute, words, it would appear, have been omitted, the omission of which has deprived the second Clause of the Ordinance of rational meaning. To render this presumable mistake intelligible to your Excellency, I shall beg leave now to introduce a copy of the Second Section of the Statute, which is in the words following—

“And be it further enacted, &c. That the said Assistant Judges, who shall or may be as aforesaid nominated, constituted and appointed, shall have the same power and authority, in the Court of King’s Bench, *for the District of Three Rivers*, in Term as the Justices of either of the Courts of King’s Bench for the Districts of Quebec and Montreal, now by Law, have, when sitting in Term, for the District of Three Rivers.”

At the time of passing this Statute, the Court of King’s Bench for the District of St. Francis, in which the Judges of the two principal Districts of Quebec and Montreal have a like authority, as in the Court of King’s Bench at Three Rivers, was not yet established. It was then only necessary, therefore, to give the Assistant Judges of that period the same powers as the Judges in the two principal Districts had, in the Court of King’s Bench at Three Rivers. This was effectually done, by the second Section of the Statute—It would have been expedient, and it is likely it was intended, by the second Section of the Ordinance, to give a similar power to the Assistant Judges, of the present day, in the Courts of King’s Bench for the Districts of Three Rivers and St. Francis.—But, for this purpose, after the words “Courts of King’s Bench” when they *secondly* occur in the second Section of the Ordinance, the words—“for the Districts of Three Rivers and St. Francis, respectively,” should have followed; and in like manner, at the conclusion of the Clause, the Court of King’s Bench for the District of St. Francis, as well as the Court of King’s Bench for the District of Three Rivers, should have been mentioned. If the words now pointed out had been introduced, in their proper places, in the second section of the Ordinance, it would have been in perfect conformity, as was probably intended, with the second Section of the Statute, and would have effectually given to the Assistant Judges the power which is now claimed for them.—These words cannot be supplied by construction, as this would in effect be, to make a Law and not to interpret one. While we are led, therefore, to conjecture what may have given occasion to this imperfect Act of Legislation, we must adopt the conclusion, that its defects cannot be supplied, by any other than Legislative authority.

For these reasons, I have been and continue to be of Opinion, as above stated, That Mr. Justice Cochran, as an Assistant Judge of the Court of King’s Bench at Quebec, could not legally sit and Act as a Judge, in the Court of King’s Bench at Three Rivers.

It may not be improper to add, that among the cases on the Calendar for prosecution and Trial, at Three Rivers,—there were—one Case of Treason, for Counterfeiting the Coin, three Cases of Murder, five Cases of Burglary, and one Case of Horse Stealing.

It is not necessary to advert to the painful predicament in which Judges and Jurors, and even the Head of the Government must have been placed, if Criminal Jurisdiction had

been exercised, under the circumstances above stated, and Capital Convictions and Sentences had proceeded from it.

All which, nevertheless, is respectfully submitted to Your Excellency's great wisdom.

J. STUART, C. J.

Montreal, 19th March, 1840.

No. 2.

Judge Pyke.

*To His Excellency the Right Honorable Charles Poulett Thomson,
Governor General of British North America, and Captain
General and Governor in Chief in and over the Provinces of Lower
Canada, Upper Canada, &c. &c. &c.*

MAY IT PLEASE YOUR EXCELLENCY;

In obedience to Your Excellency's commands, conveyed to me in a Letter from Mr. Secretary Murdoch, of the 23d instant, requesting me to report for Your Excellency's information, whether or not, an Assistant Judge of the Court of King's Bench for the District of Quebec, appointed under the authority of the Ordinance 2d Victoria, c. 13th is competent to exercise the powers conferred by the 11th Section of the Provincial Statute 34th Geo. 3d, c. 6th on the Judges of that Court, in relation to the Court of King's Bench at Three Rivers; I have given the question so referred my earliest and most serious consideration, and have now the honor to report to Your Excellency, That in the construction and interpretation of any Law or Statute, the first thing to be considered, is, what was the intention of the Legislature, and what was the evil or deficiency intended to be thereby remedied or supplied; Now, it is obvious that by the Ordinance 2d Victoria, c. 13th, the intention of the Governor and Special Council was to supply the places of such Judges who might thereafter be disabled from sitting, or performing their Judicial Duties whether from Sickness, necessary Absence or Suspension from office, by the appointment of Assistant Judges to do those duties, during such sickness, absence or suspension, not partially or to a limited extent, but in the entire, for otherwise the remedy would be ineffectual or incomplete, which cannot for one moment be supposed was contemplated by the Legislature, the words of the Ordinance being general, "to Supply his or their place or places." The Term therefore "Assistant Judges" was necessarily adopted, not with a view of circumscribing their authority and jurisdiction, but to mark the temporary duration of that authority, and as being an addition to the number of the Judges heretofore, by the pre-existing Law, allowed to be appointed to compose the Courts of King's Bench in this Province, nor can it be doubted that any Assistant Judge so

appointed under the Ordinance 2d Victoria, C. 13th must be considered as the Substitute of the absent, sick or suspended Judge, and therefore possessing the same authority, power and jurisdiction as the Judge whose place he supplies, and whose duties he has been appointed to perform, and therefore without reference to the term "Assistant," he would appear to be, as long as his Commission endured, to all intents and purposes a Justice of the Court of King's Bench for the District to which he may have been appointed, with the same Salary and allowances, and consequently with the same duties to perform, as any other Justice of that Court; nor do I perceive any distinction between a Judge so appointed, and one under a Law declaring that hereafter in lieu of Three Puisné Justices in the Courts of King's Bench for the Districts of Quebec and Montreal, those Courts should be composed of Four Puisné Justices, for in this last case, it would not be necessary to declare that such fourth Puisné Justice should be competent to exercise the powers conferred by the 11th Section of the Provincial Statute 34th Geo. 3d, c. 6 on the Judges of those Courts, in relation to their sitting and acting in the Court of King's Bench at Three Rivers, for as in one case so in the other, I should consider that the last mentioned Statute, would without any other or new enactment authorise as well the fourth Judge, as the Assistant Judge to sit and act in the Court at Three Rivers, in the manner prescribed by that Statute which remains in full operation and must have its full effect; and as by the 11th Clause thereof, it is declared that the Court of King's Bench for the District of Three Rivers, shall be composed of two of the Justices of the Courts of King's Bench for the Districts of Quebec and Montreal, with others therein named, it must apply to and embrace, all persons legally appointed in these two Courts to do the duties of Justices thereof.—Now, it is an established rule in the interpretation of Statutes, that they should be so construed as to have their full operation and effect, according to the obvious intention of the makers, and that all laws made for the general and public good, should be construed beneficially to that end; to restrict, therefore, the powers of the Assistant Judges, in the interpretation of the Ordinance in question, would be to depart from those wise and salutary rules which are intended to supply whatever may be deficient, defective, doubtful, or obscure in the letter or words of any particular Clause of the Law or Ordinance.—It cannot be presumed that any such restriction was intended by the makers of the Ordinance, for it is impossible even to imagine one good or even plausible ground therefor; yet no doubt the Legislature had the power to invest the newly appointed or Assistant Judges, with a lesser authority and jurisdiction than the Justices under the pre-existing Law, and if such a limited authority has been distinctly expressed and declared by the Ordinance, it must have its effect, however uncalled for, and however injuriously it might operate; but after a careful perusal of the Ordinance I cannot find any thing to justify so rigid and injurious a Conclusion; it would have required something very explicit to destroy what appears from the general scope and tenor of the Ordinance, to be the only true object of that Law, namely—to supply the places of such of the Justices of the Courts of King's Bench who may be prevented from sitting and acting either from sickness, absence or suspension from office, and to appoint Assistant Judges to perform all those duties which the Justices were bound and authorised to perform, among which was that of sitting and acting in the Court of King's Bench for the District of Three Rivers; in order to prevent any such interpretation of the Ordinance, or the effect of the Judicature Act of 1794 before alluded to, it would have been necessary, by a proviso, to have declared that nothing in the Ordinance contained, should extend to authorise or empower the said Assistant Judges to sit and act in the Court of King's Bench for the District of Three Rivers.

It does therefore to me appear, laying aside the second Clause of the Ordinance as conveying no authority, that under the first Clause thereof, the Assistant Judge at Quebec, being to all intents and purposes, during the continuation of his Commission, a Justice of the Court of King's Bench for the District of Quebec, the Judicature Act in regard to such Assistant Judge, fully authorised him to sit and act in the Court of King's Bench for the District of Three Rivers, in the same manner as any other Justice of the Court of King's Bench; the authority in respect to both being derived from the same source, and it would have required something negative in the Ordinance to have excluded him from that duty which has been so imposed upon the Justices of Quebec and Montreal, when to supply the place of one of those Justices, the Assistant Judge was appointed.—So far however from any negative expressions limiting the power of the Assistant Judge, it is evident by the second Clause of the Ordinance that it was the intention of the Legislature expressly, to authorise the Assistant Judges to sit in the Court of King's Bench for the District of Three Rivers, for if such was not the intention, the second clause has no meaning at all, and consequently confers no power or authority but what by the previous clause had already been conferred; it is true that there has been a clerical error or omission in such second clause, which does not exist in the Provincial Statute, of 58th Geo. 3d, c. 12th, from which the Ordinance 2nd Victoria c. 13th was evidently framed, and which renders such clause obscure and incomplete in its Terms; yet, it does not follow that it should therefore be rejected as useless and of no avail, if any legal and reasonable interpretation can be given to it, as it would be preposterous to suppose that any part of the Ordinance was made in vain, but rather to serve some useful purpose in carrying the intentions of the Legislature into full effect, and therefore with all its imperfections it must be construed in a way to give it effect according to the manifest intention of the makers, and in doing which the powers given to Assistant Judges under the Temporary Act of the 58th Geo. 3d, c. 12th may very properly be taken into consideration and have their due weight.—It is to be observed, that since the passing of that Temporary Act, and at the period of the passing of the Ordinance 2nd Victoria c. 13, a fourth Court of King's Bench was constituted for the Inferior District of St. Francis, in which the Justices of Quebec and Montreal were also authorised to sit and act, which it is material to notice, as serving to explain the Clause in question, and which declares, that the Assistant Judges to be appointed under that Ordinance “shall have “the same power and authority in the Courts of King's Bench in Term, as the Justices of “either of the Courts of King's Bench for the Districts of Quebec and Montreal now by Law “have when sitting in Term in the said Court of King's Bench for the District of Three “Rivers.” Now, it is evident from the Terms thus used, that this is not a restraining Clause, but intended rather to extend the powers and Jurisdiction of the Assistant Judges, and that such was the intention of the Legislature no person can doubt or has ever doubted; it is therefore plain that the words Courts of King's Bench could have no reference to the Court of King's Bench for the District to which the Assistant Judge may have been specially appointed under the first clause of the Ordinance, nor to a Court of King's Bench in which, by Law, the Justice whose place the Assistant Judge was to supply, could not sit and act; inasmuch, as the Justices of Montreal cannot sit at Quebec, nor those of Quebec at Montreal. The Courts of King's Bench therefore mentioned, in the Clause before cited, could only be those of Three Rivers and St. Francis, and in which by Law the Justice, in whose place the Assistant Judge was appointed, could legally, and was bound to sit and act, for it is to be remarked that the Justices in Quebec and Montreal, by their Commissions, are only appointed Justices of their respective Courts, and not of the

King's Bench for the District of Three Rivers, and that it is only by virtue of the 11th Section of the Judicature Act that they sit and act in the Court at Three Rivers, and which Section operates as well in regard to Assistant Judges, as to any Justice whose place the Assistant Judge is called upon to supply and fill.

I am therefore of Opinion, firstly,—That the Second Clause of the Ordinance of 2d Victoria, c. 13th was unnecessary to create the right in the Assistant Judge at Quebec, to sit and act in the Court of King's Bench at Three Rivers; and secondly, That in giving effect to that clause, no other interpretation can be given to it, consistent with the intent, and general scope and tenor of the Ordinance, than as authorising the Assistant Judges so to sit and act at Three Rivers; nor is the Clause, as worded, susceptible, in my opinion, of any other interpretation.—All which is nevertheless most respectfully submitted by,

Your Excellency's

Very humble and very obedient Servant,

GEORGE PYKE.

Montreal, 27th March, 1840.

—
No. 3.

Judge Bowen.

Quebec, 29th March, 1840.

SIR,

I have the honour to acknowledge the receipt of your letter of the 23rd instant, conveying to me the commands of His Excellency the Governor General, that I should report for His Information my opinion, whether or not an Assistant Judge of the Court of King's Bench at Quebec, appointed under the Authority of the Ordinance 2d Vic. chap. 13 is competent to exercise the powers conferred by the 11th Sec. of the Provincial Statute 34 Geo. 3. Chap. 6 on the Judges of that Court, in relation to the Court of King's Bench at Three Rivers.

The Ordinance in question is clearly, from the terms of the preamble a *remedial law*, intended to remedy the omission in the Provincial Statute 34 Geo. 3, chap. 6 which makes no provision for supplying the place of a Judge during his indisposition, necessary absence or suspension from Office: it ought therefore to receive such liberal construction as may

render it subservient to the ends for which it was proposed, by redressing the mischief and giving life and strength to the remedy, according to the true intent of the Legislature.

This intention indeed, is the only safe guide for the construction of any statute, and it is to be collected in great measure from the declared object which it recites as giving occasion to the new enactment; so that where the object or intention is clear, it cannot be controlled by the letter or wording of any particular clause. Much more, if there is any ambiguity in the enacting part of a statute, may the preamble be resorted to, for the purpose of explaining that ambiguity, as every case which is within the mischief for which a remedy is provided by any statute, must be held to be within its meaning, though not precisely within the enacting words.

The Preamble of this Ordinance recites, that it is expedient and necessary to authorise the Governor &c from time to time, in case of sickness, necessary absence or suspension from office, of any of the Justices of Her Majesty's Courts of King's Bench for the Districts of Quebec and Montreal, or the Resident Judge of the District of Three Rivers, to appoint one or more Assistant Judges, to supply his, or their places during such sickness, necessary absence or suspension from Office—here the object is clearly defined "*to supply his or their places*" not partially, or with any restriction or limitation, but fully to all intents and purposes, so that his or their places may in all things be filled.

The powers conferred by the Provincial Statute 34 Geo. 3, chap. 6, Sec. 11 upon the Judges of the Court of King's Bench for the District of Quebec, in *relation to the Court of King's Bench at Three Rivers*, were fully as requisite for the ends of Justice, as those conferred upon them by any other clause of the same Statute.

The want of a sufficient number of Judges, able to exercise their powers, would be as much felt in one case as in the other, and must therefore be held, equally within the mischief for which a remedy was intended to be provided by the Ordinance. Nor, is this at all invalidated by the enacting part of the first clause of the Ordinance, by which it is made lawful, in either of the cases there stated, whenever any of the Justices of the said Courts of King's Bench for the Districts of Quebec and Montreal, or the Resident Judge for the said District of Three Rivers cannot sit in their respective Courts or Act as such Justices or Resident Judge "*to supply his or their place or places*" and to nominate constitute and appoint, by an Instrument or Instruments under the Great Seal, one or more Assistant Judges to sit and Act in the said Courts of King's Bench for the Districts of Quebec and Montreal, or to sit and Act in the place and stead of the Resident Judge of the said District of Three Rivers, as the case may be, during such illness, &c.

Now, here again not only the preamble, but the enactment authorises the Governor to supply from time to time the place or places of such Justices or Resident Judge, and had the Ordinance gone no further it would have been well, as all the duties, power, jurisdiction and authority, which by law were entrusted to the Justices of the King's Bench, or the Resident Judge, prior to the passing of the Ordinance in question, virtually and of necessity

devolved upon the Assistant or Asistants, so appointed to supply the place or places of the suspended Judges.

The framer of the Ordinance having thus, by the first clause provided for the appointment of Assistant Judges in each of the Three Districts respectively, seems to have thought it necessary to declare by the second clause, that the Assistant Judges so to be appointed for Quebec and Montreal should, have, when sitting in term at Three Rivers, the same power and authority as the Justices of either of the Courts of King's Bench for Quebec or Montreal now by law have.—This I conceive to have been the sole object of the second clause; in my opinion, it is wholly superfluous, and cannot operate any limitation of the first clause, for by law it was previously part of the duty of the Suspended Judges, to go Circuit in their turn to Three Rivers and Sherbrooke, and consequently the same duty or obligation to go Circuit devolved upon the Assistants appointed to supply the places of the suspended Judges.

It is true, that by some probable omission or inversion of the sentence in the drafting or printing the second clause, the meaning of it is ambiguous and scarcely intelligible; it is as follows “that the said Assistant Judges who shall in any of the cases be nominated, constituted and appointed in the place and stead of any of the Justices of the Courts of King's Bench for the Districts of Quebec and Montreal, shall have the same power and authority in the Courts of King's Bench in Term, as the Justices of either of the Courts of King's Bench for the Districts of Quebec and Montreal now by law have, when sitting in Term, in the said Court of King's Bench for the District of Three Rivers.”

I should transpose the sentence, and read it thus:—shall have the same power and authority in the Courts of King's Bench when sitting in Term, in the said Court of King's Bench for the District of Three Rivers, as the Justices of either of the Courts of King's Bench for the Districts of Quebec and Montreal now, by law have.—But admitting for a moment, that this way of reading the clause ought not to be resorted to, then it must necessarily be considered insensible, and the maxim “*utile per inutile non vitiatur*” would strictly apply, and the second clause be rejected as surplussage.

But, it may not be altogether foreign to the Question to enquire, what this supposed restriction or limitation amounts to.—Do the powers and authority of the Judge of Quebec or Montreal, when on Circuit at Three Rivers, differ from the Powers and Authority exercised by him at Quebec or Montreal? They do not; for by the 11th Sec. 34 Geo. 3, Chap. 6, it is declared and enacted, that they “shall have within that district (Three Rivers,) both in and out of Court, the same powers and authorities in all cases as are granted by the Act to the Courts of King's Bench of the Districts of Quebec and Montreal, and the Justices thereof or any of them, in or out of Court, or out of Term” there is, therefore, no difference, and consequently *no* limitation of their authority operated by the second clause of the said Ordinance.

For these reasons, I am very humbly of opinion, That an Assistant Judge of the Court of King's Bench at Quebec, appointed under the authority of the Ordinance 2 Vic. Chap. 13,

is competent to exercise the powers conferred by the 11th Sec. of the Provincial Statute 34 Geo. 3, Cap. 6, in the Judges of that Court in relation to the Court of King's Bench at Three Rivers.

I have the honor to be,

Sir,

Your most obedient servant,

EDWD. BOWEN.

T. W. C. Murdoch, Esquire,
Chief Secretary,
&c. &c. &c.

No. 4.

Assistant Judge Duval.

Quebec, 30th March, 1840.

SIR,

In compliance with the request contained in your Letter of the 23d instant, I have now the honor to Report, for the information of His Excellency the Governor General, my Opinion on the right of an Assistant Judge of the Court of King's Bench, appointed under the authority of the 2d Victoria, chapter 13, to exercise the powers conferred by the Provincial Statute 34 George 3d, ch. 6, on the Judges of that Court, in relation to the Court of King's Bench at Three Rivers.

In the construction of all Statutes, the sense and spirit of the Act, its scope and intention are primarily to be regarded, and it matters not that the terms used by the Legislature, in delivering its Commands, are not the most apt to express its meaning, provided the object be plain and intelligible, and expressed with sufficient distinctness to enable the Judges to collect it from any part of the Act.

In the present case, to ascertain the true intention of the Legislature, we must find out the cause or necessity of passing the Ordinance, 2d Victoria, chap. 13. On this, the Legislature has expressed itself in language so clear and intelligible, as to admit of no doubt or hesitation

whatever.—It declares, that it is expedient and *necessary* to authorize the Governor, Lieut.-Governor, or Person Administering the Government of this Province, from time to time, in case of sickness, necessary absence, or suspension from office, of any of the Justices of Her Majesty's Court of King's Bench for the Districts of Quebec or of Montreal, or of the Resident Judge of Three Rivers, to appoint one or more Assistant Judges "to supply his or their Place" during such sickness, necessary absence, or suspension from office. The words "to supply his or their Place" fully make known the intention of the Legislature, that the Assistant Judges should perform all the duties which the incapacitated Judges were bound previously to perform, and this without any limitation of power whatever. It would be difficult, not to say impossible, to assign any reason that could have induced the Legislature to limit the Powers of the Assistant Judges. The Ordinance was not passed with the view of conferring any benefit or advantage on the Assistant Judges personally; but solely, with the view of promoting the Public Interests, and of providing for the due Administration of Justice. This object would not have been attained had not the Assistant Judges been invested with the same power and authority as the Judges of the Courts of King's Bench; for, in numerous instances, a single Judge has no authority to make an order binding on the parties, to a suit pending in Court—What advantage could Her Majesty's subjects in this Province have derived from the appointment of Judges thus incapacitated from performing the important duties of their office during the greater part of the year? The sudden indisposition or necessary absence from this District, of the Chief Justice, or of Mr. Justice Bowen, would have stopped the Administration of Justice here, and caused the very mischief against which it was the intention of the Legislature to provide. It was with the view of providing against such a mischief, that the first clause of the Ordinance enacts, that whenever by reason of illness, necessary absence, or suspension from office, any of the Judges cannot "*Sit in their respective Courts, or Act as such Justices or Resident Judge,*" it shall be lawful for the Governor, "to supply his or their place," in other words, to appoint one or more Judges to perform those public duties which the public interests require to be performed, but which some of the other Judges cannot, for one of the causes mentioned in the Ordinance, perform.

I am aware that the words "to sit and act in the said Courts of King's Bench," which are to be found in the latter part of the first Clause, have been by some persons supposed to limit the exercise of the Powers of the Assistant Judges to the Terms of the said Courts, and to exclude the exercise of such powers during the vacation; such an opinion cannot be persisted in by any one who will attentively read the whole Clause. The Legislature has put its own interpretation on the words "to sit and Act," by empowering the Governor to appoint Judges "to supply the place" of those who cannot "sit in their respective Courts, or Act as Judges." If the words "to sit and Act in the said Court of King's Bench" were intended to limit the exercise of the powers of the Assistant Judges to the time during which the Courts of King's Bench held their sittings, then the Assistant Judges would not supply the Place of the incapacitated Judges, and these words would convey a meaning contrary to that so plainly expressed, in the same clause only three lines above.

Is it not more consonant to reason, to collect from the larger and more extensive expression, the real intention of the Legislature, and to put such a construction on the whole Clause,

as will impower the Assistant Judges to perform all the duties of Judges of the Court of King's Bench, and thus remove the obstacles to the Administration of Justice, which were for some time so severely felt in this District.

Having entertained this opinion previous to my appointment, I have not hesitated to exercise all the Powers of a Judge of the Court of King's Bench. On the 30th day of August last, the Rules and Regulations of the Quebec Fire Society were confirmed by the Chief Justice and myself. This could not have been done, had the Chief Justice entertained any doubt of the power of an Assistant Judge to act in Vacation.

Although my opinion has been asked on the construction to be put on the Second Clause of the Ordinance, I have endeavoured to shew, that the intention of the Legislature was to empower the Governor to appoint Assistant Judges to perform all the duties of Judges of the Courts of King's Bench; for this, once clearly established, the second Clause must receive such a construction as to meet the beneficial end in view, and prevent a failure of the remedy.

One of the duties of the Judges of the Court of King's Bench for the District of Quebec, is to sit in the Court of King's Bench for the District of Three Rivers, during the period stated in the Provincial Statute 34 George the Third, chap. 6.

At the time the Ordinance was passed, there was no reason to exempt the Assistant Judges from the performance of this public duty. Such an exemption would have been a favor conferred on them personally, to the detriment of the Public. The Second Clause was evidently introduced to remove the doubts which might otherwise have been entertained of the Power of the Assistant Judges to sit in the Courts of King's Bench for the District of Three Rivers.

This Clause has been so construed by some persons as to mean, that the Assistant Judges shall have at Quebec and Montreal, the same power and authority as the Judges of the Courts of King's Bench for the Districts of Quebec and Montreal have by Law, when sitting in Term, in the Courts of King's Bench for the District of Three Rivers.

By others, it is so construed as to mean, that the Assistant Judges when sitting in Term in the Court of King's Bench for the District of Three Rivers, shall have the same power and authority as the Judges of Quebec and Montreal, when they sit in the said Court of King's Bench for the District of Three Rivers.

In this latter construction, I entirely concur. The first, I must say in very plain language, appears to me too absurd to call for serious refutation. Can it seriously be urged that the Legislature, by the second Clause, intended to destroy the first? And yet, this would unquestionably be the case, if the second Clause were so construed as to limit the Powers of the Assistant Judges.

But, even admitting the second Clause of the Ordinance to be explanatory of the first, and that contrary to every rule of construction, this Ordinance is to be construed, not according to the plain intention and meaning of the Legislator, but according to the letter, what construction would this letter of the Ordinance justify? No other than this, that the Assistant Judges shall exercise in the Courts of King's Bench at Quebec and Montreal, in *Term*, the same power and authority as the Judges of the said Courts exercise when they sit in *Term*, in the Court of King's Bench for the District of Three Rivers.

The powers of the Judges when sitting in *Term* in the latter Court, are given by the Provincial Statute 34 George the Third, chap. 6, sect. 11, in the following words: "The Justices and Provincial Judge composing the same (that is, the Court of King's Bench for the District of Three Rivers,) or *any* of them, shall have within that District, *both in and out of Court*, the same powers and authorities in all cases as are granted by this Act, to the Courts of King's Bench for the Districts of Quebec and Montreal, and the Justices thereof, or any of them, in or out of Court, or out of *Term*."

Are not these *all* the powers and authority exercised by the Judges of the Courts of King's Bench when sitting in their respective Courts at Quebec and Montreal? If so, then it is unquestionable that, the Assistant Judges have *all* the powers of the Judges *in Term*. The Legislature therefore, did not intend to limit the powers of the Assistant Judges when sitting in the Courts of King's Bench at Quebec and Montreal.

As to the powers and authority of the Assistant Judges in *Vacation*, the second Clause is silent, and it may reasonably be expected that persons who insist on the intention of the Legislature being ascertained from the very letter of the Clause, will not extend that Clause beyond the letter thereof.

If it be argued, that by the reference contained in the second Clause of the Ordinance, the 11th Section of the Provincial Statute 34 George the Third, chap. 6, is virtually incorporated in the said second Clause, then the Assistant Judges have *all* the powers, *both in and out of Court*, of the Judges of the said Courts of King's Bench at Quebec and Montreal, and having the said powers, they may justly be said, "to supply the place" of the incapacitated Judges.

In this view of the case, the powers of the Assistant Judges not being limited by the Ordinance, the competency of the Assistant Judges to sit in the Court of King's Bench for the District of Three Rivers, necessarily depends on the power and authority given to the Judges by the Provincial Statute 34 George the Third, chap. 6.—If, by this Statute it is a part of the duty of the Judges of the Courts of Quebec and Montreal to sit in the Court of King's Bench for the District of Three Rivers, then the Assistant Judges, who have been appointed "to supply their place, to sit in their respective Courts and act as Judges, with all the powers both in and out of Court of the said Judges," must perform this duty.

I exercised these Powers, in the Court of King's Bench for the District of Three Rivers, during the sittings of the Court in January last.—The Honble. Mr. Justice Rolland and

Mr. Justice Mondelet, took their seats on the Bench at the same time. I need not say, that neither of the said Judges would have allowed me to take my seat on the Bench, had he been of opinion that an Assistant Judge could not sit in that Court.

I still entertain the opinion, that the Assistant Judges have all the Powers and Authority of the Judges of the Courts of King's Bench for the Districts of Quebec and Montreal, and are competent to sit in the Court of King's Bench for the District of Three Rivers, and exercise the Powers and Authority of a Judge of the said Court.

I will continue to exercise these Powers as long as I hold my Commission, until the right is decided by the Judgment of a competent Tribunal.

I have the honour to be,

Sir,

Your obedient Servant,

J. DUVAL,

Asst. J. K. B.

The Chief Secretary of the Province.

No. 5.

Judge Fletcher.

REPORT of the Opinion of Mr. Justice FLETCHER, on the following Question submitted to him, on the part of His Excellency the Governor General:—"Whether or not, an Assistant Judge of the Court of King's Bench at Quebec, appointed under the Authority of the Ordinance 2d Victoria c. 13, is competent to exercise the Powers conferred by the 11th Section of the Provincial Statute 34th George 3, c. 6, on the Judges of that Court, in relation to the Court of King's Bench at Three Rivers."

I was honored, while sitting in Court on Saturday last, the 28th instant, by the Command of His Excellency the Governor General, to report my Opinion on a Question couched in the above terms;—and in obedience thereto, beg leave to state the conclusion at which I have arrived with regard to the subject, together with some preliminary remarks, explanatory of the reasons on which it is founded.

It is, as I conceive, a General Rule, that a Grant of a known Office, the Duties of which

are defined by Law, at once vests in the grantee, all the Powers and Authorities incident to, or connected with the execution of them without any further specification or description. The Expression "*Sit visitator Episcopus Eliensis*"—in the Statutes of a College, in itself, confers on the Prelate so nominated and his successors, the various and extensive Authorities of General Visitor ; a Commission to A. B. and C., to "*hear and determine*" any controversial matters, invests the Commissioners with all the vast and multifarious Powers of a Court of Judicature: and a thousand other instances might be adduced in illustration of this position.

I should have thought,—if such had been the object in view,—that the Administrator of the Government "in case of the sickness, necessary absence, or suspension of any of the " Judges of the Courts of King's Bench for the Districts of Quebec and Montreal" might, by his own Authority, as the Representative of his Sovereign, and without any Legislative Aid, have appointed any proper persons to supply their places ;—and that such new Judges, if nominated by Letters Patent, as "Justices" of those Courts, "with all Powers" &c., in general terms, would have thereby become invested with the same Powers in the Court of King's Bench at Three Rivers, under the Provincial Statute 34 Geo. 3d, c. 6, as had been exercised by those in whose stead they had been so appointed.

But the appointment of an *Assistant Functionary* is a very different thing.—Such an Officer may be invested *either* with *all* the Powers of his Principal, or *only a very small part of them*. If, for example, it should be thought expedient to appoint certain Judicial Functionaries to preside in the Inferior Terms only of the Courts of King's Bench, either generally or occasionally, for the purpose of diminishing the labours of the present Judges ;—such subordinate ministers might be designated as "Assistant Judges" without any solecism in language. The appointment, therefore, of an "*Assistant Judge*," being in itself indefinite, with regard to the nature and extent of the Duties of the Station, unless they had been previously defined by Law ; it would be necessary, in the first instance, so to define them ; and they would be limited and circumscribed, by such definition. It would be the creation of a new Office, antecedently unknown ; and might therefore require the interference of the Legislature to define its Powers and Responsibilities, though the Appointment of a principal Judge—being that of an Officer already known to and recognized by the Law—would not have done so.

Accordingly, when it was found necessary in 1813, on account of the indisposition of some of the Judges, to appoint others to supply their places temporarily, a Provincial Statute, (58 Geo. 3d, c. 12.) was passed for the purpose, whereby it was enacted, that it should be lawful for the Governor, &c., whenever by reason of illness any of the Judges could not preside in their respective Courts—"to authorize and empower any other of the Judges of this " Province to supply the Place of, and perform the Duties of such Chief Justice or Pûisné " Justices incapable of acting as aforesaid by reason of illness, or in case it might not be " expedient so to do, to nominate, constitute and appoint by an instrument or instruments " under the Great Seal of the Province, one or more *Assistant Judges* to sit and act in the " said Courts, or in either of them, during such illness."—"And"—(by the 2d Section,)—it

was further enacted—*“ That the said *Assistant Judges*, who should or might be as aforesaid “ nominated, constituted or appointed, should have the same Power and Authority in the “ Court of King’s Bench [for the District of Three Rivers,]” (*words left out in the Ordinance*) “ in Term, as the Justices of either of the Courts of King’s Bench for the Districts of Quebec, “ and Montreal then by Law had when sitting in Term in the said Court of King’s Bench for “ the said District of Three Rivers.”

The last mentioned Act, which was a temporary one, is now expired ;—and I have mentioned it only to shew, that it was the opinion of the Legislature at that time, that it was *necessary*, in order to give the *Assistant Judges* the Power of sitting at Three Rivers, *that it should be expressly conferred on them by the Statute.*

We have a more recent instance of the Expression of such an Opinion by the Legislature, and which is still more directly in point.—It was thought necessary in February 1839,—only two months after the passing of the Ordinance now before us,—to pass *another* Ordinance, (2d Vic.—2d Session—c. 2.)—to *authorize* the Assistant Judge, who had been substituted for Mr. Vallières at Three Rivers, *under the very Ordinance which is now the subject of our consideration*, to sit in the Court of King’s Bench for St. Francis ;—which would, of course, have been quite unnecessary if he could have done so otherwise. It is impossible to distinguish this latter case from that which we are now considering.

In expounding a Legislative Document which is couched in obscure terms, we are placed in the situation of the votaries of the Cumæan Sibyl :—we must endeavour to collect and arrange the scattered leaves ;—and, if it be possible to compose an intelligible sentence, we are bound to regard it as oracular ; however unfavourable the augury may appear to be. We may interpret it liberally ;—but we must not deny or pervert the meaning which is expressed on the face of it.

The Ordinance, taking it as it now stands, is, unfortunately, not so utterly incongruous and senseless in its Terms as to warrant our rejecting it altogether. It might, perhaps, have been better if it had been so :—but, as it is actually intelligible, though by mere chance, we must adopt its apparent provisions, if we are to follow the Instructions under which we are acting. The Question proposed to us is, not whether any Judges which *might* have been appointed by Sir John Colborne, as the Queen’s Representative, would have been competent to sit in the Court of King’s Bench at Three Rivers,—but whether the *Assistant Judges* appointed *under this particular Ordinance* are so :—and we must, therefore, proceed in the first place to examine this creative Document.

Now, the Ordinance in question professes, on the face of it, to describe the Powers of these Assistant Judges, as that of 1818 had done ;—and they are consequently *limited by that*

(Note.)—*This is the second section of the Provincial Statute 58th Geo. 3. cap. 12, which was evidently intended to be copied in the 2d Section of the Ordinance now under consideration. It is in page 58. of the Statutes of 1818.

description. According to this, there is no Authority given to the Assistant Judges in any other Court than that at Quebec; and there in Term only. It would appear to preclude their rendering any assistance to the other Judges with regard to the Vacation business, which constitutes, in the aggregate, the greater portion of the labours of every Judge in the Province. We may think this monstrously inconvenient; but *that* we have nothing to do with, and cannot remedy:—and although we are quite certain that the Ordinance is in some way or other misconceived and erroneous, and can even perceive clearly in what manner the error has arisen, we must take it as it stands; or we should assume a Power to correct and controul the Acts of the Legislature, which we do not possess.

The mischief is considerable; and it has, as is generally the case, excited an infinitely greater degree of rancour and bad feeling than could be at all justified by the merely accidental circumstances from which it has arisen. There is no one individual who can fairly be said to be very much to blame. The Ordinance was composed amidst the turmoil of Civil War; in a City in which the Pen had long been exchanged for the Sword, and the Robe of the Advocate for the Uniform of the Soldier. The draughtsman was attempting to copy the 2d Section of the Statute of 1818, and in so doing unfortunately left out the words—“*for the District of Three Rivers,*” in the 3d and 4th lines of that Clause: which omission has occasioned the greater part of the difficulty.

I am aware, that there is something to apologize for in the great length of this communication; but, I would rather incur the risk of being accused of prolixity than of too much brevity. It is always useful, as I think, to trace the steps by which we arrive at our conclusions: the reasoning which we may have used may have been erroneous; and, if so, the fallacy will be more easily detected when it is exhibited in detail, and its effects less injurious to fair and impartial investigation.

It may be said, perhaps, that the writer of this would, by the expression of any doubts respecting the legality of the exercise of the authority of the Assistant Judges at Three Rivers, impugn the competency of another Court in which he has himself sat within a month past. He will not, however, suffer any consideration of this kind to lead him astray when in search of truth. The question is of vastly greater importance than whether the Judge of St. Francis has acted incautiously. He may have thought differently a month ago; or, it is perhaps more probable that he had never thought of the Question at all, and might possibly not have done so now, but for its having been raised by the Chief Justice, at Three Rivers. It is one which has excited much argument and contrariety of opinion, and may perhaps admit of different solutions:—it is even probable that he may find a majority of his colleagues in favour of the Competency of both the Courts in question, though the writer of this cannot, after the consideration which he has now bestowed on the subject, conscientiously add his own suffrage to the number.

Having maturely deliberated on the whole of the matter referred to him; considering the limited extent to which alone the construction of Statutes can be safely carried, in contra-

vention of the apparent purport of the language in which they are couched; the Opinion testified by the Legislature in the Provincial Statute 58 Geo. 3d. c. 12, and the Ordinance of the 16th of February 1839; and every other Authority to which, in his remote and isolated station, he has had an opportunity of referring; the undersigned is of

OPINION,

That an Assistant Judge of the Court of King's Bench at Quebec appointed under the authority of the Provincial Ordinance of the 12th December, 1838—2d Victoria, c. 13, is not competent to exercise the Powers conferred by the 11th Section of the Provincial Statute 34 Geo. 3, c. 6. on the Judges of that Court in relation to the Court of King's Bench at Three Rivers.

All which is most respectfully submitted, by

His Excellency's faithful Servant,

J. FLETCHER.

Sherbrooke, 31st March, 1840.

No. 6.

Judge Rolland.

*To His Excellency the Right Honorable Charles Poulett Thomson,
Governor General of Her Majesty's British North American
Provinces, &c. &c. &c.*

MAY IT PLEASE YOUR EXCELLENCY,

In obedience to Your Excellency's Commands, conveyed to me in a letter from Mr. Secretary Murdoch of the 23d instant, requesting me to report for Your Excellency's information, my opinion—Whether or not, an Assistant Judge of the Court of King's Bench at Quebec, appointed under the authority of the Ordinance 2d Vict. ch. 13, is competent to exercise the powers conferred by the 11th Section of the Provincial Statute 34 Geo. 3, ch. 6, on the Judges of that Court, in relation to the Court of King's Bench at Three Rivers.

I have now the honor to report to Your Excellency—That after maturely considering of the matter submitted to me, I can come to no other conclusion than, that no power is given by the Ordinance to authorise an Assistant Judge named under it for the District of Quebec, to sit in the King's Bench at Three Rivers.

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Plausible arguments may indeed be made in favor of the competency of the Assistant Judges, such as: that the first Clause of the Ordinance provides for the appointment of Judges to supply the place of the Suspended Judges, and conveys the idea of the Judge so appointed having all the Jurisdiction of the one in whose place he is appointed; And again, that inaccuracy of expression in the 2d Clause, which might be viewed as a clerical error, by reference to the Provincial Statute 58 Geo. 3d, ch. 12, from which it would seem to have been taken, some words found in the latter Statute being omitted, should not in a remedial Law such as this, have the baneful effect of preventing the remedy to be as full as must have been intended by the Legislature.—Such arguments would no doubt have their weight, if in a matter regarding the Jurisdiction of Courts, or of Judges, the presumed intention of the Legislature could be received to vest that authority, which is necessary to qualify individuals to administer Justice to Her Majesty's subjects.—I consider that there never should be a doubt entertained as to the competency of the Judge, and that the authority should be given by express words.

It may fairly be presumed that the Legislature in 1818, did not consider the first Clause of the Act as sufficient to qualify the Assistant Judge to sit at Three Rivers, and therefore proceeded to enact the 2d Clause, to convey that power; They did so effectually, and in express language.—But here, the 2d Clause of the Ordinance is evidently insufficient for that purpose; and if it has any meaning, it is different from that which would be expected, and will not, in my opinion, assist in maintaining the competency of the present Assistant Judges.

All that might be said, would be, that the 2d Clause of the Ordinance being considered of no effect, the first one remains, and that under it all powers vested in the Judges were conveyed to the Assistant Judges by natural inference. This interpretation might perhaps prevail, if the 2d Clause, in its only plausible meaning, did not explain, and limit the powers given to the Assistant Judges in the first, and (it may be contended) even in their own Districts.

It must however be admitted on all hands, that by no express enactment have the Assistant Judges Jurisdiction given to them, out of the District for which they are said to be appointed.

The whole nevertheless most humbly submitted.

Your Excellency's

Most respectful and

obedient Servant,

J. R. ROLLAND.

No. 7.

Assistant Judge Mondelet.

Three Rivers, 1st April, 1840.

SIR,

The business of the Superior Term which only closed yesterday, will, I trust, be considered as a sufficient excuse on my part, for not having sooner answered yours of the 23d ultimo.

Having given to the subject of your letter the most attentive consideration, I beg leave to report to His Excellency the Governor General, my humble opinion.—That an Assistant Judge of the Court of King's Bench for the District of Quebec, appointed under the authority of the Ordinance 2d Victoria, cap. 13, is not competent to exercise the powers conferred by the 11th Section of the Provincial Statute 34 Geo. 3d, cap. 6, on the Judges of that Court, in relation to the Court of King's Bench at Three Rivers.

In coming to this conclusion, I have become satisfied that the Ordinance in question is wholly inoperative, as to the requisite authority, and that there is no room, here, to resort to the usual rules of construction, for the purpose of explaining what is merely ambiguous or not expressed with sufficient clearness. This view, the only safe one, in my mind, so far as the Criminal Jurisdiction is concerned, must necessarily, I apprehend, be adopted also in respect of the Civil Powers of the Assistant Judge, on account of the blending of the two Jurisdictions which occurs in the present case.

I request to be permitted to add, that when this question was first distinctly brought to my notice, on the first day of the term, the short time afforded for maturing an opinion, and the absence of Books of reference, induced me to hold the Civil Court with Mr. Justice Cochran, being, as I am convinced, the safer course for the interest of suitors before the Court. By this means, an opening is made for remedying the illegality, by the enactment of a declaratory law; whereas in the event of the Court having failed, an enormous pecuniary loss would have been incurred, for repairing which it is not easy to perceive what indemnity could be provided.

I have the honor to be,

Sir,

Your most obedient, humble Servant,

D. MONDELET.

T. W. C. Murdoch, Esq.
Chief Secretary.

No. 8.

Assistant Judge Cochran.

Quebec, 22d April, 1840.

SIR,

I had the honor of receiving, while attending the Court of King's Bench at Three Rivers, your Letter of the 23d March, requiring me to report, for the information of His Excellency the Governor General, my opinion whether an Assistant Judge of the Court of King's Bench at Quebec, appointed under the Ordinance 2d Victoria, cap. 13, is competent to exercise the powers conferred by the 11th Section of the Provincial Statute 34 Geo. III. c. 6, on the Judges of that Court, in relation to the Court of King's Bench at Three Rivers.

The business of the Term at Three Rivers, and of that in which I have been engaged here during the last three weeks,—has prevented me from sooner answering this reference; but I have now the honor to submit my opinion on the point referred to me.

I beg leave to premise that in endeavouring to ascertain the true construction of any Statutory enactment with respect to which a doubt exists, we are to seek for the meaning of the Legislature by considering the purview of the Statute, by comparing one clause and part with another, and by reference especially to those parts in which the Legislator has expressed the general object he had in view, the mischief to be remedied, and the benefit to be promoted;—And for this purpose, the rehearsal or preamble of a Statute, has in particular, been properly considered a good means of collecting the intention, and shewing the mischiefs which the makers of the law intended to remedy; and whenever an enacting clause is doubtful, the preamble must be resorted to in explanation of it:—The mischief and the intended remedy once discovered, it becomes the duty of the expounder of the law, to make such construction of all its parts as shall best suppress the mischief and advance the remedy.

4th Institute
350.

The preamble of the Ordinance of the 2d Victoria, cap. 13. contains a distinct enunciation of the object which the Legislature had in view, and of the means by which it proposed to accomplish that object; It recites the necessity of enabling the Governor,—in case of the sickness, absence, or suspension from office, of any of the Justices of the Courts of King's Bench for the Districts of Quebec or Montreal, or the Resident Judge of the District of Three Rivers,—to appoint one or more Assistant Judges, "*to supply the place or places*" of those so incapacitated; There is here no qualification or restriction of the powers or functions of the persons so to be appointed; but the words clearly shew the Legislator's intention to have been that they should *supply in all respects* the place or places, of the Judges so incapacitated, which they could not do without having the power of performing *all* the duties, and exercising

all the judicial functions of those Judges;—and it is one of the duties imposed on the Judges of the Courts of King's Bench at Quebec and Montreal (by 34 Geo. III. C. 6, & 10 & 11 Geo. IV. C. 7.) to assist in holding the Courts of King's Bench both at Three Rivers and in the District of St. Francis.

It remains to be seen, whether the intention of the Legislature, thus expressed, is sufficiently carried into effect by any of the enacting clauses, and in conducting this inquiry it is to be borne in mind that provided the *object* of an Act of Parliament be plain and intelligible, and expressed with sufficient distinctness to enable the Judges to collect it from *any part* of the Act, it matters not that the terms used by the Legislature in delivering its commands are not the most apt to express its meaning;—and that, if, in any particular clause an expression be found not so large and extensive in its import as those used in other parts of the Act,—and, upon a view of the whole Act, the Judges can discover the real intention of the Legislature by the more extensive expressions used in other parts,—it is their duty to give effect to the larger expressions;—And, with respect to remedial Acts in particular, to which Class the Ordinance in question is clearly to be referred as providing for a *Casus Omissus* in the system of Judicature of the Country, the letter of such Statutes is to receive an equitable or rather a benignant construction; and, for this purpose, it will be sometimes restrained—sometimes enlarged—the enacting words sometimes extended in construction “beyond their natural import and effect in order to include cases within the same mischief;” —and sometimes, it is even said,—the construction made shall be *contrary* to, and “*an undisguised departure from the strict letter of the Act.*”

6. Barnwell & Cresswell 174.

2. Dwarria on Statutes 691. 718.

In the 1st clause of the Ordinance, the Governor is empowered, whenever, in the cases therein mentioned, (and before described in the preamble,) any of the Justices of the Courts of King's Bench for the Districts of Quebec or Montreal, or the Resident Judge of the District of Three Rivers, cannot *sit in their respective Courts, or Act as such Justices, to supply his or their place or places.*—This is the first branch of the Clause, containing one distinct declaration of the will of the Legislature,—complete in itself;—and we are, says Lord Coke, to make every sentence have its operation and to give effect if possible to every word of a Statute;—And in this branch of the clause two things are provided for, 1st. That the Assistant Judges shall have power to *sit in the respective Courts*, in and for which they shall be particularly appointed,—a power that strictly taken would not extend beyond the sitting in those Courts *in term*, and 2dly. the power to *act as such Justices*, generally, which includes the power to perform all other Judicial Acts and duties incident to the Office of a Justice of the King's Bench, among which is the duty, imposed upon the Judges of the Courts of King's Bench of Quebec and Montreal by the 34 Geo. III. C. 6, Sec. 11, and the 10 & 11 Geo. IV. C. 7, of assisting in holding the Courts of King's Bench for the Districts of Three Rivers and St. Francis.

5th Reports 6.

In the concluding branch of the clause, the Governor is empowered “to appoint by an instrument under the Great Seal, &c. one or more Assistant Justices to sit and act in the *said Courts of Kings Bench for the Districts of Quebec and Montreal, or in the place of*

“ the Resident Judge at Three Rivers.” But this is to be taken rather as indicating the form and manner in which the Governor is to proceed, to supply the places of the incapacitated Judges, than as limiting the powers of the Assistant Judges, so to be appointed, to the particular Districts mentioned; For, as the Judges of the King’s Bench appointed under the Judicature Act 34 Geo. III. are only *commissioned* and appointed for the Districts of Quebec and Montreal, but nevertheless have, by force of Law, and as being so appointed, the power to sit in the Courts of King’s Bench of Three Rivers and St. Francis, the Assistant Judges in like manner, though commissioned only for the Districts of Quebec or Montreal, but being appointed to *supply the places* of those incapacitated, have by force of law and by virtue of such appointment the like power in those other Districts.

In the second clause of the Ordinance it is enacted, that the Assistant Judges so appointed shall have the same power and authority, *in the Courts of King’s Bench*, in term, as the Justices of either of the Courts of King’s Bench of Quebec or Montreal, now have by law, *when sitting in term in the Court of King’s Bench, for the District of Three Rivers*; It is from this clause that the chief ambiguity of the Ordinance proceeds; But I consider it to be susceptible of no doubt which may not easily be removed by a recurrence to the rules of interpretation which I have stated.

It is not unusual in Acts of Parliament, particularly in those creating or conferring Jurisdiction, that after certain Powers have been granted, or certain duties prescribed in general terms, in one clause, further provision is made in fuller and more particular terms in another, for the same object: And this Second Clause of the Ordinance would appear to have been worded with this view. It is not however, on that account an insensible or unmeaning enactment, but a superfluous or superabundant one, declaring or meaning to declare in a more formal manner the purpose of the Legislature, already generally made known (though rather by inference and construction than by express words in the preceding clause:.) And I conceive that this second clause is to be construed with more particular reference to the Powers of the Assistant Judges *out of the particular Districts* for which they are appointed.

Lord Mansfield
in L. Burrow 417.

Statutes relating to the same subject, are to be construed and explained by each other; and this, though some of the Statutes have been repealed or may have expired; and it is manifest on comparing the Ordinance in question with the Provincial Statute 58 Geo. III. c. 12, authorising the appointment of Assistant Judges in certain cases, that the Legislature had the last mentioned Statute in view when passing the Ordinance, for the 2d Clause of the Statute will be found identically to correspond with the 2d Clause of the Ordinance, except that in the latter, the expression “ *Courts of King’s Bench,*” is substituted for the words “ *Court of King’s Bench for the District of Three Rivers,*” used in the Statute; and the reason of this change is obvious, and discovers also the intention of the Legislature in the whole clause; for, when the Statute 58 Geo. III. c. 12. was passed, the only Court of King’s Bench besides those of Quebec and Montreal, in which the Assistant Judges thereby authorized to be appointed, could be called upon to exercise jurisdiction, was the Court of King’s Bench held at Three Rivers; and power was accordingly given to them to sit in that Court. But in

the interval between the passing of that Act, and the Ordinance of the 2d Victoria, the Court of King's Bench for the District of St. Francis, had been created (by the Act 10 and 11 Geo. IV. c. 7.) at which a Judge of the Court of King's Bench from each of the Districts of Quebec and Montreal, is required to assist; and, on comparing the two laws together, it will be evident that the object of the Legislature was to include *both* the Courts of King's Bench, for the District of Three Rivers and the District of St. Francis, within the range of the duties of the Assistant Judges to be appointed, by merely leaving out the limitative words "*for the District of Three Rivers,*" and in the Statute of 1818; and changing the word "*Court*" into "*Courts.*"

A difficulty, however, is introduced into the meaning of the Clause by the concluding words, which appear to restrict the powers given to the Assistant Judges in the Courts of King's Bench by the preceeding words,—to such as are held by the Judges of the Courts of King's Bench of Quebec and Montreal, "*when sitting, in term, in the Court of King's Bench at Three Rivers.*" But these terms, I conceive, are to be construed as *descriptive* of the powers intended to be conveyed, and not as restrictive; they are words of reference to certain known powers already given by Law to the Judges of the King's Bench when sitting in term at Three Rivers; and the only question will be, what are the powers so exercised there by them; whatever the extent of those powers may be, the same will be the extent of those held by the *Assistant Judges* when called upon to exercise Judicial functions in the Courts of King's Bench of the Districts of Three Rivers and St. Francis:—The powers of the Judges of the King's Bench for the Districts of Quebec and Montreal, when sitting in the Court of King's Bench at Three Rivers, are clearly expressed in the 11th Section of the Judicature Act 34 Geo. III. c. 6, which enacts that such Judges shall have, within that District, both in and out of Court, the same powers and authorities as are granted by that Act to the Courts of King's Bench of the Districts of Quebec and Montreal, and the Justices thereof, or any of them, in or out of Court, or out of Term; And these powers, I am of opinion, are given by the effect of the Second Clause of the Ordinance to the Assistant Judges, when assisting at the Terms of the Courts of King's Bench at Three Rivers and Sherbrooke.

As the Construction which I put on these Clauses of the Ordinance goes equally to Establish the Power of the Assistant Judges to sit in the Court of King's Bench for the *District of St. Francis* and at Three Rivers, I beg leave to add, although this point is not strictly within the terms of the reference, that further confirmation of the intention of the Legislature to grant them this power, may be drawn from a consideration of the 3d Clause of the Ordinance taken in connection with the subsequent Ordinance, 2d Victoria, chap. 2, (Session, 1839.)—By the 3d Clause of the first mentioned Ordinance, authorizing the appointment of Assistant Judges, the Powers of the Assistant Judge who should be appointed for the District of Three Rivers, were expressly limited by manifest oversight, to that District; so that it was clear, *he could not* sit in the Court of King's Bench for the District of St. Francis:—To remove this *express* Disqualification, the Ordinance of 2d Victoria, chap. 2, (Session 1839,) was passed, authorizing the Assistant Judge, who should be appointed for the District of Three Rivers, to assist in holding the Court of King's Bench for the District of St. Francis; Now, as it is manifest, from the preamble of the first Ordinance, that the Legislature *intended* that the Assistant Judges should *supply* in all respects, *the places* of those who were incapacitated, and as there is no imaginable reason

why the Assistant Judges of the Districts of Quebec and Montreal, should be either excluded or exempted from sitting in the Court of King's Bench of St. Francis, while the Assistant Judge for the District of Three Rivers, would be liable to be called away from his Jurisdiction, (where he is the sole *Resident Judge*,) to sit in that Court, the inference is strong that the Legislature in removing the express disqualification contained in the Ordinance 2d Victoria, chapter 13, which restrained him from exercising Jurisdiction beyond the District of Three Rivers, would have included also, the other Assistant Judges, if it had not been considered that there was no such *express* disqualification with respect to them, and that their authority to sit in the Court of King's Bench at St. Francis, was already sufficiently provided for by the first and second Clauses of the Ordinance authorizing their appointment.

The Construction which I have maintained as the only proper one to be given to these Clauses of the Ordinance 2d Victoria, chap. 13, is not one by which plain words are wrested, by interpretation, from their obvious meaning; but it gives meaning and effect to the expressions in themselves ambiguous; every sentence in the Ordinance receives an Interpretation in accordance with its declared object; and each part consistently with the other, and with the whole purview, *ut sic res magis valeat quam pereat*. By this Interpretation, the general words which are used in some parts of the Ordinance, and from which doubts have arisen, are construed *ad aptitudinem rei*, in the way most suitable to the matter treated of by the Legislature and with due regard to the rule that though "such general words may be taken to a foreign intent, they never shall be construed to an *unreasonable or repugnant* intent." And the *remedial* intention of the Ordinance as disclosed in its preamble, has its full effect.

Lord Bacon's
maxims.

I am, therefore of Opinion, that an Assistant Judge of the Court of King's Bench for the District of Quebec, appointed under the Ordinance 2d Victoria, chap. 13, is competent to exercise the powers conferred by the 11th Section of the 34th George the Third, chap. 6, on the Judges of that Court, in relation to the Court of King's Bench holden at Three Rivers.

I have the honor to be,

Sir,

Your most obedient,

Humble Servant,

A. W. COCHRAN,

J. K. B.

T. W. Clinton Murdoch, Esquire.

APPENDIX (C.)

APPENDIX, (C.)

Estimate of the Expenditure of the Civil Government of Lower Canada, for the year ending 10th October, 1841.

SERVICES.	STERLING.			TOTAL STERLING.		
GOVERNOR GENERAL AND CIVIL SECRETARY'S DEPARTMENT.						
Salary of the Governor General,	4500	0	0			
“ of the Civil Secretary,	500	0	0			
“ of the Assistant do.	300	0	0			
“ of two Assistants in the Office,	400	0	0			
“ of the Keeper of the Apartments of Civil Secretary's Offices at <i>Montreal</i> ,	58	10	0			
“ of the same at <i>Quebec</i> ,	58	10	0			
“ of the Messenger in the Office,	45	0	0			
“ of an Extra do. in do.	41	1	3			
Contingent Expenses of Printing, Stationery, Extra Writing, Ex- presses, &c.	1500	0	0			
“ of Postages,	2000	0	0			
Salary of Assistant Civil Secretary and Commissioner of Police, ..	400	0	0			
				9803	1	3
EXECUTIVE COUNCIL.						
Salaries of nine Members at £100 Sterg. each,	900	0	0			
“ of the Registrar and Clerk,	500	0	0			
Allowance to do. for Printing, Stationery, &c.	50	0	0			
Salary of the Assistant Clerk,	182	10	0			
“ of the Messenger and Keeper of the Apartments,	50	0	0			
“ of the Door Keeper and Office Servant,	50	0	0			
Contingent Expenses,	250	0	0			
				1982	10	0
PROVINCIAL SECRETARY.						
Allowance for Rent of an Office for Registering Grants of Crown Lands,	54	0	0			
Contingent Expenses of Stationery, Postages, Extra Writing &c..	900	0	0			
Allowance for a Messenger,	45	0	0	999	0	0
Amount carried forward, £				12,784	11	3

SERVICES.	STERLING.			TOTAL STERLING.		
Amount brought forward, .. £				12,784	11	3
RECEIVER GENERAL.						
Salary of the Receiver General,	1000	0	0			
Allowance for Contingencies,	100	0	0			
Contingent Expenses attending Counting and Depositing monies in the Vault under 3 Locks,	12	10	0			
				1112	10	0
INSPECTOR GENERAL OF ACCOUNTS.						
Salary of the Inspector General,	500	0	0			
“ of the first Clerk,.... .. .	150	0	0			
“ of the second Clerk,.. .. .	100	0	0			
Allowance for an Office Messenger,	40	0	0			
“ for Contingencies, Stationery, &c.	25	0	0			
				815	0	0
SPECIAL COUNCIL.						
Salary of the Chairman,	400	0	0			
“ of the Clerk,.. .. .	450	0	0			
“ of the Assistant Clerk,	360	0	0			
“ of the 2nd do.	225	0	0			
“ of the 3rd do.	180	0	0			
Contingencies of Printing Journals, Ordinances, &c.	1500	0	0			
				3115	0	0
ADMINISTRATION OF JUSTICE.						
Salaries of the Chief Justices of the Province, the Puisné Judges and Provincial Judges, &c. as at present, and to provide for any increase under the new Act,	10,800	0	0			
Allowances for Circuits for the Judges, including attendance at the Court of Appeals,	600	0	0			
Salaries of Commissioners of the Court of Requests and Allow- ances for Travelling Expenses,	1550	0	0			
Expenses of fitting up Court Rooms for that Court,	400	0	0			
Salary of the Judge of the Court of Vice Admiralty,	200	0	0			
“ of the Registrar of do.	150	0	0			
“ of the Marshall of do.	75	0	0			
“ of the Attorney General,	300	0	0			
Amount carried forward, £	14,075	0	0	17,827	11	3

SERVICES.	STERLING.			TOTAL STERLING.		
Amount brought forward, ..	£	14,075	0 0	17,827	1 3	
<i>ADMINISTRATION OF JUSTICE—Continued.</i>						
Salary of the Solicitor General,		200	0 0			
“ of the Sheriffs of the five Districts,		395	0 0			
Allowances to the Sheriffs of <i>Quebec, Montreal</i> and <i>Three Rivers</i> for Public Executioners at £27 sterling, each, ..		81	0 0			
“ to the Sheriff of <i>Gaspé</i> , for Travelling Expenses, ..		10	0 0			
Salary of the Coroner of the District of <i>Quebec</i> ,.....		100	0 0			
“ of the do. of <i>Montreal</i> ,.....		100	0 0			
“ of the do. of <i>Three Rivers</i> ,.....		50	0 0			
“ of the do. of <i>St. Francis</i> ,.....		45	0 0			
“ of the do. of <i>Gaspé</i> ,.....		50	0 0			
“ of the Clerks of the Provincial Court, and Clerks of the Peace at <i>Gaspé</i> , and allowance for Travelling Expenses,		60				
of the Clerk of the Crown, at <i>Quebec</i> ,.....		100	0 0			
“ of the do. at <i>Montreal</i> ,.....		40	0 0			
“ of the do. at <i>Three Rivers</i> or <i>Sherbrooke</i> ,....		20	0 0			
“ of the Clerk of the Court of Appeals,.....		120	0 0			
Allowance to do. for Stationery for the Court,.....		6	0 0			
Salary of the Usher of the Court of Appeals,.....		27	0 0			
“ of the Interpreter of the Courts at <i>Quebec</i> ,.....		40	0 0			
“ of the do. at <i>Montreal</i> ,.....		40	0 0			
“ of the do. at <i>Three Rivers</i> or <i>Sherbrooke</i> ,.....		25	0 0			
“ of the High Constable at <i>Quebec</i> ,.....		36	0 0			
“ of the do. at <i>Montreal</i> ,.....		36	0 0			
“ of the do. at <i>Three Rivers</i> or <i>Sherbrooke</i> ,.....		27	0 0			
“ of the Crier of the Courts at <i>Quebec</i> ,.....		20	0 0			
“ of the Tipstaff, to do. at do.....		18	0 0			
“ of the Crier of the Courts at <i>Montreal</i> ,.....		20	0 0			
“ of the Tipstaff to do. at do.....		18	0 0			
“ of the Crier & Tipstaff to do. at <i>Three Rivers</i> or <i>Sherbrooke</i> , of the Keeper of the Court House at <i>Quebec</i> ,		25	0 0			
“ of the do. do. at <i>Montreal</i> ,		54	0 0			
“ of the do. do. at <i>Three Rivers</i> or <i>Sherbrooke</i> , of the do. of the Court Hall and Gaol at <i>New Carlisle</i> , of the do. of do. & do. at <i>Percé</i> ,		72	0 0			
“ of the do. of the Court Hall and Gaol at <i>New Carlisle</i> , of the do. of do. & do. at <i>Percé</i> ,		36	0 0			
“ of the do. of do. & do. at <i>Percé</i> ,		36	0 0			
“ of the Keeper of the Court Hall at <i>Sherbrooke</i> , of the do. of the Gaol at <i>Quebec</i> ,		18	0 0			
“ of the do. of the Gaol at <i>Quebec</i> ,		125	0 0			
Amount carried forward,	£	16,161	0 0	17,827	1 3	

SERVICES.	STERLING.			TOTAL STERLING.			
Amount brought forward, ..	£	16,161	0	0	17,827	1	3
<i>ADMINISTRATION OF JUSTICE—Continued.</i>							
Allowance to the Keeper of the Gaol at <i>Quebec</i> for two Turnkeys,		110	0	0			
Salary of the do. of do. at <i>Montreal</i> ,		125	0	0			
Allowance to do. for two Turnkeys,		72	0	0			
Salary of the Keeper of the Gaol at <i>Three Rivers</i> ,		55	0	0			
Allowance to do. for two Turnkeys,		72	0	0			
Salary of the Keeper of the Gaol at <i>Sherbrooke</i> ,		25	0	0			
“ of the Physician attending the Gaol at <i>Quebec</i> ,		200	0	0			
“ of the do. at <i>Montreal</i> ,		200	0	0			
“ of the do. at <i>Three Rivers</i> ,		50	0	0			
“ of the do. at <i>Sherbrooke</i> ,		40	0	0			
					17,110	0	0
<i>CONTINGENT EXPENSES OF ADMINISTRATION OF JUSTICE.</i>							
Contingent Bills of the Crown Law Officers,		3000	0	0			
“ of the Sheriff of <i>Quebec</i> ,		2300	0	0			
“ of the do. of <i>Montreal</i> ,		6000	0	0			
“ of the do. of <i>Three Rivers</i> ,		1250	0	0			
“ of the do. of <i>St. Francis</i> ,							
“ of the do. of <i>Gaspé</i> ,		300	0	0			
“ of the Coroner of <i>Quebec</i> ,		500	0	0			
“ of the do. of <i>Montreal</i> ,		350	0	0			
“ of the do. of <i>Three Rivers</i> or <i>Sherbrooke</i> ,		110	0	0			
“ of the do. of <i>St. Francis</i> or do. }							
“ of the do. of <i>Gaspé</i> ,		20	0	0			
“ of the Clerk of the Crown at <i>Quebec</i> ,		150	0	0			
“ of the do. at <i>Montreal</i> ,		180	0	0			
“ of the do. at <i>Three Rivers</i> or <i>Sherbrooke</i> ,		40	0	0			
“ of the Prothonotaries at <i>Quebec</i> ,		400	0	0			
“ of the do. at <i>Montreal</i> ,		500	0	0			
“ of the do. at <i>Three Rivers</i> ,		165	0	0			
“ of the do. at <i>St. Francis</i> ,							
“ of the Clerks of the Peace at <i>Quebec</i> ,		780	0	0			
“ of the do. at <i>Montreal</i> , and services of High Constable,		1000	0	0			
“ of the do. at <i>Three Rivers</i> and do. &c.		350	0	0			
“ of the Prothonotary & Clerk of the Peace at <i>Gaspé</i> ,		130	0	0			
“ of the Clerk of the Peace of <i>St. Francis</i> ,		50	0	0			
Amount carried forward,	£	17,575	0	0	34,937	1	3

SERVICES.	STERLING.			TOTAL STERLING.		
	£	s	d	£	s	d
Amount brought forward, ..	17,575	0	0	34,937	1	3
CONTINGENT EXPENSES OF THE ADMINISTRATION OF JUSTICE, Continued.						
Contingent Bills for services of Subpœnas and care of Crown Wit- nesses at <i>Montreal</i> ,	250	0	0	18,165	0	0
“ for the same at <i>Quebec</i> ,	240	0	0			
“ for the same at <i>Three Rivers</i> or <i>Sherbrooke</i> , ..	100	0	0			
SURVEYOR GENERAL'S OFFICE.						
Salary of the Surveyor General,	450	0	0	1102	10	0
“ of the first Clerk to do. at 10s. per diem,	182	10	0			
“ of the second do. to do.	150	0	0			
Allowance for Office Servant,	40	0	0			
“ for Stationery,	20	0	0			
Expenses of Postages,	10	0	0			
Contingent Expenses,	250	0	0			
ADJUTANT GENERAL OF MILITIA'S OFFICE.						
Salary of Adjutant General,	450	0	0	1485	6	3
“ of Deputy Adjutant General,	270	0	0			
“ of first Clerk in the Office at 7s. 6d. Cury. per diem, ..	123	3	9			
“ of second do. in do. at 5s. Cury. per do.	82	2	6			
Contingent Expenses of Printing, Stationery, Postages, Messen- ger, &c.	200	0	0			
Salaries of two Provincial Aides de Camp,	360	0	0			
PENSIONS.						
Mrs. Widow Baby,	150	0	0	55,689	17	6
Mrs. Widow Elmsley,	200	0	0			
Mrs. Lemaître,	50	0	0			
Miss De Louvière,	21	12	0			
Mrs. Rottot,	36	0	0			
Miss Finlay,	20	0	0			
Miss Desbarats,	18	0	0			
Two Miss Montizamberts, at £10 each	20	0	0			
Amount carried forward, ..	515	12	0			

SERVICES.	STERLING.			TOTAL STERLING.		
	£	s	d	£	s	d
Amount brought forward,	£	515	12 0	55,689	17	6
<i>PENSIONS—Continued.</i>						
Three Miss Launières, at £10 each,		30	0 0			
Thomas Amyot, as late Provincial Secretary,		400	0 0			
Miss Amelia De Salaberry,		50	0 0			
Mrs. Jane Livingston,		50	0 0			
A. W. Cochran,		200	0 0			
George H. Ryland, Retired Allowance as late Secretary to the Board of Jesuits' Estates,		45	0 0			
				1290	12	0
<i>MISCELLANEOUS.</i>						
Salaries of the Commissioners of Crown Lands,		1200	0 0			
Salary of Agent for Emigrants at <i>Quebec</i> ,		400	0 0			
“ of do. do. at <i>Montreal</i> ,		100	0 0			
Contingent Expenses of do. at <i>Quebec</i> ,		277	0 0			
“ of do. at <i>Montreal</i> ,		500	0 0			
Salary of the Clerk of the Terrars of the Queen's Domain,		90	0 0			
Commission of the Inspector General of the Queen's Domain being 7½ per cent, on the Receipts from the Domain,		300	0 0			
Allowance for translating Public Documents into French,		50	0 0			
Rent of the Union Buildings at <i>Quebec</i> , used for Public Offices of the Civil Departments of Government, from 1st October, 1840 to 30th April, 1841,		291	13 4			
Allowance for a Keeper of that Building, from do. to do.		23	6 8			
Contingent Expenses attending the care of the same,		25	0 0			
Ditto for Fuel for the Public Buildings and Offices at <i>Quebec</i> and <i>Montreal</i> ,		170	0 0			
Ditto for Ordinary Repairs, Alterations and care of Public Buildings, &c. &c.		1000	0 0			
Salary of the Grand Voyer of the District of <i>Quebec</i> ,		150	0 0			
“ of the do. of <i>Montreal</i> ,		150	0 0			
“ of the do. of <i>Three Rivers</i> ,		90	0 0			
“ of the Surveyor of Highways and Streets in <i>Gaspé</i> ,		50	0 0			
“ of the Inspector of Chimnies at <i>Three Rivers</i> ,		25	0 0			
Amount carried forward,	£	4892	0 0	56,980	9	6

SERVICES.			STERLING.			TOTAL STERLING.		
Amount brought forward,	£		4892	0	0	56,980	9	6
MISCELLANEOUS— <i>Continued.</i>								
Salary of the three Keepers of Depôts of Provisions on the St. Lawrence, with a view to the relief of shipwrecked persons,			150	0	0			
For unforeseen and indispensable expenses in the various branches of the public service,			2000	0	0			
Retired allowance of the late Master of the Grammar School at <i>Quebec</i> ,			100	0	0			
Salary of the Master of the Grammar School at <i>Montreal</i> , and allowance for Rent of a House,			254	0	0			
“ of the Secretary of the Royal Institution for the advancement of Learning,			100	0	0			
Allowance to do. for a Clerk and Contingencies,			36	0	0			
“ to do. for a Messenger,			25	0	0			
						7557	0	0
BOARD OF COMMISSIONERS FOR MILITIA LAND CLAIMS.								
Salary of the Secretary for three months, to 31st December, 1840, at 20s. currency, per diem,			82	16	0			
Contingent expenses of the same,			150	0	0			
						232	16	0
ALLOWANCES TO OFFICERS AND SERVANTS OF THE LATE LEGISLATIVE BODIES.								
LEGISLATIVE COUNCIL.								
Moiety of the Salary of the Clerk,			225	0	0			
“ “ of the Assistant Clerk,			180	0	0			
“ “ of the Writing Clerk, Assistant, &c.			112	10	0			
“ “ of the Law Clerk,			90	0	0			
“ “ of the Master in Chancery,			40	10	0			
“ “ of the Sergeant at Arms,			45	0	0			
“ “ of the Writing and Engrossing Clerk,			78	15	0			
“ “ of the Office Keeper and Messenger,			18	0	0			
“ “ of three Messengers and Servants,			48	12	0			
						838	7	0
Amount carried forward,	£					65,608	12	6

SERVICES.	STERLING.	TOTAL STERLING.
Amount brought forward, .. £		65,608 12 6
HOUSE OF ASSEMBLY.		
Moiety of the Salary of the French Translator,	90 0 0	
“ “ of the Sergeant at Arms,	45 0 0	
“ “ of the Clerk of the Crown in Chancery,	50 0 0	
“ “ of the Clerk of Committees,	90 0 0	
“ “ of the Second do.	90 0 0	
“ “ of three other do. at £45 each,	135 0 0	
“ “ of two Messengers and Servants,	32 8 0	
Salary of the Keeper of the Apartments at present in charge,	81 0 0	
“ of the Librarian in charge,	180 0 0	
Contingent Expenses, Insuring Building, Fuel, &c.	150 0 0	
		943 8 0
Salary of the Deputy Collector at the Port of <i>Philipsburg</i> dependent on the Port of <i>St. John</i> ,	90 0 0	
Allowance to do. for Rent of a Custom House,	22 10 0	
Salary of a Landing Waiter at the same Port,	36 0 0	
“ of an Assistant or Clerk to the Collector at <i>St. John</i> ,	180 0 0	
		328 10 0
Expenses of Quarantine Establishment at <i>Quebec</i> and <i>Grosse Isle</i> ,		1500 0 0
Total Ordinary Expenditure, £		68,380 10 6
To make good certain indispensable contingent expenses incurred in the year ended 10th October, 1840, over and above the provision made for that year,		8900 0 0
To pay certain claims of the Attorney General for services rendered to the Provincial Government, during the years 1838, 1839, and 1840,		8000 0 0
To repay so much advanced from the Military Chest for special services of the Civil Government in 1837, 1838 and 1839, connected with the late insurrections in this Province,		6225 0 0
POLICE EXPENSES.		
To enable His Excellency the Governor General to advance so much to defray the Expenses of the Police of the City of <i>Quebec</i> , subject to repayment,	3600	
The same for the City of <i>Montreal</i> ,	4500	
Amount carried forward, .. £	8100 0 0	91,505 10 6

SERVICES.	STERLING.		TOTAL STERLING.	
	£	s	£	s
Amount brought forward, ..	8100	0 0	91,505	10 6
POLICE EXPENSES—Continued.				
To defray the Salaries of Police and Stipendiary Magistrates, Pay and Contingent Expenses of the Rural Police in the several Districts of the Province,	14,600	0 0	22,700	0 0
BOARD OF WORKS.				
Salaries and Contingent Expenses,			2000	0 0
CHARITABLE INSTITUTIONS.				
To the Commissioners appointed for the Relief of Insane persons and the support of Foundlings and Indigent sick persons in the District of <i>Quebec</i> , to defray their Expenses for these objects, in the year ending on the 10th October, 1841,..	1720	0 0		
For the same objects in the District of <i>Montreal</i> , for the same period,	1150	0 0		
For the same objects in the District of <i>Three Rivers</i> , for the same period,	680	0 0		
To the Corporation of the General Hospital of <i>Montreal</i> towards defraying their current Expenses for the present year, ..	900	0 0		
To the Managers of the Female Orphan Asylum of <i>Quebec</i> , ..	90	0 0		
To the do. of the <i>Montreal</i> Protestant Orphan Asylum, ..	90	0 0		
To the Managers of the Ladies' Benevolent Society at <i>Montreal</i> , for Widows and Orphans,	90	0 0		
To the do. of the Catholic Orphan Asylum at <i>Quebec</i> , ..	90	0 0		
To the do. of the Male Orphan Asylum at <i>Quebec</i> , ..	90	0 0		
To the Charitable Ladies of the Catholic Orphan Asylum at <i>Montreal</i> ,	90	0 0		
To enable the Commissioners of the Emigrant Hospital at <i>Quebec</i> to receive into that Hospital persons attacked with contagious diseases,	270	0 0		
Towards defraying the Expenses attending the Establishment of a Lunatic Asylum in the City of <i>Montreal</i> ,	540	0 0	5800	0 0
Amount carried forward, ..	£		122,005	10 6

SERVICES.		STERLING.		TOTAL STERLING.	
Amount brought forward, ..		£		122,005 10 6	
FOR THE PROMOTION OF EDUCATION.					
Towards the support	of the National School at <i>Quebec</i> ,	100	0 0		
"	" of the do. at <i>Montreal</i> ,	100	0 0		
"	" of the Society of Education at <i>Quebec</i> ,	252	0 0		
"	" of the do. at <i>Three Rivers</i> ,	90	0 0		
"	" of the British and Canadian School at <i>Quebec</i> ,	180	0 0		
"	" of the do. do. at <i>Montreal</i> ,	180	0 0		
"	" of the St. Andrew's School at <i>Quebec</i> ,	90	0 0		
"	" of the <i>Montreal</i> Recollet School,	54	0 0		
"	" of the St. Jacques School at <i>Montreal</i> ,	180	0 0		
"	" of the <i>Montreal</i> American Presbyterian Free School,	90	0 0		
"	" of the <i>Montreal</i> Presbyterian Free School, (British,)	90	0 0		
"	" of the Teacher of the Academy at <i>Berthier</i> ,	90	0 0		
"	" of the College of <i>Ste. Anne de la Pocatière</i> ,	180	0 0		
"	" of the College of <i>Chambly</i> ,	180	0 0		
"	" of the do. of <i>St. Hyacinthe</i> ,	180	0 0		
"	" of the do. of <i>L'Assomption</i> ,	90	0 0		
"	" of the Academy at <i>Charlestown</i> ,	90	0 0		
"	" of the <i>Stanstead</i> Seminary,	90	0 0		
"	" of the Academy at <i>Shefford</i> ,	90	0 0		
"	" of the Seminary at <i>Lenoxville</i> ,	90	0 0		
"	" of the Master of the School under the Royal Institution at <i>Three Rivers</i> for his Salary,	40	10 0		
"	" of the <i>Sherbrooke</i> Academy,	100	0 0		
"	" of the Revd. Andrew Balfour's School at <i>Waterloo</i> , in the Township of <i>Shefford</i> ,	90	0 0		
"	" of the <i>British North American</i> School Society,	45	0 0		
	To defray Contingent Expenses of Printed Returns, &c. . . .	18	10 0		
	To the Literary and Historical Society of <i>Quebec</i> , as an aid towards defraying their Expenses during the present year,	45	0 0		
	To the Natural History Society of <i>Montreal</i> , the same,	45	0 0		
	To the Committee of Management of the <i>Quebec</i> Mechanics' Institute, as an aid for the present year,	45	0 0		
Amount carried forward, ..		£ 2915 0 0		122,005 10 6	

SERVICES.	STERLING.			TOTAL STERLING.		
	£	s	d	£	s	d
Amount brought forward,	2915	0	0	122,005	10	6
FOR THE PROMOTION OF EDUCATION—Continued.						
The same to the <i>Montreal</i> Mechanics' Institute,	45	0	0			
Medical Faculty of McGill College,	450	0	0			
				3410	0	0
FOR PUBLIC WORKS.						
For the Improvement of <i>St. Anne's</i> Rapids,	4500	0	0			
Proportion payable by this Province towards the Expense of Keeping the Light Houses on the Islands of <i>St. Paul</i> and <i>Scatarie</i> for 1840, £450 0 0						
For 1841, £450 0 0						
	900	0	0			
For Erecting a Bridge at the outlet of Lake <i>Memphramagog</i> , . . .	234	0	0			
For Alterations and Repairs to the Gaol at <i>Three Rivers</i> , . . .	495	0	0			
For do. do. to the Court House at <i>Quebec</i> ,	504	0	0			
For do. do. to the Gaol at <i>Montreal</i> ,	135	0	0			
For Levelling and Fencing the Ground about the new Court House at <i>Sherbrooke</i> , and erecting a Safety Vault,	378	0	0			
For Alterations, Additions and Repairs to Government Build- ings <i>Montreal</i> ,	373	10	0			
Allowance to <i>Pierre Brochu</i> , for residing on <i>Kempt Road</i> , . . .	22	10	0			
				7542	0	0
For certain Special Services to the Civil Government of the Pro- vince,				1000	0	0
AGRICULTURE.						
To the Agricultural Society of the District of <i>Quebec</i> , out of which the Society for the County of <i>Quebec</i> shall receive its proportion,	180	0	0			
To the Agricultural Society of the District of <i>Montreal</i> , to pay the same in due proportion to and among the Agricultural Societies of such Counties in the said District as may establish Societies,	200	0	0			
				380	0	0
Total Sterling,	£			134,337	10	6

Montreal, 19th December, 1840.

(Signed,)

JOS. CARY,
Inspr. Genl. Accounts.

APPENDIX, (D.)

ACCOUNTS OF THE REVENUE AND EXPENDITURE OF THE PROVINCE OF LOWER CANADA, FOR THE YEAR 1840.

Schedule of Accounts and Statements respecting the Public Income and Expenditure of the Province of Lower Canada, for the year 1840.

- No. 1—Account of the Ordinary Revenues constituting the Public Income of the Year.
- “ 2—Ditto— of the Particulars of the Casual and Territorial Revenue.
- “ 3—Statement of Warrants issued during the year 1840, in payments on account of the Expenditure of preceding years out of the unexpended Balance of the appropriations by Ordinance 2nd *Victoria*, Chap. 39.
- “ 4—Abstract of Warrants issued on the Receiver General in payments on account of the Expenditure of the Civil Government, for the year 1840, under appropriations by various Legislative enactments.
- “ 5—Ditto—of Ditto during the year 1840, in payment of certain indispensable expenses of the Civil Government, for which no provision was made.
- “ 6—Statement of Monies collected under various Provincial Acts, for supporting and improving the Navigation of the River *St. Lawrence*, and of the Expenses incurred for these objects under the Trinity House of *Quebec*.
- “ 7—Ditto— of do. for the same objects under the Trinity House of *Montreal*.
- “ 8—Ditto— of Tonnage Duties Collected during the season of the Navigation of the year 1840, under Provincial Act 6th *William* 4th, Chap. 35, continued by Ordinance 3rd *Victoria*, Chap. 15, and of the payments made to provide for the Medical treatment of Sick Mariners.
- “ 9—Ditto— of payments made out of the Balance from 1839, of the rate or Duty imposed by Ordinance 2nd *Victoria*, Cap. 54, on Passengers or Emigrants arriving in this Province, for providing Medical assistance for such Emigrants, &c.
- “ 10—Ditto— of the Funds arising from the Estates of the late Order of *Jesuits*.
- “ 11—Ditto— of the particulars of the Payments for Return Duties and deductions for Expenses of Collection, &c. from the Revenues of the year.

Montreal, 16th January, 1841.

(Signed,)

JOS. CARY,
Inspr. Genl. Accounts.

No. 1.

An Account of the Ordinary Revenues constituting the Public Income of the Province of Lower Canada, for the year ended the 10th October, 1840.

No.	HEADS OF REVENUE.	Arrears, being the Amount of Bonds outstanding last year.		Gross Amount including Arrears.		Amount outstanding on Bonds Payable on or before 1st May, 1841.		Actual Receipts by the several Collectors.		Payments out of the Income in its progress of Collection.		Amount paid the Receiver General.	Payments made or to be made by the Receiver General as charges of Collection, &c. &c.		Nett Income for Lower Canada, exclusive of the amount outstanding on Bonds.	Difference of the Nett Income compared with that of last year.		
								For Salaries, Commission and Incidents.	Draw-backs, and Return Duties, &c.	Expenses of Collection	Proportion for Upper Canada.		Increase.	Decrease.				
1	Casual and Territorial Revenue	..	..	4331 17 3	..	..	4331 17 3	..	..	..	..	4331 17 3	..	..	4331 17 3	..	..	1765 16 5
2	Duties under Imperial Act 14 Geo. 3rd.	..	..	27931 17 5	..	..	27931 17 5	38 17 9	..	..	..	27892 19 8	..	10738 15 11	17154 3 9	..	..	4707 11 4
	Licenses under do. do.	..	..	3572 0 0	..	..	3572 0 0	..	..	..	..	3572 .. ..	..	..	3572	302 .. ..	..	..
3	Ditto for Billiard Tables under Provincial Act 41st Geo. 3rd,	..	..	37 10 0	..	..	37 10 0	..	..	..	..	37 10 ..	..	..	37 10 ..	12 10 ..	..	..
4	Duties under do. do.	3771 16 6	13484 0 7	4695 5 9	8788 14 10	..	..	..	..	..	..	8788 14 10	..	218 16 3½	8569 18 6½	1216 10 5	..	..
5	Fines and Forfeitures,	..	920 19 6	..	920 19 6	..	..	..	..	..	..	920 19 6	..	..	920 19 6	13 19 2	..	..
6	Duties under Provincial Act 33rd Geo. 3rd,	1087 4 10	4227 19 10	1631 5 4	2596 14 6	..	..	..	..	..	..	2596 14 6	..	974 4 2	1622 10 4	..	..	517 14 6
7	Ditto under do. 35th Geo. 3rd,	18775 4 8	68158 8 5½	27323 8 10	40834 19 7½	..	..	528 9 9	..	..	..	40306 9 10½	1768 0 3	13353 7 9	25185 1 10½	1656 18 3½	..	..
8	Licenses under do. do.	..	3830 0 0	..	3830 0 0	..	..	..	..	..	..	3830 .. ..	..	..	3830	358 .. ..	..	..
9	Duties under do. 53rd Geo. 3rd amended by 55th Geo. 3rd cap. 2 and continued by Imperial Act 3rd Geo. 4th cap. 119,	9002 1 0	61989 12 0½	7245 17 3	54743 14 9½	..	..	44 19 11	..	..	..	54698 14 10½	..	20267 12 7	34431 2 3½	5602 8 5½	..	..
10	Ditto under do. 55th Geo. 3rd, cap. 3, continued by do.	23383 15 6	50990 5 10	18483 7 0	32506 18 10	..	..	..	..	..	..	32506 18 10	..	11870 14 7	20636 4 3	..	..	1019 3 4
11	Ditto under Imperial Act 3rd & 4th Will. 4th, cap. 59,	..	43722 16 4	..	43722 16 4	4336 13 4	..	..	..	..	..	39386 3 ..	1855 14 3	..	37530 8 9	13030 1 6	..	..
12	Ditto under do. 4th Geo. 3rd, cap. 15,	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	71 10 4
13	Ditto under do. 6th Geo. 3rd, cap. 52,	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	1 8 9
14	Monies under Provincial Act 6th Will. 4th, cap. 5,	..	29 14 3	..	29 14 3	7 8 3	..	..	..	..	..	22 6 ..	..	..	22 6 ..	22 6 ..	..	..
15	Tolls on Lachine Canal,	162 1 7	10880 15 1½	477 16 9	10402 18 4	3202 18 4	..	..	..	..	..	7200 .. ..	..	..	7200	3300 .. ..	..	..
16	Crown Lands and Licenses to cut Timber,	..	4000 0 0	..	4000 0 0	..	..	..	..	..	..	4000 .. ..	..	..	4000 .. ..	..	..	2000
17	Rents and Profits of the Seigniorie of Lauzon,	..	2908 12 10	..	2908 12 10	343 2 4	..	..	..	..	..	2565 10 6	290 2 10	..	2275 7 8	..	..	150 18 ..
18	Wharfage dues collected at Montreal,	..	2401 14 1	..	2401 14 1	..	..	..	..	..	..	2401 14 1	156 12 10	..	2245 1 3	874 7 ..	..	..
Total Revenues applicable to general purposes,		£ 56182 4 1	303418 3 6	59857 0 11	243561 2 7	7929 0 0	573 9 8	235058 12 11	4070 10 2	57423 11 3½	173554 11 6	26389 0 10	10234 2 8					
19	Duties under Provincial Acts 45th & 51st Geo. 3rd, on Shipping, {Montreal, Quebec,	..	1093 1 8	..	1093 1 8	27 8 5	..	..	..	..	..	1065 13 3	..	..	1065 13 3	703 6 6	..	..
20	Tonnage Duty under do. 6th Will. 4th, cap. 35,	..	4038 4 5	..	4038 4 5	98 18 4	..	..	..	..	..	3939 6 1	4 1 6	..	3935 4 7	66 15 6	..	..
21	Duties on Passengers under do. 6th Will. 4th, cap. 13,	..	1876 7 1	..	1876 7 1	89 16 3	..	..	..	..	..	1786 10 10	..	..	1786 10 10	306 13 9	..	..
22	Jesuits' Estates,	..	2547 18 0	..	2547 18 0	635 2 4	..	..	..	..	..	1912 15 8	..	..	1912 15 8	349 10 3	..	1556 6 8*
General Totals Currency,		£ 56182 4 1	312973 14 8	59857 0 11	253116 13 9	8780 5 4	573 9 8	243762 18 9	4074 11 8	57423 11 3	182264 15 10	27815 6 10	11790 9 4					

Note.—In addition to the foregoing ordinary Revenues, the undermentioned sums have been received during the year, viz :
 From E. A. G. Muller, Deputy Judge Advocate at the late Court Martial, being the balance unexpended of sums advanced to him, £164 19 9½
 “ The Commissary General, being the moiety of Expenses incurred for Special Messengers with Despatches to and from New York, 185 18 2

Currency,.... £350 17 11½

* The Act expired the 1st November, 1839.

Montreal, 16th January, 1841.

(Signed,)

JOS. CARY,
 Insp. Genl. Accounts.

No. 2.

Account of Cash received on account of the Casual and Territorial Revenue in the year ended 10th October, 1840, and paid to the Receiver General.

		CURRENCY.		
KING'S POSTS.				
One Year's Rent from the Hudson's Bay Company to 10th October, 1840..	£	1200	0	0
FORGES ST. MAURICE.				
One Year's Rent from the Honble. <i>M. Bell</i> , ended 1st January, 1839, ..		425	0	0
KING'S WHARF:				
Gibb & Shaw, . . . 1 Year's Rent of part of the King's Wharf, leased to the Firm of <i>Irvine, McNaught & Co.</i> up to the 1st November, 1839,		26	11	0
BEACH AND WATER LOTS.				
Wm. Phillips, . . . 3 Years Rent of a Water Lot at <i>Pte. Levi</i> , up to 24th June, 1839,	£	3	0	0
Wm. & H. Sharples, 1 do. of a do. up to do.		6	5	0
Geo. Taylor and } 9 Years do. of a do. at <i>Pointe Levi</i> , up to do. Mrs. Davie, } at £35 19. 1½, Cury. per annum,		323	12	1½
Gilmour & Co. . . 1 Year's Rent of a do. granted to Messrs. <i>Grant & Greenshields</i> , up to 24th June, 1839,		22	2	0
W. & G. Pemberton, 1 Year's Rent of a do. up to 24th June, 1840,		6	5	0
Rev. Jos. Signay, . . 1 Year's do. of a do. up to do.		3	6	2
		364 10 3½		
COMMUTATION ON CHANGE OF TENURE.				
A. Paterson, . . . In lieu of all future Seigniorial Dues on a certain Property in the City of <i>Quebec</i> , the tenure of which is about to be commuted,	£	32	10	0
Jno. Brooks, . . . Do. do. on a do. in the Lower Town of <i>Quebec</i> ,		30	9	4
Wm. H. Bréhaut, . Do. do.		150	0	0
		212 19 4		
Amount carried forward,		£	2229	07½

		CURRENCY.	
Amount brought forward,	..	£	2229 07½
LODS ET VENTES, FROM SUNDRY PERSONS.			
To amount to 10th April, 1840,	£	841 10 8
To do. to 10th October,	£	842 16 7½
			1684 7 3½
QUINTS FROM SUNDRY PERSONS.			
To amount to 10th April, 1840,	£	191 16 0
To do. to 10th October,	£	226 13 4
			418 9 4
Total Currency,	..	£	4331 17 3

Montreal, 16th January, 1841.

(Signed,)

JOS. CARY,
Inspr. Genl. Accounts.

No. 3.

Statement of Warrants issued on the Receiver General of Lower Canada, during the year 1840, on account of the Civil Expenditure for services of preceding years, and paid out of the Balance unexpended of the Appropriation by Ordinance 2d Victoria, Chap. 39.

		STERLING.		
Perrault & Burroughs, Prothonotary, <i>Quebec</i> ,	}	Balance of their Contingent Account to the 10th October, 1839,	132	1 0
Chas. Whitcher, Sheriff of <i>St. Francis</i> ,		Do. of his do. to the 10th April, 1839,	109	6 1
C. A. G. De Tonnancour, Coroner, <i>St. Francis</i> ,	}	Do. of his do. to 10th October, 1839,	23	18 2
Beebe & Wilkie, Clerk of the Provincial Courts, <i>Gaspé</i> , ..		Amount of their Contingent Account for the year ended the 10th October, 1839,	55	4 9
Ditto and ditto, Clerk of the Peace at do.	}	Do. of their do. for the do. ended do. ..	48	15 7
John King,		Balance for Work done and Materials furnished for the Union Buildings at <i>Quebec</i> , used for Public Offices to 10th October, 1839,	12	10 0
Boston & Barron, Sheriff of <i>Montreal</i> ,	}	Balance of their Salary from 26th to the 30th September, 1839, at £100 sterling, per annum,...	1	7 3
Ditto and ditto.		“ Of their allowance for an Executioner, from do. to do. at £27 Stg. per annum,	0	7 4
C. R. Ogden, Attorney General, Ditto. ..	}	Amount of his Account for services performed during the half year ended 10th April, 1838,	572	9 0
		To enable him to defray the expense of postages in his Office, between the 6th April, 1837 and the 10th October, 1839,	227	8 10
Representatives of the late Andrew Stuart,	}	On account of services performed by him as Solicitor General, in the Criminal Term of September, 1839, at <i>Quebec</i> , and for miscellaneous services from 25th October, 1838 to 10th October, 1839, ..	105	6 7
		Amount carried forward,	£	1288 14 7

			STERLING.		
	Amount brought forward,	..	£	1288	14 7
C. D. Day,	Amount of his Account for services performed for Government as Queen's Counsel, between the 25th June and the 10th October, 1839,			37	19 0
R. J. Routh, Commissary General,	}	To reimburse him the sum of £450 Sterling, advanced to Mr. Justice Bedard, in England, on account of his Salary for the 6 months ending the 30th September, 1839,		450	0 0
Total Sterling,			.. ..	£	1776 13 7

Montreal, 16th January, 1841.

(Signed,)

JOS. CARY,
Inspr. Genl. Accounts.

No. 4.

Abstract of Warrants issued on the Receiver General, in Payments on account of the Expenditure of the Civil Government of Lower Canada for the year 1840, under Appropriations by various Legislative Enactments.

NAMES.	SERVICE.	AMOUNT STERLING.	TOTAL STERLING.
GOVERNOR AND CIVIL SECRETARY'S DEPARTMENT.			
His Excellency Sir John Colborne,	Being his 19 days Salary as Governor General, from 1st to 19th October, 1839, at £4500 Stg. per annum, £234 2 11		
His Excellency Lord Sydenham,	Ditto 228 days do. as do. between 20th October, 1839, and 30th September, 1840, at do. 2802 14 10		
His Excellency Sir R. D. Jackson,	Ditto 119 days do. as Administrator of the Government, between 18th November, 1839, and 31st July, 1840, at do. .. 1463 2 3		
Thos. L. Goldie, . . .	Being his 19 days Salary as Civil Secretary, from 1st to 19th October, 1839, at £500 Stg. per annum, .. 26 0 6		
T. W. Clinton Murdoch,	Ditto 189 days do. as Chief Secretary, between 20th October, 1839, and 30th September, 1840, at do... 258 12 9		
Carried forward, ..		4784 13 3	
		£ 4784 13 3	

NAMES.	SERVICE.	TOTAL STERLING.			AMOUNT STERLING.		
	Amount brought forward, £	4784	13	3			
GOVERNOR AND CIVIL SECRETARY'S DEPARTMENT— <i>Continued.</i>							
C. N. Montizambert, ..	Being his 208 days Salary as Assistant Civil Secretary, between 1st October, 1839, and 30th September, 1840, at £300 Stg. per annum, and for 158 days Salary, as Acting Civil Secretary, between 18th November, 1839, and 23d September, 1840, at £500 Stg. per annum, ..	386	16	11			
Henry Paul,	Ditto 208 days do. as Assistant in the Civil Secretary's Office, between do. and do. at £200 Stg. per annum, and his 158 days do. between do. and do. as Acting Assistant Civil Secretary, at £300 Stg. per annum,	241	16	0			
R. N. Watts,	Twelve months Salary as Assistant in the do. to 30th September, 1840,	200	0	0			
Wm. H. Suttle, . . .	Six months Salary as an extra Writer, to 30th September, 1840, at 5s. Stg. per diem,	45	15	0			
David Luck,	Twelve do. as Keeper of the Apartments of Civil Secretary's at <i>Montreal</i> , to do. .	58	10	0			
Geo. Cross,	Ditto as do. of the do. at <i>Quebec</i> , to do. .	58	10	0			
Philip St. Hill, . .	Ditto as Messenger in Civil Secretary's Office, to do.	45	0	0			
Olivier Vincent, . .	Ditto of the extra do. in the do. to do. . .	41	3	6			
Armour & Ramsay, ..	Amount of their Account for Printing, Stationery, &c. for the Civil Secretary's Department, in the year ended 10th October, 1840,	184	6	0			
	Amount carried forward, .. £	6046	10	8			

NAMES.	SERVICE.	AMOUNT STERLING.			TOTAL STERLING.		
	Amount brought forward, .. £	6046	10	8			
	GOVERNOR AND CIVIL SECRETARY'S DEPARTMENT— <i>Continued.</i>						
Fisher & Kemble, ..	Amount of their Account for Printing, Stationery, &c. for the Civil Secretary's Department in the year ended 10th October, 1840, .. 73 11 7						
C. N. Montizambert, Asst. Civil Secretary and others,	To enable him to meet the Expenses of Messengers to and from <i>Montreal</i> and <i>New York</i> and elsewhere and other Contingent Expenses of the Civil Secretary's Department, and for extra Expenses of Assistant Civil Secretary, Assistants in the Office and Messengers, in going from <i>Quebec</i> to <i>Montreal</i> and residing there while the temporary removal of the Seat of Government, during the year 1840, .. 1839 3 0						
		1912	14	7	7959	5	3
Thos. A. Stayner, Deputy Post Master General,	Amount of Postages against the several Public Departments in Lower Canada, from the 6th October, 1839, to the 5th April, 1840,				960	8	5
	EXECUTIVE COUNCIL.						
John Stewart,	Twelve months Salary as a Member, to the 30th September, 1840,	100	0	0			
A. W. Cochran, ..	Ditto as do. to do.	100	0	0			
Hughes Heney, ..	Ditto as do. to do.	100	0	0			
Geo. Pemberton, ..	Ditto as do. to do.	100	0	0			
Willm. Sheppard, ..	Ditto as do. to do.	100	0	0			
	Amount carried forward, .. £	500	0	0	8919	13	8

NAMES.	SERVICE.	AMOUNT STERLING.			TOTAL STERLING.			
	Amount brought forward, ..	£	500	0	0	8919	13	8
	<i>EXECUTIVE COUNCIL—Continued.</i>							
Louis Panet, ..	.. Twelve months Salary as a Member, to the 30th September, 1840,		100	0	0			
Domk. Daly, ..	.. Ditto as do. to do.		100	0	0			
R. J. Routh, ..	.. Ditto as do. to do.		100	0	0			
Domk. Mondelet, ..	.. Ditto as do. to do.		100	0	0			
G. H. Ryland, ..	.. Ditto Salary and allowance for Stationery, as Clerk of the Executive Council to do.		550	0	0			
Jasper Brewer, ..	.. Ditto Salary as Assistant Clerk to do.....		183	0	0			
John King, ..	.. Ditto as Messenger and Keeper of the Apartments to do.		50	0	0			
John Dixon, ..	.. Ditto as Door Keeper and Office Servant to do.		50	0	0			
						1733	0	0
	<i>PROVINCIAL SECRETARY.</i>							
Domk. Daly, ..	.. Twelve months allowance as Provincial Secretary, for Rent of an Office for Registering Grants of Crown Lands, to 30th September, 1840,		54	0	0			
Ditto, ..	.. Contingent Expenses of Stationery, Postage, extra Writing, &c. in the year ended 10th October, 1840,		972	6	6			
Ditto, ..	.. Twelve months Allowance to do. for a Messenger, to 30th September,		45	0	0			
						1071	6	6
	<i>RECEIVER GENERAL.</i>							
Jeffery Hale, ..	.. Twelve months Salary as Receiver General, to 30th September, 1840,		1000	0	0			
Ditto, ..	.. Ditto Allowance as do. for Contingencies to do.		100	0	0			
						1100	0	0
	<i>INSPECTOR GENERAL OF ACCOUNTS.</i>							
Joseph Cary, ..	.. Twelve months Salary as Inspector General of Accounts, to 30th September, 1840		500	0	0			
	Amount carried forward, ..	£	500	0	0	12,524	0	2

NAMES.	SERVICE.	AMOUNT			TO AL			
		STERLING.			STERLING.			
	Amount brought forward, ..	£	500	0	0	12,824	0	2
	INSPECTOR GENERAL OF ACCOUNTS— <i>Continued.</i>							
David A. Ross, ..	.. Twelve months Salary as first Clerk in the Office of Inspector General of Accounts, to the 30th September, 1840,		150	0	0			
Matthew Jack, ..	.. Ditto as second do. in the do. of do. to do.		100	0	0			
Joseph Cary, ..	.. Ditto Allowance for an Office Messenger and Contingencies of Stationery to do..		65	0	0			
						815	0	0
	SPECIAL COUNCIL.							
James Cuthbert, ..	.. Salary as Chairman of the Special Council, from the 18th April, 1838, to the 10th November, 1839, at £400 Stg. per annum,	£626	17	0				
Sir James Stuart, Baronet	Ditto as do. from the 11th November, 1839, to the 30th September, 1840, at do.	355	5	0				
			982	2	0			
Wm. B. Lindsay, ..	.. Twelve months Salary as Clerk of the do. to do.		450	0	0			
G. B. Faribault, ..	.. Ditto as Assistant Clerk of the do. to do.		360	0	0			
Ch. De Léry, Jr. ..	.. Ditto as do. do. of the do. to do...		225	0	0			
G. W. Wicksteed, ..	.. Ditto as do. do. of do. to do...		180	0	0			
Wm. B. Lindsay, ..	.. On account of the Contingencies of do.	£540	0	0				
Ditto, ..	.. Twelve months allowance for superintending under Ordinance of 2nd Victoria, chap. 63, the Printing, Distribution, &c. of the Laws, to the 30th September, 1840,	90	0	0	630	0	0	
	Amount carried forward, ..	£	2827	2	0	13,639	0	2

NAMES.	SERVICE.	AMOUNT STERLING.			TOTAL STERLING.		
	Amount brought forward, £	2827	2	0	13,639	0	2
	SPECIAL COUNCIL— <i>Continued.</i>						
Fisher & Kemble, Queen's Printers,	Amount of their Account for Printing 2600 Copies of the Ordinances of the Spe- cial Council, 3d <i>Victoria</i> , chap. 1 to 50 inclusive, Publishing the same in the Official Gazette by autho- rity, in both languages, and also publishing the proposed Ordinances to the Special Council, in the said Gazette, at Quebec and Montreal,	£2782	13	4			
Robert Weir, Jun.	Ditto of his do. for Printing 100 Copies of the Draught of an Ordinance for estab- lishing a system of Regis- tration of Title Deeds, &c. 16 13 0						
			2799	6 4		5626	8 4
	ADMINISTRATION OF JUSTICE.						
Sir James Stuart, Baronet	Twelve months Salary as Chief Justice of the Province, to the 30th September, 1840,		1500	0 0			
Edward Bowen, . . .	Ditto as Puisné Judge at Quebec, to do.		900	0 0			
Philip Panet,	Ditto as do. at do. to do.		900	0 0			
Elzear Bedard,	Ditto as do. at do. to do.		900	0 0			
A. W. Cochran,	Salary as Acting Judge at do. from 1st October, 1839, to the 8th Augnst, 1840, at £900 Stg. per annum,		770	10 11			
John Duval,	Ditto as do. at do. from do. to do. at do.		770	10 11			
Geo. Pyke,	Twelve months Salary as Puisné Judge, at Montreal, to the 30th September, 1840,		900	0 0			
	Amount carried forward, .. £		6641	1 10		19,265	8 6

NAMES.	SERVICE.	AMOUNT STERLING.		TOTAL STERLING.	
	Amount brought forward, ..	£	6641 1 10	19,265 8 6	
ADMINISTRATION OF JUSTICE— <i>Continued.</i>					
J. R. Rolland, ..	Twelve months Salary as Puisné Judge at <i>Montreal</i> , to the 30th September, 1840,		900 0 0		
Samuel Gale, ..	Ditto as do. at do. to do.		900 0 0		
J. R. Vallières de St. Réal, ..	Ditto as Provincial Resident Judge at <i>Three Rivers</i> , to do.		900 0 0		
Domk. Mondelet, ..	Salary as Acting Judge at do. from 1st October, 1839, to 8th August, 1840, at £900 Stg. per annum,		770 10 11		
John Fletcher, ..	Twelve months Salary as Provincial Judge in the District of <i>St. Francis</i> to 30th September, 1840,		500 0 0		
John G. Thompson, ..	Ditto as do. at Gaspé, to do.		500 0 0		
Domk. Mondelet, ..	Circuit Allowance,	£50 0 0			
A. W. Cochran, ..	Ditto do.	50 0 0			
John Duval, ..	Ditto do.	41 13 4			
J. R. Vallières de St. Réal, ..	Ditto do.	25 0 0			
Edward Bowen, ..	Ditto do.	58 6 8			
Sir James Stuart, Baronet	Ditto do.	100 0 0			
		£325 0 0			
J. R. Rolland, ...	Allowance for attending the Court of Appeals,	125 0 0			
Geo. Moffatt, ..	Ditto do.	25 0 0			
P. De Rocheblave, ..	Ditto do.	25 0 0			
Domk. Mondelet, ..	Ditto do.	50 0 0			
Hughes Heney, ..	Ditto do.	50 0 0			
			600 0 0		
Representatives of the late A. R. Hamel, ..	Salary as Commissioner of the Court of Requests at <i>Quebec</i> , and allowance for Travelling Expenses, from 1st October, 1839, to 23d March, 1840, at £600 Stg per annum,		286 17 8		
	Amount carried forward, ..	£	11,998 10 5	19,265 8 6	

NAMES.	SERVICE.	AMOUNT STERLING.			TOTAL STERLING.			
	Amount brought forward,	£	11,998	10	5	19,265	8	6
	ADMINISTRATION OF JUSTICE— <i>Continued.</i>							
William Power, ..	Salary as Commissioner of the Court of Requests at <i>Quebec</i> , and allowance for Travelling expenses, from 15th May to 30th September, 1840, at £600 Stg. per annum,		228	9	10			
Alex. Buchanan, .	Twelve months Salary as do. at Montreal and do. to 30th September, 1840,.....		600	0	0			
P. B. Dumoulin,	.. Ditto as do. at Three Rivers and do. to do.		350	0	0			
Henry Black,	.. Twelve months Salary as Judge of the Court of Vice Admiralty, to 30th September, 1840,		200	0	0			
William Power,	.. Ditto as Registrar of the do. to do.		150	0	0			
J. B. Parkyn,	.. Ditto as Marshall of the do. to do.		75	0	0			
C. R. Ogden,	.. Ditto as Attorney General, to do.		300	0	0			
Representatives of the late Andrew Stuart,	Salary as Solicitor General, from 1st October, 1839, to 21st February, 1840, at £200 St. per annum,	£78	13	9				
C. D. Day,	.. Ditto as do. from 26th May, to 30th September, 1840,	70	2	9				
			148	16	6			
Wm. S. Sewell,	.. Twelve months Salary as Sheriff of the District of <i>Quebec</i> , to 30th September, 1840,		100	0	0			
Boston & Barron,	.. Ditto as do. of <i>Montreal</i> , to do.		100	0	0			
J. G. Ogden,	.. Ditto as do. of <i>Three Rivers</i> , to do.....		75	0	0			
Martin Sheppard,	.. Ditto as do. of <i>Gaspé</i> , to do.		70	0	0			
Charles Witcher,	.. Ditto as do. of <i>St. Francis</i> , to do.		50	0	0			
Wm. S. Sewell,	.. Ditto allowance as do. of <i>Quebec</i> , for an Executioner, to do.		27	0	0			
Boston & Barron,	.. Ditto as do. of <i>Montreal</i> , to do.		27	0	0			
J. G. Ogden,	.. Ditto as do. of <i>Three Rivers</i> , to do.		27	0	0			
Martin Sheppard,	.. Ditto as do. of <i>Gaspé</i> , for Travelling expenses, to do.		10	0	0			
B. A. Panet,	.. Twelve months Salary as Coroner of the District of <i>Quebec</i> , to 30th September, 1840,		100	0	0			
	Amount carried forward, ..	£	14,636	16	9	19,265	8	6

NAMES.	SERVICE.	AMOUNT			TOTAL		
		STERLING.			STERLING.		
	Amount brought forward, ..	£	14,636	16 9	19,265	8 6	
ADMINISTRATION OF JUSTICE— <i>Continued.</i>							
Joseph Jones,	.. Twelve months Salary as Coroner of the District of <i>Montreal</i> , to 30th September, 1840,.....		100	0 0			
Valère Guillet,	.. Ditto as do. of <i>Three Rivers</i> , to do.....		50	0 0			
C. A. G. de Tonnancour,	.. Ditto as do. of <i>St. Francis</i> , to do.		45	0 0			
Robert Shearar,	.. Ditto as do. of <i>Gaspé</i> , to do.		50	0 0			
Bebee & Wilkie,	.. Ditto as Clerks of the Provincial Courts and Clerks of the Peace at <i>Gaspé</i> , and allowance for Travelling expenses, to do.		60	0 0			
T. W. Willan,	.. Ditto as Clerk of the Crown in the District of <i>Quebec</i> , to do.		100	0 0			
A. M. Delisle,	.. Ditto as do. of <i>Montreal</i> , to do.		40	0 0			
Wm. C. H. Coffin,	.. Ditto as do. of <i>Three Rivers</i> , to do.		20	0 0			
Ed. Desbarats,	.. Ditto as Clerk of the Court of Appeals, to do.		120	0 0			
Ditto,	.. Ditto allowance to the do. for Stationery of the Court, to do.		5	0 0			
Fredk. Mimeo,	.. Ditto Salary as Usher of the do to do.....		27	0 0			
Siméon Lelièvre,	.. Ditto as Interpreter of the Courts of <i>Quebec</i> , to do.		40	0 0			
Richard Dillon,	.. Ditto as do. of the do. at <i>Montreal</i> , to do.		40	0 0			
J. C. Fearon,	.. Ditto do do. of the do. at <i>Three Rivers</i> , to do.		25	0 0			
William Downes,	.. Ditto as High Constable at <i>Quebec</i> , to do.		36	0 0			
Benjn. Delisle,	.. Ditto as do. at <i>Montreal</i> , to do.		36	0 0			
Philip Burns,	.. Ditto as do. at <i>Three Rivers</i> , to do.....		27	0 0			
Frederick Mimeo,	.. Ditto as Crier of the Courts at <i>Quebec</i> , to do.		20	0 0			
Ditto,	.. Ditto as Tipstaff to the do. do. to do....		18	0 0			
G. J. Stanley,	.. Ditto as Crier of the do. at <i>Montreal</i> , to do.		20	0 0			
Peter Devins,	.. Ditto as Tipstaff to do. at do. to do.		18	0 0			
Pierre Portugais,	.. Ditto as Crier and Tipstaff to do. at <i>Three Rivers</i> , to do.		25	0 0			
	Amount carried forward, ..	£	15,559	16 9	19,265	8 6	

NAMES.	SERVICE.	AMOUNT			TOTAL			
		STERLING.			STERLING.			
	Amount brought forward, ..	£	15,559	16	9	19,265	8	6
	ADMINISTRATION OF JUSTICE— <i>Continued.</i>							
Joseph Tardiff,	.. Twelve months Salary as Keeper of the Court House at <i>Quebec</i> , to 30th September, 1840.		54	0	0			
H. O. Donahue,	.. Ditto as do. of the do. at <i>Montreal</i> , to do.		72	0	0			
Pierre Portugais,	.. Ditto as do. of the do. at <i>Three Rivers</i> , to do.		36	0	0			
Jno. McClellan,	.. Ditto as do. of the Court Hall and Gaol of <i>New Carlisle</i> , to do.		36	0	0			
William Annett,	.. Ditto as do. of the do. and do. at <i>Percé</i> , to do.		36	0	0			
C. M. Hyndman,	.. Ditto as do. of the Court Hall at <i>Sherbrooke</i> , to do.		18	0	0			
James Maclaren,	.. Ditto as Keeper of the Gaol at <i>Quebec</i> , to do.		125	0	0			
do.	.. Ditto allowance as do. for two Turnkeys, to do.		72	0	0			
Charles Wand,	.. Ditto Salary as do. at <i>Montreal</i> , to do.		125	0	0			
do.	.. Ditto allowance as do. for two Turnkeys, to do.		72	0	0			
Richard Gennis,	.. Ditto Salary as do. at <i>Three Rivers</i> , to do.		55	0	0			
do.	.. Ditto allowance as do. for two Turnkeys, to do.		72	0	0			
Patrick Read,	.. Ditto Salary as do. at <i>Sherbrooke</i> , to do.		25	0	0			
Thomas Fargues,	.. Ditto as Physician attending the Gaol at <i>Quebec</i> , to do.		200	0	0			
Danl. Arnoldi,	.. Ditto as do. attending do. at <i>Montreal</i> , to do.		200	0	0			
Christopher Carter,	.. Ditto as do. attending do. at <i>Three Rivers</i> , to do.		50	0	0			
						16,807	16	9
	Amount carried forward, ..	£				36,073	5	3

NAMES.	SERVICE.	AMOUNT		TOTAL	
		STERLING.		STERLING.	
	Amount brought forward, .. £			36,073	5 3
	CONTINGENT EXPENSES OF THE ADMINISTRATION OF JUSTICE.				
Henry Black,	.. Amount of his account for Services as Queen's Counsel in the Criminal Term of March, 1840, at <i>Quebec</i> , £161 15 0				
do.	.. Amount of his account for legal Services rendered Government, in the cases of <i>J. Teed</i> , against Col. <i>Bowles</i> , and the Attorney General against <i>A. Vérette</i> , in February and April, 1840, .. 37 10 0				
Alexr. Buchanan,	.. Ditto for Services rendered as Queen's Counsel, 18 0 0				
James Hallowell,	.. Ditto for his legal do. to Government, in the District of <i>Montreal</i> , by direction of the Attorney General, between December, 1839, and March, 1840, 27 15 0				
Henry Driscoll, Queen's Counsel,	Ditto for Services performed for Government, up to 10th October, 1840, 25 4 0				
Honble. F. W. Primrose, Advocate,	Ditto for Services performed in Criminal Prosecutions, during part of the Term of King's Bench at <i>Quebec</i> , in September, 1840, 21 15 0				
F. J. M. Collard,	.. To remunerate him for legal services rendered in Criminal prosecutions at a Court of Oyer and Terminer in the District of <i>Gaspé</i> , held at <i>New Carlisle</i> , in February, 1840, 30 0 0				
				321 19 0	
	Amount carried forward, - ... £			36,073	5 3

NAMES.	SERVICE.	AMOUNT			TOTAL		
		STERLING.			STERLING.		
	Amount brought forward, .. £	321	19	0	36,073	5	3
CONTINGENT EXPENSES OF THE ADMINISTRATION OF JUSTICE— <i>Continued.</i>							
W. S. Sewell,	Amount of his Contingent Account as Sheriff of <i>Quebec</i> , to 10th October, 1840,	2286	19	8			
Boston & Barron, ..	On account of their do. as do. of <i>Montreal</i> , to do.	5996	0	8			
J. G. Ogden,	Amount of his do. as do. of <i>Three Rivers</i> , to do.	1017	13	2			
Chas. Witcher, ..	On account of his do. as do of <i>St. Francis</i> , to do.	256	7	2			
Martin Sheppard, ..	Ditto of his do. as do. of <i>Gaspé</i> , to do. ..	270	0	0			
B. A. Panet,	Amount of his do. as Coroner of <i>Quebec</i> , to do.	478	3	11			
Joseph Jones,	Ditto of his do. as do. of <i>Montreal</i> , to do.	373	11	5			
Valère Guillet, ..	Ditto of his do. as do. of <i>Three Rivers</i> , to do.	89	16	8			
C. A. G. DeTonnancour,	Ditto of his do. as do. of <i>St. Francis</i> , to 10th April, 1840,	4	1	0			
T. W. Willan,	Amount of his Contingent Account as Clerk of the Crown at <i>Quebec</i> , to 10th October, 1840,	138	14	8			
A. M. Delisle,	Ditto of his do. as do. of <i>Montreal</i> , to do.	193	12	3			
Wm. C. H. Coffin, ..	Ditto of his do. as do. of <i>Three Rivers</i> , to do.	24	14	2			
Perrault & Burroughs, ..	On account of their do. as Prothonotaries at <i>Quebec</i> , to do.	247	10	0			
Monk & Morrogh, ..	Amount of their do. as do. of <i>Montreal</i> , to 10th April, 1840,	332	17	6			
Wm. C. H. Coffin, ..	Ditto of his do. as do. of <i>Three Rivers</i> , to 10th October, 1840,	83	0	9			
William Bell,	Ditto of his do. as do. of <i>St. Francis</i> , to do.	75	12	0			
Perrault & Scott, ..	Ditto of their do. as Clerk of the Peace at <i>Quebec</i> , to do.	684	11	3			
Delisle & Bréhaut, ..	Ditto of their do. as do. of <i>Montreal</i> to do.	1255	6	7			
N. S. Turcotte,	Ditto of his do. as do. of <i>Three Rivers</i> , to do.	383	3	8			
	Amount carried forward, .. £	14,513	15	6	36,073	5	3

NAMES.	SERVICE.	AMOUNT STERLING.			TOTAL STERLING.		
	Amount brought forward, .. £	14,513	15	6	36,073	5	3
CONTINGENT EXPENSES OF THE ADMINISTRATION OF JUSTICE— <i>Continued.</i>							
William Bell,	Amount of his Contingent Account as Clerk of the Peace at <i>St. Francis</i> , to 10th October, 1840,	40	0	5			
Chas. E. Schiller, ..	For having care of Crown Witnesses at <i>Montreal</i> , to 10th October, 1840, £ 27 0 0						
C. R. Ogden,	For services of Subpœnas at do. to do. 190 0 0						
		217	0	0			
Wm. Downes, High Constable,	For do. of do. at <i>Quebec</i> ,	179	10	8			
Philip Burns, High Constable,	For do. of do. at <i>Three Rivers</i> , ..	105	0	2			
					15,055	6	9
SURVEYOR GENERAL'S DEPARTMENT.							
Joseph Bouchette, ..	Twelve months salary as Surveyor General, to the 30th September, 1840,	450	0	0			
Representatives of the late Wm. Sax, ..	Salary as First Clerk in the do. from 1st October, 1839 to 23d January, 1840, at 10s. Sterling per diem.	57	10	0			
Harry Ball,	Twelve months salary as Second Clerk in the do. to 30th September, 1840,	150	0	0			
Joseph Bouchette, ..	Ditto Allowance as Surveyor General, for an Office Servant to do.	40	0	0			
Ditto,	Ditto do. as do. for Stationery to do. ..	20	0	0			
Ditto,	Ditto do. as do. for Postage to do. ..	10	0	0			
Joseph Bouchette, Jun. Dy. Surveyor Genl. ...	Being for the Plan, Report and Survey of the Beach on the South side of the Channel of the River <i>St. Charles</i> ,	56	7	3			
	Amount carried forward, .. £	783	17	3	51,128	12	0

NAMES.	SERVICE.	AMOUNT			TOTAL		
		STERLING.			STERLING.		
	Amount brought forward, .. £	783	17	3	51,128	12	0
SURVEYOR GENERAL'S DEPARTMENT— <i>Continued.</i>							
Thomas Hammond, ..	Ditto his 83 days allowance as an Extra Assistant in the Surveyor General's Office, between 26th November, 1839 and 29th Feby. 1840, at 7s. 6. per day,	28	0	3			
Robt. Maxwell, ..	Ditto for services performed in the do. as Temporary Assistant, from 1st May to 30th June, 1840, at do.	17	11	0			
Joseph Bouchette, Surveyor General, ..	To enable him to pay the Balances due Messrs. Jos. Bouchette, Junr. Andrew Russell, Robert Maxwell, and R. A. Young, for their services to 30th September, 1840, in bringing up arrears in his Office, under authority of the Chief Secretary's Letter of the 12th November, 1839,	183	4	6			
Ditto. ..	To do. to defray the Expenses incurred in arranging, repairing and providing for the security of the Plans and Records in his Office,	95	12	4			
Ditto. ..	To do. to pay the Account of Mr. William Henderson for copying certain Township Plans in his do.	47	14	0			
					372	2	1
	Amount carried forward, ... £	1155	19	4	51,128	12	0

NAMES.	SERVICE.	AMOUNT STERLING.	TOTAL STERLING.
	Amount brought forward, .. £	1155 19 4	51,128 12 0
SURVEYOR GENERAL'S DEPARTMENT— <i>Continued.</i>			
Joseph Bouchette, Surveyor General, ..	Amount of his Disbursements and Expenses incurred by him in repairing to <i>Montreal</i> , agreeably to orders received through Chief Secretary's Letter of the 21st June last,	6 10 5	1162 9 9
ADJUTANT GENERAL OF MILITIA.			
F. Vassal De-Monviel, ..	Twelve months salary as Adjutant General of Militia to the 30th September, 1840,	450 0 0	
Lt. Col. Plomer Young, ..	Ditto as Deputy Adjutant General to do.	270 0 0	
Louis Guy,	Nine months do. as Assistant do. to the 30th June, 1840, at £180 Stg. per annum,	135 0 0	
A. J. Duchesnay, ..	Ditto as do. to do. at do.	135 0 0	
C. J. Duchesnay, ..	Twelve months do. as Clerk in the Office, to the 30th September, 1840, at 7s. 6d. Currency, per diem,	123 10 6	
Charles Petitclaire, ..	Ditto as Messenger in the do. to do. at 3s. 8d. Cy. per diem,	60 7 10	
Armour & Ramsay, ..	Amount of their Account for Stationery furnished the do. to 10th April, 1840,	£ 38 9 10	
Fisher & Kemble, ..	Ditto of their do. for do. Printing, &c. for the year ended 10th October, 1840,	19 13 11	
	Salary of an Orderly Messenger and other extra expenses of the Department,	146 11 11	204 15 8
Lt. Col. F. Heriot, ..	Twelve months Salary as Provincial Aide de Camp, to 30th September, 1840.....	180 0 0	
E. W. R. Antrobus, ..	Ditto as do. to do.	180 0 0	1738 14 0
	Amount carried forward, .. £		54,029 15 9

NAMES.	SERVICE.	AMOUNT STERLING.	TOTAL STERLING.
	Amount brought forward, .. £		54,029 15 9
PENSIONS.			
Mrs. Baby,	Twelve months Pension, to 30th September, 1840, .. .	150 0 0	
Mrs. Elmsley,	Ditto do. to do.	200 0 0	
Mrs. Lemaistre,	Ditto do. to do.	50 0 0	
Miss de Louvière, ...	Ditto do. to do.	21 12 0	
Mrs. Rottot,	Ditto do. to do.	36 0 0	
Miss Finlay,	Ditto do. to do.	20 0 0	
Miss Mackay,	Six do. do. to 31st March, 1840,	9 0 0	
Miss Desbarats,	Twelve do. do. to 30th September, 1840, .. .	18 0 0	
Miss M. A. Montizambert, }	Ditto do. to do.	10 0 0	
Miss Louise Montizambert, }	Ditto do. to do.	10 0 0	
Miss G. Launière,	Ditto do. to do.	10 0 0	
Miss M. Launière,	Ditto do. to do.	10 0 0	
Miss Eliza Launière,	Ditto do. to do.	10 0 0	
Thomas Amyot,	Ditto do. (as late Provincial Secretary) to do.	400 0 0	
Representatives of the late Catherine A. De Salaberry,	Pension from 1st October to 14th December, 1839, at £50 Stg. per annum, ..	10 5 0	
Miss Emilie De Salaberry,	Twelve months do. to 30th September, 1840, .. .	50 0 0	
Mrs. Jane Livingston,	Ditto do. to do.	50 0 0	
Andrew W. Cochran,	Pension from 9th August to do. at £200 Stg. per annum, .. .	29 0 10	
G. H. Ryland,	Twelve months retired allowance as late Secretary to the Board of the Jesuits' Estates to do.	45 0 0	1138 17 10
	Amount carried forward, .. £		55,168 13 7

NAMES.	SERVICE.	AMOUNT STERLING.			TOTAL STERLING.		
	Amount brought forward, .. £				55,168	13	7
	MISCELLANEOUS.						
John Davidson,	Twelve months Salary as Commissioner of Crown Lands, to 30th September, 1840,	600	0	0			
T. Bouthillier,	Ditto as do to do. ..	600	0	0			
A. C. Buchanan,	Ditto as Agent for Emigrants at <i>Quebec</i> , to do. ..	400	0	0			
Ditto, ..	Contingencies as do. to do. ..	194	7	6			
Hon. F. W. Primrose, ..	Twelve months salary as Clerk of the Terrars of the Queen's Domain to do. ..	90	0	0			
Ditto, ..	Commission as Inspector General of the Domain on the amount of <i>Quints, Lods et Ventes</i> , &c. paid in up to 10th October, 1840, ..	168	6	2			
A. J. Duchesnay, ..	Twelve months salary for Translating Public Documents into French, to the 30th September, 1840, ..	50	0	0			
Representatives of the late Jonathan Sewell,	Ditto Rent of the Union Buildings used for Public Offices for the Civil Departments of Government at <i>Quebec</i> , to do	500	0	0			
John King,	Ditto allowance as Keeper of that Building to do. ..	40	0	0			
Ditto,	Expenses attending the care of the same to the 10th October, 1840, ..	25	0	0			
Ditto,	For procuring Fuel for the Public Building and Offices at <i>Quebec</i> , ..	60	0	0			
Antoine Antage,	Allowance for Keeping in repair the streets and yards in front of and about the Government House at <i>Montreal</i> , during the Winter of 1839—40,	20	5	0			
	Amount carried forward, .. £	2747	18	8	55,168	13	7

NAMES.	SERVICE.	AMOUNT STERLING.			TOTAL STERLING.			
		£	s	d	£	s	d	
	Amount brought forward,	£	2747	18	8	55,168	13	7
	MISCELLANEOUS— <i>Continued.</i>							
Vincent Vodez,	To reimburse so much paid to the Water Work Company of <i>Montreal</i> , for Water for the Government House for 12 months, to 1st Nov. 1840, and for sweeping the Chimnies of that Building for 6 months, to the 10th April, 1840,	£	24	10	1			
Louis Vodez,	Expenses attending the care of the Government Garden at <i>Montreal</i> , for the past season,		17	17	6			
David Luck, Office Keeper, Montreal, . .	To enable him to pay for articles furnished and work done in and about the old Government House and Offices at <i>Montreal</i> , to 10th October, 1840, . .		115	3	10			
Thos. A. Begley, Clerk Board of Works, . .	Ditto to pay the Accounts of the several Tradesmen employed in making certain repairs and alterations to the do. at do.		467	8	2			
Saml. Keefer, Secretary to do.	Ditto to pay for certain repairs to the Government House at <i>Montreal</i> ,		60	11	11			
Representatives of H. B. Parry,	Salary from 1st October, 1839 to the 27th January, 1840, at £50 Cy. per annum, for taking charge of the two Government Buildings at <i>Montreal</i> ,		14	13	5	700	4	11
	Amount carried forward, . .	£	3448	3	7	55,168	13	7

NAMES.	SERVICE.	TOTAL STERLING.			AMOUNT STERLING.			
		£	s	d	£	s	d	
	Amount brought forward,	£	3448	3	7	55,168	13	7
	MISCELLANEOUS— <i>Continued.</i>							
Alexr. Miller,	.. Allowance for keeping in repair the winter Roads in front of the Public Buildings, &c. at <i>Quebec</i> during the winter of 1834.—40,	£27	0	0				
Thos. Tweddell,	.. For work done and materials furnished by him to the Receiver General's Office,	56	7	3				
H. M. Blaiklock,	.. To enable him to pay for alterations made in the do. and other public buildings at <i>Quebec</i> , including wages of the Keeper of the Chateau <i>St. Lewis</i> , to 30th September, 1840,	481	19	1				
E. W. R. Antrobus, Provincial Aide de Camp,	To enable him to pay the wages of the Gardener and contingent expenses of the Government Gardens at <i>Quebec</i> , to 30th April, 1840,	67	13	5				
James Farrell,	.. Amount of his Account as Gardener and contingencies attending the care of do. from 1st May to 31st October, 1840,	64	12	5				
W. C. H. Coffin, Prothonotary Three Rivers,	To enable him to pay for certain authorized repairs made to the Court House,	125	3	4				
			822	15	6			
E. W. R. Antrobus,	.. Twelve months salary as Grand Voyer of the District of <i>Quebec</i> , to 30th September, 1840,	150	0	0				
	Amount carried forward, ..	£	4420	19	1	55,168	13	7

NAMES.	SERVICE.	AMOUNT STERLING.			TOTAL STERLING.			
		£	s	d	£	s	d	
	Amount brought forward, ..	£	4420	19	1	55,168	13	7
MISCELLANEOUS— <i>Continued.</i>								
P. L. Panet,	.. Twelve months salary as Grand Voyer of the District of <i>Montreal</i> , to 30th September, 1840,		150	0	0			
Hugues Heney,	.. Ditto as do. of <i>Three Rivers</i> , to do. ...		90	0	0			
F. McRae,	.. Ditto as Surveyor of Highways at <i>Gaspé</i> , to do.		50	0	0			
Alexr. Thompson,	.. Ditto as Inspector of Chimnies at <i>Three Rivers</i> , to do.		25		0			
Antoine Hamel,	.. Twelve do. as Keeper of a <i>Dépot</i> of Provisions on <i>Jupiter</i> River, Island of <i>Anticosti</i> , with a view to the relief of shipwrecked persons, to 30th September, 1840,		45	0	0			
Louis O. Gamache,	.. Ditto as do. on the West end of the Island of <i>Anticosti</i> , for do. to do. ..		45	0	0			
Rev. R. R. Burrage,	.. Ditto as Master of the Grammar School at <i>Quebec</i> , to do. ..		200	0	0			
Ditto,	.. Ditto allowance as do. for rent of a House to do. ..		90	0	0			
Alexander Shakel,	.. Ditto salary as do. of <i>Montreal</i> , to do..		200	0	0			
Ditto,	.. Ditto allowance as do. for rent of a House, to do. ..		54	0	0			
Rev. R. R. Burrage,	.. Ditto salary as Secretary of the Royal Institution for the advancement of Learning to do. ..		90	0	0			
Ditto,	.. Ditto allowance as do. for a Clerk and Contingencies to do. ..		36	0	0			
Ditto,	.. Ditto do. as do. for a Messenger, to do.		25	0	0			
	For the amount of Expenses of Executive Councillors and Public Officers, &c. in attending during the temporary removal of the Seat of Government at <i>Montreal</i> , during the year 1840, ..		1998	12	10	7519	11	11
	Amount carried forward, ..	£				62,688	5	6

NAMES.	SERVICE.	AMOUNT STERLING.	TOTAL STERLING.
	Amount brought forward, .. £		62,688 5 6
	BOARD OF COMMISSIONERS FOR MILITIA LAND CLAIMS.		
Jean Langevin,	.. Twelve months salary as Secretary to the Board, to 30th September, 1840, at 20s. Cy. per diem,	329 8 0	
Ditto,	.. On account of the Contingencies of the Board, £452 15 5		
R. J. Kimber,	.. Amount of his Disbursements in the discharge of his duty as Commissioner of the do. in two trips to <i>Quebec</i> , in November, 1839, and November, 1840, and for Postage and Stationery, 11 9 6	464 4 11	798 12 11
	OFFICERS AND SERVANTS OF THE LATE LEGISLATIVE BODIES.		
	LEGISLATIVE COUNCIL.		
Wm. Smith,	.. Moiety of his salary as Clerk of the late Legislative Council, to 30th September, 1840,	225 0 0	
C. E. De Léry	.. Ditto of his do. as Assistant Clerk to do.	180 0 0	
Jacques Voyer,	.. Ditto of his do. as Writing Clerk Assistant to do.	112 10 0	
A. W. Cochran,	.. Ditto of his do. as Law Clerk, from 9th August to 30th September, 1840, at £90 stg. per annum,	13 1 4	
Wm. Smith,	.. Ditto of his do. as Master in Chancery, to 30th September, 1840,	40 10 0	
Wm. Ginger,	.. Ditto of his do. as Sergeant at Arms to do.	45 0 0	
	Amount carried forward, .. £	616 14	63,481 18 5

365
 7
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 20
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 109

NAMES.	SERVICE.	AMOUNT STERLING.			TOTAL STERLING.		
	Amount brought forward, .. £	616	1	4	63,481	18	5
	<i>LEGISLATIVE COUNCIL—Continued.</i>						
Representatives of H. M'Donald, ..	Moiety of his salary as Door Keeper, from 1st October to 31st December, 1839, at £12 10s. stg. per annum,	3	2	6			
C. Wm. Smith, ...	Ditto of his do. as Writing and Engrossing Clerk, to 30th September, 1840, ..	78	15	0			
Louis Noreau, ..	Ditto of his do. as Office Keeper and Messenger to do,	18	0	0			
Joseph Bolduc, ..	Ditto of his do. as Messenger and Servant to do.	16	4	0			
Pierre Lacroix, ..	Ditto of his do. as do. and do. to do. ..	16	4	0			
Antoine Lachance, ..	Ditto of his do. as do. and do. to do. ..	16	4	0			
Augustin Jourdain and Representatives, ..	Ditto of his do. as Librarian in Charge of the Library, from 1st October, 1839 to 23d April, 1840, at £180 stg. per annum,	101	6	10			
					865	17	8
	<i>HOUSE OF ASSEMBLY.</i>						
Henri Voyer, ..	Moiety of his salary as French Translator, to the 30th September, 1840, ..	90	0	0			
Olivier Vallerand, ..	Ditto of his do. as Sergeant at Arms to do.	45	0	0			
Thomas Amyot, ..	Ditto of his do. as Clerk of the Crown in Chancery to do.	50	0	0			
Samuel Waller, ..	Ditto of his do. as Clerk of Committees to do.	90	0	0			
William Ross, ..	Ditto of his do. as do. from 1st October to 31st December, 1839, at £112 10s. stg. £28 2 6						
	Ditto of his do. from 1st Jany. to 30th Sept. 1840, at £90 stg. 67 10 0	95	12	6			
	Amount carried forward, .. £	370	12	6	64,347	16	1

NAMES.	SERVICE.	AMOUNT STERLING.			TOTAL STERLING.			
	Amount brought forward,	£	370	12	6	64,347	16	1
	<i>HOUSE OF ASSEMBLY—Continued.</i>							
Ls. B. Pinguet.	.. Moiety of his salary as Clerk of Committees, to 30th September, 1840,		45	0	0			
P. E. Gagnon,	.. Ditto of his do. as do. to do.		45	0	0			
Geo. M. Muir,	.. Ditto of his do. as do. to do.		45	0	0			
Frs. Rodrigue,	... Ditto of his do. as Messenger and Servant to do.		16	4	0			
Louis Gagné,	.. Ditto of his do. as do. and do. to do. ..		16	4	0			
A. Leroux dit Cardinal,	Ditto as Keeper of the Apartments of the House of Assembly, at present in Charge of that Building to do.		81	0	0			
Jasper Brewer, ..	.. Twelve months salary as Librarian, at present in Charge of the Library,		180	0	0			
Wm. B. Lindsay,	.. Contingent Expenses attending the Insuring the Building and Library, and for Fuel for the same,		135	0	0			
						934	0	6
Joseph Parant, Inspecting Physician, Quebec,	Amount of the Contingent Expenses of Quarantine Establishments during the season of 1840,					1355	14	5
	Total Expenditure of the Civil Government, Sterling,	£				66,637	11	0
	Amount carried forward, ..	£				66,637	11	0

NAMES.	SERVICE.	AMOUNT STERLING.		TOTAL STERLING.	
	Amount brought forward, .. £			66,637	11 0
	PAY AND CONTINGENCIES OF THE POLICE FORCE.				
	QUEBEC CITY FORCE.				
Thos. A. Young,	.. Nine months salary as Superintendent of Police at <i>Quebec</i> , from 1st November, 1839 to 31st July, 1840, at £450 stg. per annum, .. £ 337 10 0				
Ditto.	.. Two months do as Police Magistrate at do. from 1st Augt. to 30th Sept. 1840, at £360 stg. per annum, . .. 60 0 0				
Ditto.	.. Amount of the pay and Contingencies of the Police, from 1st Nov. 1839 to the 30th June, 1840, 3547 18 8				
Wm. F. Coffin, Commissioner of Police,	.. Ditto of the do. and do. to 31st October, 1840, .. 1636 2 10				
Thos. Cary & Co.	.. Amount of their account for Printing, Stationery, &c. furnished to the Office of the Superintendent of Police at <i>Quebec</i> , up to 31st July, 1840, 30 9 0				
				5612	0 6
	Amount carried forward, £	5612	0 6	66,637	11 0

NAMES.	SERVICE.	AMOUNT			TOTAL		
		STERLING.			STERLING.		
	Amount brought forward, .. £	5612	0	6	66,637	11	0
	MONTREAL CITY POLICE.						
P. E. Leclère,	.. Nine months salary as Superintendent of the Police at <i>Montreal</i> , to 30th June, 1840, at £450 stg. per annum,						
	£337 10 0						
B. C. A. Guky,	.. Three months do. as Police Magistrate at do. to 30th Sept. 1840, at £360 stg. per annum, ..		90	0	0		
	427 10 0						
P. E. Leclère,	.. Amount of the Pay and Contingencies of the Police from 1st Nov. 1839 to 30th June, 1840, £4331 11 4						
Wm. F. Coffin, Commissioner of Police,	.. Ditto of the do. and do. to 31st October, 1840, 1485 19 9						
	5817 11 1	6245	1	1			
	RURAL POLICE.						
B. C. A. Guky,	.. Nine months salary as Inspecting Stipendiary Magistrate in the District of <i>Montreal</i> , to 30th June, 1840, at £450 stg. per annum, £337 10 0						
Ditto.	.. Amount of his Contingent Account as do. for Traveling Expenses, Clerk, &c. to do. 307 9 7						
	644 19 7						
	Amount carried forward, ... £	12,502	1	2	66,637	11	0

NAMES.	SERVICE.	AMOUNT STERLING.			TOTAL STERLING.		
		£	s	d	£	s	d
	Amount brought forward, ..	£ 12,502	1	2	66,637	11	0
	RURAL POLICE— <i>Continued.</i>						
Wm. F. Coffin, ..	Salary as Assistant Civil Secretary, from 25th May to 3d July, 1840, at £300 stg. per annum, ..	£ 32	17	6			
Ditto, ..	Salary as Assistant Civil Secretary and Commissioner of Police, from 4th July to the 30th September, 1840, at £400 stg. per annum, ..	97	10	8			
Benjamin Seaton, ..	Ditto as Clerk to the do. from 1st August to 30th Sept. 1840, at £125 stg. per annum, ..	130	8	2			
Wm. F. Coffin, ..	Salary as Stipendiary Magistrate at <i>Ste. Marie de Monnoir</i> , from 1st Oct. 1839, to 24th May, 1840, at £270 stg. per annum, ..	20	16	8			
Thomas Rainsford, ..	Eleven months do. as do. at <i>St. Denis</i> , to 31st Augt. 1840, at 10s. stg. per diem, ..	174	18	11			
		168	0	0	494	3	9
	Amount carried forward, ...	£ 12,996	4	11	66,637	11	0

NAMES.	SERVICE.	AMOUNT			TOTAL		
		STERLING.			STERLING.		
	Amount brought forward, ..	£ 12,996	4	11	66,637	11	0
	RURAL POLICE—Continued.						
David Kinnear,	.. Twelve months do. as do. at <i>Napier-</i> <i>ville</i> and <i>Shef-</i> <i>ford</i> , to 30th Sept. 1840, ..	270	0	0			
Wm. K. McCord,	.. Ditto as do. at <i>Ste.</i> <i>Scholastique</i> , to do. ..	270	0	0			
E. H. Bowen,	.. Ditto as do. at <i>Cha-</i> <i>teauguay</i> and <i>Deschambeault</i> to do. ..	270	0	0			
S. J. Burton,	.. Ditto as do. at <i>St.</i> <i>John's</i> , at 10s. stg. per Diem, to do. ..	183	0	0			
Elzéar Duchesnay,	.. Ditto as do. at <i>Bel-</i> <i>œil</i> and at <i>Ste.</i> <i>Marie de Mon-</i> <i>noir</i> , to do. ..	270	0	0			
Charles Wetherall,	.. Ditto as do. at <i>La-</i> <i>prairie</i> , to do.	270	0	0			
Alexis Pinet,	.. Ditto as do. at <i>Varennes</i> , to do.	90	0	0			
F. E. Globensky,	.. Ditto as do. at <i>St.</i> <i>Eustache</i> , to do.	90	0	0			
Wm. U. Chaffers,	.. Ditto as do. at <i>St.</i> <i>Césaire</i> , to do.	90	0	0			
P. de Martigny,	.. Ditto as do. at <i>Contreccœur</i> , to do.	90	0	0			
T. Quesnel,	.. Ditto as do. at <i>L'Acadie</i> , to do.	90	0	0			
		1983	0	0			
	Amount carried forward, ..	£ 14,979	4	11	66,637	11	0

NAMES.	SERVICE.	AMOUNT STERLING.			TOTAL STERLING.			
		£	s	d	£	s	d	
	Amount brought forward, ..	£	14,979	4	11	66,637	11	0
	RURAL POLICE— <i>Continued.</i>							
Thos. Colman,	.. Twelve months Salary as Stipendiary Magistrate at <i>St. Hyacinthe</i> , from 1st Octr. 1839, to the 24th June, 1840, at 10s. stg. per diem, ..	£	134	0	0			
P. E. Leclère,	.. Three months do. as Police Magistrate at do. to 30th Sept. 1840, at £300 cy. per annum, ..		67	10	0			
			201 10 0					
Thos. Colman,	.. Salary as Police Magistrate and Paymaster to the Police force, from 25th June, to 30th Sept. 1840, at £300 cy. per annum, ..		72	9	10			
Wm. C. Hanson,	.. Twelve months do. as Stipendiary Magistrate in the District of <i>Three Rivers</i> , to do. ..		270	0	0	543	19	10
	Amount carried forward, ..	£	15,523	4	9	66,637	11	0

NAMES.	SERVICE.	AMOUNT STERLING.			TOTAL STERLING.			
	Amount brought forward, ..	£	15,523	4	9	66,637	11	0
	<i>RURAL POLICE—Continued.</i>							
Thos. Colman,	.. Amount of the Pay, Clothing and Contingencies of the Rural Police in the District of <i>Montreal</i> , from 1st Nov. 1839 to 30th June, 1840, £9930 11 6							
Wm. C. Hanson,	.. Ditto of the do. and Contingencies of the do. in the do. of <i>Three Rivers</i> to do. .. 1254 7 9							
Wm. F. Coffin, Commissioner of Police,	.. Amount of the Pay and Contingencies of the Rural Police in the Districts of <i>Montreal</i> and <i>Three Rivers</i> , from 1st July to 31st Oct. 1840, .. 3060 14 10							
B. C. A. Guky,	.. To reimburse certain expenses incurred by him in the arrest of a gang of Forgers, in Nov. last, .. 68 9 0							
Thos. Rainsford,	.. To indemnify him for Expenses incurred as Stipendiary Magistrate at <i>St. Denis</i> , prior to the unexpected abolition of that appointment, .. 45 0 0							
			14,359	3	1			
	Amount carried forward, ..	£	29,882	7	10	66,637	11	0

NAMES.	SERVICE.	AMOUNT STERLING.		TOTAL STERLING.	
	Amount brought forward, ..	£ 29,882	7 10	66,637	11 0
	<i>RURAL POLICE—Continued.</i>				
Jno. Conway,	.. Allowance to him for having been employed by Government to enforce the Alien Act on board of the Steamboats, coming from the United States to the Port of <i>St. Johns</i> , from 12th May, to 2d, December, 1840, 65 4 7				
F. X. Lacombe,	.. To remunerate him for certain services rendered to the Magistrates at <i>St. Césaire</i> , in the discharge of their public duties, during the disturbances in 1837 and 1838, 9 0 0				
Bernard Carroll,	.. Gratuity awarded to him in consideration of his having been disabled when on duty as Sub-constable in the Rural Police at <i>Napierville</i> , in the District of <i>Montreal</i> , .. 18 0 0				
			92 4 7		
	Amount carried forward,	£ 29,974	12 5	66,637	11 0

NAMES.	SERVICE.	AMOUNT STERLING.			TOTAL STERLING.		
	Amount brought forward, .. £	29,974	12	5	66,637	11	0
	RURAL POLICE—Continued.						
R. J. Routh, Commissary General,	For Barrack Furniture furnished to the several Stations of Rural Police in the District of <i>Montreal</i> ,	1412	11	6	31,387	3	11
Mrs. Charlotte Ryland, representing the late H. W. Ryland. ..	Being on account of the Fees on 1240 Militia Claims, admitted for Script, between the 1st May, 1839 and 28th Sept. 1840,				200	0	0
Domk. Daly, Provincial Secretary, ..	For certain extra expenses of his Office, during the year 1840,				230	0	0
Joseph Bouchette, Surveyor General, ..	To enable him to pay so much on account of assistance in bringing up the business of his Office, which had fallen in arrear,				300	0	0
	SPECIAL SERVICES RENDERED GOVERNMENT.						
Stewart Derbishire, ..	For services rendered at the desire of the Provincial Government,	100	0	0			
T. W. C. Murdoch, Chief Secretary,	To enable him to meet certain Expenses incurred by the Executive Government, in furtherance of the public service, ..	200	0	0			
Ditto,	Ditto,	104	0	0	404	0	0
	CHARITABLE INSTITUTIONS.						
Louis Massue, Treasurer and one of the Commissioners, ..	To defray the Expenses for the Relief of Insane persons, and the support of Foundlings and Indigent Sick persons in the District of <i>Quebec</i> , for the year ended 10th October, 1840,	1600	0	0			
	Amount carried forward, .. £	1600	0	0	99,158	14	11

NAMES.	SERVICE.	AMOUNT			TOTAL		
		STERLING.			STERLING.		
	Amount brought forward, .. £	1600	0	0	99,158	14	11
CHARITABLE INSTITUTIONS— <i>Continued</i>							
P. de Rocheblave, one of the Commissioners, ..	To defray the Expenses for the relief of Insane Persons, and the support of Foundlings and indigent Sick Persons in the District of <i>Montreal</i> , for the year ending 10th October, 1840,	1150	0	0			
J. P. Bureau, Commis- sioner, ..	To enable the Commissioners of the do. at <i>Three Rivers</i> , to defray the balance due and incurred by them for the same pur- poses, in the year ended 10th October, 1839,	£205	0	7			
do.	For the do. do. and do. in the year ended 10th Oct. 1840,	680	0	0			
Mrs. Eliza Kirby, ..	As an aid to the managers of the Female Orphan Asylum at <i>Quebec</i> ,	885	0	7			
Mrs. Jane Ross, ..	Ditto to the <i>Montreal</i> Protestant Orphan Asylum, ..	90	0	0			
Mrs. Sarah Ann Rich- ardson, ..	Ditto to the Ladies' Benevolent Society at <i>Montreal</i> , for Widows and Orphans, ..	90	0	0			
Mrs. Louise Roy Chau- veau, ..	Ditto to the Catholic Orphan Asylum at <i>Quebec</i> , ..	90	0	0			
Mrs. Eliza H. Cary, ..	Ditto to the Male Orphan Asylum at <i>Quebec</i> , ..	90	0	0			
Jules Quesnel, ..	Ditto to the Charitable Ladies of the Catholic Orphan Asylum at <i>Montreal</i> ,	90	0	0			
					4175	0	7
FOR THE PROMOTION OF EDUCATION.							
Henry Jessopp, ..	For the support of the National School at <i>Quebec</i> , ..	100	0	0			
Revd. J. Bethune, ..	Ditto of the do. at <i>Montreal</i> , ..	100	0	0			
Jos. Petitclaire, ..	Ditto of the Society of Education at <i>Que- bec</i> , ..	252	0	0			
	Amount carried forward, .. £	452	0	0	108,338	15	6

NAMES.	SERVICE.	AMOUNT STERLING.		TOTAL STERLING.	
	Amount brought forward, £	452	0 0	103,333	15 6
	FOR THE PROMOTION OF EDUCATION— <i>Continued.</i>				
Revd. T. Cooke, ..	For the support of the Society of Education at <i>Three Rivers</i> ,	90	0 0		
Benjamin Tremain, ..	Ditto of the British and Canadian School at <i>Quebec</i> ,	180	0 0		
William Lunn, ..	Ditto of the do. at <i>Montreal</i> ,	180	0 0		
James Seaton, ..	Ditto of the St. Andrew's School at <i>Quebec</i> ,	90	0 0		
Revd. P. Phelan, ...	Ditto of the <i>Montreal</i> Recollet School,	54	0 0		
Jacques Viger, ..	Ditto of the St. Jacques School at <i>Montreal</i> ,	180	0 0		
Jno. E. Mills, S. S. Ward and Henry Lyman, ..	Ditto of the <i>Montreal</i> American Presbyterian Free School,	90	0 0		
Jno. McConville, ..	Towards paying his salary as Teacher of the Academy at <i>Berthier</i> ,	90	0 0		
Revd. A. Mailloux, ..	For the support of the College at <i>St. Anne de la Pocatière</i> ,	180	0 0		
F. Pilote, ..	Director of the do. towards the enlargement of that Building,	45	0 0		
Revd. M. Mignault, ..	For the support of the College at <i>Chambly</i> ,	180	0 0		
Revd. M. Prince, ..	Ditto of the do. at <i>St. Hyacinthe</i> ,	180	0 0		
Revd. F. Labelle, ..	Ditto of the do. at <i>L'Assomption</i> ,	90	0 0		
Wilder Pierce and Stephen Hazzeltine, ..	Ditto of the <i>Stanstead</i> Seminary,	90	0 0		
Stephen Randall, ..	Ditto of the <i>Shefford</i> do.	90	0 0		
Selby Burns, ..	Ditto as Master of the School under the Royal Institution at <i>Three Rivers</i> ,	40	10 0		
S. Brooks, Hy. Becket } and Alba Brown, }	Ditto the <i>Sherbrooke</i> Academy,	90	0 0		
Revd. Andw. Balfour, ..	Ditto of his School at <i>Waterloo</i> , in the Township of <i>Shefford</i> ,	90	0 0		
Revd. Mark Willoughby,	As an aid to the British North American School Society, for their School at <i>Sherbrooke</i> ,	45	0 0		
	Amount carried forward, .. £	2526	10 0	103,333	15 6

NAMES.	SERVICE.	AMOUNT			TOTAL		
		STERLING.			STERLING		
	Amount brought forward, £	2526	10	0	103,333	15	6
	FOR THE PROMOTION OF EDUCATION— <i>Continued.</i>						
Robt. Armour, Junr. . .	Balance of the expenses incurred in visiting the different School Districts in this Province, (<i>Gaspé</i> excepted,) in order to obtain accurate information as to the state of the School Houses. &c.	283	10	0			
Robt. Symes, Treasurer,	As an aid to the Literary and Historical Society of <i>Quebec</i> , towards defraying their expenses during the present year,	45	0	0			
A. F. Holmes, President,	Ditto to the Natural History Society of <i>Montreal</i> to do,	45	0	0			
A. J. Russell, Recording Secretary, . .	Ditto to the Committee of Management of the <i>Quebec</i> Mechanics' Institute,	45	0	0			
Benjamin Holmes, Vice President, . .	Ditto to the <i>Montreal</i> Mechanics' Institute,	45	0	0			
Jno. Stephenson, M. D. Secy. Medical Faculty of M'Gill College, . .	On account of the expenses of holding their Medical Lectures at <i>M'Gill</i> College, during the years 1839 and '40,	900	0	0	3890	0	0
	MISCELLANEOUS.						
Thos. A. Stayner & W. H. Griffin, Commissioners, . .	Towards continuing the repairs and improvements to the Road leading to the Province of <i>New Brunswick</i> ,	2700	0	0			
Wm. B. Lindsay, Treasurer and one of the Commissioners.	For completing the repairs and improvements to the new Hill at Point Levi, made by the Commissioners of Internal Communications, in the year 1818, . .	400	0	0			
Pierre Brochu, . .	Twelve months allowance for residing on the <i>Kempt Road</i> from <i>Métis</i> to <i>Ristigouche</i> , to 30th Sept. 1840, . .	22	10	0			
	Amount carried forward, . . £	3122	10	0	107,223	15	6

NAMES.	SERVICE.	TOTAL		AMOUNT	
		STERLING.		STERLING.	
	Amount brought forward, .. £	3122	10 0	107,223	15 6
MISCELLANEOUS— <i>Continued.</i>					
Jos. H. Townsend, ..	Being his first Instalment on Work performed on his Contract for Water Closets at the <i>Montreal Gaol</i> , .. £135 0 0				
Saml. Keefer, Secretary Board of Works,	To enable him to pay for the completion of the same at do. and for drains, .. 540 0 0				
			675 0 0		
Ditto, ..	For rendering fire proof the Vaults of the Court House at <i>Montreal</i> ,		115 19 9		
E. A. Clarke, Chas. Tait and C. S. Rodier, ..	Balance of the salaries and contingencies of the Commissioners of Indemnity to the 15th May, and that of the Secretary and Messenger to 30th May, 1840, ..		1849 12 10		
Thos. A. Stayner, Depty. P. M. General, ..	Balance due for Postages for the Public Departments, in 1839,		1008 19 11		
				6772	2 6
INDEMNITIES.					
Chas Dorion, St. Eustache,	Amount awarded by Commission of Indemnity, under Ordinance 1st <i>Victoria</i> , Cap. 7. £1813 4 11				
Geo. Phillips, do.	Do. do. do. 56 7 10				
John Earle, St. Scho- lastique, ..	Do. do. do. 65 19 0				
F. E. Globensky, St. Eustache, ..	Do. do. do. 97 8 1				
Nicholas Perrin, do.	Do. do. do. 47 13 8				
Pierre Perrin, do.	Do. do. do. 54 0 0				
Frans. Gauthier, do.	Do. do. do. 9 19 7				
Felix Paquette, do.	Do. do. do. 45 7 6				
James Bowie, do.	Do. do. do. 528 3 4				
Widow Barsoloe, do.	Do. do. do. 67 10 0				
Chas. Clement, do.	Do. do. do. 36 19 6				
			2822 13 5		
	Amount carried forward, .. £	2822	13 5	113,995	18 0

NAMES.	SERVICE.	AMOUNT STERLING.			TOTAL STERLING.			
	Amount brought forward, ..	£	2822	13	5	113,995	18	0
INDEMNITIES—Continued.								
David Mitchell, St. Eus- tache,	Amount awarded by Commission of In- demnity, under Ordinance 1st Vic. cap. 7,	£	471	1	0			
F. J. Rochon, do.	do. do. do.		229	1	9			
James Gentle, do.	do. do. do.		296	11	5			
Chas. Tremblay, do.	do. do. do.		9	0	0			
Zoé Carmel, do.	do. do. do.		6	10	10			
Hugh Friel, ..	do. do. do.		15	12	0			
Rev. M. Paquin, do.	do. do. do.		276	2	2			
Rev. David Shanks, do.	do. do. do.		42	14	1			
Chas. L. Dumont, do.	do. do. do.		1097	17	9			
Jean B. Clement, do.	do. do. do.		55	2	6			
Ant. Labelle, do.	do. do. do.		136	13	0			
Mary Hird, Widow of Ewd. Hird, Ste. Scholastique, }	Do. do. do.		9	0	0			
J. B. Normandin, St. Eustache, .. }	Do. do. do.		145	19	11			
Paul Rochon, do.	do. do. do.		5	19	5			
Widow Leclairé, do.	do. do. do.		62	1	4			
Cathne. E. Panet, do.	do. do. do.		53	6	2			
Stephen Mackay, do.	do. do. do.		20	15	4			
F. Tison, do.	do. do. do.		14	16	0			
Alexis Danis, do.	do. do. do.		40	2	5			
Jacques Beauchamp, do.	do. do. do.		139	10	3			
Jos. Beauchamp, do.	do. do. do.		16	13	0			
Widow Meilleur, do.	do. do. do.		26	14	8			
Félix Paquin, do.	do. do. do.		55	13	9			
Jno. Englis, Grand Brûlé	do. do. do.		88	9	3			
Pierre Janviel dit Bel- laire, St. Eustache, }	Do. do. do.		114	16	10			
Jos. Marier, do.	do. do. do.		8	13	2			
Alpheus Kimpton, St. Thérèse, }	Do. do. do.		46	19	10			
			3685	17	10			
	Amount carried forward, ..	£	6508	11	3	113,995	18	0

NAMES.	SERVICE.	AMOUNT STERLING.	TOTAL STERLING.
	Amount brought forward, ..	£ 6508 11 3	113,995 18 0
<i>INDEMNITIES—Continued.</i>			
Michael Lively, St. Eustache, }	Amount awarded by Commission of Indemnity, under Ordinance 1st Vic. cap. 7,	£11 5 0	
Rosalie Payfer, Widow } Dolbeck, do. }	Do. do. do.	45 0 0	
Eustache Dumoulin, do. }	Do. do. do.	98 15 5	
M. Mason, Ste. Scho- lastique, }	Do. do. do.	11 14 0	
Sophie Bolnes, St. Eus- tache, }	Do. do. do.	2 5 0	
Jos. Brazeau, do. }	Do. do. do.	13 10 0	
Marguerite Widow De } Bellefeuille, do. }	Do. do. do.	41 18 10	
Ed. Marshall, do. }	Do. do. do.	1 16 0	
Louis Dion, do. }	Do. do. do.	44 14 8	
J. B. Dejoin dit Ver- nent, do. }	Do. do. do.	4 10 0	
J. B. Proulx dit Clé- ment, père, do. }	Do. do. do.	68 11 10	
Aug. Perrault, Montreal, }	Do. do. do.	358 0 11	
J. B. Sauver dit La- plante, St. Eustache, }	Do. do. do.	36 0 0	
Aug. Amesse, St. Martin, }	Do. do. do.	6 6 0	
W. Morrin, St. Augustin, }	Do. do. do.	6 15 0	
John Oswald, do. }	Do. do. do.	20 5 0	
Olivier Labelle, do. }	Do. do. do.	9 16 10	
Duncan McMartin, St. } Eustache, }	Do. do. do.	4 1 0	
Wm. Addison, do. }	Do. do. do.	90 3 5	
Jas. Earle, Petit Brûlé, }	Do. do. do.	18 0 0	
Ed. Clare, St. Eustache, }	Do. do. do.	3 10 3	
Lt. Maçon, St. Martin, }	Do. do. do.	2 14 0	
W. McGeoch, St. Eus- tache, }	Do. do. do.	2 16 3	
		902 9 5	
	Amount carried forward, ..	£ 7411 0 8	113,995 18 0

NAMES.	SERVICE.	AMOUNT STERLING.			TOTAL STERLING.					
		£	s	d	£	s	d			
	Amount brought forward, ..	£	7411	0	8	113,995	18	0		
<i>INDEMNITIES.—Continued.</i>										
Rosalie Gauthier, St. Eustache, }	Amount awarded by the Commissioners of Indemnity, under Ordinance 1st Vic. cap, 7,							£2	3	6
Robt. Hall, Ste. Scholastique, }	Do.	do.	do.	31	10	0				
Dr. John Barr, do. }	Do.	do.	do.	22	14	6				
J. B. Proulx dit Clément, fils, St. Eustache, .. }	Do.	do.	do.	31	10	0				
P. Tailleur, St. Martin, }	Do.	do.	do.	6	15	0				
Eugénie Latour, St. Eustache, }	Do.	do.	do.	51	8	9				
Jos. Lefebvre de Bellefeuille, do. }	Do.	do.	do.	49	13	0				
Basile Chocquette, do. }	Do.	do.	do.	4	1	0				
Chas. Chamberland, Ste. Scholastique, }	Do.	do.	do.	11	5	0				
Henry Griffith, do. }	Do.	do.	do.	6	6	0				
Louis Beautron, dit Majer, St. Hermès, }	Do.	do.	do.	5	1	3				
Jas. Snowden, Belle Rivière, }	Do.	do.	do.	70	4	0				
Léon Globensky, Ste. Scholastique, }	Do.	do.	do.	465	12	7				
And. Cowan, Montreal, }	Do.	do.	do.	186	14	2				
Wm. McCulloch late of St. Eustache, }	Do.	do.	do.	13	1	0				
Guill. Prévost, Ste. Scholastique, }	Do.	do.	do.	19	16	0				
Js. M'Donald, Laprairie, }	Do.	do.	do.	102	10	8				
Henri Prizeau, St. Eustache, }	Do.	do.	do.	4	14	11				
André Robillard, do. }	Do.	do.	do.	13	10	0				
André Barilnes, do. }	Do.	do.	do.	22	10	0				
				1121	1	4				
	Amount carried forward, ..	£	8532	2	0	113,995	18	0		

NAMES.	SERVICE.	AMOUNT STERLING.			TOTAL STERLING.			
		£	s	d	£	s	d	
	Amount brought forward, ..	£	8532	2	0	113,995	18	0
INDEMNITIES— <i>Continued.</i>								
And. Bryan, St. Eus- tache, }	Amount awarded by the Commissioners of Indemnity, under Ordinance 1st Vic. Cap. 7.		36	0	0			
Pierre Crevier, St. Martin	Do. do. do.		4	10	0			
Frans. Lavoie, do.	Do. do. do.		0	17	8			
Jno. W. Roberts, Belle Rivière, }	Do. do. do.		3	12	0			
Wm. Peart, Ste. Scho- lastique, }	Do. do. do.		4	10	0			
Chs. Baromé Pigeon, St. Eustache, }	Do. do. do.		11	2	9			
F. X. Monceon, St. Martin, }	Do. do. do.		2	14	0			
Madame Cloutier, née Globensky St. Eus- tache, }	Do. do. do.		6	7	4			
Robt. Kneeshaw, St. Benoit, }	Do. do. do.		22	10	0			
Eustache Barbarie dit Grandmaison, St. Eustache, }	Do. do. do.		9	0	0			
Charlotte Bernard, do.	Do. do. do.		4	1	0			
			105	4	9			
						8637	6	9
Anthony Anderson,	As President of the Agricultural Society of the District of <i>Quebec</i> ,		42	16	10			
Crawford & Wilkinson,	On account of their Contract for Build- ing the Lock and Dam at <i>St.</i> <i>Ann's</i> ,		450	0	0			
Saml. Keefer, Secretary Board of Works, ..	To enable him to pay so much on account of the do. for do.		1080	0	0			
	Amount carried forward, ..	£	1572	16	10	122,633	4	9

NAMES.	SERVICE.	AMOUNT STERLING.	TOTAL STERLING.
	Amount brought forward, .. £	1572 16 10	122,633 4 9
Capt. B. S. Stehelin, Royal Engineers,	For his services in Superintending the Works at the Rapids of <i>Ste. Anne</i> , from 24th May to 24th October, 1840, at 10s. stg. per diem,	77 0 0	1649 16 10
	Total amount paid under Ordinance 3d <i>Victoria</i> , Cap. 22, Sterling,	£	124,283 1 7

PAYMENTS PERMANENTLY PROVIDED FOR BY LAW.

ACTS OR ORDINANCES.	TO WHOM PAID.	SERVICE.	AMOUNT STERLING.	TOTAL STERLING.
Act 36, Geo. 3, Cap. 9. ..	Frs. Austin, Road Treasurer, <i>Quebec</i> , ..	Assessments on Public Buildings and Lots in the City of <i>Quebec</i> , for the year 1840, £282 9 4		
	Pierre Auger, do <i>Montreal</i> , ..	The same in the City of <i>Montreal</i> , for do. .. 165 11 1	448 0 5	
" 55, Geo 3, Cap. 10.	F. Vassal de Monviel, Adj. Genl. of Militia, ..	For payments of Pensions to wounded Militiamen, ..	366 8 6	
" 6, Geo. 3, Cap. 8. ..	Perrault & Burroughs, Prothonotary at <i>Quebec</i> ,	Allowance for preparing Abstracts of Baptisms, Marriages and Burials for that District, for the year 1839, £22 19 0		
	Monk & Morrogh, do. <i>Montreal</i> ,	Do. for do. do. .. 36 13 6		
	W. C. F. Coffin, do. <i>Three Rivers</i>	Do. for do. do. .. 11 0 6	70 13 0	
		Amount carried forward, £	885 1 11	124,283 1 7

ACTS OR ORDINANCES.	TO WHOM PAID.	SERVICE.	AMOUNT STERLING.			TOTAL STERLING.		
			£	s	d	£	s	d
		Amount brought forward, £	885	11		124,283	1	7
		PERMANENT ACTS— <i>Continued.</i>						
Act 9 Geo. 4, Cap. 63.	C. Giles Pommereau, Widow Caron,	Twelve months' Pension, to 30th Sept., 1840, ..	75	0	0			
" 10 & 11 Geo. 4; Cap. 28. " 1 Will. 4, Cap. 11. " 2 Will. 4, Cap. 36.	Turton Penn, Chair- man,	To enable him to pay the Interest on Loans taken under these Acts, for the half year ended the 5th January, 1840, £857 11 9						
Ordinance 1 Vic. Cap. 23.	Ditto,	Do. do. for do. under this Or- dinance, to do. 504 1 8						
	J. G. Mackenzie, Chairman,	Do. do. for the do. under the said Acts or Ordinances, to 5th July, 1840, .. 1466 4 4						
			2827	17	9			
Act 1st, Wm. 4, Cap. 16.	Revd. Jos. Signay, Roman Catholic Bishop of Quebec,	12 months ground rent of the property of the Bishop's Palace, to 30th Sept. 1840,	1000	0	0			
" 1st Wm. 4, Cap. 48.	Widow Rolette,	Twelve months Pension to do.	75	0	0			
" 2nd Wm. 4, Cap. 33.	Ed. Larue, ..	For distributing the Ordi- nances of the Special Council,	135	0	0			
Ord. 2d Vic. Cap. 63, continued by 3d, Vic. Cap. 15.								
		Amount carried forward, £	4997	198		124,283	1	7

ACTS OR ORDINANCES.	TO WHOM PAID.	SERVICE.	AMOUNT STERLING.			TOTAL STERLING.		
		Amount brought forward, £	4997	19	8	124,283	1	7
		PERMANENT ACTS— <i>Continued.</i>						
Act 1st Wm. 4, Cap. 6, conti- nued by Ord. 3d, Vic. Cap. 15,	Sundry persons, ..	Being the Reward granted for the destruction of 42 Wolves, at £2 10s. cy. each,	94	10	0			
“ 4th, Wm. 4th, Cap. 7, conti- nued by Ord. 3d, Vic. Cap. 15,	Luther Hall, ..	Amount payable to him as President of the Agricultural Society for the County of <i>Stanstead</i> , for the year 1839, £55 4 7						
	L. G. Brown, ..	Ditto as do. of <i>Beauharnois</i> , for the year 1840, ..	72	0	0			
	E. W. Douglass,	Ditto as do. of <i>Acadie</i> , for the do.	72	6	0			
	James Thomson, ..	Do. do. County of <i>Two Mountains</i> , for the do.	72	0	0			
	Anthony Anderson,	Do. do. <i>Quebec</i> , for do.	67	14	6			
	Oliver Flagg, ..	Do. do. <i>Rowville</i> for do.	72	0	0			
			410	19	1			
“ 6th, Wm. 4, Cap. 12,	Jacques Viger, ..	Amount paid him as Treasurer of the <i>Montreal Normal School Committee</i> , for different services, as authorized by the Act, ..	659	3	11			
		Amount carried forward, £	6162	12	8	124,283	1	7

ACTS OR ORDINANCES.	TO WHOM PAID.	SERVICE.	AMOUNT STERLING.			TOTAL STERLING.		
		Amount brought forward, £	6162	12	8	124,283	1	7
		PERMANENT ACTS— <i>Continued.</i>						
Ord. 2d Vic. Cap. 6.	Representatives of the late Jonathan Sewell, ..	Pension as late Chief Justice of the Province, from 1st October to 12th. November, 1839, at £1000 stg. per annum,	117	16	2			
	James Reid, ...	Twelve months do. as do of <i>Montreal</i> , to 30th September, 1840,	733	6	8			
" 2d Vic. Cap. 38.	Edw. Hale, Saml. Brooks and Hollis Smith, ..	On account as Commissioners for building a Court House, with proper Offices at <i>Sherbrooke</i> , ..	2700	0	0			
" 2d Vic. Cap. 42.	Jules Quesnel, ..	As an aid to the Charitable Ladies of the Catholic Orphan Asylum at <i>Montreal</i> , for 1839, ..	90	0	0			
" 2d Vic. Cap. 53.	Samuel Keefer, Secy. Board of Works,	On account of the Contract for building the <i>Cap Rouge Bridge</i> , £270 0 0						
	Wm. Bury and Son,	Ditto of their do. do. 293 8 0						
	Peter Fleming, Civil Engineer, ..	Amount of his charge for Plans, Specifications and Estimate of the do. 43 4 7						
	Samuel Keefer, ..	To enable him to pay for the completion of the approaches to the do. .. 145 13 2						
		752 5 9						
		Amount carried forward, £	10,556	1	3	124,283	1	7

ACTS OR ORDINANCES.	TO WHOM PAID.	SERVICE.	AMOUNT STERLING.			TOTAL STERLING.		
		Amount brought forward, £	10,556	1	3	124,283	1	7
		PERMANENT ACTS— <i>Continued.</i>						
Ord. 2d Vic. Cap. 53.	Turton Penn and J. G. Mackenzie, Presidents <i>Mon- treal</i> Harbour Commissioners.	On account of the building of the Steam Dredging Machine, .. £630 0 0						
	Turton Penn and Thomas Cringan, Commissioners.	Towards defraying the expenses of Setting up the Machinery of the do. .. 90 0 0						
" 2d Vic. Cap. 61, and 3d Vic. Cap. 20.	Samuel Hatt, Chair- man and one of the Commissioners for Chambly Canal, ..	Being to enable the Commis- sioners to pay the interest that will be due on the loan of £15,000 currency, on the 1st Nov. 1840, ..	720	0	0			
" 2d Vic. Cap. 64.	John S. McCord, ..	Salary as Chairman of the Boards of Works, from 1st October, 1839, to 14th June, 1840, at 20s. curcy. per diem, .. £232 4 0	303	15	0			
	Hamilton H. Killaly,	Six months do. as do. from 1st April to 30th Sept. 1840, at £600 stg. per annum, .. 300 0 0						
	Samuel Keefer, ..	Twelve months do. as Secre- tary to do. at 20s. cury. per diem,	532	4	0			
			329	8	0			
		Amount carried forward, £	12,441	8	3	124,283	1	7

ACTS OR ORDINANCES.	TO WHOM PAID.	SERVICE.	AMOUNT STERLING.			TOTAL STERLING.		
		Amount brought forward, £	12,441	8	3	124,283	1	7
		PERMANENT ACTS— <i>Continued.</i>						
Ord. 2d Vic. Cap. 64.	Samuel Keefer, ..	On account of the Contingencies of the Board, £765 0 0						
	Thos. A. Begley, ..	Amount of his account for extra work, in preparing Plans, &c. in the Office of do. 22 12 3						
			787	12	3	13,229	0	6
		Total Sterling, .. £				137,512	2	1

Montreal, 16th January, 1841.

(Signed,) JOS. CARY,

Inspr. Genl. Accounts.

Mem.

To John H. Dunn, Esquire, } Being the proportion of Duties payable to *Upper Canada*,
Receiver General of *Upper Canada*, } for 6 months, to 1st January, 1840, £24,351 15 10

Ditto, The same for 6 months, to 1st July,
1840, 28,642 0 0

Sterling, £52,993 15 10

No. 5.

Abstract of Warrants issued on the Receiver General, between 11th October, 1839 and 10th October, 1840, in payment of certain indispensable expenses of the Civil Government of Lower Canada, for which an appropriation is required.

NAMES.	SERVICE.	AMOUNT STERLING*		
Representatives of R. De St. Ours. ..	Amount of certain Fees due to him as late Sheriff of <i>Montreal</i> , on Warrants and Disbursements made by him in the service of Writs in 93 cases, .. £	115	3	5
Dl. Arnoldi, Physician <i>Montreal Gaol</i> , ..	Being for extra services in attending the State prisoners in the <i>Montreal Gaol</i> ,	90	0	0
Saml. Keefer, Secretary Board of Works, ..	On account of the £500 cy. authorised by the Governor General, to be expended in the purchase and preparation of stones for repairing the roads, ..	383	18	4
R. J. Routh, Commissary General, ..	Being so much advanced from the Military Chest, for the purchase of Stationery for the Civil Government,	259	7	7
Wm. Annett, ..	Allowance as Keeper of the Court Hall at <i>Percé</i> , for keeping the Court House in proper order in the years 1837, 1838 and 1839, at £5 cy. per annum, less £2 paid on account for the year 1838, ..	11	14	0
J. B. Landry, ..	For his services as Crier of the Court of King's Bench at <i>Quebec</i> , during the Criminal Term in Sept. 1839, ..	9	0	0
James Kerr, ..	Remaining moiety of his salary as a Puisné Judge for the Court of King's Bench at <i>Quebec</i> , from 3d April, 1835 to 21st February, 1836, both days included, as authorised by the Secretary of State's Despatch No. 103, dated the 5th April, 1840, ..	400	13	8
Major G. D. Hall, Military Secretary, ..	To enable him to defray the expenses of an Office Messenger at the Governor's residence, in the six months ending the 30th June, 1840, ..	20	7	3
David Thompson, Civil Engineer, ..	In remuneration of his services in the preparation of certain Maps and Charts, for the use of the Provincial Government,	45	0	0
Wm. K. Rayside, Assistant Harbour Master, <i>Quebec</i> , ..	To remunerate him for Surveys of Vessels, &c., lost by him while absent from <i>Quebec</i> , on special service, by desire of the Governor General, and for his travelling expenses in June, 1840,	63	16	6
Amount carried forward,		£ 1399	0	9

NAMES.	SERVICE.	AMOUNT STERLING.	
	Amount brought forward,	£	1399 0 9
Pierre Auger, Road Treasurer, <i>Montreal</i> ,	Amount of his account for preparing a detailed State- ment of the Revenue and Expenditure of the City of <i>Montreal</i> , during the year 1839, as required by order of His Excellency the Governor General,.....		4 5 0
Wm. B. Lindsay, ..	To enable him to defray the expense of Importing Books for the Library of the House of Assembly,..		64 16 0
James Allison, Agent for Emigrants at <i>Montreal</i> ,	Towards purchasing Provisions, erecting Sheds, and forwarding destitute Emigrants from <i>Mon- treal</i> , £270 0 0		
A. C. Buchanan, Chief Agent.	For forwarding and relieving destitute Emigrants, 135 0 0		
C. G. O'Doherty, Phy- sician,	Amount of his account for his services and disbursements as Superintending Physician for Emigrants at <i>Montreal</i> , from 2d June to 15th Novr. 1840,.. 89 6 9		
			494 6 9
Capt. A. Wood, <i>Shefford</i> Frontier Cavalry, ..	To enable him to meet the expenses incurred on ac- count of <i>Robert Lorne</i> , a prisoner under his charge,		3 18 9
Hy. Jessopp, C. G. Stewart & Jno. Bruce,	To pay for certain repairs done to the Drains at the Custom House, <i>Quebec</i> ,		100 0 3
R. J. Routh, Comy. General, ..	Premium paid on £450 to refund so much advanced to <i>E. Bedard</i> , in England, on account of his salary as Judge of the Court of King's Bench for the District of <i>Quebec</i> ,		45 0 0
Bston & Barron, She- riff of <i>Montreal</i> , ..	To enable them to pay for a certain Lot of Ground adjoining the Gaol, purchased from Messrs. Thomas Logan and Augustin Perrault,		747 0 0
Philip Burns, High Con- stable, <i>Three Rivers</i> ,	Amount of his account for services in the half year ended the 10th April, 1840, in travelling from <i>Mon- treal</i> to <i>Sherbrooke</i> , <i>Three Rivers</i> , and <i>Quebec</i> , apprehending and conveying Prisoners,		36 12 2
Christopher Dunkin, ..	On account of special services rendered to the Provin- cial Government,		200 0 0
N H. Baird, Civil En- gineer,	Being for his professional services on an Examination and Survey of the principal Roads leading to the City of <i>Montreal</i> , by order of His Excellency the Governor General,		53 15 6
	Amount carried forward,	£	3148 15 2

NAMES.	SERVICE.	AMOUNT STERLING.		
		£	s	d
	Amount brought forward, ..	£	3148	15 2
S. Westmacott, Royal Engineers, ..	On account of professional services rendered to the Provincial Government,		45	0 0
C. N. Montizambert, Asst. Civil Secretary,	To enable him to pay for certain English Newspapers, procured for the Mission of His Excellency the Governor in Chief,		81	10 10
Domk. Daly, Provincial Secretary, ..	Being the excess above the grant for certain extra expenses in the Provincial Secretary's Department,		29	5 11
Representatives of the late H. W. Ryland, ..	Ditto for Fees due to the Clerk of the Executive Coun- cil on Militia Land Claims, up to 28th Sept. 1840,		79	0 0
Turton Penn and Wm. Lunn, Commissioners Montreal Harbour, ..	To enable them to defray the amount and salary due to their Engineer, (James Dunbar,) in charge of the Dredging Machine, up to 30th Nov. 1839, ..		160	0 3
Representatives of the late Andrew Stuart,	On account of services performed by him as Solicitor General, in the Criminal Term of September, 1839, at Quebec, and for miscellaneous services, from 25th October, 1838, to 10th October, 1839,		345	8 5
R. J. Routh, Comy. General, ..	Provisions, &c. issued to State Prisoners in the District of Montreal, from 1st January to 30th September, 1840,		18	7 8
		£	3907	8 3
	Amount of certain Items of the Contingent Expenses included in the Estimate for the year 1840, which have exceeded the amount Estimated for such Items,		4992	11 9
	Total Sterling, ..	£	8900	0 0*

Montreal, 24th December, 1840.

(Signed)

JOS. CARY,

Inspr. Genl. Accounts.

* This sum is included in the Estimate for
1841, and provided for.

No. 7.

Statement of Monies collected under Provincial Acts 45th Geo. 3d, Cap. 12,—51st Geo. 3d, Cap. 2, and 2d, Geo. 4, Cap. 7, and for expenses incurred in supporting and improving the navigation of the River St. Lawrence, from the Basin of Portneuf in the District of Quebec, to the Province Line, during the year ended the 10th October, 1840, under the Trinity House of Montreal.

		STERLING.		CURRENCY.	
Robt. Armour,	Eighteen months salary as Master, from 1st April 1839 to the 30th Sept 1840, at £112 10 stg. per annum,	168	15 0	By Balance unexpended from last year's account,	66 7 1½
H. Guy, ..	Twelve months do. as Registrar and Treasurer to do.	112	10 0	<i>Duties under 45th Geo. 3d, Cap. 12.</i>	
Ed. Armstrong,	Ditto as Harbour Master to do.	135	0 0	By amount collected by Naval Officer, in the year ended the 10th Oct. 1840, £795 10 0	
Jno. N. Ogilvey,	Ditto as Water Bailiff to do.	67	10 0	Less, Commission of 2½ per cent. 19 19 8	
H. Guy, ..	On account of the Contingent Expenses. ..	990	0 0		775 10 4
	£ 1473 15 0			<i>Tonnage Duties on Steam Boats, under 2d Geo 4th, Cap. 7.</i>	
Deduct the following items charged to this Fund last year erroneously, which ought to be charged to the Quebec Board.				By amount collected by the Naval Officer, for the navigation of 1838, £297 11 8	
Six months Salary of the Registrar, to 31st March, 1839,	£56 5 0			Less, his Commission of 2½ per cent, .. 7 8 9	
Ditto of the Harbour Master,	67 10 0				290 2 11
Ditto of the Water Bailiff,	22 10 0			By Balance expended over the Funds,	342 19 7½
	£ 146 5 0				
	£ 1327 10 0				
Add, 1-9th ..	147 10 0				
	£ 1475 0 0			Currency, .. £	1475 0 0
To Balance over expended brought down,	£ 342 19 7½				

Montreal, 16th January, 1841.

(Signed,)

JOS. CARY,
Insp. Genl. Accounts.

No. 8.

Statement of the Tonnage Duties collected during the Season of the Navigation of the year 1840, at Quebec and Montreal, under Provincial Act 6th William 4th, Chap. 35—continue by Ordinance 3rd Victoria, Chap. 15—and of the sums paid thereout to provide for the Medical treatment of Sick Mariners.

AT QUEBEC.

RECEIPTS.	CURRENCY.	EXPENDITURE.	CURRENCY.
By Balance brought from 1839, £	1417 2 3	To paid Joseph Morrin, Treasurer and one of the Commissioners for the Marine Hospital at <i>Quebec</i> , amount collected in 1839, .. £	1417 2 3
Amount of Tonnage Duty levied at Quebec, during the season of 1840, ....£1796 7 6		To balance carried to next account,	1706 11 3
Less, Expenses of Collection at 5 per Cent. 89 16 3	1706 11 3	Total Currency, .. £	3123 13 6
Total Currency, .. £	3123 13 6		

AT MONTREAL.

RECEIPTS.	CURRENCY.	RECEIPTS.	CURRENCY.
By Balance brought from 1839, £	62 14 10	To paid Samuel Gerrard, President of the <i>Montreal</i> General Hospital, amount collected in 1839, £	62 14 10
Amount of Tonnage Duty levied at <i>Montreal</i> , during the season of 1840,	79 19 7	To balance carried to next account,	79 19 7
Total Currency, .. £	142 14 5	Total Currency, .. £	142 14 5

Montreal, 16th January, 1841.

(Signed)

JOS. CARY,
Inspr. Genl. Accounts.

No. 9.

Statement of the Balance received in 1839, arising from the Rate or Duty imposed by Act 2nd William 4th. Chap. 17, renewed and continued by Ordinance 2nd Victoria, Chap. 54, to the 1st November, 1839,—on Passengers or Emigrants, arriving at the Ports of Quebec or Montreal—and of the sums paid thereout for providing Medical Assistance for Sick Emigrants and enabling Indigent Persons of that description to proceed to the place of their destination, during the season of the Navigation of the year 1840.

RECEIPT.	CURRENCY.			EXPENDITURE.	CURRENCY.		
By Balance unexpended, brought from 1839,£	875	17	2	To paid Samuel Gerrard, President of the <i>Montreal</i> General Hospital, being the proportion payable to that Institution for the year 1839, in- cluding a balance from 1838,	392	13	10
				To Alexr. Simpson, Jno. Jones, Jun. and Wm. De Léry, as Commission- ers to the <i>Quebec</i> Emigrant Soci- ety, on account of their do. for do.	87	8	0
				To Joseph Morrin, Treasurer and one of the Commissioners for the Emi- grant Hospital, <i>Quebec</i> , being the proportion payable to that Institu- tion, for the do.	391	11	8
				To balance unexpended and payable to the <i>Quebec</i> Emigrant Society,..	4	3	8
	£	875	17 2		£	875	17 2

By Balance unexpended in the Receiver
General's hands, .. £4 3 8

Montreal, 16th January, 1841.

(Signed) JOS. CARY,
Inspr. Genl. Accounts.

No. 10.

Statement of the Funds arising from the Estates of the late Order of Jesuits, for the year 1840.

		STERLING.		
Balance in the Receiver General's Chest, as per last year's statement, ..	£	14,843	3	5
Amount received by the Commissioner of Management during the year,				
		£2547	18	0
From which the Commissioner has deducted,				
For his Salary,	£200	0	0	
For allowance for a Clerk,	100	0	0	
For contingencies of his Office,	85	2	4	
And for expenses in erecting a Mill at <i>Batiscan</i> ,	250	0	0	
		635	2	4
And paid to the Receiver General,	Cury. £1912	15	8	
The Receiver General has received from the Sheriff of <i>Quebec</i> , amount of a collocation for <i>Lods et Ventas</i> ,		10	11	10
	Currency, £1923	7	6	
	Off 1-10 for Sterling,	192	6	9
		1731	0	9
Balance unexpended in the hands of the Receiver General, ..	Stg. £	16,574	4	2

Montreal, 16th January, 1841.

(Signed)

JOS. CARY,
Inspr. Genl. Accounts.

No 11.

Statement of the particulars of the Payments and Deductions made from the Revenues of Lower Canada, for Expenses of Collection, Drawbacks, Return Duty, &c., in the year ended 10th October, 1840.

PAYMENTS AND DEDUCTIONS MADE OUT OF THE INCOME IN ITS PROGRESS OF COLLECTION.	CURRENCY.
Out of the Duties under the 14th, <i>Geo.</i> 3d, Incidents at <i>Quebec</i> , £	38 17 9
Do. under 35th <i>Geo.</i> 3d,—Draw backs, £528 9 9	
Do. under 53d <i>Geo.</i> 3d,—Return Duty at <i>Montreal</i> , .. 44 19 11	573 9 8
Do. under 3d & 4th <i>Will.</i> 4th, Cap. 59, for salaries of the Officers of the Customs at <i>Quebec</i> and <i>Montreal</i> , and Incidents,	4336 13 4
Do. of the monies under 6th <i>William</i> 4th, Chap. 5,	7 8 3
Do. of the Tolls on the <i>Lachine</i> Canal, for salaries of Treasurer and Toll Gatherers, and incidental expenses,	3202 18 4
Do. of the Duties under Acts 45th & 51st <i>Geo.</i> 3d, by the Naval Officer, for commission on collections, viz:—	
at <i>Quebec</i> , £98 18 4	
and at <i>Montreal</i> , 27 8 5	126 6 9
Per Centage allowed to a Clerk of the Customs at <i>Quebec</i> , on the amount of Tonnage Duty, under 6th <i>Will.</i> 4th, Cap. 35,	89 16 3
Incidental Expenses out of the Rents and Profits of the Seignior of <i>Lauzon</i> , ..	343 2 4
Contingencies of the Office of Commissioner of the Jesuits Estates, and Salary of the Commissioner, £385 2 4	
Erecting an Oat Mill at <i>Batiscan</i> , 250 0 0	635 2 4
Total deduction in progress of Collection,	9353 15 0
Carried forward, £	9353 15 0

		CURRENCY.			TOTAL CURRENCY.			
Amount brought over, . . .		£			9353	15	0	
PAYMENTS MADE OR TO BE MADE BY THE RECEIVER GENERAL.								
OUT OF DUTIES UNDER 35TH GEO. 3D.								
Incidents at <i>Quebec</i> and <i>Montreal</i> ,					1768	0	3	
OUT OF DUTIES UNDER 3 AND 4 WILL. 4, CAP. 59.								
		STERLING.						
Twelve months salary of the Collector at <i>St. Johns</i> , to 30th September, 1840, ..		£	360	0	0			
Do. of the Gauger at do. to do. ..			90	0	0			
Do. of two Land Waiters at do. to do. ..			126	0	0			
Do. of one do. at <i>Lacole</i> , to do. ..			13	10	0			
Allowance to the Collector at do. for rent of a Custom House, to do. ..			36	0	0			
Expenses of the do. in remitting monies to the Receiver General, to 24th July, 1840, ..								
						£23	10	11
Do. of do. for Stationery, Fuel, &c. for the year ended 31st Dec. 1839, ..			66	10	10			
			90	1	9			
Twelve months salary of the Deputy Collector at <i>Philipsburgh</i> , to the 30th Sept. 1840, ..			90	0	0			
Allowance to do. for rent of a Custom House, to do. ..			22	10	0			
Salary of a Land Waiter at do. from 2d Dec. 1839, to do. at £36 stg. per annum, ..			29	18	8			
Twelve months salary of the Collector and Inspector of Merchandize at <i>Côteau du Lac</i> , to 30th Sept. 1840, ..			360	0	0			
Do. of the Comptroller, to do. ..			180	0	0			
Allowance to the Collector for rent of a Custom House to do. ..			32	8	0			
Amount carried forward, ..		£	1430	8	5	1768	0	3
						9353	15	0

	STERLING.			CURRENCY.			TOTAL CURRENCY.		
	£	s	d	£	s	d	£	s	d
Amount brought over, ..	1430	8	5	1768	0	3	9353	15	0
OUT OF DUTIES UNDER 3RD & 4TH WM. 4, CAP. 59—Continued.									
Twelve months salary of two Land Waiters at <i>Côteau du Lac</i> , to 30th Sept. 1840, ..	54	0	0						
Allowance to the Comptroller and Land Waiters at do. for a Boat and hands, to do.	54	0	0						
Per Centage to the Collector at <i>Stanstead</i> , on Col- lections, to 10th October, 1840,	90	0	0						
Twelve months salary of a Land Waiter at do. to 30th September, 1840,	13	10	0						
Allowance to the Collector at do. for Rent of a Custom House, to do.	22	10	0						
Expenses of the do. in remitting monies to the Receiver General, up to the 11th January, 1840,	5	14	5						
Sterling, ..	1670	2	10						
or Currency,				1855	14	5			
				CURRENCY.					
Per Centage on the amount paid the Receiver Gene- ral, on the rents and profits of the Seignior of <i>Lauzon</i> ,	£290	2	10						
Do. on Wharfage dues collected at <i>Montreal</i> in 1839 and 1840,	156	12	10						
Do. out of the Dock dues in the <i>Cul de Sac</i> — Commission to the Superintendent on the Col- lections, to 10th October, 1840,	4	1	6						
				450	17	2			
							4074	11	8
Total Currency, ..	£	13,428	6	8					
Equal in Sterling to	£	12,085	10	0					

Montreal, 16th January, 1841.

(Signed,)

JOS. CARY,
Inspr. Genl. Accounts.

INDEX

TO THE

SIXTH VOLUME OF THE JOURNALS

OF THE

SPECIAL COUNCIL

OF THE

PROVINCE OF LOWER CANADA.

ACCOUNTS of the Revenue and Expenditure of the Province for the year 1840, transmitted by Message, 186.

Administration of Justice. See *Ordinances*, (6.) (7.) (22.)

Agriculture, encouragement of. See *Ordinances*, (12.)

Aliens. See *Ordinances*, (15.)

BRIDGE over the River Cap Rouge. See *Ordinances*, (19.)

CALDWELL, Sir John, late Receiver General. Various documents on the subject of the Debt due by him to the Province, transmitted by Message, 13.—See also *Ordinances*, (5.)

Cap Rouge Bridge. See *Ordinances*, (19.)

Charitable Institutions. See *Ordinances*, (12.)

Civil Expenditure of the Provincial Government. See *Ordinances*, (12.)

Communication between Montreal and Chambly. See *Ordinances*, (18.)

Côte St. Michel Road. See *Ordinances*, (24.)

Court of King's Bench for the District of Montreal. See *Ordinances*, (30.)

Court Houses and Gaols. See *Ordinances*, (23.)

+ *Cul-de-Sac Harbour.* See *Ordinances*, (10.)

D*EBT* owing by the late Receiver General. See *Ordinances*, (5.)

——— contracted by the Magistrates of the City of Montreal for lighting the same with Gas. See *Ordinances*, (17.)

Dispatch of business before the Court of King's Bench for the District of Montreal. See *Ordinances*, (30.)

District Councils. See *Ordinances*, (3.)

E*DU***CATION**, promotion of. See *Ordinances*, (12.)

F.

G*AOL* (old) in the City of Montreal. See *Ordinances*, (25.)

Gaols in Judicial Districts. See *Ordinances*, (23.)

Governor General. Proposes certain *Ordinances* for the consideration of the Council, in person, 2, 9, 26, 33, 56, 87, 114, 147, 151, 154, 166. By Message, 5, 13, 98, 111, 112, 121, 123, 127, 128, 143, 168, 172, 193, 208.

Governor General, continued :

- Takes his Seat at the head of the Council Table, 1, 9, 15, 20, 24, 25, 28, 33, 55, 65, 70, 72, 79, 84, 87, 95, 100, 114, 134, 147, 151, 153, 164, 209, 218.
- Gives the casting Vote, upon a division, 77.
- Message from His Excellency, transmitting several documents connected with the draught of the Ordinance (5.) to enable certain arrangements to be entered into with regard to the Debt owing to the Province by the late Receiver General, 13.
- , transmitting the Accounts of the Revenue and Expenditure of the Province for the year 1840, 186.
- Names the Honble. Mr. Moffatt to preside at the Council Table, 154.

HOUSES of Public Entertainment. The Law relating to the granting of Licenses to keep them, amended. See *Ordinances*, (32.)

INTERNAL COMMUNICATION between this Province and New Brunswick. See *Ordinances*, (2.) (33.)

+ *Internal Communications*, improvement of. See *Ordinances*, (12.)

JUDICATURE of the Province. See *Ordinances*, (6.)

Justice, administration of. See *Ordinances*, (6.) (7.) (22.)

K.

LICENSES to keep Houses of Public Entertainment. The Law relative to the granting of them, amended. See *Ordinances*, (32.)

MOFFATT, The Hon. George, named to preside at the Council Table during the absence of the Governor General, 154.

Montreal, City and Town of. The Ordinance to incorporate it, amended. See *Ordinances*, (28.)

—— *City Council* to discharge a Debt contracted by the Magistrates of the said City for lighting the same with Gas. See *Ordinances*, (17.)

—— *Harbour.* See *Ordinances*, (11.)

—— *Old Gaol.* See *Ordinances*, (25.)

Municipal Authorities. See *Ordinances*, (3.)

N.

OFFICE of Sheriff. See *Ordinances*, (20.)

Orders of the day rescinded, 125, 144, 153, 179, 212.

———— Motion to discharge one, *negd.* 56.

Ordinances :—

- 1. To prescribe and regulate the registering of titles to lands, tenements and hereditaments real or immoveable estates, and of charges and incumbrances on the same, and for the alteration and improvement of the law in certain particulars in relation to the alienation and hypothecation of real estates, and the rights and interest acquired therein, read the first time, 2. Read the second time, and referred to a Special Committee, 3. Amendments reported, 5. The 1st to 37th Clauses, and amendments reported thereto, considered; several of them agreed to, and amended, and the further consideration of the remainder deferred, 15, 16, 17, 18, 19. An amendment proposed to 37th Clause *negd.* upon a division, 19. The remainder of the Clauses and Schedules, and amendments reported thereto, considered; several of them agreed to, and amended; the further consideration of the remainder deferred, 20, 21, 22. An amendment proposed to an amendment reported to the 48th Clause *negd.* upon a division, 21. The 16th Clause amended, 22. The further consideration of the Ordinance and amendments deferred, 23, 27, 30, 31, 69. Considered, and a Clause added, upon a division, 70. Another Clause proposed to be added, 75. *Negd.* upon a division, by the casting vote of the Governor General, 77. The 12th and 15th Clauses reconsidered, and amended, 77. Motion to reconsider the 35th and 37th Clauses, with a view of

Ordinances, continued :

amending the same, *negd.* upon a division, 77, 78. Again considered, and several Clauses and amendments agreed to ; Motion to reconsider a certain Clause *negd.* upon a division, 82. A Clause added, 86. Again considered, and amended, 88. Ordered, upon a division, that the Ordinance, as amended, be fairly transcribed, 89. The Order rescinded, and the Ordinance to be further considered, 212. Again considered, 215. Further amended, and again ordered to be fairly transcribed, upon divisions, 216, 217. Passed by the Governor General and Council, 218.

- 2. To provide means for keeping in repair that part of the Road from this Province to New Brunswick, commonly called the Temiscouata Portage Road, read the first time, 5. Read the second time, and referred to a Special Committee, 10. Amendments reported, 29. The Ordinance and amendments agreed to, with the exception of the 9th Clause *negd.* 94. Passed by the Governor General and Council, 101.
- 3. To provide for the better internal government of this Province, by the establishment of local or municipal authorities therein, read the first time, 9. Referred to a Special Committee, 10. Amendments reported, 24. The Ordinance and amendments considered, and recommitted, 26. Amendments again reported, 31. The Ordinance and amendments again recommitted, 38. Amendments again reported, 39. Day appointed for taking the Ordinance and amendments into consideration. 55. Motion to discharge the Order of the day *negd.* upon a division, 56. The 1st to 36th Clauses, and the amendments reported thereto, considered, 60. Several of them *negd.* 60, 61, 62, 63. The remainder agreed to with further amendments, 60, 61, 62, 63, 64. The further consideration of the Ordinance and amendments deferred, 64. Again considered, 65. Motion to amend the 37th Clause, as amended, *negd.* upon a division, 65, 66. Two Clauses *negd.* 66. The remainder of the Ordinance and amendments agreed to, with further amendments, 65, 66, 67. Motion that the Ordinance, as amended, be fairly transcribed ; an amendment proposed, 67. *Negd.* upon a division, 68. Main motion agreed to, upon a division, *ibid.* Passed by the Governor General and Council, 96.
- 4. To prescribe and regulate the election and appointment of certain Officers in the several Parishes and Townships in this Province, and to make other provisions for the local interests of the inhabitants of these divisions of the Province, read the first time, 10. Referred to a Special Committee, *ibid.* Amendments reported, 24. The Ordinance and amendments considered, and recommitted, 26. Amendments again reported, 31. The Ordinance and amendments again recommitted, 38. Amendments again reported, 39. The amendments, 48. Day appointed for taking the Ordinance and amendments into consideration,

Ordinances, continued :

55. Motion to discharge the Order of the day *negd.* upon a division, 56. The Ordinance and amendments considered; the 3rd, 12th and 23rd Clauses *negd.* and the remainder of the Ordinance and amendments agreed to, with further amendments, 56, 57, 58, 59. Motion to amend the 26th Clause, *negd.* upon a division, 59. Motion, that the Ordinance, as amended, be fairly transcribed, *ibid.* Agreed to, upon a division, 60. Passed by the Governor General and Council, 96.
- 5. To enable the Governor, Lieutenant Governor, or person administering the Government, to enter into certain arrangements conducive to the interests of this Province, with regard to the Debt owing to the same by the late Receiver General, read the first time, 13.
- 6. To amend a certain Ordinance of the Legislature of this Province, made and passed in the fourth year of the reign of Her Majesty, intituled, "An Ordinance to establish new territorial divisions of Lower Canada, and to alter and amend the Judicature, and provide for the better and more efficient administration of Justice throughout this Province," and, also, a certain other Ordinance of the same Legislature, made and passed in the same year, intituled, "An Ordinance to provide for the more easy and expeditious administration of Justice in civil causes and matters involving small pecuniary value and interest throughout this Province," read the first time, 26. Read the second time, and agreed to, 27. Passed by the Governor General and Council, 28.
- 7. To amend a certain Ordinance therein mentioned, read the first time, 33. Read the second time, and agreed to, 34. Passed by the Governor General and Council, *ibid.*
- 8. To authorize the Corporation of the Trinity House of Quebec to borrow a certain sum of money, and for other purposes relative to the said Corporation, read the first time, 56. Referred to a Special Committee, 69. Reported without any amendment, 71. Read the second time, and agreed to, 75. Passed by the Governor General and Council, 96.
- 9. To amend and extend the provisions of an Ordinance passed in the third year of Her Majesty's Reign, intituled, "An Ordinance to provide for the improvement of the Roads in the neighbourhood of and leading to the City of Montreal, and to raise a fund for that purpose," read the first time, 56. Referred to a Special Committee, 69. Amendments reported, 72. The Ordinance and amendments considered, 79. The 4th, 13th and 19th Clauses, *negd.* 79, 80. Motion to amend the 15th Clause *negd.* upon a division, 81. The remainder of

Ordinances, continued :

the Ordinance and amendments agreed to, with an amendment, 79, 80, 81, 82. Two Clauses reconsidered, and amended, 84, 85. Three Clauses reconsidered, and amended, upon divisions, 90, 91, 92. Ordered, upon a division, that the Ordinance, as amended, be fairly transcribed, 92. Passed by the Governor General and Council, 101.

- 10. To empower the Corporation of the Trinity House of Quebec to sell and convey a certain portion of the Harbour of the Cul-de-Sac in the City of Quebec, to the Corporation of the said City, read the first time, 87. Referred to a Special Committee, *ibid.* Reported without any amendment, 94. Read the second time, and agreed to, 95. Passed by the Governor General and Council, 97.
- 11. To authorize certain further improvements in the Harbour of Montreal, to establish new rates of wharfage therein, to authorize the Commissioners for the improvement of the same to borrow a further sum of money, and for other purposes relative to the said Harbour, read the first time, 87. Referred to a Special Committee, *ibid.* Amendments reported, 98. The Ordinance and amendments considered; the 2nd Clause *negd.* 102. Several Clauses, and amendments reported thereto, agreed to, with further amendments, 102, 103, 104. Other amendments proposed and *negd.* upon divisions, 103, 105. The further consideration of the Ordinance and remainder of the amendments deferred, 104. Considered and agreed to, with further amendments, 107, 108, 109, 110. Passed by the Governor General and Council, 135.
- 12. To make provision for defraying the Civil Expenditure of the Provincial Government for the year ending on the 10th day of October, 1841; for the support of certain Charitable Institutions; for the promotion of Education; for certain Public Works; for the improvement of the Internal Communications; for the encouragement of Agriculture, and for other purposes, read the first time, 98. Read the second time, 106. Amended, and agreed to, 107. Passed by the Governor General and Council, 114.
- 13. To amend an Act of the Provincial Parliament of this Province, intituled, "An Act for making a Rail Road from Lake Champlain to the River St. Lawrence," read the first time, 112. Referred to a Special Committee, *ibid.* Amendments reported, 156. The Ordinance and amendments considered, and agreed to, 159, 160. Passed by the Governor General and Council, 165.
- 14. For making a Rail Road from Sherbrooke to St. John's, read the first time, 112. Referred to a Special Committee, *ibid.* Amendments reported, 115. The Ordinance and amendments considered, and agreed to, 117. Ordered, that the

Ordinances, continued :

- Ordinance, as amended, be fairly transcribed, *ibid.* The order rescinded, and Ordinance further amended, 125. Again considered and amended, 126, 129. Passed, under a new Title, by the Governor General and Council, 134.
- 15. For suspending a certain Ordinance, intituled, "An Ordinance for establishing regulations respecting Aliens coming into this Province or residing therein," and a certain other Ordinance, intituled, "An Ordinance for amending an Ordinance for establishing regulations respecting Aliens coming into this Province or residing therein," read the first time, 114. Read the second time, 116. Agreed to, 117. Passed by the Governor General and Council, 136.
- 16. To provide for the construction of a Turnpike Road from the River Richelieu opposite the Town of Dorchester, commonly called St. John's, to the Village of Granby, read the first time, 114. Referred to a Special Committee, 115. Amendments reported, 117. The Ordinance and amendments considered and agreed to, with an amendment; another amendment proposed, and *negd.* upon a division, 119. Passed by the Governor General and Council, 135.
- 17. To authorize the Council of the City of Montreal to discharge a certain Debt contracted by the Magistrates of the said City for lighting the same with Gas, read the first time, 121. Read the second time, 123. Agreed to, 123, 124. Passed by the Governor General and Council, 136.
- 18. For establishing and maintaining better means of communication between the City of Montreal and Chambly, read the first time, 123. Referred to a Special Committee, *ibid.* Amendments reported, 129. The Ordinance and amendments considered, and several of the Clauses and amendments agreed to, 136, 137. The remainder of the Ordinance (with the exception of the 26th Clause *negd.*) and amendments agreed to, with further amendments, 140, 141, 142. Two Clauses reconsidered, and amended, 143. Ordered, that the Ordinance, as amended, be fairly transcribed, *ibid.* The Order rescinded, and the Ordinance to be further considered, 144. Again considered, and amended, 148, 149. Passed by the Governor General and Council, 152.
- 19. To declare and regulate the Tolls to be taken on the Bridge over Cap Rouge River, and for other purposes relative to the said Bridge, read the first time, 127. Referred to a Special Committee, *ibid.* An amendment reported, and the Ordinance and amendment considered, 131. Several Clauses considered, and agreed to, 131, 132. Motion to amend the 9th Clause, *negd.* upon a division, 132. The Ordinance and amendment recommitted, 137. Amendments reported, 169. The Ordinance and amendments considered, and agreed to, 171. Passed by the Governor General and Council, 209.

Ordinances, continued :

- 20. For the better regulation of the Office of Sheriff in this Province, read the first time, 128. Referred to a Special Committee, *ibid.* Amendments reported, 133. The Ordinance and amendments considered, and agreed to, 138, 139. Motion to amend 37th Clause, *negd.* upon a division, 139. Passed by the Governor General and Council, 147.
- 21. To provide for the improvement of certain Roads in the neighbourhood of and leading to the City of Quebec, and to raise a fund for that purpose, read the first time, 143. Referred to a Special Committee, 144. Amendments reported, 145. The Ordinance and amendments agreed to, (with the exception of the 13th and 19th Clauses, and the amendments reported to the 10th Clause, *negd.*) with an amendment, 149, 150. Ordered, that the Ordinance, as amended, be fairly transcribed, 150. The Order rescinded, and the Ordinance to be further considered, 153. Again considered, and amended, 155. Passed by the Governor General and Council, 164.
- 22. To amend two certain Ordinances therein mentioned, relative to the administration of Justice in this Province, and to make other and further provision on the same subject, read the first time, 147. Referred to a Special Committee, *ibid.* Reported without any amendment, 152. Considered and agreed to, 154. Passed by the Governor General and Council, 165.
- 23. To provide for the erection and establishment of Court Houses and Gaols in certain Judicial Districts in this Province, read the first time, 147. Referred to a Special Committee, *ibid.* Amendments reported, 152. The Ordinance and amendments considered, 154. Several Clauses and amendments agreed to, and one of the amendments *negd.* 155. Motion to amend an amendment reported to the 13th Clause, 158. *Negd.* upon a division, 159. The remainder of the Ordinance and amendments agreed to, with further amendments, *ibid.* Passed by the Governor General and Council, 165.
- 24. To provide for the improvement of a certain part of the Road from the City of Montreal to the Côte St. Michel, read the first time, 151. Referred to a Special Committee, *ibid.* Amendments reported, 156. The Ordinance and amendments considered ; several Clauses and amendments agreed to, with an amendment ; the 22nd and 23rd Clauses *negd.* 160, 161. An amendment reported to 16th Clause *negd.*, and the remainder of the Ordinance agreed to, 167. Ordered, that the Ordinance, as amended, be fairly transcribed, 168. The Order rescinded, and the Ordinance to be further considered, 179. Again considered, and amended, 180, 181. Passed by the Governor General and Council, 210.

Ordinances, continued:

- 25. To authorize the transfer of the property of the old Gaol in the City of Montreal, to the Principal Officers of Her Majesty's Ordinance, read the first time, 154. Referred to a Special Committee, *ibid.* Amendments reported, 162. The Ordinance and amendments considered, and agreed to, 164. Passed by the Governor General and Council, 210
- 26. To extend the provisions of a certain Ordinance concerning the erection of Parishes for civil purposes, to Parishes canonically erected before the passing of the said Ordinance, read the first time, 166. Referred to a Special Committee, *ibid.* Reported without any amendment; read the second time, and agreed to, 167. Passed by the Governor General and Council, 210.
- 27. To amend the Ordinance to incorporate the City and Town of Quebec, read the first time, 168. Referred to a Special Committee, 169. Amendments reported, 173. The amendments, 174. The Ordinance and amendments considered; several of the Clauses and amendments agreed to; one of the amendments, and, also, a Motion to amend the 21st Clause, *negd.* upon divisions, 186, 187, 188, 189. The 24th Clause, as amended, struck out, and another substituted in lieu thereof; other Clauses, with an amendment, agreed to, 198, 199. The remainder of the Ordinance agreed to, with further amendments, 203, 204, 205. Passed by the Governor General and Council, 218.
- 28. To amend the Ordinance to incorporate the City and Town of Montreal, read the first time, 169. Referred to a Special Committee, *ibid.* Amendments reported, 173. The amendments, 176. The Ordinance and amendments considered; several of the Clauses and amendments agreed to; one of the amendments, and, also, a Motion to amend the 21st Clause, *negd.* upon divisions, 189, 190, 191, 192. The 24th Clause, as amended, struck out, and another substituted in lieu thereof; other Clauses, with an amendment, agreed to, 199, 200. The remainder of the Ordinance agreed to, with further amendments, 205, 206, 207, 208. Passed by the Governor General and Council, 219.
- 29. To authorize and enable the Corporation of the City of Montreal to erect a Public Edifice in the said City, for certain purposes, read the first time, 172. Referred to a Special Committee, 173. Amendments reported, 184. Motion, that the Ordinance and amendments be taken into consideration at the next sitting of the Council, *negd.* upon a division, *ibid.* The Ordinance and amendments to be considered on a future day, 185. Considered; the amendments *negd.*; another amendment proposed also *negd.*; the 3rd Clause *negd.* and another substituted in lieu thereof; the 10th Clause amended, and the remainder of the Ordinance agreed to, 193, 194, 195, 196, 197. Ordered, upon a division, that the Ordinance, as amended, be fairly transcribed, 197. Passed by the Governor General and Council, 211.

Ordinances, continued :

- 30. To facilitate the dispatch of the business now before the Court of King's Bench for the District of Montreal, read the first time, 172. Referred to a Special Committee, 173. Amendments reported, 181. The Ordinance and amendments considered, 182. Two additional amendments proposed, and *negd.* upon divisions, 182, 183. The Ordinance, and amendments reported, agreed to, 183, 184. Passed by the Governor General and Council, 211.
- 31. To authorize the repayment of a certain sum therein mentioned, advanced out of the Military Chest for certain Provincial purposes, read the first time, 172. Read the second time, and agreed to, 173. Passed by the Governor General and Council, 211.
- 32. To amend the Law relative to the granting of Licenses to keep Houses of Public Entertainment, and to enable the Magistrates resident in the City of Montreal to hold another special Session for granting certificates on which such Licenses may be granted during the present year, read the first time, 193. Referred to a Special Committee, 198. Reported without any amendment, 200. Read the second time, and agreed to, with the exception of the 4th Clause, *negd.* 201. Passed by the Governor General and Council, 212.
- 33. To make further provision for the effectual improvement of the Internal Communications between this Province and New Brunswick, read the first time, 193. Referred to a Special Committee, 198. Reported without any amendment, 201. Read the second time, *ibid.* Amended and agreed to, 201, 202. Passed by the Governor General and Council, 212.
- 34. To amend the Laws relative to Winter Roads, read the first time, 208. Referred to a Special Committee, *ibid.* Amendments reported, 213. The Ordinance and amendments considered, and agreed to, 214, 215. Passed by the Governor General and Council, 219.

PARISH Officers. See *Ordinances*, (4.)

Parishes canonically erected. See *Ordinances*, (26.)

——— The provisions of the Ordinance concerning the erection of Parishes for civil purposes, extended. See *Ordinances*, (26.)

Public Edifice in the City of Montreal. See *Ordinances*, (29.)

Public Works. See *Ordinances*, (12.)

QUEBEC, City and Town of. The Ordinance to incorporate it, amended. See *Ordinances*, (27.)

Questions negatived, 19, 21, 56, 59, 65, 66, 68, 77, 78, 79, 80, 81, 82, 102, 103, 105, 119, 132, 139, 149, 155, 159, 160, 161, 167, 182, 183, 184, 188, 189, 191, 194, 201.

RAIL ROAD from Lake Champlain to the River St. Lawrence. See *Ordinances*, (13.)

———— from Sherbrooke to St. John's. See *Ordinances*, (14.)

Receiver General (late). See *Ordinances*, (5.)

Register Offices. See *Ordinances*, (1.)

Repayment of a sum of money advanced out of the Military Chest for Provincial purposes. See *Ordinances*, (31.)

Road from Montreal to Côte St. Michel. See *Ordinances*, (24.)

Roads in the neighbourhood of Montreal. See *Ordinances*, (9.)

———— of Quebec. See *Ordinances*, (21.)

———— See also *Ordinances*, (2.) (33.) (34.)

Rules and Orders with respect to the second reading of Ordinances, suspended, 34, 173, 201.

SHERIFF, Office of. See *Ordinances*, (20.)

Special Council. Meets and adjourns, 4, 11, 23, 83, 113.

———— Adjourns to particular hours on future days, 9, 19, 23, 25, 27, 32, 55, 64, 161, 170, 179, 192, 202, 214.

———— to particular hours on same day, 171, 185, 208, 215.

Special Council, continued :

- Adjourns for want of a Quorum, 14, 30, 32, 33, 35, 36, 37, 39, 79, 93, 106, 111, 122.
- The names of the Councillors taken down upon divisions, 17, 19, 21, 56, 57, 58, 59, 60, 63, 65, 66, 68, 70, 76, 78, 80, 81, 82, 85, 89, 90, 91, 92, 103, 105, 117, 119, 132, 139, 141, 149, 158, 182, 183, 184, 186, 187, 188, 189, 190, 191, 193, 194, 196, 197, 216, 217.
- Separates, 219.

TEMISCOUATA Portage Road. See *Ordinances*, (2.) (33.)

Tolls to be taken on the Bridge over the Cap Rouge River. See *Ordinances*, (19.)

Township Officers. See *Ordinances*, (4.)

Trinity House of Quebec. See *Ordinances*, (8.) (10.)

Turnpike Road from the River Richelieu to the Village of Granby. See *Ordinances*, (16.)

———— between the City of Montreal and Chambly. See *Ordinances*, (18.)

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WINTER ROADS, the Law relative to, amended. See *Ordinances*, (34.)

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