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UPPER CANADA.

Schedule of Accounts, prepared to be laid before the First Session of the Tenth Provincial Parliament.

- No. 1 Statement of monies paid to the Receiver General of Lower Canada, between the 1st January and the 1st May 1828, arising from duties collected at the Port of Quebec.
- 2 Statement of the Receiver General's Receipts and Payments of Provincial Revenue, from the 1st January to the 30th June 1828.
- 3 Abstract of Warrants issued on the Receiver General under the several Provincial Enactments, from the 1st January to the 30th June 1828.
- 4 Statement of the Receiver General's Receipts and Payments of Provincial Revenue, from the 1st July to the 31st December 1828.
- 5 Abstract of Warrants issued on the Receiver General under the several Provincial Enactments, from the 1st July to the 31st December 1828.
- 6 Statement of Receipts and Payments on account of the Civil List appropriations for the year 1827, with an abstract of Warrants annexed.
- 7 Statement of Receipts and Payments on account of the Civil List appropriations for the year 1828, with an abstract of Warrants annexed.
- 8 Statement of Receipts and Payments on account of the appropriation of £2500 annually by statute 56th Geo. 3rd chapter 26, with an abstract of Warrants annexed.
- 9 Account of Revenue from Shop, Tavern, Still, Wholesale Dealers and Billiard Table Licences, from the 5th January 1828, to 5th October 1828.
- 10 Account of Revenue from Shop, Tavern, Still and Wholesale Dealers Licences, from the 5th October 1828 to 5th January 1829.
- 11 Account of Revenue from Duties on Merchandise imported from the United States, between the 1st January and 31st December 1828.
- 12 Account of Revenue from Licences issued to Hawkers and Pedlers, from the 1st January to the 31st December 1828.
- 13 Account of Revenue from Licences issued to Auctioneers and on Sales at Auction, from 1st January to 31st December 1828.
- 14 Account of Revenue from Light House Tonnage Duty, from 1st January to 31st December 1828.
- 15 Estimate for the Civil List for the year 1829.
- 16 General Estimate of the Expenditure and Resources of the Province for the year 1829.
- 17 Account of Monies outstanding in the hands of Collectors and Inspectors on the 31st December 1828.
- 18 Account of Monies paid to the Receiver General by Collectors & Inspectors since the 31st December 1828.
- 19 Statement of Monies paid to the Receiver General of Lower Canada, between 1st July 1828, and 1st January 1829, arising from Duties collected at the Port of Quebec.

Inspector General's Office, 3th January, 1829,
(Signed) **J. BABY,**
Inspector General.

COPY No. 1.

STATEMENT of Monies paid into the hands of the Receiver General of Lower Canada, between the 1st of January and 1st July 1828, arising from Duties collected at the Port of Quebec, in virtue of the Imperial act 14 Geo. III. chap. 88, and of sundry Provincial Acts, to a proportion of which the Province of Upper Canada is entitled, agreeably to the provisions of the act of the Imperial Parliament 3rd Geo. IV. chap. 119.

| ACTS. | AMOUNT. | |
|---|-------------------------------------|---|
| | Quarter ended 5th January, 1828. | Quarter ended 5 April & up to 1st May, 1828. |
| Under Imperial Acts 14th George 3rd, Chapter 88..... | 4035 7 3 | |
| “ Provincial Acts 33, 35 and 41, George 3rd..... | 17677 19 0 | |
| “ do 53 and 55..... Chapter 2..... | 8199 13 4½ | 1443 16 4½ |
| “ do 55..... 3..... | 4527 6 9 | 13946 18 5 |
| | £ 34440 6 4½ | 15390 14 9¾ |
| Amount to the 5th January 1828, | | 34440 6 4½ |
| | | 49831 1 2½ |
| Deduct Duties under 55th George 3rd, returned £74 10 3 Sterling,..... | | 82 15 10 |
| | | 49748 5 4½ |
| Proportion for Upper Canada, one fourth, | <i>Currency</i> | 12437 1 4 |
| | Equal to Sterling, £ | 11193 7 3 |

Quebec, 1st July 1828.
(Signed) **JOSEPH CAREY,** *Inspector General P. P. Accounts.*

Note.—The Collector at Quebec states that the amount of Bonds, remaining unpaid, is £624 12 2 Currency; to recover, which prosecutions have been instituted against the parties.

Copy of the account sent to this office.

Inspector General's Office, 3th January 1829.

J. BABY,
Inspector General.

UPPER CANADA.

STATEMENT of the Receiver General's Receipts and Payments of the Provincial Revenue from the first January to the 30th June, 1828, inclusive.

| RECEIPTS. | | CURRENCY. | PAYMENTS. | | CURRENCY. |
|--|---|--|--|--|--|
| To amount of the balance in the Receiver General's hands on the 31st December, 1827, | | 9513 4 3 ⁶ / ₁₀ | By amount of Warrants issued by His Excellency the Lieutenant Governor on the Receiver General of the Province, as per abstract No. 3..... | | 13119 15 3 ⁴ / ₅ |
| To amount received from the Receiver General of Lower Canada as this Province's portion of Import Duties collected at the Port of Quebec under Provincial Statutes, for the quarters ending 5th July and 10th October, 1827, | | 6012 3 11 ⁵ / ₁₀ | By amount of the Receiver General's allowance of 3 ¹ / ₂ per cent on £6012 3 11 ⁵ / ₁₀ received from Lower Canada, | | 210 8 6 |
| To amount received from the Bank of Upper Canada, being the 10th dividend of 4 per cent on the amount of Capital Stock paid into said Bank by Government, | | 600 0 0 | By amount of the Receiver General's allowance of 3 per cent on the sum of £6049 3 4 received in Upper Canada, | | 181 9 6 |
| To amount of Interest received from the Welland Canal Company on Government Loans, | | 2250 0 0 | By amount of the balance in the hands of the Receiver General the 30th June, 1828, | | 10312 17 5 ¹ / ₂ |
| To amount received from Inspectors, for Duties on Shop, Tavern, Still & Wholesale Dealers Licences, | | 3093 1 5 | | | |
| To amount received from Collectors for Duties on Imports, | | 2161 4 0 ¹ / ₂ | | | |
| on Hawkers and Pedlers, | | 47 10 0 | | | |
| on Auctioneers and Sales at Auction, | | 146 17 10 | | | |
| on Ale and Beer Licences, | | 0 10 0 | | | |
| | £ | 23824 10 9 ¹ / ₂ | | | 23824 10 9 ¹ / ₂ |

Inspector General's Office, 8th January, 1829.

JAMES BABY,
Inspector General.

UPPER CANADA.

Abstract of Warrants issued by His Excellency the Lieutenant Governor, on the Receiver General of the Province, under the several enactments of the provincial legislature, from the 1st January to the 30th June, 1828 inclusive.

| ENACTMENT. | TO WHOM PAID, AND FOR WHAT SERVICE, | CURRENCY. |
|-------------------|--|-------------------------------------|
| 4 Geo. 4. c. 27. | Mr. John Stewart, Master of the Bathurst District School, being his half years' Salary, from the 1st July to the 31st December 1827 inclusive, | 50 0 0 |
| 4 Geo. 4. c. 28. | The Rev. John McLaurin, Master of the Ottawa District School, being his half years' Salary, from the 1st July to 31st December 1827 inclusive, | 50 0 0 |
| 4 Geo. 4. c. 6. | Colonel Coffin, Adjutant General of Militia, being his half years' Salary, from 1st July to 31st December 1827 inclusive, | 182 10 0 |
| " " " " | Colonel Coffin, Adjutant General of Militia, being his half years' Allowance for the Contingencies of his office, from 1st July to 31st December 1827 inclusive, | 42 10 0 |
| 48 Geo. 3. c. 16, | Mr. George Baxter, Master of the Midland District School, being his half years' Salary, from 1st July to 31st December 1827 inclusive, | 50 0 0 |
| " " " " | Mr. David Ovans, Master of the Newcastle District School, being his half years' Salary, from 1st July to 31st December 1827 inclusive, | 50 0 0 |
| " " " " | The Rev. Thomas Green, Master of the Niagara District School, being his half years' Salary, from 1st July to 31st December 1827 inclusive, | 50 0 0 |
| " " " " | The Rev. Doctor Phillips, Master of the Home District School, being his half years' Salary, from the 1st July to 31st December 1827 inclusive, | 50 0 0 |
| " " " " | Mr. David Robertson, Master of the Western District School, being 110 days' allowance of Salary to him, from 1st July to 18th October 1827 inclusive, | 30 2 8 ⁴ / ₅ |
| " " " " | The Rev. Hugh Furquhart, Teacher of the Eastern District School, being his half years' Salary, from 1st July to 31st December 1827 inclusive, | 50 0 0 |
| | | 280 2 8 ⁴ / ₅ |

| ENACTMENT. | TO WHOM PAID, AND FOR WHAT SERVICE. | CURRENCY. | |
|-------------------|--|-----------|-----------|
| 4 Geo. 4. c. 27. | Colonel Walter O'Hara, Assistant Adjutant General of Militia, being his half years' Salary, from 1st July to 31st December, 1827 inclusive..... | | 100 0 0 |
| 59 Geo. 3. c. 13. | The Hon. James Baby, Inspector General of Public Provincial Accounts, being his half years' Salary, from 1st July to 31st December, 1827 inclusive..... | | 202 15 6½ |
| 41 Geo. 3. c. 12. | Grant Powell, Esquire, Clerk of the Legislative Council, being his half years' Salary, from 1st July to 31st December, 1827 inclusive..... | 100 0 0 | |
| " " " " | James FitzGibbon, Esquire, Clerk of the House of Assembly, being his half years' Salary, from 1st July to 31st December, 1827 inclusive..... | 100 0 0 | |
| " " " " | The Rev. William M'Aulay, Chaplain to the Legislative Council, being his half years' Salary, from 1st July to 31st December, 1827 inclusive..... | 25 0 0 | |
| " " " " | The Rev. Robert Addison, Chaplain to the House Assembly, being his half years' Salary, from 1st July to 31st December, 1827 inclusive..... | 25 0 0 | |
| " " " " | D'Arcy Boulton, Esquire, Master in Chancery, being his half years' Salary, from 1st July to 31st December, 1827, inclusive..... | 25 0 0 | |
| " " " " | William Lee, Esquire, Gentleman Usher of the Black Rod, being his half years' Salary, from 1st July to the 31st December, 1827 inclusive, | 25 0 0 | |
| " " " " | John Wilson, Esquire, Speaker of the House of Assembly, being his half years' Salary, from 1st July to the 31st December, 1827, inclusive. | 100 0 0 | |
| " " " " | Mr. Hugh Carfrae, Door Keeper to the Legislative Council, being his half years' Salary, from 1st July to 31st December, 1827, inclusive, | 10 0 0 | |
| " " " " | Grant Powell, Esquire, Clerk of the Legislative Council, being the allowance for copying Clerks in his office during the 4th session of the ninth Provincial Parliament. | 25 0 0 | |
| " " " " | James FitzGibbon, Esquire, Clerk of the House of Assembly, being the allowance for copying Clerks in his office during the 4th Session of the 9th Provincial Parliament..... | 25 0 0 | |
| " " " " | Allan McNabb, Esquire, Sergeant at Arms, being his half years' Salary, from 1st July to 31st December, 1827, inclusive..... | 25 0 0 | |
| " " " " | Mr. William Knott, Door Keeper of the House of Assembly, being his half years' Salary, from 1st July to the 31st December, 1827, inclusive. | 10 0 0 | |
| 2 Geo. 4. c. 21. | The Rev. Robert Addison, Chaplain of the House of Assembly, being his half years' Pension, from 1st July to the 31st December, 1827, inclusive, | | 495 0 0 |
| 2 Geo. 4. c. 24. | Mr. Peter Miller, being his half years' Pension, from 1st July to 31st December, 1827, inclusive, | | 25 0 0 |
| 4 Geo. 4. c. 28. | Mr. James Carrol, being his half years' Pension, from 1st July to 31st December, 1827, inclusive, | | 10 0 0 |
| 2 Geo. 4. c. 20. | Mrs. Elizabeth Law, being her half years' Pension, from 1st July to 31st December, 1827, inclusive, | | 10 0 0 |
| 2 Geo. 1. c. 25. | Mr. John White, being his half years' Pension, from 1st July to 31st December, 1827, inclusive, | | 10 0 0 |
| 56 Geo. 3. c. 12. | Mrs. Catharine McLeod, being one years' Pension, from 1st January to 31st December, 1827, inclusive, | | 20 0 0 |
| 56 Geo. 3. c. 13. | Mrs. Charlotte Moyer, Guardian of the child of the late Abraham Overholt, being one years' Pension due the said child, from 1st January to 31st December, 1827, inclusive, | | 20 0 0 |
| 2 Geo. 4. c. 9. | Alexander McDonell, Esquire, Sheriff of the Ottawa District, being his half years' Salary, from 1st July to the 31st December, 1827, inclusive, | 25 0 0 | |
| " " " " | Donald McDonald, Esquire, Sheriff of the Eastern District, being his half years' Salary, from 1st July to the 31st December, 1827, inclusive, | 25 0 0 | |
| " " " " | John Stewart, Esquire, Sheriff of the Johnstown District, being his half years' Salary, from 1st July to the 31st December, 1827, inclusive, | 25 0 0 | |
| " " " " | John Spencer, Esquire, late Sheriff of the Newcastle District, being 116 days allowance of salary to him at the rate of £50 currency per annum, from the first of July to the 24th October, 1827, inclusive, | 15 17 9½ | |
| " " " " | Henry Ruttan, Esquire, Sheriff of the Newcastle District, being his allowance of salary at £50 currency per annum, from 25th October to 31st December, 1827, inclusive, | 9 2 2½ | |
| " " " " | William M. Jarvis, Esquire, Sheriff of the Gore District, being his half years' Salary from 1st of July to 31st December, 1827, inclusive, | 25 0 0 | |
| " " " " | Richard Leonard, Esquire, Sheriff of the Niagara District, being his half years' Salary, from 1st July to the 31st December, 1827, inclusive, | 25 0 0 | |
| " " " " | William Hands, Esquire, Sheriff of the Western District, being his half years' Salary, from the 1st July to the 31st December, 1827, inclusive, | 25 0 0 | |

| ENACTMENT. | TO WHOM PAID, AND FOR WHAT SERVICE. | CURRENCY. | |
|---|---|-----------|----------|
| 2 Geo. 4. c. 9. | James H. Powell, Esquire, Sheriff of the Bathurst District, being his half years' salary, from 1st July to the 31st December, 1827, inclusive, | 25 | 0 0 |
| " " " " | Abraham A. Rapelje, Esquire, Sheriff of the London District, being his half years' Salary, from 1st July to the 31st December, 1827, inclusive, | 25 | 0 0 |
| 60 Geo. 3. c. 7. | William Hands, Esquire, Treasurer of the Western District, being the sum appropriated for the use of common schools in said District, for the year commencing the 7th May, 1827, | 250 | 0 0 |
| " " " " | Zaccheus Burnham, Esquire, Treasurer of the Newcastle District, being the sum appropriated for the use of common schools in said District, for the year commencing the 7th March, 1826, | 250 | 0 0 |
| " " " " | Thomas Markland, Esquire, Treasurer of the Midland District, being the sum appropriated for the use of Common Schools in said District, for the year commencing 7th March, 1826, | 250 | 0 0 |
| " " " " | The Hon William Allan, Treasurer of the Home District, being the sum appropriated for the use of common Schools in said District, for the year commencing the 7th March, 1826, | 250 | 0 0 |
| " " " " | Donald McDonald, Esquire, Treasurer of the Ottawa District, being part of the appropriation for the use of Common Schools in said District, for the year commencing the 1st June, 1827, | 125 | 0 0 |
| " " " " | Adiel Sherwood, Esquire, Treasurer of the Johnstown District, being the sum appropriated for the use of Common Schools in said District, for the year commencing the 7th March, 1827, | 250 | 0 0 |
| " " " " | Thomas Markland, Esquire, Treasurer of the Midland District, being the sum appropriated for the use of Common Schools in the said District, for the year commencing the 7th March, 1827, | 250 | 0 0 |
| 9 Geo. 4. c. 16. | John Macaulay, Esquire, Commissioner for Internal Navigation, being the amount granted for defraying the expense of drafting and engraving a Map of the Rideau Canal, | | 180 0 0 |
| 4 Geo. 4. c. 8 & 16 | The Hon. Thomas Clark, and Samuel Street, Esquires, being six months' interest due on Government debentures for £3000 of the Burlington Canal Loan from the 23rd June to the 22nd December, 1827 inclusive, | 240 | 0 0 |
| " " " " | Thomas G. Ridout, Esquire, Cashier of the Bank of Upper Canada, being six months' Interest due on Government debentures for £8000 of the Burlington Canal Loan, from the 23rd December, 1827, to 22nd June 1828, inclusive, | 240 | 0 0 |
| 2 Geo. 4. c. 5. | Thomas G. Ridout, Esquire, Cashier of the Bank of Upper Canada, being six months' Interest due said Bank on Government debentures for £5,000 of the Militia Pension Loan, from 10th July, 1827, to 9th January, 1828, inclusive, | 150 | 0 0 |
| " " " " | Thomas G. Ridout, Esquire, Cashier of the Bank of Upper Canada, being six months' Interest due said Bank on Government Debentures, held by them for the sum of £6666 13 4 currency of the Militia Pension Loan, from the sixteenth of September 1827, to the 15th March, 1828, inclusive, | 200 | 0 0 |
| 4 Geo. 4. c. 24. | The Hon. Thomas Clark and Samuel Street, Esquire, being six months' Interest due to them on Government Debentures, Nos. 14 and 15 for £5000 each. £10,000, from the 20th August 1827, to the 19th February 1828, inclusive, | | 300 0 0 |
| Bank Charter of Incorporation. | Thomas G. Ridout, Esquire, Cashier of the Bank of Upper Canada, being an Instalment of 10 per cent on 2000 shares of the capital stock of said Bank, held by the Provincial Government at £12 10 each, | | 2500 0 0 |
| 8 Geo. 4. c. 18. | Robert Moore, Esquire, Civil Engineer &c. in Canada, being his travelling expenses, in proceeding from York to Kettle Creek, for the purpose of inspecting the harbour at that place, and returning, | | 10 0 0 |
| 7 Geo. 4. c. 9. | The Hon. William Allan, Collector of Customs at York, being the amount of his account of expenses attending the Light House at Gibraltar Point, for the half year ending the 31st December, 1827, | | 42 18 3 |
| Address of Assembly of 2 th March, 1828. | Grant Powell, Esquire, Clerk of the Legislative Council, being for certain contingent expenses of his office, incurred during the 4th Session of the 9th Provincial Parliament, | 655 | 10 5 |
| " " " " | William Lee, Esquire Gentleman Usher of the Black Rod, being for certain contingent expenses of the Legislative Council, during the 4th Session of the 9th Provincial Parliament, | 315 | 15 11½ |
| " " " " | James FitzGibbon, Esquire, Clerk of the House of Assembly, being to enable him to pay the contingencies of his office during the 4th Sessions of the 9th Provincial Parliament, | 1987 | 16 4 |
| " " " " | Allan McNabb, Esquire, Sergeant at Arms, being to enable him to discharge the contingent expenses of his office, for the 4th Session of the 9th Provincial Parliament, | 419 | 16 1 |
| 8 Geo. 4. c. 17. | Thomas G. Ridout, Esquire, Cashier of the Bank of Upper Canada, being six months' Interest on £15,000 of the Welland Canal Loan, from the 12th September 1827, to 11th March 1828, inclusive, | 450 | 0 0 |

| ENACTMENT. | TO WHOM PAID, AND FOR WHAT SERVICE, | CURRENCY. | |
|------------------------|---|-----------|--------------------------|
| 8 Geo. 4. c. 17. | Thomas G. Ridout, Esquire, Cashier of the Bank of Upper Canada, being six months' Interest due said Bank on Government debentures for £15,000 of the Welland Canal Loan, from 1st August 1827, to the 31st January 1828, inclusive,..... | 450 | 0 0 |
| " " " " | Thomas G. Ridout, Esquire, Cashier of the Bank of Upper Canada, being six months' Interest due said Bank on Government debentures, for £1500 of the Welland Canal Loan, from 16th June, to 15th December 1827, inclusive..... | 45 | 0 0 |
| 7 Geo. 4. c. 20. | Thomas G. Ridout, Esquire, Cashier of the Bank of Upper Canada, being six months' Interest due on Government debentures, for £13,000 of the Welland Canal Loan, from 16th December 1827, to 15th June 1828, inclusive,..... | 390 | 0 0 |
| " " " " | Thomas G. Ridout, Esquire, Cashier of the Bank of Upper Canada, being six months' Interest due said Bank on Government debentures, for £7000 of the Welland Canal Loan, from the 26th October 1827, to the 25th April 1828, inclusive,..... | 210 | 0 0 |
| " " " " | Thomas G. Ridout, Esquire, Cashier of the Bank of Upper Canada, being six months' Interest due said Bank on Government debentures, for £8000 of the Welland Canal Loan, from 8th November 1827, to 7th May 1828, inclusive,..... | 240 | 0 0 |
| " " " " | Thomas G. Ridout, Esquire, Cashier of the Bank of Upper Canada, being six months' Interest due said Bank on Government debentures, for £12000 of the Welland Canal Loan, from 8th December 1827, to the 7th June 1828, inclusive,..... | 360 | 0 0 |
| " " " " | Thomas G. Ridout, Esquire, Cashier of the Bank of Upper Canada, being six months' Interest due said Bank on Government debentures, for £5000 of the Welland Canal Loan, from 8th October 1827, to 7th April 1828 inclusive,..... | 150 | 0 0 |
| 8 Geo. 4. c. 19. | Thomas G. Ridout, Esquire, Cashier of the Bank of Upper Canada, being six months' Interest due said Bank on Government debentures for £2500 of the Burlington Bay Canal Loan, from the 15th November 1827, to the 14th May 1828, inclusive,..... | 75 | 0 0 |
| " " " " | Thomas G. Ridout, Esquire, Cashier of the Bank of Upper Canada, being six months' Interest due said Bank on Government debentures for £2000 of the Burlington Bay Canal Loan, from the 3rd September 1827, to the 2nd March 1828, inclusive,..... | 60 | 0 0 |
| 8 Geo. 4. c. 18. | Thomas G. Ridout, Esquire, Cashier of the Bank of Upper Canada, being six months' Interest due said Bank on Government debentures for £3000 of the Kettle Creek Loan, of 1827 from the 24th November, 1827 to the 23rd May, 1828 inclusive,..... | | 90 0 0 |
| TOTAL, CURRENCY | | £ | 13119 15 3 $\frac{1}{2}$ |

RECAPITULATION.

| AUTHORITY. | AMOUNT. | |
|---|-------------------------|----------------------------|
| 48 Geo. 3. c. 16, Masters of District, Schools,..... | 280 2 8 $\frac{1}{2}$ | |
| 4 Geo. 4. c. 27, Master of the Bathurst District School,..... | 50 0 0 | |
| 4 Geo. 4. c. 28, Master of the Ottawa District School,..... | 50 0 0 | |
| 4 Geo. 4. c. 6, Adjutant General of Militia,..... | 225 0 0 | |
| 4 Geo. 4. c. 27, Assistant Adjutant General of Militia,..... | 100 0 0 | |
| 59 Geo. 3. c. 13, Inspector General of Public Accounts,..... | 202 15 6 $\frac{1}{2}$ | |
| 41 Geo. 3. c. 12, Officers of the Legislature,..... | 495 0 0 | |
| 2 Geo. 4. c. 21, The Rev. Robert Addisons' Pension,..... | 25 0 0 | |
| 2 Geo 4 c 24 & c, Six Pensioners,..... | 80 0 0 | |
| 2 Geo 4. c. 9, Sheriff's Salaries,..... | 225 0 0 | |
| 60 Geo. 3. c. 7, Common School, Appropriations,..... | 1645 0 0 | |
| 4 Geo 4 c 8 & 16, Interest on Debentures,..... | 480 0 0 | |
| 2 Geo. 4. c. 5, do. do,..... | 350 0 0 | |
| 4 Geo. 4. c. 24, do. do,..... | 300 0 0 | |
| 8 Geo. 4. c. 17, do. do,..... | 945 0 0 | |
| 4 Geo. 4. c. 18, Inspection of Kettle Creek Harbour,.....£10 0 0 | 100 0 0 | |
| " " " " Interest on Debentures,.....90 0 0 | | |
| 7 Geo. 4. c. 20, do. do,..... | 1350 0 0 | |
| 8 Geo. 4. c. 19, do. do,..... | 135 0 0 | |
| Bank Charter, Bank Stock instalment,..... | 2500 0 0 | |
| Address of As'y, Contingencies 4th Session of the 9th Provincial Parliament,..... | 3378 18 9 $\frac{1}{2}$ | |
| 7 Geo. 4. c. 9, Expenses of Light House,..... | 42 18 3 | |
| 9 Geo. 4. c. 16, Commission of Internal Navigation,..... | 180 0 0 | |
| TOTAL, CURRENCY. | | £ 13119 15 3 $\frac{1}{2}$ |

Inspector General's Office, 8th January, 1829,
JAMES BABY,
Inspector General.

UPPER CANADA.

STATEMENT of the Receiver General's Receipts and Payments of the Provincial Revenue from the first July to the 31st December 1828, inclusive.

| RECEIPTS. | CURRENCY. | PAYMENTS. | CURRENCY. |
|---|--------------|--|--------------|
| To amount of the balance in the Receiver General's hands on 30th June, 1828,... | 10312 17 5½ | By amount of Warrants issued by His Excellency the Lieutenant Governor on the Receiver General of the Province, as per abstract No. 5..... | 15680 3 1 |
| To amount received from the Receiver General of Lower Canada as this Province's portion of Import Duties collected at the Port of Quebec under Provincial Statutes, for the quarters ending 1st January and 5th April, and up to 1st May 1828,... | 11428 4 6¼ | By amount of the Receiver General's allowance of 3½ per cent on £11428 4 6¼, received from Lower Canada,..... | 399 19 9 |
| To amount received from the Bank of Upper Canada, being the 11th dividend of 4 per cent on the amount of Capital Stock paid into said Bank by Government..... | 700 0 0 | By amount of the Receiver General's allowance of 3 per cent on £8552 12 11 received in Upper Canada,..... | 256 11 7 |
| To amount of Interest received from the Welland Canal Company on Government Loans,..... | 2250 0 0 | By balance in the hands of the Receiver General on the 30th December, 1828,.... | 13957 0 5¾ |
| To amount received from Inspectors, for Duties on Shop, Tavern, Still, Wholesale and Billiard Table Licences..... | 1055 15 2½ | | |
| To amount received from Collectors for Duties on Imports,..... | 3493 0 5½ | | |
| on Hawkers and Pedlers..... | 302 5 0 | | |
| on Auctioneers and Sales at Auction. | 178 4 5 | | |
| on Tonnage of Vessels..... | 103 15 2½ | | |
| To amount received from the Collector of the Tolls at the Burlington Canal,.... | 469 12 8 | | |
| £ | 30293 14 10¾ | | 30293 14 10¾ |

Inspector General's Office, 8th January, 1829.

JAMES BABY,
Inspector General.

UPPER-CANADA.

ABSTRACT of Warrants issued by his Excellency the Lieutenant Governor on the Receiver General of the Province, under the several enactments of the Provincial Legislature, from 1st July to 31st December, 1828, inclusive.

| Enactment. | To whom paid, and for what service. | Currency. | | |
|-------------------------------|--|-----------|----|-----------|
| 59 Geo. 3. c. 13 | The Honorable James Baby, Inspector General of Public Provincial Accounts, being his half year's salary, from 1st January, to 30th June, 1828. | | | 202 15 6½ |
| 4 Geo. 4. c. 6. | Colonel N. Coffin, Adjutant General of Militia, being his half year's salary, from 1st January, to 30th June, 1828. | 182 | 10 | |
| ditto ditto. | Colonel Coffin Adjutant General of Militia, being his half year's allowance for the contingencies of his office, from the 1st January, to the 30th June, 1828. | 42 | 10 | |
| 4 Geo. 4. c. 27. | Colonel Walter O'Hara, Assistant Adjutant General of Militia, being his half year's salary, from the 1st January, to the 30th June, 1828. | | | 225 |
| 41 & 48 Geo. 3. Chas. 12 & 6. | Grant Powell, Esquire, Clerk of the Legislative Council, being his half year's salary, from 1st January, to 30th June, 1828. | 100 | | 100 |
| ditto ditto. | James Fitzgibbon, Esquire, Clerk of the House of Assembly, being his half year's salary, from 1st January, to 30th June, 1828. | 100 | | 200 |
| 41 Geo. 3. c. 12. | The Rev. William Macaulay, Chaplain to the Legislative Council, being his half year's salary, from the 1st January, to the 30th June, 1828. | 25 | | |
| ditto ditto. | William Lee, Esquire, Gentleman Usher of the Black Rod, being his half year's salary, from the 1st January, to 30th June, 1828. | 25 | | |
| 41 Geo. 3. c. 12. | Mr. Hugh Carfrae, Door keeper of Legislative Council, being his half year's salary, from the 1st January, to the 30th June, 1828. | 10 | | |
| ditto ditto. | D'Arcy Boulton, Esquire, Master in Chancery, being his half year's salary, from the 1st January, to the 30th June, 1828. | 25 | | |
| ditto ditto. | John Willson, Esquire, Speaker of the House of Assembly, being his half year's salary, from the 1st January, to the 30th June, 1828. | 100 | | |
| ditto ditto. | The Rev. Robert Addison, Chaplain to the House of Assembly, being his half year's salary, from the 1st January, to the 30th June, 1828. | 25 | | |
| ditto ditto. | Allan McNabb, Esquire, Serjeant at Arms, being his half year's salary, from the 1st January, to 30th June, 1828. | 25 | | |
| ditto ditto. | Mr. William Knott, Door keeper of Assembly, being his half year's salary, from the 1st January, to 30th June, 1828. | 10 | | 245 |
| 2 Geo. 4. c. 21. | The Rev. Robert Addison, Chaplain of the House of Assembly, being his half year's pension, from the 1st January, to 30th June, 1828. | | | 25 |
| 2 Geo. 4. c. 24. | Mr. Peter Millar, being his half year's pension, from the 1st January, to the 30th June, 1828. | | | 10 |
| 4 Geo. 4. c. 28. | Mr. James Carrol, being his half year's pension, from the 1st January, to the 30th June, 1828. | | | 10 |
| 2 Geo. 4. c. 20. | Mrs. Elizabeth Law, being her half year's pension, from the 1st January, to the 30th June, 1828. | | | 10 |
| 2 Geo. 4. c. 25. | Mr. John White, being his half year's pension, from the 1st January to the 30th June, 1828. | | | 10 |
| 8 Geo. 4. c. 10. | Alexander McDonell, Esquire, Sheriff of the Ottawa District, being his half year's salary, from the 1st January, to the 30th June, 1828. | 25 | | |
| 8 Geo. 4. c. 10. | Donald McDonald, Esquire, Sheriff of the Eastern District, being his half year's salary, from the 1st January, to the 30th June, 1828. | 25 | | |
| ditto ditto. | John Stewart, Esquire, Sheriff of the Johnstown District, being his half year's salary, from the 1st January, to the 30th June, 1828. | 25 | | |
| ditto ditto. | Henry Rutan, Esquire, Sheriff of the Newcastle District, being his half year's salary, from the 1st January, to 30th June, 1828. | 25 | | |
| ditto ditto. | William M. Jarvis, Esquire, Sheriff of the Gore District, being his half year's salary, from 1st January, to 30th June, 1828. | 25 | | |
| ditto ditto. | Richard Leonard, Esquire, Sheriff of the Niagara District, being his half year's salary, from the 1st January, to the 30th June, 1828. | 25 | | |
| ditto ditto. | William Hands, Esquire, Sheriff of the Western District, being his half year's salary, from the 1st January, to the 30th June, 1828. | 25 | | |
| ditto ditto. | James H. Powell, Esquire, Sheriff of the Bathurst District, being his half year's salary, from 1st January, to 30th June, 1828. | 25 | | 200 |
| 48 Geo. 3. c. 16. | The Rev. Thomas Creen, Master of the Niagara District School, being his half year's salary, from the 1st January, to the 30th January, 1828. | 50 | | |
| ditto ditto. | Mr. George Baxter, Master of the Midland District School, being his half year's salary, from the 1st January, to the 30th June, 1828. | 50 | | |
| ditto ditto. | Mr. David Ovens, Master of the Newcastle District School, being his half year's salary, from the 1st January, to the 30th June, 1828. | 50 | | |
| ditto ditto. | The Rev. Doctor Phillips, Master of the Home District School, being his half year's salary from the 1st January, to the 30th June, 1828. | 50 | | |
| ditto ditto. | The Rev. Hugh Urquhart Master of the Eastern District School, being his half year's salary, from the 1st January, to the 30th June, 1828. | 50 | | |
| ditto ditto. | Mr. William Johnson, Master of the Western District School, being his half year's salary, from the 1st January, to the 30th June, 1828. | 50 | | |
| ditto ditto. | Mr. George Ryerson, Master of the London District School, being his half year's salary, from the 1st July, to the 31st Dec., 1827. | 50 | | |

| Parliament. | To whom paid, and for what service. | Currency. | | |
|---------------------------|--|-----------|--|-----------|
| <i>Continued—£</i> | | | | |
| 18 Geo. 3. c. 16. | Mr. E. Chadwick, Master of the London District School, being his half year's salary, from the 1st January, to the 30th June, 1823. | 50 | | |
| 1 Geo. 4. c. 3. | Mr. John Stewart, Master of the Bathurst District School, being his half year's salary, from the 1st January, to the 30th June, 1823. | | | 400 |
| 4 Geo. 4. c. 28. | The Rev. John McLaurin, Master of the Ottawa District School, being his half year's salary, from the 1st January, to 30th June, 1823. | | | 50 |
| 53 Geo. 3. c. 4. | Mr. Stephen Randal, Master of the Gore District School, being his allowance of salary, from the 27th November, 1827, to the 30th June, 1828. | | | 59 11 9½ |
| 9 Geo. 4. c. 7. | John Macaulay, Esquire, Commissioner for erecting a Light House, on the False Ducks' Island, in Lake Ontario, being the amount granted for defraying the expense, of erecting the said Light House, and furnishing the same. | | | 1000 |
| 7 Geo. 4. c. 6. | The Hon. John Henry Dunn, Receiver General, being to enable him to pay the Militia Pensions for the half year in advance, from 1st January, to 30th June, 1828, and from 1st July, to 31st December, 1828. | | | 1270 |
| 53 Geo. 3. c. 26. | The Hon. John Henry Dunn, Receiver General, being the sum appropriated towards the support of the civil government for the year 1826. | | | 2500 |
| 9 Geo. 4. c. 14. | The Hon. John Henry Dunn, Receiver General, being the sum appropriated by the Provincial Legislature in aid of the administration of justice and support of the civil government for the year 1828. | | | 2222 4 5½ |
| 59 Geo. 3. c. 7. | The Hon. Thomas Ridout, Surveyor General, being for 145 old returns furnished the District Treasurers between the 31st July, 1827, and the 30th June, 1828. | | | 17 17 6 |
| 8 Geo. 4. c. 19. | William Chisholm, Esq. First Commissioner of the Burlington Bay Canal, being for the use of the said canal. | | | 265 5 4 |
| 9 Geo. 4. c. 12. | William J. Kerr, Esq. Secretary to the Commissioners of the Burlington Bay Canal, being for the use of the said canal. | | | 1734 14 8 |
| 60 Geo. 3. c. 7. | George Hamilton, Esq. Treasurer of the Gore District, being the sum appropriated for the use of Common Schools in the said district, for the year commencing the 7th March, 1827. | 250 | | |
| 60 Geo. 3. c. 7. | John Harris, Esq. Treasurer of the London District, being the sum appropriated for the use of Common Schools in the said district for the year commencing the 1st June, 1828. | 250 | | |
| ditto ditto. | Zaccheus Burnham, Esq. Treasurer of the Newcastle District, being the amount appropriated for the use of Common Schools in that district for the year commencing the 7th March, 1827. | 250 | | |
| ditto ditto. | William Clarke, Esq. Treasurer of the Niagara District, being the sum appropriated for the use of Common Schools in the said district for the year commencing the 7th March, 1828. | 250 | | |
| ditto ditto. | John Watson, Esq. Treasurer of the Bathurst District, being the sum appropriated for the use of Common Schools in the said district for the year commencing the 19th March, 1828. | 250 | | |
| | | | | 1250 |
| 9 Geo. 4. c. 11. | The Hon. George H. Markland, John Kirby, and John Macaulay, Esquires, Commissioners for settling the affairs of the pretended Bank of Upper Canada at Kingston, being the amount allowed in Council of the annexed account of disbursements and expenses in carrying into effect the provisions of an act of the Provincial Legislature, passed in the 4th year of His Majesty's reign, chap. 22, for settling the affairs of the said bank. | | | 442 13 4 |
| 7 Geo. 4. c. 9. | The Hon. William Allan, Collector of the Customs at the port of York, being the amount of expenses incurred for the Light-House at Gibraltar Point for the half year ending the 30th June, 1828. | | | 55 6 |
| 2 Geo. 4. c. 5. | Thomas G. Ridout, Esq. Cashier of the Bank of Upper Canada, being six months interest due said bank on government debentures, amounting to £5,000 currency from 1st January to 9th July, 1828. | 150 | | |
| 2 Geo. 4. c. 5. | Thomas G. Ridout, Esq. Cashier of the Bank of Upper Canada, being six months interest due the said bank on government debentures, amounting to £6,666 13s. 4d. currency, from the 16th March to 15th September, 1828. | 200 | | |
| | | | | 350 |
| 3 Geo. 4. c. 17. | Thomas G. Ridout, Esq. Cashier of the Bank of Upper Canada, being six months interest due the said bank on government debentures, amounting to £15,000 of the Welland Canal loan, from the 1st February to the 31st July, 1828, inclusive. | 450 | | |
| ditto ditto. | Thomas G. Ridout, Esq. Cashier of the Bank of Upper Canada, being six months interest due said bank on government debentures, amounting to £15,000 of the Welland Canal loan, from the 12th March to the 10th September, 1828, inclusive. | 450 | | |
| ditto ditto. | Thomas G. Ridout, Esq. Cashier of the Bank of Upper Canada, being six months interest due said bank on government debentures, amounting to £13,000 of the Welland Canal loan of 1827, from the 16th June to the 15th December, 1828, inclusive. | 390 | | |
| | | | | 1290 |
| 4 Geo. 4. c. 21. | Thomas G. Ridout, Esq. Cashier of the Bank of Upper Canada, being six months interest due said bank on government debentures, amounting to £10,000, from the 20th February to the 19th August, 1828, inclusive. | | | 500 |
| 3 Geo. 4. c. 19. | Thomas G. Ridout, Esq. Cashier of the Bank of Upper Canada, being six months interest due said bank on government debentures, amounting to £2,000 currency of the Burlington Bay Canal loan, from the 3rd March to the 2nd September, 1828, inclusive. | 60 | | |
| ditto ditto. | Thomas G. Ridout, Esq. Cashier of the Bank of Upper Canada, being six months interest due said bank on government debentures, amounting to £2,500 of the Burlington Bay Canal loan, from the 15th May to the 14th November, 1828, inclusive. | 75 | | |
| | | | | 135 |
| 7 Geo. 4. c. 20. | Thomas G. Ridout, Esq. Cashier of the Bank of Upper Canada, being six months interest due said bank on government debentures, amounting to £5,000 of the Welland Canal loan, from the 8th April to the 7th October, 1828, inclusive. | 150 | | |
| ditto ditto. | Thomas G. Ridout, Esq. Cashier of the Bank of Upper Canada, being six months interest due the said bank on government debentures, amounting to £7000 of the Welland Canal loan, from the 26th April to the 25th October, 1828, inclusive. | 210 | | |
| ditto ditto. | Thomas G. Ridout, Esq. Cashier of the Bank of Upper Canada, being six months interest due the said bank on government debentures, amounting to £8,000 currency of the Welland Canal loan, from the 8th May to the 7th November, 1828, inclusive. | 240 | | |
| ditto ditto. | Thomas G. Ridout, Esq. Cashier of the Bank of Upper Canada, being six months interest due said bank on government debentures for £12,000 of the Welland Canal loan, from 8th June to 7th December, 1828, inclusive. | 360 | | |
| | | | | 960 |
| 3 Geo. 4. c. 18. | Thomas G. Ridout, Esq. Cashier of the Bank of Upper Canada, being six months interest due the said bank on government debenture, No. 99, for £3,000 of the Kettle Creek loan of 1827, from the 24th May to the 23rd November, 1828, inclusive. | | | 90 |
| <i>Total Currency.—£.</i> | | | | 15680 3 1 |

RECAPITULATION:

| AUTHORITY. | | AMOUNT. | | |
|-----------------------|---|---------|------|----|
| 59 Geo. 3. c. 13. | Inspector General of P. P. Accounts, | 202 | 15 | 6½ |
| 4 Geo. 4. c. 6. | Adjutant General of Militia, | 225 | | |
| 4 Geo. 4. c. 27. | Assistant Adjutant General of Militia, | 100 | | |
| 48 Geo. 3. c. 16. | Masters of District Schools, | 400 | | |
| 4 Geo. 4. c. 8. | Ditto of Bathurst District School, | 50 | | |
| 4 Geo. 4. c. 28. | Ditto of Ottawa ditto, | 50 | | |
| 59 Geo. 3. c. 4. | Ditto of Gore ditto, | 59 | 11 | 9½ |
| 9 Geo. 4. c. 7. | Commissioner of Light House at False Ducks, | 1000 | | |
| 7 Geo. 4. c. 6. | Militia Pensions, | 1270 | | |
| 56 Geo. 3. c. 26. | Civil Government Appropriation, | 2500 | | |
| 9 Geo. 4. c. 14. | Civil List Appropriation, | 2222 | 4 | 5¼ |
| 59 Geo. 3. c. 7. | Surveyor General's Return to District Treasurers, | 17 | 17 | 6 |
| 8 Geo. 4. c. 19. | Commissioner Burlington Bay Canal, | 265 | 5 | 4 |
| 9 Geo. 4. c. 12. | Ditto, ditto, ditto, | 1734 | 14 | 8 |
| 60 Geo. 3. c. 7. | Common School Appropriations, | 1250 | | |
| 9 Geo. 4. c. 11. | Commissioners Pretended Bank of Upper Canada, | 442 | 13 | 4 |
| 7 Geo. 4. c. 9. | Light House Expenses, | 55 | | 6 |
| 2 Geo. 4. c. 5. | Interest on Debentures, | £ 350 | | |
| 8 Geo. 4. c. 7. | Ditto, ditto, | 1290 | | |
| 4 Geo. 4. c. 24. | Ditto, ditto, | 300 | | |
| 8 Geo. 4. c. 19. | Ditto, ditto, | 135 | | |
| 7 Geo. 4. c. 20. | Ditto, ditto, | 960 | | |
| 8 Geo. 4. c. 18. | Ditto, ditto, | 90 | 3125 | |
| 8 Geo. 4. c. 10. | Sheriff's Salaries, | | 200 | |
| 2 Geo. 4. c. 21. | Rev. Robert Addison's Pension, | | 25 | |
| 2 G. 4. c. 20, &c. 48 | Four Pensioners, | | 40 | |
| 41 G. 3. c. 12, &c. | Officers of the Legislature, | | 445 | |
| | | £ 15680 | 3 | 1 |

Inspector General's Office, 8th January, 1829.

[Signed]

J. BABY,
Inspector General.

[No 6.]

UPPER-CANADA.

STATEMENT of the Receiver General's Receipts and Payments on account of the Appropriation for the Civil Government of the Province, for the year 1827, by Statute 8, Geo. 4, c. 25; continued from a former statement.

| Receipts. | Sterling. | | | Payments. | Sterling. | | |
|---|-----------|----|----|--|-----------|----|----|
| To amount of the Balance in hand on the 31st December, 1827, as per former statement, | 5090 | 14 | 6½ | By amount of Warrants issued by his Excellency the Lieutenant Governor of the Province, as per the annexed Abstract, | 2052 | 8 | 3 |
| | | | | By amount of the Balance unexpended, now transferred to a statement for the year 1828, | 2038 | 6 | 3½ |
| | £ 5090 | 14 | 6½ | | £ 5090 | 14 | 6½ |

Inspector General's Office, 8th January, 1829.

J. BABY,
Inspector General.

UPPER-CANADA.

ABSTRACT of Warrants issued by His Excellency the Lieutenant Governor, on the Receiver General of the Province, payable out of the appropriation by Statute of the 8th Geo. 4, ch. 25, for the service of the Civil Government, for the year 1827.

| | Currency. | | |
|--|-----------|----|----|
| George Hillier, Esquire, Private Secretary, being his salary for 184 days, from 1st July, to 31st December, 1827. | 102 | 4 | 5¼ |
| Edward McMahon, Esquire, being his half year's salary, as chief Clerk in the Government Office, from 1st July, to 31st December, 1827. | 138 | 17 | 9¼ |
| Saltern H. Givens, Esquire, being his half year's salary, as Clerk in the Government Office, from 1st July, to 31st December, 1827. | 83 | 6 | 8 |
| Warren Claus, Esquire, being his half year's salary, as Clerk in the Government Office, from 1st July, to 31st December, 1827. | 83 | 6 | 8 |
| John Small, Esquire, Clerk of the Executive Council, being his half year's additional salary, from 1st July, to 31st December, 1827. | 55 | 11 | 1¼ |
| John Beikie, Esquire, being his half year's salary, as chief Clerk in the Executive Council Office, from 1st July, to 31st December, 1827. | 101 | 7 | 9¼ |
| George Savage, Esquire, being his half year's salary, as second Clerk in the Executive Council Office, from 1st July, to 31st December, 1827. | 83 | 6 | 8 |
| William Chewett, Esquire, being as well for his usual daily pay, as Senior Surveyor and Draftsman in the Surveyor General's Department, from 1st July, to 31st December, 1827, inclusive, as for the customary allowance of 1s. 3d. per day, for a ration of provisions, | 103 | 10 | |
| William Chewett, Esquire, being his half year's salary, as principal Clerk in the Surveyor General's Department, from 1st July, to 31st December, 1827. | 101 | 7 | 9¼ |
| Samuel Ridout, Esquire, being his half year's salary, as Second Clerk in the Surveyor General's Department, from 1st July, to 31st December, 1827. | 101 | 7 | 9¼ |

Continued—£

| | | | |
|---|------|----|----|
| Mr. James Bridgeland, being his half year's allowance, as Keeper of the Court of King's Bench, from 1st July, to 31st December, 1827, | 10 | | |
| Mr. John Bud, Esq. of the Court of King's Bench, being his half year's allowance, from 1st July, to 31st December, 1827, | 10 | | |
| Samuel P. Jarvis, Esquire, Deputy Provincial Secretary, being his half year's salary, from 1st July, to 31st December, 1827, | 83 | 6 | 8 |
| George Hillier, Esquire, Private Secretary, being the amount of his account for the ordinary and incidental expences of his office, from 1st July, to 31st December, 1827, | 107 | 5 | |
| John Small, Esquire, Clerk of the Executive Council being the amount of his account for the ordinary and incidental expences of his office, from 1st July, to 31st December, 1827, | 151 | | 2½ |
| The Honorable Thomas Ridout, Surveyor General, being the amount of his account for the ordinary and incidental expences of his office, from 1st July, to 31st December, 1827, | 346 | 3 | 8½ |
| Henry John Boulton, Esquire, Solicitor General, being the amount of his account, as allowed in Council, from 1st July, to 31st December, 1827, | 200 | 15 | |
| The Hon. James Baby, Inspector General of Public Provincial Accounts, being the amount of his account, for the ordinary and incidental expences of his office, from 1st July, to 31st December, 1827, | 354 | 14 | 8 |
| Robert Stanton, Esquire, Government Printer, being the balance of his account allowed in Council, from 1st July, to 31st December, 1827, | 109 | 6 | 11 |
| Charles C. Small, Esquire, Clerk of the Crown, &c, being the amount of his account, for contingencies, from 1st July, to 31st December, 1827, | 59 | 12 | |
| The Hon. John Henry Dunn, Receiver General, being the amount of his account, for the ordinary and incidental expences of his office, from 1st July, to 31st December, 1827, | 268 | 9 | 9½ |
| The Hon. Duncan Cameron, Secretary of the Province, being the amount allowed in Council of his account, for Fees on Public Instruments, and allowance for an office servant & messenger, from 1st July, to 31st December, 1827, | 72 | 8 | 4 |
| The Hon. Duncan Cameron, Registrar of the Province, being the amount allowed in Council of his account, for fees on Public Instruments, from 1st July, to 31st December, 1827, | 10 | 17 | |
| The Hon. Duncan Cameron, Registrar of the Province, being the amount allowed in Council, of his account for Books for the use of the Office of Registrar, | 48 | 17 | |
| William A. Campbell, Esquire, being the amount of his account, as Clerk of Assize, on the Western, London, Niagara, Gore, and Home circuits, for the year 1827, | 64 | 4 | |
| Mr. Henry Sherwood, being the amount of his account as Clerk of Assize, on the Eastern, Bathurst, Johnstown, Midland and Newcastle circuits, for the year 1827, | 72 | 11 | |
| George Hillier, Esquire, being to reimburse him so much paid for Insurance of the Government House, for £3000, for the year 1828, | 26 | 5 | |
| John Beverly Robinson, Esquire, His Majesty's Attorney General, being the amount allowed in Council of his account, from 1st July, to the 31st December, 1827, | 421 | 8 | 5½ |
| Currency—£ | 3391 | 11 | 4½ |

[No. 7.]

UPPER-CANADA.

STATEMENT of the Receiver General's Receipts and Payments on account of the appropriation for the Civil Government of the Province, for the year 1828, by Statute 9. Geo. IV. chap. 14, up to 31st December, 1828.

| Receipts. | Sterling. | | | Payments. | Sterling. | | |
|--|-----------|---|----|--|-----------|----|----|
| | | | | | | | |
| To amount of Balance unexpended of the Appropriation for 1827, as shewn in the preceding account, No. 6. | 2053 | 6 | 3½ | By amount of Warrants issued by his Excellency the Lieutenant Governor on the Receiver General of the Province, as per the annexed abstract, | 4373 | 7 | 6½ |
| To amount of the Appropriation under the Statute, transferred by warrant from provincial fund, | 2000 | | | By amount of the Receiver General's allowance of 3 per cent. on the sum of £6,000 drawn from duties of 14 Geo. III. | 180 | | |
| To amount transferred by warrant from duties arising under British Statute 14 Geo. III. chap. 38. | 6000 | | | By amount of the Balance in hand, to complete the service of the year 1828, | 5484 | 18 | 9 |
| | £ 10053 | 6 | 3½ | | £ 10038 | 6 | 3½ |

Inspector General's Office, 3th January, 1829.

J. BABY,
Inspector General.

UPPER-CANADA.

ABSTRACT of Warrants issued by his Excellency the Lieutenant Governor on the Receiver General of the Province, payable out of the Appropriation, by Statute of 9 Geo. IV. chap. 14, for the service of the Civil Government for the year 1828.

| | Currency. | | |
|--|-----------|----|----|
| George Hillier, Esquire, Private Secretary, being his salary for 182 days, from the 1st January, to 30th June, 1828, | 101 | 2 | 2½ |
| Edward McMahon, Esquire, being his half year's salary, as Chief Clerk in the Government Office, from 1st January, to 30th June, 1828, | 138 | 17 | 9½ |
| Saltern H. Givens, Esquire, being his half year's salary, as Clerk in the Government Office, from the 1st January, to the 30th June 1828, | 83 | 6 | 8 |
| Warren Claus, Esquire, being his half year's salary, as Clerk in the Government Office, from the 1st January, to the 30th June, 1828, | 83 | 6 | 8 |
| John Small, Esquire, being his half year's additional salary, from the 1st January, to 30th June, 1828, | 55 | 11 | 1½ |
| John Bekie, Esquire, being his half year's salary, as chief Clerk in the Executive Council Office, from 1st January, to 30th June, 1828, | 101 | 7 | 9½ |
| George Savage, Esquire, being his half year's salary, as second Clerk in the Executive Council Office, from the 1st January, to 30th June, 1828, | 83 | 6 | 8 |
| William Chewett, Esquire, being as well for his usual daily pay, as senior Surveyor and Draftsman, in the Surveyor General's Department, from 1st January, to 30th June, 1828, 182 days at 10s. per day, as for the customary allowance of 1s. 3d. per day for a ration of provisions for the same period, | 102 | 7 | 6 |
| William Chewett, Esquire, being his half year's salary, as principal Clerk in the Surveyor General's Department, from 1st January, to 30th June, 1828, | 101 | 7 | 9½ |
| Samuel Ridout, Esquire, being his half year's salary, as second Clerk in the Surveyor General's Department, from 1st January, to 30th June, 1828, | 101 | 7 | 9½ |

| | | | |
|--|-------------|----------|-----------|
| Mr. James Bridgeland, being his half year's allowance, as Keeper of the Court of King's Bench, from 1st January, to the 30th June, 1828, | 10 | | |
| Mr. John Bird, being his half year's allowance, as Usher of the Court of King's Bench, from the 1st of January, to the 30th June, 1828, | 10 | | |
| Samuel P. Jarvis, Esquire, Deputy Provincial Secretary and Registrar, being his half year's salary, from the 1st January, to the 30th June, 1828, | 63 | 6 | 8 |
| George Hillier, Esquire, Private Secretary, being the amount of his account of disbursements for repairs &c., to the Government House, between the 1st January and 31st December, 1827, | 183 | 4 | 5½ |
| George Hillier, Esquire, Private Secretary, being the amount of his account, for certain contingent expenses incurred on account of the Government Office, between the 1st July, and 31st December, 1827, | 34 | 10 | 5 |
| Robert Stanton, Esquire, Government Printer, being for printing and stitching 2000 copies of the Provincial Statutes, passed in the 4th session of the 9th Provincial Parliament, | 171 | 17 | 4½ |
| William B. Jarvis, Esquire, Sheriff of the Home District, being to reimburse him so much paid on account of the public administration of justice, in the Court of King's Bench, between 27th December, 1827, and 16th June, 1828, | 12 | 7 | 3½ |
| William B. Jarvis, Esq. Sheriff of the Home District, being for 48 days attendance upon the Court of King's Bench, during the Michaelmas and Hilary terms, 8 Geo. IV and Easter and Trinity, 9 Geo. IV. 12 days each, at 11s. 8d. per day, | 28 | | |
| Warren Claus, Esquire, being the allowance of salary due to him, as Clerk in the Government Office, from the 1st to the 25th July, 1828, at the rate of £150 sterling per annum, | 11 | 8 | 3½ |
| Samuel P. Jarvis, Esquire, Clerk of the Crown in Chancery, being the amount allowed in Council, of his account for Fees on public instruments, | 168 | 9 | |
| Robert Stanton, Esquire, Government Printer, being the amount allowed in Council, of his account for the half year ending 30th June, 1828, | 141 | 14 | 7 |
| The Hon. James Baby, Inspector General of Public Provincial Accounts, being the amount of his account, of the ordinary and incidental expenses of his office, from the 1st January, to 30th June, 1828, | 326 | 16 | 1½ |
| Charles C. Small, Esq. Clerk of the Crown and Pleas, being the amount of his account of Contingencies from the 1st of January to the 30th June, 1828, | 29 | 14 | 6½ |
| George Hillier, Esq. Private Secretary, being the amount of his account of the ordinary and incidental expenses of the Government Office, from 1st January to 30th June, 1828, | 278 | 14 | |
| The Hon. Levius P. Sherwood, Judge of Assize, being his allowance for Travelling Expenses as Judge of Assize, on the circuit in the Midland, Newcastle, Western and London Districts in 1828, | 148 | 2 | 11½ |
| Christopher A. Hagerman, Esq. Judge of Assize, being his allowance for Travelling Expenses on the circuit in the Niagara, Gore, Bathurst, and Eastern and Johnstown Districts in 1828, | 185 | 3 | 8½ |
| William A. Campbell, Esq. Clerk of Assize, being the amount of his account as Clerk of Assize in the Home District, at the spring sittings in 1828, | 29 | 4 | 6 |
| Samuel P. Jarvis, Esq. Clerk of the Crown in Chancery, being to enable him to defray the expenses of forwarding writs for the late general election to the several returning officers throughout the province, by special messengers, | 74 | 17 | 9 |
| John Beverly Robinson, Esq. Attorney General, being the amount of his account, allowed in Council, from 1st January to 30th June, 1828, | 273 | 16 | 8 |
| The Hon. Thomas Ridout, Surveyor General, being the amount of his account of the ordinary and incidental expenses of his office from the 1st January to 30th June, 1828, | 506 | 15 | 4 |
| John Small, Esq. Clerk of the Executive Council, being the amount allowed in Council of his account of the ordinary and incidental expenses of his office, from 1st January to 30th June, 1828, | 188 | 4 | 0½ |
| Edward McMahon, Esq. Chief Clerk in the Government Office, being to enable him to discharge certain contingent expenses of the Government Office, incurred since the 1st July, 1828, | 100 | | |
| The Hon. Duncan Cameron, Secretary of the Province, being the amount of his account for Fees on Public Instruments, and the allowance for an office servant for the half year ending 30th June, 1828, | 160 | 12 | 4 |
| The Hon. James Baby, Inspector General, being to enable him to discharge certain contingent expenses of his office, incurred since the first July, 1828, | 10 | | |
| The Hon. Duncan Cameron Registrar of the Province, being the amount allowed in Council of his account for Fees on Public Instruments, and incidental disbursements for his office, for the half year ending 30th June, 1828, | 36 | 11 | 9 |
| The Hon. John Henry Dunn, Receiver General, being the amount of his account of the ordinary and incidental expenses of his office, for the half year ending 30th June, 1828, | 250 | 6 | 7 |
| Henry John Boulton, Esq. Solicitor General, being the amount of his account allowed in Council for the half year ending the 30th June, 1828, | 28 | | |
| Henry John Boulton, Esq. Solicitor General, being his allowance for travelling expenses on the Eastern, Bathurst, Johnstown, Midland, and Newcastle circuits, for the year 1828, | 92 | 11 | 10 |
| George Hillier, Esq. Private Secretary, being the amount of his salary from the 1st July to the 4th November, 1828, at 10s. Sterling per day, | 70 | 11 | 1½ |
| John Beverly Robinson, Esq. Attorney General, being his allowance for Travelling Expenses on the Niagara, Gore, London and Western circuits, for the year 1828, | 74 | 1 | 3½ |
| William B. Jarvis, Esq. Sheriff of the Home District, being to enable him to pay the reward offered by Government for the apprehension of John Christie convicted of murder at the last assizes, and to defray other charges attending the same, | 147 | 15 | |
| Joseph N. Hagerman, Esq. Clerk of Assize, being the amount of his account against Government, as Clerk of Assize on the circuit in the Western, London, and Gore Districts, for the year 1828, | 46 | 6 | 6 |
| Total Currency.—£ | 4559 | 6 | 1½ |

UPPER CANADA.

Statement of the Receiver General's receipts and payments of the appropriation of £2,500 annually, by Provincial Statute of 56 Geo 3, Chapter 26, from 1st January to 31st December, 1828.

| RECEIPTS. | Currency. | PAYMENTS. | Currency. |
|---|-------------|--|-------------|
| To amount of Balance in the Receiver General's hands on the 31st December, 1827,..... | 2120 16 3 | By amount of Warrants issued by His Excellency the Lieutenant Governor on the Receiver General of the Province, within the above period, as per abstract annexed,..... | 3537 9 1 |
| To amount of the appropriation for the year commencing the first April, 1828,..... | 2500 | By amount of the Balance in the Receiver General's hands on the 31st December, 1828,.... | 1033 7 2 |
| | £ 4620 16 3 | | £ 4670 16 3 |

Inspector General's Office, 8th January, 1829.

J. BABY,
Inspector General.

UPPER CANADA.

Abstract of Warrants issued by His Excellency the Lieutenant Governor on the Receiver General of the Province, payable out of the appropriation of £2,500 per annum, by Statute 56 Geo. 3rd, chapter 26, from 1st January, 1828, to the 31st December, 1828.

| | Currency. |
|---|-----------------|
| The Honorable William Dummer Powell, being his half year's pension, upon his retirement from the offices of Chief Justice and Speaker of the Legislative Council in this Province, from 1st July to 31st December, 1827, | 555 11 1½ |
| The Honorable William Campbell, Speaker of the Legislative Council, being his half year's salary from the 1st July to the 31st December, 1827, | 200 0 0 |
| The Honorable John McGill, being his half year's pension, as late Receiver General of this Province, from 1st July to 31st December, 1827, | 250 0 0 |
| The Honorable William Dummer Powell, being his half year's pension, upon his retirement from the offices of Chief Justice and Speaker of the Legislative Council in this Province, from the 1st January to the 30th June, 1828, | 555 11 1½ |
| The Honorable William Campbell, Speaker of the Legislative Council, being his half year's salary, from the 1st January to 30th June, 1828, | 200 0 0 |
| The Honorable John M'Gill, being his half year's pension as late Receiver General of this Province, from the 1st of January to 30th June, 1828, | 250 0 0 |
| William Chisholm, Esquire, Commissioner of the Burlington Bay Canal, being for the purpose of securing the works of the said Canal during the ensuing winter, | 500 0 0 |
| William Chisholm, Esquire, Commissioner of the Burlington Bay Canal, being for the purpose of securing the works of the said Canal from injury during the ensuing winter, | 500 0 0 |
| The Honorable Duncan Cameron, being to remunerate him for his trouble and expenses in proceeding to England, with a bill to confer Civil Rights on certain Inhabitants of this Province, for the purpose of obtaining His Majesty's assent thereto, | 400 0 0 |
| The Honorable Duncan Cameron, Secretary of the Province, being the amount of his account of sundry expences incurred for additional assistance in his office, in consequence of his absence in England, on the public service, | 126 6 10½ |
| Total Currency..... f. | 3537 9 1 |

UPPER CANADA.

Account of Revenue arising from duties on Licenses issued to Shopkeepers, Innkeepers, Distillers, Wholesale dealers and Billiard Table keepers, in the several Districts of the Province, under the Provincial Statutes from 5th January to 5th October, 1828, inclusive, so far as the several Inspectors have reported the same.

| DISTRICTS. | INSPECTORS. | Shops. | Inn keepers. | Stills Gallons. | Wholesale. | Billiard Table. | Duty on Shops. | Duty on Inn keepers. | Duty on Stills. | Duty on Wholesale. | Duty on Billiard Table. | Total Duty. |
|------------------------|---------------------------------------|--------|--------------|-----------------|------------|-----------------|----------------|----------------------|-----------------|--------------------|-------------------------|-------------|
| Midland | John Cumming, | 85 | 109 | 1519½ | 2 | | 216 | 322 | 189 1 3 | 10 | | 737 1 3 |
| Johnstown, | Oliver Everts, | 36 | 105 | 694 | | | 216 | 234 | 86 15 0 | | | 566 15 0 |
| Eastern, | Neil McLean, | 30 | 68 | 60 | | | 180 | 68 | 7 10 0 | | | 255 10 0 |
| Newcastle, | Elias Jones, | 18 | 24 | 1291 | | | 108 | 60 | 161 7 6 | | | 329 7 6 |
| Home, | William Allan, | 46 | 60 | 1677¾ | 3 | | 276 | 234 | 263 9 4½ | 15 | 40 | 768 9 4½ |
| Niagara, | J. Swayze and J. Claus, | 21 | 86 | 616 | 2 | 1 | 126 | 103 | 102 5 0 | 10 | | 341 5 0 |
| London, | James Mitchell, | 6 | 27 | 1274 | | | 36 | 36 | 159 5 0 | | | 231 10 0 |
| Western, | William Hands, | 9 | 25 | 268 | | | 54 | 25 | 33 10 0 | | | 112 10 0 |
| Gore, | John Wilson, | 21 | 45 | 615½ | | | 26 | 81 | 76 18 9 | | | 283 18 9 |
| Ottawa, | Thomas Mears, | 9 | 19 | 208¾ | | | 54 | 19 | 26 1 3 | | | 99 1 3 |
| Bathurst, | Anthony Lesslie, | 13 | 90 | 1341 | | | 78 | 166 | 167 12 6 | | | 411 12 6 |
| Drummond Island, | T. G. Anderson, | 2 | 1 | | | | 12 | 1 | | | | 13 0 0 |
| | | 947 | 69 | 9710¼ | 7 | 1 | 1482 | 1379 5 | 1213 15 7½ | 35 | 40 | 4150 0 7½ |
| | Deduct allowance to Inspectors, | | | | | | 148 | 137 18 6 | 121 7 6¾ | | | 407 10 ¼ |
| | | | | | | | 1333 16 | 1241 6 6 | 1092 8 0¾ | 35 | 40 | 3742 10 6¾ |
| | Nett Revenue, | | | | | | | | | | | |

Inspector General's Office, 8th January, 1829.

J. BABY, Inspector General.

(No. 10.)

UPPER CANADA.

Account of Revenue arising from Duties on Licences issued to Shopkeepers, Innkeepers, Distillers and Wholesale Dealers, in the several Districts of the Province, under Provincial Statutes, from the 5th October, 1828 to the 5th January, 1829, so far as the several Inspectors have reported the same.

| DISTRICTS. | INSPECTORS. | Shops | Innkeepers. | Distillers Gallons. | Wholesale. | Duty on Shops. | Duty on Innkeepers. | Duty on Stills. | Duty on Wholesale | TOTAL. |
|------------------|---|-------|-------------|---------------------|------------|----------------|---------------------|-----------------|-------------------|-----------|
| Midland, | John Cumming, .. | | 4 | | | | 9 | | | 9 0 0 |
| Niagara, | John Claus, | 15 | 4 | 50 | | 90 | 4 5 | 6 5 | | 100 10 0 |
| Eastern, | Neil McLean, | 1 | 1 | | | 6 | 1 | | | 7 0 0 |
| Gore, | John Willson, | 10 | 16 | 1046 | 1 | 60 | 24 10 | 130 15 | 5 | 320 5 0 |
| Newcastle, | Elias Jones, | | 20 | 667½ | | | 28 | 83 8 9 | | 111 8 9 |
| London, | James Mitchell, | | 1 | 60 | | | 1 5 | 7 10 | | 8 15 0 |
| | | 26 | 46 | 1823½ | 1 | 156 | 68 | 227 18 9 | 5 | 456 18 9 |
| | Allowance to Inspectors, 10 per cent..... | | | | | 15 12 | 6 16 | 23 15 10½ | | 45 3 10½ |
| | Nett Revenue..... | | | | | 140 8 | 61 4 | 205 2 10½ | 5 | 411 4 10½ |

Inspector General's Office, 8th January, 1829.

JAMES BABY, Inspector General.

(No. 11.)

UPPER CANADA.

Account of Revenue arising from duties on Merchandize imported from the United States, at the several Ports of entry within the Province, between the 1st January, and the 31st December, 1828, so far as reported by the Collectors.

| PORT. | COLLECTOR. | Whole Collection. | Expense. | Nett Revenue. |
|-----------------------|---------------------------------------|-------------------|---------------|---------------|
| River aux Raisins, .. | J. Cameron, | 37 1 4 | 18 10 8 | 18 10 8 |
| Cornwall, .. | John Crysler, | 40 14 4½ | 20 7 2 | 20 7 2½ |
| Prescott, .. | Alpheus Jones, .. | 358 3 1½ | 100 0 0 | 258 3 1½ |
| Brockville, .. | William Jones, .. | 406 17 1½ | 100 0 0 | 306 17 1½ |
| Gannanoque, .. | Joel Stone, | 63 1 7 | 31 10 9½ | 31 10 9½ |
| Kingston, .. | C. A. Hagerman, T. Kirkpatrick, | 1528 1 2 | 100 0 0 | 1428 1 2 |
| Hallowell, .. | Andrew Deacon, .. | 120 6 5½ | 60 3 2½ | 60 3 2½ |
| Johnstown, .. | William Jones, .. | 7 13 10½ | 3 16 11½ | 3 16 11½ |
| Newcastle, .. | W. M. Bullock, .. | 158 1 10½ | 79 0 11½ | 79 0 11½ |
| Port Hope, .. | M. F. Whitehead, .. | 427 14 10 | 100 0 0 | 327 14 10 |
| York, .. | W. Allan, Geo. Savage, .. | 912 16 4 | 100 0 0 | 812 16 4 |
| Burlington, .. | John Chisholm, .. | 773 19 4¾ | 100 0 0 | 673 19 4¾ |
| Niagara, .. | Thomas M'Cormick, .. | 820 9 1½ | 100 0 0 | 720 9 1½ |
| Queenston, .. | Robert Grant, | 235 9 ¾ | 100 0 0 | 135 9 ¾ |
| Chippawa, .. | Robert Kirkpatrick, .. | 678 13 6¾ | 100 0 0 | 578 13 6¾ |
| Fort Erie, .. | John Warren, | 190 10 6¼ | 95 5 3 | 95 5 3¼ |
| Turkey point, .. | James Mitchell, .. | 10 11 4 | 5 5 8 | 5 5 8 |
| Dover, .. | Geo. J. Ryerse, .. | 53 9 ¾ | 26 14 7¼ | 26 14 7½ |
| Port Talbot, .. | Mahlon Burwell, .. | 123 6 5¾ | 61 13 ¾ | 61 13 3 |
| Sandwich, .. | William Hands, .. | 113 19 0½ | 55 11 8¼ | 58 7 4¼ |
| Drummond Island, .. | T. G. Anderson, .. | 115 3 10½ | 57 11 11¼ | 57 11 11¼ |
| | Whole collected, | 7176 5 2½ | Expense, £ | 1415 12 1 |
| | | | Nett Revenue. | 5760 13 1½ |

Inspector General's Office 8th January, 1829.

JAMES BABY, Inspector General.

UPPER CANADA.

Account of revenue from licences issued to **Hawkers and Pedlars**, as per returns from Collectors, between the 1st January, and 31st December, 1828.

| PORT. | PERSONS LICENCED. | Description. | DUTY. | TOTAL. |
|------------------------------|--------------------------|--------------|--------|---------|
| Kingston, | Patrick Farrell, | Foot Pedlar. | 5 0 0 | 105 0 0 |
| | Luman Nathway, | " | 5 0 0 | |
| | Henry Campbell, | " | 5 0 0 | |
| | John Mullen, | " | 5 0 0 | |
| | John O'Connor, | " | 5 0 0 | |
| | James McGee, | " | 5 0 0 | |
| | Robert James, | " | 5 0 0 | |
| | Timothy Donohoe, | One Horse. | 10 0 0 | |
| | John Willis, | " | 10 0 0 | |
| | Abraham Potter, | " | 10 0 0 | |
| | Charles Wright, | " | 10 0 0 | |
| | Zenos Hall, | " | 10 0 0 | |
| | George Griswold, | " | 10 0 0 | |
| James Brown, | Foot Pedlar. | 5 0 0 | | |
| J. Hammel, | " | 5 0 0 | | |
| Cornwall, .. | Walter Daisey, | One Horse. | 10 0 0 | 55 0 0 |
| | Henry Tuthill, | " | 10 0 0 | |
| | Charles Dix, | " | 10 0 0 | |
| | H. W. Hadley, | " | 10 0 0 | |
| | Charles Clancey, | " | 10 0 0 | |
| | John Waring, | Foot Pedlar. | 5 0 0 | |
| River aux Raisins, | James Ewen, | " | 5 0 0 | 10 0 0 |
| | Arthur Daugherty, | " | 5 0 0 | |
| Port Hope, .. | Dennis Kiorder, | One Horse. | 10 0 0 | 15 0 0 |
| | John McNicless, | Foot Pedlar. | 5 0 0 | |
| Brockville, .. | S. Elliott, | One Horse. | 0 0 0 | 10 0 0 |
| Newcastle, .. | Ezra Chapman, | One Horse. | 0 0 0 | 10 0 0 |
| York, | Alexander Cullen, | Foot Pedlar. | 0 0 0 | 5 0 0 |
| Niagara, | Boyle Traverse, | One Horse. | 10 0 0 | 35 0 0 |
| | Christopher Hughes, | " | 10 0 0 | |
| | Andrew Vanderburgh, | " | 10 0 0 | |
| | James Taylor, | Foot Pedlar. | 5 0 0 | |
| | " | " | " | |
| Chippawa, .. | " | One Horse. | 0 0 0 | 10 0 0 |
| | Abram Stinson, | " | 10 0 0 | |
| | John Stinson, | " | 10 0 0 | |
| Burlington, .. | James Wheaton, | " | 10 0 0 | 30 0 0 |
| | Dennis O'Brien, | " | 10 0 0 | |
| | Patrick McManus, | Foot Pedlar. | 5 0 0 | |
| Turkey Point, | " | " | 10 0 0 | 15 0 0 |
| Port Talbot, ... | John Lynderman, | One Horse. | 0 0 0 | 10 0 0 |
| | " | " | " | |
| Whole Collection. | | | £ | 310 0 0 |
| Deduct Collectors' allowance | | | £ | 31 0 0 |
| Nett Revenue. | | | £ | 279 0 0 |

Inspector General's Office, 8th January, 1829.

J. BABY, Inspector General.

UPPER CANADA.

Account of revenue from licences issued to auctioners and from duties on sales at auction collected from 1st January, to 31st December, 1828. so far as reported.

| PORT. | PERSONS LICENCED. | DUTY. | |
|-------------------|-------------------------------|---------|-----------|
| Brockville, - - - | Adiel Sherwood, - - - | 5 0 0 | |
| " - - - | Hugh Calder, - - - | 5 0 0 | |
| Sandwich, - - - | Joseph C. Lewis, - - - | 5 0 0 | |
| Kingston, - - - | Michael Moran, - - - | 5 0 0 | |
| " - - - | John Strange, - - - | 5 0 0 | |
| " - - - | Archibald McDonell, - - - | 5 0 0 | |
| Port Hope, - - - | Erasmus Fowke, - - - | 5 0 0 | |
| " - - - | Thomas T. Orton, - - - | 5 0 0 | |
| York, - - - | Benjamin Barnard, - - - | 5 0 0 | |
| " - - - | Henry Mosley, - - - | 5 0 0 | |
| " - - - | Patrick McGann, - - - | 5 0 0 | |
| " - - - | M & R. Meighan, - - - | 5 0 0 | |
| " - - - | Patrick Handy, - - - | 5 0 0 | |
| | | | 65 0 0 |
| | ON SALES, DUTY PAID. | | |
| Niagara, - - - | " " | 10 12 2 | |
| Brockville, - - - | " " | 7 19 1½ | |
| Sandwich, - - - | " " | 3 6 11 | |
| Kingston, - - - | " " | 62 9 7¼ | |
| Port Hope, - - - | " " | 0 10 3 | |
| York, - - - | " " | 23 5 5 | 108 3 5¼ |
| | Whole Collection, | - - - | 173 3 5¼ |
| | Deduct Collector's Allowance, | - - - | 8 13 2 |
| | Nett Revenue, | - - - | 164 10 3¼ |

Inspector General's Office, 8th January, 1829,

J. BABY, Inspector General.

UPPER CANADA.

Account of Revenue arising from Light house Tonnage duty, Collected between the 1st January, and the 31st December, 1828.

AT THE PORT OF YORK,

£ | 125 2s. 6d.

Inspector General's office, 8th January, 1829,

J. BABY, Inspector General.

UPPER CANADA.

Estimate for the Civil List, for the year 1829.

| | Sterling. |
|---|------------|
| Administration of Justice, | 1800 0 0 |
| Government Office, | 1200 0 0 |
| Receiver General's Office, | 500 0 0 |
| Surveyor General's Office, | 1400 0 0 |
| Executive Council Office, | 650 0 0 |
| Registrar's & Secretary's Office, | 400 0 0 |
| Inspector General's Office, | 420 0 0 |
| Government Printer, | 200 0 0 |
| Printing the Laws, | 400 0 0 |
| Casual and other expenes, | 500 0 0 |
| | £ 7470 0 0 |

RESOURCES.

| | |
|---|------------|
| Duties Accruing, under 14th Geo. 3rd Chap. 8 in Upper and Lower Canada. | 6000 0 0 |
| Excess of former Estimates beyond the Expenditures. | 1470 0 0 |
| | £ 7470 0 0 |

Inspector General's office, 8th January, 1829,

J. BABY, Inspector General.

UPPER CANADA.



General Estimate of the Expenditure and Resources of the Province, for the year 1829.

| EXPENDITURE. | Currency. | RESOURCES. | Currency. |
|--|-----------|---|-------------|
| Officers of the Legislature, | 1040 0 0 | Revenue under 14th Geo. 3rd. | |
| Nine Sheriffs, .. | 450 0 0 | In Upper Canada,....£ | 1500 0 0 |
| Eleven District Schools, | 1100 0 0 | In Lower Canada,.... | 5200 0 0 |
| Adjutant General's Establishment, | 650 0 0 | | 6700 0 0 |
| Civil appropriation, 5 th Geo 3rd. | 2500 0 0 | Revenue under Provincial Statutes, | |
| Inspector General's Salary, | 406 0 0 | In Upper Canada,....£ | 11'00 0 0 |
| Common School appropriations, .. | 3050 0 0 | In Lower Canada,.... | 20'00 0 0 |
| Six pensions of £20, each, | 120 0 0 | | 31000 0 0 |
| Reverend Robert Addison's pension, | 50 0 0 | Bank Stock dividends, | 1400 0 0 |
| Interest on Public Debt, | 6730 0 0 | Amount payable by Welland Canal Com- | |
| Contingencies of Parliament, 1st Session. .. | 3200 0 0 | pany,.... | 4500 0 0 |
| Receiver General's Poundage. | 1000 0 0 | Light House Tonnage Duty, .. | 126 0 0 |
| Bank Stock Instalments, .. | 2500 0 0 | Balance in the Receiver General's hands | |
| Militia Pension list, | 1500 0 0 | after completing the service of 1828, | |
| Light House Expenses, .. | 100 0 0 | supposed, | 10000 0 0 |
| Estimate for Civil List for 1829, .. | 8300 0 0 | | |
| For Public buildings, .. | 690 0 0 | | |
| Redemption of Public Debt, | 14135 0 0 | | |
| | 53726 0 0 | | £ 53726 0 0 |

Note. £1500, will probably be required for the use of the Burlington Bay Canal, which is not included in the above estimate.

Inspector General's Office, 8th January, 1829.

JAMES BABY, Inspector General.



UPPER CANADA.



Account of monies outstanding in the hands of Collectors and Inspectors, on account of Provincial Duties on the 31st December, 1828.

| INSPECTORS. | Currency. |
|---|----------------------------|
| Thomas Mears, | 0 17 11 $\frac{1}{2}$ |
| John Cumming, | 317 5 6 $\frac{1}{4}$ |
| Estate of the late Oliver Everts Johnstown District, | 88 2 5 $\frac{1}{4}$ |
| Elias Jones, | 158 5 8 $\frac{3}{4}$ |
| Estate of the late Isaac Swayze, Niagara District, | 52 11 6 $\frac{3}{4}$ |
| John Claus, | 83 16 3 |
| James Mitchell, | 114 0 11 $\frac{1}{2}$ |
| John Willson, | 71 1 4 $\frac{1}{4}$ |
| T. G. Anderson, | 45 9 6 |
| | 1231 11 8 $\frac{1}{2}$ |
| COLLECTORS. | |
| John Cryslar, | 233 7 5 $\frac{1}{4}$ |
| John Cameron, | 11 16 10 $\frac{3}{4}$ |
| Joel Stone, | 67 1 5 $\frac{1}{4}$ |
| Alpheus Jones, .. | 69 4 2 $\frac{1}{2}$ |
| William Jones, .. | 189 12 6 $\frac{1}{4}$ |
| Port of Kingston, | 420 14 4 $\frac{3}{4}$ |
| Robert Smith, | 10 12 4 $\frac{1}{4}$ |
| Andrew Deacon, .. | 308 14 6 $\frac{3}{4}$ |
| W. M. Bullock, .. | 120 7 10 $\frac{1}{4}$ |
| M. F. Whitehead, | 268 11 9 |
| Geo Savage, | 249 4 11 $\frac{1}{2}$ |
| John Chisholm, .. | 357 0 9 |
| Geo. J. Ryerse, .. | 15 7 1 $\frac{1}{4}$ |
| James Mitchell, .. | 28 3 5 $\frac{3}{4}$ |
| Mahlon Burwell, | 4 9 10 $\frac{1}{4}$ |
| T. G. Anderson, .. | 4 1 11 $\frac{1}{4}$ |
| William Hands, .. | 84 0 2 $\frac{1}{4}$ |
| Robert Kirkpatrick .. | 169 1 10 |
| J. Chisholm as Collector of tolls, &c. at the Burlington Bay Canal. | 572 12 5 $\frac{1}{4}$ |
| | £ 3185 5 7 $\frac{1}{2}$ |
| | £ 4416 16 10 $\frac{1}{2}$ |

Inspector General's Office
8th January, 1829.

JAMES BABY,

Inspector General.

UPPER CANADA.

Account of monies paid to the Receiver General by Inspectors and collectors, since the 31st December, 1828, in liquidation of balances then out standing, or on account of duties subsequently collected.

| | | | | | | Currency. |
|---------------------|------|------|------|------|------|-----------|
| From INSPECTORS. | | | | | | |
| Elias Jones, | .... | .... | .... | .... | .... | 129 15 0 |
| John Claus, | .... | .... | .... | .... | .... | 123 5 0 |
| From COLLECTORS. | | | | | | |
| Robert Smith, | .... | .... | .... | .... | .... | 14 15 0 |
| John Warren, | .... | .... | .... | .... | .... | 16 5 0 |
| Alpheus Jones, | .... | .... | .... | .... | .... | 124 11 2½ |
| Thomas Kirkpatrick, | .... | .... | .... | .... | .... | 100 0 0 |
| Thomas M'Cormick, | .... | .... | .... | .... | .... | 10 0 0 |
| £ | | | | | | 518 11 2½ |

Inspector General's Office, 8th January, 1829.

J. BABY,
Inspector General.

COPY.

(No. 19.)

UPPER CANADA.

Statement of monies paid into the hands of the Receiver General of Lower Canada between 1st July, 1828, and 1st January, 1829, arising from duties collected at the port of Quebec, in Virtue of the Imperial Act 14th Geo. 3rd, C. 88 and of sundry Provincial Acts, and shewing the proportion thereof to which the Province of Upper Canada is intitled under the Provisions of the Imperial act 3, Geo. 4, Chap. 119.

| ACTS. | AMOUNT. | |
|--|--------------------------------|---------------------------------|
| | Quarter ended, 5th July, 1828. | Quarter ended, 10th Oct., 1828. |
| Under Imperial Act, 14th Geo. 3d, Cap. 88, | 18399 7 6 | 13054 3 9 |
| " Provincial Acts 33, 35, and 41, Geo. 3rd, | 953 6 8½ | 10505 15 3 |
| " Ditto. 53 Geo. 3, Cap. 11, | 5794 8 0¼ | 3961 11 3 |
| " Ditto. 55 Geo. 3, Cap. 3, | 5671 13 10½ | 567 17 1 |
| | 31028 16 1¼ | 28189 7 4 |
| Amount to 5th July, | | 31028 16 1¼ |
| Amount refunded by the Collector at Quebec, being the per centage detained by him from his collections in the years 1826 and 1827, under Imperial Act 14th Geo. 3rd, Cap. 88, | | 3120 13 11 |
| Ditto. refunded by the ditto, being do in the same years under Provincial Acts, | | 3533 4 5 |
| | Currency, £ | 65872 1 9½ |
| Deduct duties under 55th Geo. 3rd, returned £37 11 10, Sterling, .. | | 97 6 6 |
| | | 65774 15 3¼ |
| The proportion for Upper Canada, one fourth, is, .. | | 16443 13 10 |
| | Equal to Sterling, £ | 14799 6 5 |

NOTE. The amount outstanding on Bonds is £35,385 6 4½ Currency, subject to deductions and casualties, which nett sum will form part of the amount to a proportion of which Upper Canada will be entitled on 1st July next. } Quebec, 1st January, 1829.

(Signed) JOS. CAREY,
Ins. P. P. Accounts.

A TRUE COPY.

Inspector General's Office, 8th January, 1829.

J. BABY, Inspector General.

FIRST REPORT,
BY THE COMMITTEE OF FINANCE.

MEMBERS OF COMMITTEE.

THOMAS DALTON, Esq. *Chairman.*
WILLIAM MORRIS, Esq.
HUGH C. THOMSON, Esq.
W. L. MACKENZIE, Esq.
AMBROSE BLACKLOCK, Esq.
JOHN ROLPH, Esq. &
GEORGE LONGLEY, Esq.

To the Honourable the Knights, Citizens, and Burgesses, representing the Province of Upper Canada, in Parliament assembled.

The select committee appointed to examine and report upon the public accounts, have examined nineteen general accounts, and accounts in detail, and a schedule of Government Debentures, issued by the Receiver General, under the authority of various acts of the Provincial Legislature, and report in part as follows:—Nos. 1 & 19 are accounts of duties collected at the Port of Quebec, under the Imperial act, 14 Geo. 3rd, chap. 83, and sundry Provincial enactments, between the 1st January, 1828, and the 1st of January, 1829, viz:

| | £ | s. | D. |
|---|---------|----|----|
| From the 1st January to the 1st July, 1828, | 49,748 | 5 | 4½ |
| From 1st July, 1828, to 1st January, 1829, | 65,774 | 15 | 5¾ |
| | 115,522 | 0 | 8½ |

One quarter of which is the proportion due to Upper Canada, and is, currency 28,880*l.* 15*s.* 2*d.* The amount of duties collected in the last half year, ending 1st of January, 1829, exceeds that of the corresponding half year, ending first January, 1828, 15,530*l.* 9*s.* 0*d.*—but of this excess the sum of 6653*l.* 18*s.* 4*d.* appears to have been a refunding by the collector, at Quebec, of monies detained by him from his collections in the year 1826 and 1827, as his per centage under the Imperial Act, 14th Geo 3rd, chap. 83.

There is a note to account No. 1 as follows:—

"The collector at Quebec states, that the amount of bonds remaining unpaid, is 624*l.* 12*s.* 2*d.* currency, to recover which, prosecutions have been instituted against the parties," and to account No. 19 a note as follows.—"The amount outstanding on bonds is 55,385*l.* 6*s.* 4¾*d.* currency, subject to deductions and casualties, which net sum will form part of the amount, to a proportion of which, Upper Canada will be entitled, on the 1st July next.

Account No. 2 is a statement of the Receiver General's receipts and payments, from the 1st January, to the 30th June, 1828, inclusive, by which it appears that from various sources he has received the sum of 14,311*l.* 6*s.* 5½*d.* which, together with the sum of 9513*l.* 4*s.* 3¾*d.* remaining in his hands on the 31st December, 1827, makes a total of 23,824*l.* 10*s.* 9¼*d.* out of which he had paid warrants issued by His Excellency, the Lieut. Governor, to the amount of 13,119*l.* 15*s.* 3¾*d.* and retained for his own poundage; 391*l.* 18*s.* 0*d.* leaving a balance in his hands on the 30th of June, 1828, of 10,312*l.* 17*s.* 5½*d.*

Account No. 3, is an abstract of the warrants issued by the Lieutenant Governor and referred to in account No. 2, amounting to the sum of 13,119*l.* 15*s.* 3¾*d.*

Account No. 4 is a statement of the Receiver General's Receipts and Payments of the Provincial Revenue from the 1st of July, to the 31st of December, 1828, by which it appears, that from various sources he had received the sum of 19,930*l.* 17*s.* 5½*d.* which, together with the sum of

10,312*l.* 17*s.* 5½*d.* remaining in his hands on the 30th June, is a total of 30,293*l.* 14*s.* 10¾*d.* out of which he had paid warrants issued by His Excellency the Lieutenant Governor, to the amount of 15,680*l.* 3*s.* 1*d.* and retained for his own poundage 660*l.* 11*s.* 4*d.* leaving a balance in his hands on the 31st of December, 1828, of 13,957*l.* 0*s.* 5¾*d.*

Account No. 5, is the abstract of the warrants referred to in No. 4.

No. 6, is an account of the Receiver General's receipts and payments of the appropriation for the civil Government of the Province for the year 1827, by statute 8th Geo. 4 chap. 25. The receipts consist of a single item of 5,090*l.* 14*s.* 6¼*d.* sterling; on hand the 31st December, 1827, and the disbursements appear under one item of account of warrants issued by His Excellency the Lt. Governor of the Province," 3052*l.* 8*s.* 3 sterling, leaving a balance unexpended and transferred to a statement for 1828, of 2038*l.* 6*s.* 3¾*d.* sterling. The abstract of the said warrants follows the account which amount to 3,391*l.* 11*s.* 4¼*d.* currency, equal to 3,052*l.* 8*s.* 3 sterling.

No. 7 is a statement of the Receiver General's receipts and payments on account of the appropriation for the Civil Government of the Province for the year 1828 by statute 9th Geo. 4. chap. 14, up to the 31st December, 1828. The receipts consist of the balance formerly on hand, as per account No. 6 of 2038*l.* 6*s.* 3¾*d.* sterling the sum of 2000*l.* transferred by warrant from the Provincial fund, and the sum of 6000*l.* transferred by warrant from duties arising under British statute 14. Geo. 3. chap. 83, altogether 10,038*l.* 6*s.* 3¾*d.* sterling, and the disbursements of an item of 4859*l.* 6*s.* 1½*d.* paid by warrants of the Governor, and a sum of 180*l.* sterling retained by the Receiver General as his poundage on the above sum of 6000*l.* leaving a balance on hand of 4999*l.* said to be to complete the service of the year 1828. The abstract of the Governor's warrants follows the account No. 7, but shews warrants for only 4859*l.* 6*s.* 1½*d.* currency, consequently there is an error of 53*l.* 18*s.* 9¼*d.* currency in the balance of cash on hand, the Receiver General having in his hands that sum over and above what he alleges to have, although this account has been signed by the Inspector General of the Province. This error affords a striking illustration of the ill consequences of keeping the public accounts in a variety of currency.

No. 8 is a statement of the Receiver General's receipts and payments of the appropriation of 2,500*l.* annually by Provincial statute of 56 Geo. 3rd chap. 26, passed on the 1st April, 1816, from 1st January to 31st December, 1828. The receipts consisting of 2120*l.* 16*s.* 3 on hand 31st December, 1827, and 2500*l.* the amount of the appropriation for the year commencing the 1st of April, 1828, together 4620*l.* 16*s.* 3 of which 3537*l.* 9*s.* 1 has been issued on warrants of the Governor, leaving a balance on hand on the 31st December, 1828, of 1083*l.* 7*s.* 2.

The succeeding accounts from 9 to 14 inclusive are returns from Inspectors and Collectors of Shop Licences, Hawkers, and Pedlars, duties on Imports, Auctioneers and sales by Auction, and Light House & Tonnage duties.

No. 15 is an estimate of the civil list for 1829, amounting to 7470, with the ways and means to answer the same, being 6000*l.* duties accruing under the 14th Geo. 3rd, chap. 83, and 1470*l.* excess on former estimate beyond the expenditure.

No. 16 is a general statement of the expenditure and resources for the year 1829. &c.

No. 17 is an account of monies outstanding in the hands of Inspectors and Collectors on account of Provincial duties on the 31st December, 1828.

No. 18 is an account of monies paid to the Receiver General by Inspectors and Collectors since the 31st December, 1828.

Your Committee now present a condensed view of the Public Accounts in the papers subjoined.

Condensed view of the RECEIVER GENERAL'S whole RECEIPTS and PAYMENTS;
From 1st July, 1827, to 31st December, 1828.

| Dr. | <i>Receiver General in Account Current with the Province of Upper Canada.</i> | | | Cr. |
|--|---|----|----|-----|
| To balance on hand 31st December, 1827, on account of Provincial Revenue, Account No. 2, | £ | s. | D. | |
| To amount paid by the Receiver General of Lower Canada for proportion of Import Duties, under Provincial Statutes, for quarters ending 5th July and 10th October, 1827, | 9,513 | 4 | 3¾ | |
| To amount paid by the Receiver General of Lower Canada, under Provincial Statutes, for quarters ending 1st January and 5th April, and up to 1st May, 1828—Account No. 4, | 6,012 | 3 | 1½ | |
| To amount transferred by warrant from Provincial Fund—Account No. 7, | 11,428 | 4 | 6¼ | |
| To amount transferred by warrant from duties under British Statute, 14th Geo. 3. cap. 83—Account No. 7, | 2,222 | 4 | 5¼ | |
| | 6,666 | 13 | 4 | |
| Continued, £ | 35,842 | 9 | 8½ | |
| | | | | £ |
| By amount of warrants issued by the Lieutenant Governor, per Abstract No. 3, | 13,119 | 15 | 3¾ | |
| By amount of his poundage retained, per Accounts 2, 4, and 7, | 1,248 | 9 | 4 | |
| By amount of warrants issued by the Lieutenant Governor, per Abstract No. 5, | 15,680 | 3 | 1 | |
| By amount of warrants issued by the Lieutenant Governor, as per Abstract accompanying Account No. 6, | 3,391 | 11 | 4¾ | |
| By amount of warrants issued by the Lieutenant Governor, as per Abstract accompanying Account No. 7, | 4,859 | 6 | 1½ | |
| By amount of warrants issued by the Lieutenant Governor, as per Abstract accompanying Account No. 8, | 3,537 | 9 | 1 | |
| Continued, £ | 41,836 | 14 | 4 | |

| Continued, £ | | | | Continued, £ | | | |
|--|----------|----|----|---|--------|----|-----|
| To amount of appropriation transferred by warrant Account No. 8. | 35,842 | 9 | 3½ | Deducting from this sum the two warrants, viz: from Provincial fund in Account No. 7, | £2,222 | 4 | 5½ |
| To cash received from Bank of U. C. for 10th & 11th dividends, accounts 2 & 4. | 2,500 | 0 | 0 | And the annual appropriation, | 2,500 | 0 | 0 |
| To do. received from Welland Canal for interest, Accounts 2 and 4. | * 1,300 | 0 | 0 | | £1,722 | 4 | 5½ |
| To do. received from Inspectors, for duties on Shop, Tavern, Still, and Wholesale Dealers' licenses, Accounts 2 & 4. | * 4,148 | 16 | 7½ | shows the amount of expenditure which agrees within a trifle of the general account of expenditure. | | | |
| To do. received from Collectors from duties on Imports, Accounts 2 & 4. | * 5,654 | 4 | 4½ | | | | |
| To do. on Hawkers and Pedlars, 2 & 4. | * 349 | 15 | 0 | | | | |
| To do. on Auctioneers, and Sales at Auction, 2 and 4. | * 325 | 2 | 3 | | | | |
| To do. on Ale and Beer licenses, No. 2. | * 0 | 10 | 0 | | | | |
| To do. on Tonnage of Vessels, No. 4. | * 103 | 15 | 2½ | | | | |
| To do. from Collector of Tolls at Burlington Canal, No. 4. | * 469 | 12 | 8 | Balance in the hands of the Receiver General, on the 31st December, 1828, | 21,134 | 14 | 11½ |
| To amount of balance in hand on appropriation for Civil Government for 1827, Account No. 6. | 5,656 | 7 | 2½ | 538l. 18 9½ more than the Receiver General allows to be due by him. † | | | |
| To amount of balance on 31st December, 1827, of annual appropriation of 2500l., Account No. 8. | 2,120 | 16 | 3 | | | | |
| | £ 62,971 | 9 | 3½ | | | | |
| | | | | Halifax Currency. £ | 62,971 | 9 | 3½ |

* The sums marked thus, form the amount of the Revenue.

† (Note.) Mr. Nation stated to the Committee (see his evidence appended hereto), that the error of 538l. 18 9½ was his: that the Inspector General told him that this was an error, and that he sent for the Account to the Office of the Clerk of the Assembly after it had been sent down by His Excellency, erased the sums and corrected the error. This he did without the knowledge of the Clerk, the House, or the Finance Committee.

The PROVINCIAL REVENUE for the last year consists of the following items.

| | | | | | | | |
|----------|----|-----|---|--------|----|----|--------------------------------|
| £ 24,107 | 0 | 11½ | Received from Quebec, and under Act 14 Geo. 3, c. 28, | 0 | 10 | 0 | Ale and Beer Licenses, |
| 1,300 | 0 | 0 | Dividends from Bank of Upper Canada, | 103 | 15 | 2½ | From tonnage of Vessels, |
| 4,500 | 0 | 0 | Interest from Welland Canal, | 469 | 12 | 8 | For tolls at Burlington Canal, |
| 4,148 | 16 | 7½ | Duties on Shop, Tavern, Still and Wholesale Licences, | 40,958 | 17 | 1 | EXPENDITURE. |
| 5,654 | 4 | 4½ | From Collectors of Customs, | | | | SURPLUS. |
| 349 | 15 | 0 | From Hawkers and Pedlars, | | | | |
| 325 | 2 | 3 | From Auctioneers and sales at Auction, | | | | |

Particulars of MONIES paid out of the Provincial Funds for the year ending the 30th of June, 1828, as far as the Accounts shew.

| GOVERNMENT OFFICE. | | | | Continued, £ | | | |
|---|-------|----|----|---|-------|----|-----|
| To George Hillier, Private Secretary, Salary. | £ 203 | 6 | 7½ | To Judge Sherwood, travelling expenses, | 148 | 2 | 11½ |
| Further Salary, to Nov. 4th, 1828, | 70 | 11 | 1½ | To Judge Hagerman, do. do. | 185 | 3 | 8½ |
| | 273 | 17 | 9 | To Henry J. Boulton, do. do. | 92 | 11 | 10 |
| To Edward M'Mahon, Chief Clerk, one years' Salary. | 277 | 15 | 6½ | To J. B. Robinson, do. do. | 74 | 1 | 5½ |
| To Robert H. Givens, Clerk, do. | 166 | 13 | 4 | To Sheriff, reward for apprehending Christie, | 147 | 15 | 0 |
| To Warren Claus, do. do. | 166 | 13 | 4 | | 647 | 14 | 11½ |
| To Edward M'Mahon, to discharge Contingent Expenses of the Government Office, | 100 | 0 | 0 | COMMISSIONERS OF PRETENDED BANK. | 4,765 | 11 | 9½ |
| To Warren Claus, for 26 days, | 11 | 8 | 8½ | Paid them to reimburse their outlays, | 442 | 13 | 4 |
| To George Hillier, for contingencies of the Government Office, | 480 | 9 | 5 | | 5,208 | 5 | 1½ |
| To George Hillier, for repairing Government House, | 183 | 5 | 11 | PROVINCIAL SECRETARY & REGISTRAR'S OFFICE. | | | |
| To George Hillier, for Insurance of same, | 26 | 5 | 0 | To Samuel P. Jarvis, Deputy Provincial Secretary, salary, | 166 | 13 | 4 |
| | | | | To Duncan Cameron, allowed in Council for books, | 48 | 17 | 0 |
| EXECUTIVE COUNCIL OFFICE. | | | | To do. for fees and contingencies of office, | 234 | 14 | 5 |
| To John Small additional Salary, | 111 | 2 | 2½ | To do. for trip to England, | 400 | 0 | 0 |
| To John Beikie, Chief Clerk, | 202 | 15 | 6½ | To do. for assistance during his absence, | 126 | 6 | 10½ |
| To George Savage, second Clerk, | 166 | 13 | 4 | | 1,026 | 11 | 7½ |
| To John Small, contingencies of the office. | 339 | 4 | 3 | INSPECTOR GENERAL'S OFFICE. | | | |
| | 819 | 15 | 4 | To Hon. James Baby, Inspector General, salary, | 405 | 11 | 1 |
| SURVEYOR GENERAL'S OFFICE. | | | | To do. contingencies of his office, | 661 | 9 | 11 |
| To William Chawett, Senior Surveyor and Draftsman, | 205 | 17 | 6 | To do. to enable him to pay his contingencies, | 10 | 0 | 0 |
| To do. as Senior Clerk, | 202 | 15 | 6½ | | 1,077 | 1 | 0 |
| | 408 | 13 | 6½ | PENSIONS. | | | |
| To Samuel Ridout, as second Clerk, | 202 | 15 | 6½ | Honourable William Dummer Powell, 1 years', | 1,111 | 2 | 2½ |
| To Thomas Ridout, 143 old returns, | 17 | 17 | 6 | Hon. John McGill, do. | 500 | 0 | 0 |
| To Thomas Ridout, for contingencies of his Office, | 901 | 19 | 1½ | Six Pensioners, | 120 | 0 | 0 |
| | 1,531 | 5 | 2½ | Reverend Robert Addison, | 50 | 0 | 0 |
| COURT OF KING'S BENCH. | | | | | 1,781 | 2 | 2½ |
| To James Bridgland, keeper of the Court, | 20 | 0 | 0 | | | | |
| To James Bird, Usher of the Court, | 20 | 0 | 0 | | | | |
| To Wm. B. Jarvis, disbursed for administration of Justice, | 12 | 7 | 3½ | | | | |
| To do. for 48 days' attendance, | 28 | 0 | 0 | | | | |
| | 80 | 7 | 3½ | | | | |
| Continued, £ | 4,117 | 16 | 10 | | | | |
| | | | | Continued, £ | 9,092 | 19 | 11½ |

| | | Continued, £ | 9,092 | 19 | 11½ |
|--|-------|--------------|-------|-----|-----|
| MILITIA PENSIONS. | | | | | |
| Paid John Henry Dunn, to defray sundry militia pensions, | | 1,270 | 0 | 0 | |
| ADJUTANT GENERAL OF MILITIA'S OFFICE. | | | | | |
| To Adjutant General for 1 year's salary, | 365 | 10 | 0 | | |
| To salary of his Assistant, | 200 | 0 | 0 | | |
| To contingencies of his office, | 85 | 0 | 0 | | |
| | | 650 | 10 | 0 | |
| COMMISSIONERS OF INTERNAL NAVIGATION. | | | | | |
| To John Macaulay, Esq. to pay for map of Rideau Canal, | | 150 | 0 | 0 | |
| To William Allan, Expenses of Light House, | | 97 | 18 | 9 | |
| | | 11,391 | 8 | 8½ | |
| DISTRICT SCHOOLS. | | | | | |
| Amount remitted to District Treasurers for District Schools, | | 939 | 14 | 6 | |
| COMMON SCHOOLS. | | | | | |
| Amount divided among 11 Districts, | | 2,875 | 0 | 0 | |
| COMMISSIONERS OF LIGHT HOUSE ON FALSE DUCKS. | | | | | |
| Amount paid John Macaulay, and others, to erect a Light House, | | 1,000 | 0 | 0 | |
| COMMISSIONERS OF BURLINGTON BAY CANAL. | | | | | |
| Paid them, | | 2,000 | 0 | 0 | |
| And to William Chisholm, for better securing the works, | | 1,000 | 0 | 0 | |
| SHERIFFS. | | | | | |
| This sum paid as salaries to 9 Sheriffs, | | 425 | 0 | 0 | |
| Interest on public debt, | | 6,775 | 0 | 0 | |
| Paid an Instalment to Bank of Upper Canada, | | 2,500 | 0 | 0 | |
| LAW EXPENSES. | | | | | |
| Paid Henry John Boulton, Solicitor General, his charge | 228 | 15 | 0 | | |
| Do. Attorney General, | 697 | 5 | 1½ | | |
| Henry Sherwood, Clerk of Assize, | 72 | 11 | 0 | | |
| Joseph H. Hagerman, do. do. | 46 | 6 | 6 | | |
| William A. Campbell, do. do. | 93 | 8 | 0 | | |
| Charles C. Small, Clerk of Crown & Pleas, | 69 | 6 | 6½ | | |
| Samuel P. Jarvis, Clerk of Crown in Chancery, | 243 | 6 | 9 | | |
| | | 1,450 | 18 | 11 | |
| GOVERNMENT PRINTER. | | | | | |
| Robert Stanton, for Printing, &c., &c., | | 422 | 19 | 10½ | |
| RECEIVER GENERAL'S OFFICE. | | | | | |
| To John Henry Dunn, Contingencies of Office, | 518 | 16 | 5 | | |
| To amount of his Poundage, | 1,248 | 9 | 4 | | |
| | | 1,867 | 5 | 9 | |
| LEGISLATIVE COUNCIL AND HOUSE OF ASSEMBLY. | | | | | |
| Hon. William Campbell, Speaker Legislative Council, | 400 | 0 | 0 | | |
| Grant Powell, Clerk, | 225 | 0 | 0 | | |
| Rev. William Macaulay, Chaplain, | 50 | 0 | 0 | | |
| Hugh Carfrae, Door keeper, | 20 | 0 | 0 | | |
| J. Wilson, Speaker House of Assembly, | 200 | 0 | 0 | | |
| James Fitzgibbon, Clerk, | 225 | 0 | 0 | | |
| Rev. Robert Addison, Chaplain, | 50 | 0 | 0 | | |
| D'Arcy Boulton, Master in Chancery, | 50 | 0 | 0 | | |
| William Lee, Usher of the Black Rod, | 50 | 0 | 0 | | |
| A. McNabb, Sergeant at Arms, | 50 | 0 | 0 | | |
| William Knott, Door keeper, | 20 | 0 | 0 | | |
| Contingencies, | 3378 | 18 | 9½ | | |
| | | 4,718 | 18 | 9½ | |
| | | 37,166 | 6 | 6½ | |

Particulars of George Hillier's Account for Contingent Expenses of the Government Office, from 1st July, 1827, to 30th June, 1828.

| | | | |
|--|-----|---|---|
| For messenger and keeper of the Government Office, | 70 | 0 | 0 |
| For Assistant Messenger, | 50 | 0 | 0 |
| Continued, £ | 120 | 0 | 0 |

| | | Continued, £ | 120 | 0 | 0 |
|--|--|--------------|-----|----|---|
| For postages, | | 294 | 18 | 0½ | |
| For Printing to Robert Stanton, | | 17 | 10 | 0 | |
| For copying papers to lay before Parliament, to James Givens, | | 20 | 0 | 0 | |
| For 20 cords of Fire wood, | | 10 | 0 | 0 | |
| For sundry disbursements to John Pilkington and Edward McMahon, | | 14 | 11 | 4½ | |
| | | £ | 476 | 19 | 5 |
| For the Quebec Official Gazette, the Quebec Mercury, and the Farmer's Journal, | | 3 | 10 | 0 | |
| | | | 480 | 5 | 5 |
| For repairing the Government House, up to 31st December, 1827, | | 183 | 5 | 11 | |

John Small's Account, Clerk of the Executive Council.

| | | | | | |
|--|--------|-------------|-----|---|---|
| For Stationary, Firwood, and Candles, | 66 | 13 | 4 | | |
| For two office Servants, [25l. each] | 50 | 0 | 0 | | |
| For allowance to house keeper, 1 year's salary, and 1 year's allowance of firewood, | 46 | 5 | 5 | | |
| Half years' salary, and half years' allowance for wood to be refunded by Mr. Small, being charged twice, | 23l. 2 | 8½ | | | |
| For one years' salary to Door keeper, | 33 | 6 | 8 | | |
| For one years' do. to Wm. Lee, jr. extra clerk, | 125 | 0 | 0 | | |
| For monies paid George Savage, for disbursements on account of this office, | 17 | 18 | 10 | | |
| | | Currency, £ | 339 | 4 | 3 |

Thomas Ridout, Surveyor General's Office, for same period.

| | | | | | |
|---|-----|----|-----|----|----|
| For two clerks, at 150l. | 300 | 0 | 0 | | |
| For one extra at 125l. | 125 | 0 | 0 | | |
| For one Assistant Draftsman, | 150 | 0 | 0 | | |
| For two messengers, at 25l. | 50 | 0 | 0 | | |
| For firewood, | 20 | 0 | 0 | | |
| For Candles, | 0 | 16 | 8 | | |
| For postage of letters, | 16 | 14 | 11 | | |
| For G. C. Ridout, salary, 94 days, at 150l. by order of Sir P. Maitland, | 38 | 12 | 7 | | |
| For Robert Stanton, printing, | 20 | 14 | 5 | | |
| For 26 days' attendance on the Executive Council of John McDonald, deputy surveyor, | 13 | 0 | 0 | | |
| For pay to M. Burwell, for maps and reports respecting surveying and affixing boundaries of Reserves to the Chippawa Indians, | 74 | 5 | 0 | | |
| And his allowance in lieu of rations, | 7 | 8 | 6 | | |
| For to pay assistant of above named Burwell, | 32 | 12 | 6 | | |
| For to pay David Gibson, Deputy Surveyor, and rations, | 23 | 2 | 0 | | |
| For posting line of road through Clergy Reserves in Gore District, | 7 | 0 | 0 | | |
| For Carpenter's work in office and drawing room, | 10 | 16 | 11½ | | |
| For Blacksmith's do. in do. | 2 | 5 | 0 | | |
| For sweeping chimnies, | 2 | 11 | 1 | | |
| For advertising in the Kingston Chronicle, | 1 | 17 | 6 | | |
| In the Farmer's Journal, | 2 | 0 | 0 | | |
| In the Gore Gazette, | 2 | 10 | 0 | | |
| Bookbinding by Peter McPhail. | 0 | 12 | 0 | | |
| | | | 6 | 19 | 6 |
| | | £ | 901 | 19 | 1½ |

Particulars of Duncan Cameron's Account, as Secretary of the Province, from the 1st of July, 1827, to the 30th of June, 1828.

| | | | | | |
|---|----|-------------|-----|----|----|
| For affixing the great seal to 68 different instruments, at 1l. 3 4 each, | 79 | 6 | 8 | | |
| Do. to 27 writs of election, | 31 | 10 | 0 | | |
| For office servant, | 50 | 0 | 0 | | |
| For engrossing commissions of Oyer and Terminer, Do. of Assize and Nisi Prius, Deeds of trust, Proclamations, Patents, Commissions of the Peace; affixing privy seal, | 75 | 11 | 11 | | |
| For Registering said commissions, &c., &c., including 16 cords of fire wood, | 54 | 6 | 4 | | |
| | | £ | 290 | 14 | 11 |
| Sundry Items disallowed, | 6 | 0 | 6 | | |
| | | Currency, £ | 284 | 14 | 5 |

[John Ewatts' Account for repairs £4 5 0, suspended.]

Particulars of the Account of James Baby, Esq. Inspector General of Public and Provincial Accounts, for the ordinary and incidental expences of his Office, from 1st July, 1827. to 30th June, 1828.

| | | | |
|--|------------|----------|-----------|
| For allowance for first clerk, | 182 | 10 | 0 |
| For do. for second clerk, | 150 | 0 | 0 |
| For allowance for an extra clerk, ordered by the Lieutenant Governor to examine Militia Accounts of expenses during late war, by order of the Lords Commissioners of the Treasury, | 160 | 1 | 4½ |
| For allowance of twenty six and a half cords of wood, at 9s. per cord, | 11 | 18 | 6 |
| For do. of an office messenger, | 22 | 10 | 0 |
| For do for office rent, | 36 | 0 | 0 |
| For Postage, | 32 | 7 | 10½ |
| Sterling, £ | 595 | 7 | 8½ |

Account of Henry John Boulton, Esq. Solicitor General.

| | | | |
|--|------------|-----------|----------|
| For 19 fees with briefs, in causes conducted to judgment by the Attorney General, at 2l. | 38 | 0 | 0 |
| For 4 opinions at 2l. | 8 | 0 | 0 |
| For 4 fiats, at 2l. | 8 | 0 | 0 |
| For drawing 31 indictments at 2l 5s. | 69 | 15 | 0 |
| For conducting 18 causes to judgment, at 5l. 16s. | 105 | 0 | 0 |
| (Supposed Currency,) £ | 228 | 15 | 0 |

Particulars of the Attorney General's Account, from the 1st July, 1827, to the 30th June, 1828.

| | | | |
|---|------------|-----------|-----------|
| 1827. | | | |
| For drawing agreements, one at 21s | 1 | 1 | 0 |
| For drafts of commissions, one at 21s. | 1 | 1 | 0 |
| For 25 opinions to the Lt. Governor, at 36s. | 4 | 0 | 0 |
| For 37 fiats, at 36s. | 66 | 12 | 0 |
| For 22 reports of bills passed both houses at 21s. | 23 | 2 | 0 |
| For Marginal Notes, to 20 Statutes at 21s. | 21 | 0 | 0 |
| For monies disbursed to witnesses, | 9 | 9 | 0 |
| For drawing 58 indictments, at 2l. | 116 | 0 | 0 |
| For conducting 44 causes to judgment, at 105s. | 231 | 0 | 0 |
| For Clerk and office rent, | 90 | 0 | 0 |
| For 5 Drafts of warrants, | 4 | 4 | 0 |
| For 1 draft of Proclamation, | 1 | 16 | 0 |
| For investigating a complaint for harbouring a deserter. | 1 | 16 | 0 |
| For obtaining writs of assistance from the Court of King's Bench, | 5 | 1 | 5 |
| Amount of taxed costs on a judgment for the crown in the case of Forsyth, trespass, | 10 | 8 | 2½ |
| Sterling, £ | 627 | 10 | 7½ |
| Currency, £ | 697 | 5 | 1½ |

Charles C. Small, Clerk of the Crown and Pleas, from 1st July, 1827, to 30th June, 1828.

| | | | |
|---|-----------|----------|------------|
| For allowance for Office rent, | 36 | 0 | 0 |
| For sundry services in filing, recording, and searching papers, | 26 | 7 | 10½ |
| Sterling, £ | 62 | 7 | 10½ |
| Currency, £ | 69 | 6 | 6½ |

Samuel P. Jarvis, Clerk of the Crown in Chancery, for Fees on divers public instruments, and the contingent expences of his Office.

| | | | |
|--|------------|----------|----------|
| For fees and charges on 27 writs of Election, at £6 2s. 6d. each. | 165 | 7 | 6 |
| For fees and charges for appointing a second Returning Officer for Prescott and Russell, | 3 | 1 | 6 |
| Cash paid William Taylor, for services, | 34 | 18 | 9 |
| Cash paid John Powell, for do. | 39 | 19 | 0 |
| Currency, £ | 243 | 6 | 9 |

Robert Stanton, Government Printer.

| | | | |
|--|------------|----------|-----------|
| For a years' Office rent, | 40 | 0 | 0 |
| a years' Type allowance, | 50 | 0 | 0 |
| For printing 2,000 copies of the statutes, | 171 | 17 | 4½ |
| For printing 2200 copies of Naturalization Bill, | 14 | 8 | 0 |
| Continued, £ | 276 | 5 | 4½ |

| | | | |
|---|------------|-----------|------------|
| Continued, £ | 276 | 5 | 4½ |
| For printing 1700 licenses, | 9 | 4 | 8 |
| For Gazette furnished to public offices, | 43 | 19 | 2 |
| For advertisements in Gazette, | 136 | 1 | 0 |
| £ | 465 | 10 | 2½ |
| A sum is deducted for advertising as being chargeable to the crown funds, | 42 | 11 | 4 |
| Currency, £ | 422 | 18 | 10½ |

John Henry Dunn, for the ordinary and incidental expences of the Receiver General's Office, from the 1st of July, 1827, to 30th June, 1828.

| | | | |
|---|------------|-----------|-----------|
| For allowance for the first clerk, | 182 | 10 | 0 |
| For do. for the second clerk, | 150 | 0 | 0 |
| For office rent, | 36 | 0 | 0 |
| For 26 cords of wood, at 11s. 3d. | 14 | 12 | 6 |
| For postage of letters, | 21 | 17 | 7½ |
| For stationary, | 22 | 10 | 0 |
| For printing to Robert Stanton, | 13 | 7 | 9 |
| For cash paid a carpenter, for making a small box to hold his papers, | 0 | 4 | 6 |
| For cash paid Gale as extra clerk, 63 days at 150l. per annum. | 25 | 16 | 4½ |
| Sterling, £ | 466 | 18 | 9 |
| Currency, £ | 518 | 16 | 5. |

| | | | |
|---|----|----|---|
| Henry Sherwood, Clerk of Assize, | 72 | 11 | 0 |
| William A. Campbell, do. of do. | 93 | 8 | 0 |
| Joseph H. Hagerman do. of do. | 46 | 6 | 6 |
| William Allan, expenses of Light House, | 97 | 18 | 9 |

INVESTIGATION has afforded abundant matter for surprise; and if it be to be justly feared, that the present expose of thoughtless profusion will cause dismay to your Honorable House, it is as justly to be hoped that it will excite its immediate and pointed attention. The expenditure appears in extravagant measure to exceed the ability of the Province; but it is consolatory to observe that this prodigious waste is self-evidently unnecessary, and your committee respectfully urge your Honourable House to direct its immediate efforts to the reformation of abuses in the expenditure of the humble and limited revenue of the Province, the continuance of which must retard its advancement in population, and the arts of civilized life. It appears that the expenses of the Government Office, including certain repairs of the Government House, amount to 1686l for the year ending the 30th June, last

Of this sum ten shillings sterling per diem are paid to the Lt. Governor's Private Secretary, besides upwards of £600 charged for three clerks, the principal at £27 a year, and the others at £166 each. Your committee think that £200 a year would be ample wages for the senior clerk, and 75 or £100 each to the others. Your committee are at a loss to know what necessity there can be for so many writers in this office constantly, unless they are employed in the business of the Land Granting Department or in matters connected with the Territorial and casual Revenue, over which your Honorable House has hitherto exercised no control: 70l. a year are allowed to the messenger, and 50l. to his assistant—100l. have been paid to Mr. McMahon, to enable him to discharge certain contingent expenses of the Government Office, no details of which are given. It is also usual in the accounts to place such items as "Robert Stanton for printing 13l. 13s. 4d." "George Savage for disbursements on account of the office, 13l. 10s. 2½d." in detail before your Hon. House, with the vouchers, and such omission is evidently an evasion or neglect of the Statute. For there can be no judgment formed concerning the propriety of such items where no particulars are specified.

Such items as "99l. 14s. 9½d. to John Ewart, builder, for repairs and materials furnished the Government House," and "83l. 11s. 1½d. to Isaac Columbus, for Smith's work, Iron and materials ought to be particularized. About 300l. are charged for postages to this office alone, although it is presumable that a great deal of the correspondence must relate to funds and properties withheld from the control of the Legislature.

EXECUTIVE COUNCIL OFFICE.—It appears that the officers of the Land Granting Department, who are Mr. Secretary and Registrar Cameron, Mr. John Small, the Attorney General, the Surveyor General, the Auditor General, Mr. Samuel Ridout, and the Inspector General, have divided among them, over and above their salaries, and other numerous emoluments; the sum of 2,851l. 6s. 3d. per annum, for seven years' out of the Canada Company's payments, in lieu of certain fees.

The sub-division of this extraordinary, and, as your Committee believe, useless appropriation, among these officers, has not come before your honorable House as yet in an official manner. The whole expence of the civil Government was formerly paid by an annual vote of the Imperial Parliament, but is now defrayed out of the monies paid by the Canada Company. The first item in the Provincial Accounts, under the head Executive Council is 111l. 2s. 2d. additional salary to Mr. John Small, as Clerk. Mr. Bekie, as Chief Clerk, and Mr. Savage as second Clerk, receive severally 202l. and 166l. a year, salary. Connected with, and attached to this establishment, are 2 office servants at 25l. each,

per annum, a house keeper, with a yearly income of 66*l.* 13*s.* 4*d.*, besides about 25*l.* a year, allowance for fire wood—Mr. Hugh Carfrae as door keeper, salary 33*l.* 6*s.*—Mr. William Lee, Junior, an extra clerk, at 125*l.* a year. An annual charge is made upon the public for stationary of 66*l.* 13*s.* 4*d.*. It has been usual to charge a crown in this office as a fee on each petition presented.

III. SURVEYOR GENERAL'S OFFICE.—The death of the late Surveyor General, affords opportunity of curtailing the enormous charges attending this establishment, a great deal of money has hitherto been charged to the public, by way of fees, over and above the salaries paid to its officers, and the extra charges made upon the country, for surveys, returns, &c. Although this office is kept up as a component part of the Land Granting System, and although its officers are much employed in business appertaining to the Crown and Clergy Reserves, Territorial Revenues of the Crown, &c., and not in affairs under the control of the Legislature, a charge of 1,531*l.* 5*s.* 2*d.* was last year made upon the public, as a part of its expenses. The salary of the Surveyor General and other considerable sums paid by government to the officers of this Department, from the Canada Company payments, the details of which are beyond the attainment of your committee, swell the expenses of this establishment, far beyond the limits which a wise and prudent system of economy would dictate in a new country. The province is charged for the Draftsman and senior Clerk, [one person] 408*l.* 13*s.* a year, for the second Clerk who has other emoluments, 202*l.* 15*s.* a year, a third, a fourth, and a fifth clerk at 150*l.* a year each, and a sixth clerk at 125*l.*—The same office servants as are charged 25*l.* each, to the public in the council office, are office messengers, in this office, at other 25*l.* per man, 20*l.* are charged for firewood and considerable sums for other disbursements. Among other charges which your committee think ought not to be charged to the Province, is the sum of 1,141*l.* to Mahlon Burwell, for attendance on the Executive Council and surveying and fixing boundaries to the Reserves made by the Chippewa Indians in the tract of land lately purchased from them by Government, and rations, and an assistant; also 23*l.* 2*s.* 5*d.* to a Deputy Surveyor, for a purpose not mentioned.

IV. COURT OF KING'S BENCH.—The Judges receive their salaries independent of the Legislature, 1,100*l.* sterling to the Chief Justice, who has long been absent in England, without a substitute to perform the duties of his office, and 900*l.* sterling to each of the puisne Judges, Among the charges of which your committee would recommend the disallowance, are 185*l.* for Mr Justice Hagerman's travelling expenses, 149*l.* for Mr. Justice Sherwood's, 9*l.* for the same to the Solicitor General, and 74*l.* to the Attorney General. These functionaries have incomes ample enough to enable them to travel the circuits without making a charge of 48*l.* a year upon the public. Your committee do not understand the principle upon which a charge of 23*l.* is made for attendance at court, by the Sheriff of the Home District.

V. PROVINCIAL SECRETARY & REGISTRAR'S OFFICE.—Mr. Cameron besides his salary receives his share of the money ordered to be paid to the officers of the Land Granting Department, and as this gentleman has a competent income assured to him, your committee are entirely at a loss to know upon what principle he is allowed a Deputy Provincial Secretary, at 165*l.* per annum to do his duty, and then paid enormous fees on every instrument which passes through his office. It even appears, although it is almost incredible, that he received 400*l.* for a trip to England, with the naturalization bill, and that he charges at the same time for every thing he does and for an additional assistant in his absence, to do his duty. These facts in the opinion of your committee merit the earliest and most attentive consideration of your Honorable House. Mr. Jarvis's situation in this office must be in part a sinecure, for your committee perceive that he has an account against the Province, in his character of Clerk of the Crown in Chancery. Mr. Cameron's accounts are well worthy of a careful perusal. They consist of engrossing documents, affixing the great seal, and the privy seal—In one half year's account 23*s.* 4*d.* each is demanded of the public for affixing the seal 33 times.

In another account, the charge of 31*l.* 10*s.* is made for affixing the seal to 27 writs of election; 15*l.* are put down to the Province as a fee for certificates of the bills which received the royal assent last session; the office-books are charged, and also the parchment used in the office is entered at 2*s.* 6*d.* per press; other fees are charged by Mr. Cameron from the country people, in certain cases, not here stated.

VI. CLERK OF THE CROWN IN CHANCERY.—Although not next in order, your Committee would here notice the charge of 243*l.* 9*s.* 9*d.* made by the Deputy Provincial Secretary, Mr. S. P. Jarvis, in his other capacity of Clerk of the Crown in Chancery. They conceive that a great part of it ought to be disallowed; and are of opinion, that in future the Secretary of the Province could perform the whole service for less than 150*l.* Each document for the late election is charged 16*l.* 2*s.* 6*d.* while the person making the charge is paid by the public an ample salary in another capacity.

VII. INSPECTOR GENERAL'S OFFICE.—In addition to the salary of 405*l.* 11*s.* 1*d.* paid this public officer out of the funds of the Province, it is understood, [though not in an official way] that he has two or three hundred pounds a-year out of the Canada Company's funds; and having been placed by the Lieutenant Governor in the chair of the Legislative Council, he derives an income of 400*l.* a-year from that source, half of which ought, in the opinion of your Committee, to be discontinued. His fourth place of emolument is his seat in the Executive Council, to which a separate income is attached. The charge by the Inspector General, made upon the colonial funds for contingencies only, amounts to 671*l.* 9*s.* 11*d.* There are no fees.

It may not be amiss here to state, that the checks on Collectors of the Customs throughout the colony, to keep their accounts correct, is probably not the best that could be devised: in fact it may be said that there is

no check at all. There are no comptrollers, nor are the accounts kept in duplicate. Mr. Baby may inspect the statements sent him, but he has no power to correct any evils that may exist.

In this office are employed a clerk at 182*l.* 10*s.* sterling; another at 150*l.* sterling, and a third extra clerk at the rate of 166*l.* per annum, (185*l.* 1*s.* 4*d.*) under an order of the Treasury in England, to make certain examinations about militia pensions. Mr. Baby keeps his office in his own house; and, in addition to his other emoluments, charges 16*l.* sterling a-year for rent; also for firewood 26½ cords a-year; 32*l.* 7*s.* sterling for postages; and an allowance for an office-messenger of 22*l.* 10*s.*

VIII. PENSION LIST.—A permanent annual appropriation of 2500*l.* was granted to His Majesty on the 1st of April, 1816, out of our humble and very limited revenue, "towards the support of the Civil Government of this Province," as is stated in the act. Your Committee regret to state, that this fund has been misapplied, and appropriated to the purpose of pensioning individuals whose claims to the sums paid them had not been inquired into by your Honorable House. The sum of 1,111*l.* is paid annually out of this fund to the late Chief Justice, Mr. Powell, now absent from the colony; and 500*l.* to Mr. McGill, late Receiver General; the Rev. Robert Addison receives a pension as chaplain, and is also paid a salary in the same capacity, although he never officiates personally. Six other pensioners receive in the whole 120*l.* a-year.

IX. ADJUTANT GENERAL OF MILITIA'S OFFICE.—1650*l.* 10*s.* is the amount of the annual charge upon the country for this establishment, the greater part of which might, in the opinion of your Committee, be dispensed with in time of peace, if Lieutenants of Districts were appointed in the province, and vested with a part of the powers now exercised by an individual, who cannot possibly possess a personal knowledge of the fitness of the militia appointments made throughout the colony.

X. DISTRICT AND COMMON SCHOOLS.—12875*l.* have been paid on account of Common School appropriations, and 1939 14*s.* 6*d.* to District Teachers, during the past year. Of the application of this money no satisfactory account has been laid before your Committee. Complaints of partial conduct on the part of the persons to whom is delegated the trust of disposing of these monies, have been made by teachers in some of the districts, which appear from the evidence on last year's journal.

Your Committee would desire to see placed before the Legislature, annually, the most minute details of the payments made out of this most important appropriation, along with the other public accounts.

While full and systematic details are withheld from their inspection, your Committee can only regret the circumstances which prevent a more useful investigation. The appropriation of the same sum (1250*l.*) to each district for the support of education therein, is not perhaps the best way of dividing the monies.

The Midland district, with upwards of 30,000 inhabitants, ought not to be put upon a level with the Ottawa district, containing only about 3,000 souls. Perfect equality in the division of the money cannot be attained, but in the case above alluded to, the proportion of population is only as one to ten.

It may, perhaps, be deemed expedient to revise the present School Laws; but as the matter is now before a Select Committee, it is only necessary to add, that the annual appropriation for common Schools is 2,750*l.*; 1,100*l.* are paid to 11 District Teachers, 100*l.* each. The District School system has not produced the beneficial effects anticipated by the public.

XI. BURLINGTON CANAL.—The affairs of this Canal having been specially referred to, a Select Committee, whose local information will doubtless aid their researches, it will only be necessary to remark here, that the details of the purposes to which 1000*l.* have been applied, by authority of the late Lieutenant Governor, towards securing the works, are neither full nor minute; a variety of payments, for a variety of purposes, being put into one sum, and the necessary vouchers wanting.

XII. BANK OF UPPER CANADA.—Your Committee respectfully submit the question, whether it would not be advantageous for the public, were the Stock held in this Institution by the Provincial Government sold by Auction, and the Company left to manage their concerns without the interference of the Provincial Government; such a measure would place a large sum at the immediate disposal of the Legislature, which might be applied towards the improvement of the roads and bridges of the province, or to the liquidation of the public debt, and render the Institution far more extensively useful, for it cannot be concealed, that (with whatever reason) the opinion is widely diffused, that it is a political engine of dangerous power, unsuitable to be vested in the Executive of so young a Province, in which, unhappily, political and party strife have, during the late administration, made up half the business of life.

XIII. CLERKS OF ASSIZE.—Your Committee here perceive a charge which might, with great propriety, be discontinued, viz: the sums allowed Henry Sherwood, Joseph A. Hagerman, and William A. Campbell, as Clerks of Assize, amounting to 212*l.* The duty performed by these persons might be done by officers resident in the District, and a recompense per diem, as wages allowed in lieu of fees, payable out of the Treasury of each District.

XIV. CLERK OF CROWN AND PLEAS.—This officer, besides his ample income, makes a charge upon the Province of 40*l.* for office rent; and also for entering proceedings of the several Courts of Assize. Fees are charged at his office to individuals, in several ways, such as for searches, extracts, &c., the nature and extent of which ought to be duly enquired into, and either regulated by Statute, or disallowed.

XV. FEES TO THE ATTORNEY AND SOLICITOR GENERAL.—These officers charge for fees, 926*l.* over and above their sala-

ries and other emoluments. It is to be observed, that they enjoy a monopoly of criminal prosecutions, which, in the opinion of your Committee, is not only injurious to the practice of the bar generally, but in a high degree, burthensome to the Province, as it appears a great variety of cases are tried in the King's Bench for minor offences, which might be tried in the Courts of Quarter Sessions; and it has not escaped the observation of your Committee, that in the Home District, the country is saddled with an additional fee on every petty prosecution, of 2*l.* to the Solicitor General.

This is different to any other District; and, in the opinion of your Committee, the practice ought to be discontinued. A Law ought to be passed determining the income and allowances of the Crown Officers, and all fees received by them should be paid and accounted for to the Provincial Treasury.

XVI GOVERNMENT PRINTER.—Mr Stanton's several accounts amount in the whole to 42*l.*, a part of which your Committee think ought not to be allowed him. One of his charges is 9*l.* 6*s.* 8, for advertising a Statute, (2d Geo. 4th) 11 weeks in the Gazette; another for the Assessment and Bank Law, advertised three weeks 15*l.* 7*s.*; a third, proclamation disallowing assent to Provincial statute, advertised 39 weeks, 11*l.* 11*s.*; a fourth, advertising clauses of Custom's Act, 3 weeks, 4*l.* 1*s.*; York Gazette, 1 year, to 11 Clerks of the Peace, 11 Sheriffs, 8 Councillors, and 9 Public Officers, 43*l.* 18*s.* 5*d.*; Office rent, 1 year, 40*l.*; Type allowance for the same time, 50*l.*, and there are others of the same description. Your Committee would remark, that Mr Stanton has charged the country, by the high price for advertising; that his columns in the Gazette are much narrower than in the Loyalist, or the Quebec Gazette, and that the type used, is, in general, much larger; that by this means he has one price for individuals, and another most extravagant price for the public. That Sheriff's sales ought not to cost more than the half of what they are charged to the unfortunate debtors by this arrangement; and that to insert a proclamation 39 weeks in a paper having a very limited circulation, an Act of Parliament 11 weeks,

and another Act only 3 weeks, shews an entire absence of system, and carelessness in the examination and allowance of such extravagant charges. That to pay a printer 50*l.* a year to purchase type with, and 40*l.* a year for the rent of his printing office, while at the same time he is allowed the highest prices for the statutes, and all other work done for the several departments of government, or for the Legislative Council, and a monopoly of certain public advertisements secured to him by law, is a practice which your committee cannot too severely condemn. Your committee see no reason for the charge of 44*l.* nearly, for Gazettes furnished to Sheriffs, Councillors, and others, and recommend its immediate disallowance.

Your Committee perceive a charge for advertising a proclamation concerning timber, &c. 52 weeks advertised, £27 6*s.* which is disallowed, as being payable out of the crown funds; as also 26 weeks advertising of a proclamation about the Canada Company, £11 18*s.* 4*d.* payable from the same source.

It is impossible to hide from the public, that to waste the funds of the province in this way, can only have in view the securing to a certain press a certain quantity of official patronage. If, instead of these long proclamations, inserted for months, and even years, in a paper of most limited circulation, brief and concise notices were published generally throughout the colony, in the newspapers for a short period, would not the public derive a far greater advantage, at a fourth, or even a fifth of the present charges; and if a statute were passed, or an order given, directing that the British and Provincial public acts affecting this colony should be published in the newspapers most generally circulated in the colony, once, at a low rate, to be laid down in the act, or order, would it not be a measure of far more utility than paying two prices for their publication, week after week, and month after month, in a print which could not exist without such injudicious bounties?

XVII. SHERIFFS' SALARIES.—Your Committee recommend the revision of the statute by which Sheriffs receive a salary.

RECEIVER GENERAL'S OFFICE.

Admitting the statement furnished by His Excellency the Lieutenant-Governor to the address of Your Honorable House to be correct, Mr. Dunn's poundage for the year ending the 31st December last amounted to £1312 3 2 currency, and the contingencies of his office, as charged by him for the year ending last June, amount to £513 16 5, making in all £1827, to which may be added his salary of £222 per annum out of the funds of the Canada Company. He charges the public for a first Clerk £202, for a second Clerk £186; for office rent, in his own house £40; for firewood £14 12 6; for stationary 22l. 10s; for postages £22 nearly; for printing, about £19; for an extra or third Clerk, at the rate of £166 per annum, 63 days, £29 nearly.

Your Committee perceive that Mr. Dunn gives no security for the provincial revenue placed in his hands, but has offered to do so to the satisfaction of the Government; and as the balances in his custody may remain for a long time uncalled for, it is reasonable to presume that he may derive great advantages from the use of the public money. Your Committee are aware that the documents concerning the income, securities and contingencies of this office are referred to a special committee, and shall therefore merely add their opinion shortly; that the costs of this establishment is quite disproportioned to the limited income of the colony, and that after giving good and sufficient securities for his trust, Mr. Dunn should be paid a reasonable annual salary, allowed such aid as may be necessary to despatch the business of his office under provincial control, and all other charges and allowances discontinued.

LEGISLATIVE COUNCIL AND HOUSE OF ASSEMBLY.

The expences of the Legislature for the year ending in June last, may be estimated at £7,500, including members' wages, the salaries of officers, and the contingencies allowed at close of session or spread through the detailed accounts. Your Committee are of opinion that a considerable saving might be made in the expences of the two Houses, and would refer in particular to the following items of charge, in the accounts now before them.—Had the Journals been printed on an economical principle at the present rates, a saving of from £200 to £300 would have been effected; the charge of one pound four shillings and pence, each, for the Upper Canada Gazette to Members of Assembly ought not to be allowed; the members who want that paper or any other paper may purchase it without entailing £50 or 60 a year upon the Province: it is unnecessary for information as to the time of the Assembly's Sessions, for letters are sent to the Members, and all other newspapers give the information gratuitously. The charge of 95l. to the Clerk for extra services, ought in the opinion of Your Committee to be discontinued, in case it should be determined to give that officer wages per diem; as also the charges for arresting, bringing to the bar, and committing to gaol such prisoners as may be deemed punishable, by Your Honorable House, in cases where the Sergeant at Arms has been put to no expence in executing your orders. The contingent expences of the Legislative Council have been of late Sessions, as Your Committee believe, very improperly increased by a grant of £100 to Mr. Powell, and also in one session by printing the public accounts a second time, and the Journals in the most expensive manner.—Your Committee, in order to put an effectual check to such practices in future, would respectfully recommend that no accounts from that Honorable House be allowed to pass which are not sent down in detail to the House of Assembly, and that in order to give due attention to contingencies the accounts be called for and passed some time before the close of the Session.

Your Committee would recommend the repeal of the Acts for the printing of the Statutes and Journals, and granting salaries to the officers of the Legislature and allowances of £25 to the Clerks for Clerk hire, and the passage of an enactment providing for the printing and distribution of the Laws and Journals; the printing in pamphlet form certain statutes containing road regulations, &c. and their distribution; the allowances or wages to all officers and Servants of the Legislature to be per diem, according to their rank, consequence or usefulness, and payable according to the number of days in which their services might be required; such an enactment would obviate the necessity of applying for extra wages during long Sessions, as has been done of late years.

PUBLIC DEBT.

From the Receiver General's schedule of Government Debentures, redeemed and outstanding, dated on the 8th January last, Your Committee have made the following deductions: 1st. That of the £25000, borrowed under authority of an act passed in April, 1821, and applied to the payment of arrearages due to Militia Pensioners, £11666 13 4 remain due and payable.

2nd. That of £16900, borrowed under authority of an act passed on the 19th January, 1824, £10,000 remain due and payable.

3rd. That of £8,000, borrowed under authority of an act passed January 19th, 1824, to provide funds for constructing a navigable Canal at Burlington Beach, £2,000 are due and payable, and the remaining £6,000 will fall due, at the rate of £1,000 each two years, in the years 1830, 32, 34, 36, 38 and 1840.

4th. That of £25,000, borrowed under authority of an act passed on the 30th January, 1826, and loaned to the Welland Canal Company, £3,333 6 8 which fell due in 1828 is unpaid, and that £3,333 6 8 will become payable in 1830, and the balance in 1832.

By the 15th section of the last mentioned act, the Welland Canal Company are obliged to give a bond or bonds with security, in the penal sum of double the amount secured thereby, to repay the above £25,000 loaned to them, with interest, as the payments become due from Government. This condition it appears has not been complied with in respect to the first above named £3,333 6 8 due and unpaid.

5th. That the sum of £4,500, borrowed under authority of an act passed on the 17th February, 1827, becomes due and payable as follows: one third in 1830—one third in 1833—and one third in 1836.

6th. That the sum of £50,000, borrowed under authority of an act passed on the said 17th February, 1827, becomes due and payable in the following years, viz:

| | | | |
|---------------|--------|----|---|
| In 1829.....£ | 16,666 | 13 | 4 |
| " 1831..... | 16,666 | 13 | 4 |
| " 1833..... | 16,666 | 13 | 4 |

On this sum of £50,000, which was vested in the Welland Canal, as stock taken by this Province; and also on the £25,000 loaned to the Welland Canal Company, interest has been hitherto duly paid by the Company to Government.

7th. The last item of Provincial Debt is £3,000, raised under authority of an act passed on the said 17th February, 1827, and applied towards the construction of a Harbour at Kettle Creek, on Lake Erie.

8th. The Government bills, notes or debentures, have been issued to the Province Bank, Messrs. Clark & Street and the Canada Company, for the following sums advanced thereon by them, for the use of the Province:

| | | | |
|--|--------|----|---|
| To the Bank of Upper Canada, for.....£ | 72166 | 13 | 4 |
| To Messrs. Clark & Street, for..... | 25000 | 0 | 0 |
| To the Canada Company, for..... | 15000 | 0 | 0 |
| Total Public Debt, £ | 112166 | 13 | 4 |

9th. The amount of Government Debentures, past due and unpaid is.....£

| | | | |
|--|--------|----|---|
| £2000 | 0 | 0 | |
| The Debentures which become due during the present year amount to..... | 16666 | 13 | 4 |
| Ditto in 1830 ditto to..... | 10833 | 6 | 8 |
| Ditto in 1831 ditto to..... | 16666 | 13 | 4 |
| Ditto in 1832 ditto to..... | 9333 | 6 | 8 |
| Ditto in 1833 ditto to..... | 12166 | 13 | 4 |
| Ditto in 1834 ditto to..... | 1000 | 0 | 0 |
| Ditto in 1836 ditto to..... | 2500 | 0 | 0 |
| Ditto in 1838 ditto to..... | 1000 | 0 | 0 |
| Ditto in 1840 ditto to..... | 1000 | 0 | 0 |
| Ditto in 1847 ditto to..... | 3000 | 0 | 0 |
| £ | 112166 | 13 | 4 |

10th. The present outstanding Debt has been contracted for the following purposes.

| | | | |
|---------------------------|--------|----|---|
| Militia Pensions.....£ | 11666 | 13 | 4 |
| Kettle Creek Harbour..... | 3000 | 0 | 0 |
| Burlington Canal..... | 12500 | 0 | 0 |
| Welland Canal..... | 75000 | 0 | 0 |
| Public Service, 1824..... | 10000 | 0 | 0 |
| £ | 112166 | 13 | 4 |

11th. That the Province has contracted a debt of £90,000, for the construction of Canals and Harbours in the Western section of the Province (improvements not equally advantageous to all parts of the Colony) while little if any of the public money has been hitherto expended in the vast extent of country composing the Home, Newcastle, Midland, Johnstown, Bathurst, Ottawa and Eastern Districts, either for roads, bridges, canals or harbours.

The Ale and Beer Licence money for the whole of the Province, during the past year, is credited only ten shillings, and no return appears in detail.

The Collector of Tolls on the Burlington Canal has paid into the Provincial Chest £469 12 8, and appears to owe £572 12 5 $\frac{1}{2}$.

Copies of the accounts periodically transmitted to the Inspector General by Collectors of the Revenue and Inspectors of Licences, ought to be laid before the legislature with the other public accounts, as it is evident that notwithstanding the inspection they undergo by the Inspector General, there is room left to suppose that the audit is imperfect. Collectors of the Customs are in the habit of charging half a dollar for each permit to land goods, after the duties have been paid. This is an illegal demand and ought to be discontinued.

The table of per centage allowed the Collectors of the Customs is badly graduated, and the whole system of collection requires revision.

Your committee had proceeded thus far in examining the accounts and in their report when the chairman received a letter from Mr. Nation, of the Inspector General's Office, referring to an error of £67 10 in calculating the Receiver General's Poundage for the past year. The letter is annexed to this report.

Your Committee perceive that the Revenue raised by taxes and duties on inns, taverns and houses of public entertainment in Upper Canada, and on molasses, syrups, rum, spirits, brandy and other strong liquors imported into Lower Canada, supposed for consumption in this Province, under the provisions of the British Statute 14th Geo. 3rd, chap. 88, passed in 1774, is not accounted for by the executive government. A sum taken out of the funds so raised is annually applied by government towards the payment of what are considered provincial expences, said sum varying in amount at the pleasure of the person administering the government. The act of 1774 was passed "to establish a fund towards further defraying the charges of the administration of justice, and support of the civil government of the Province of Quebec in North America"—and the revenue accruing under it ought of right to be at the disposal of the Legislature. Your committee recommend that measures be adopted to assert the right of the Provincial Parliament to control the disposition of all monies arising from duties and taxes levied and collected from the people of Upper Canada.

In the general estimate of the expenditure and resources of this province for the present year, laid before your Honourable House, it is proposed to redeem £14,130 of the public debt. By adopting necessary retrenchments herein recommended, and employing the public revenue constitutionally, instead of wasting the funds of the country, or applying them towards objects unknown to the people, the above amount of debt may be redeemed and £14,000 applied to the improvement of the roads.

When the Canada Company obtained a monopoly of a large portion of the public lands it was generally understood that the proceeds arising out of the sales of these lands would be applied to public improvements;—instead of which, it appears that a very considerable part of these monies are made use of to pension a bishop, a legislative councillor, and several clergymen of the churches of Rome and Scotland, as also to swell the incomes of the officers of what is called the land granting department.

Your committee are of opinion that His Majesty's government have been badly advised in this matter, and recommend that the sentiments of your Honourable House be forthwith expressed in an address to His Majesty's government thereon.

An annual grant of £2,000 a year, for three years, to build a Province House for the accommodation of the several public offices, is, in the opinion of your committee much wanted. A large sum is charged and paid to government officers annually for office rent, and besides the insecurity of the public records as now placed in wooden buildings, scattered over the town, the public offices are situated so far from each other as to occasion a great deal of trouble to persons transacting public business.

It appears by the Inspector General's accounts that the details of the Revenue annually received within the province, from shop, still and tavern licences, customs duties &c. are neglected to be laid before your Honourable House:—the net semi-annual receipts only are given:—and altho' it would appear that several collectors do not regularly account to the proper officer, so incomplete are the public accounts that your committee have not arrived at a certainty on the subject.

In conclusion—your committee regret to state that the manner in which the public accounts are made out, is not the best that could be devised, and that the adoption of several currencies, added to the insufficiency of the information conveyed, renders the examination and reporting on such documents a task much more difficult and unpleasant than it would be if the whole were properly arranged, so as to present at one view a clear and perspicuous statement of the financial concerns of the province.

(Signed)

THOMAS DALTON,
Chairman.

Committee Room, House of Assembly, March 8, 1829.

EVIDENCE TAKEN BEFORE THE FINANCE COMMITTEE.

Friday, 6th March, 1829.

Present—Messrs. BLACKLOCK, DALTON, THOMSON, MACKENZIE & ROLPH.
Mr. Dalton was called to the Chair.

MR. TURQUAND, Senior Clerk Receiver General's Office, examined.

Quest. This is one of the Public Accounts sent down to the House of Assembly by His Excellency the Lieutenant Governor—It is numbered 7. There was an error of £500, and upwards in it when so sent down. Since it was laid before the Assembly two erasures have been made in it, and the balance due by the Receiver General altered in amount. Do you know any thing of this mistake, or of the erasures?—Ans. I do not. The mistake did not originate in the Receiver General's office. The account now shewn to me never came from the Receiver General's Office, but from the Inspector General's Office.

Quest. Do you know the amount of money received by the Receiver General under the Act of 14th Geo. 3rd Chap. 82, and what is done with the balance over and above the £6000 transferred to the account for the appropriation for the Civil list?—Ans. I think that the very account you now interrogate me upon was made out yesterday, and given to the Lieutenant Governor for the purpose of being laid before the House of Assembly.

Quest. Do you know how the balance is expended?—I believe it is paid in Pensions and particular Surveys—and the balance carried on from year to year. There are other demands upon it which I cannot now recollect.

MR. JAMES NATION, First Clerk in the Inspector General's Office, Examined.

This is the Public Account numbered 7, sent down from His Excellency the Lieutenant Governor, it is audited at your office, and there was at first an error in it of £500 and upwards, shewing the Receiver General to owe that sum less than he actually did owe. That account has been since altered, the balances erased and other sums substituted. This has been done without the knowledge of the House, the Clerk, or this Committee. Do you know how the mistake occurred and who it was that altered the account?—We do not audit the accounts. We examine and inspect them. They are audited at the Executive Council Office. The Inspector General intimated to me that there was an error in the account No. 7, and I sent to the Clerk's Office for it, examined and corrected it. The error occurred in entering the warrants issued by the Lieutenant Governor without first reducing the sum into Sterling money. The error was mine.

There are a great many apparent mistakes in the public accounts as laid before the Legislature, for instance the sums credited for licences in Nos. 2 and 4 amount to £4148, while in the table of return they are added £4154; the Hawkers and Pedlers revenue is stated in one account at £849 15, and elsewhere at £279—the Auction licence money is stated at £325, and again at only £164. How do you explain these differences?—The accounts Nos. 2 and 4 for Auctioneers' licences, include the balances paid during the year into the Receiver General's Office for arrears of former years. The differ-

ence shews the amount paid in for arrears.—The other apparent mistakes will be explained by this answer.

What check have you on Collectors of the Customs, as to the correctness of their accounts of Provincial Revenue collected by them?—They are attested upon oath. This is sometimes omitted.

Is there any other check?—I am not aware of any other, except as to seizures. The clerks of the peace send us a quarterly account of goods condemned.

Are the bonds taken by Collectors for Customs duties taken in duplicate and a copy sent to your office?—I do not know how they take the bonds; very few of the bonds come into our office, they are kept by the Collectors until due, and then collected.

Do you know under what authority 2s 6d. or 3s. is charged for each permit to land goods?—I do not.

Are the Receiver General's accounts sent to your office in the first instance for inspection?—Yes for examination.

MR. RADENHURST, a Clerk in the Surveyor General's Office, examined.

What are the particular duties of your office?—Making out descriptions, giving locations, giving instructions to surveyors, in drawing and copying plans returned by surveyors—every thing in short concerning the territorial domain of the country. Nothing else whatever but with land business.

Are there any fees taken in your office?—Yes—the following upon every search in the office for private information 1s. 3d. for reports on petitions 2s. 6d., for location tickets 3s. 3d. from all but privileged persons.

Inspector General's Office, 7th March, 1829.

SIR,—Having had an opportunity of looking over a printed copy of the Public Accounts, I observe that an error has occurred in No. 4, being a statement of the Receiver General's Receipts and Payments of Provincial Revenue to 31st December 1828, in which that officer is credited with three per cent on all monies collected in Upper Canada. Upon reference to the Receiver General's account, it appears that he has not charged Poundage on the amount received for interest on the Loan to the Welland Canal Company, consequently there is an over credit to him in the statement now before you of £67 10 0 currency, which amount will be placed to the debit of the Receiver General in the next statement submitted to the Legislature.

I have the honor to be,

Sir,

Your most obedient,

Humble Servant,

(Signed)

J. NATION,

Clk. Inspec. Genl's Office.

THOMAS DALTON, Esq.

Chairman Committee of Finance.

Report on petition of P. F. HALL.

Your committee to whom was referred the petition of Philip Ferguson Hall, of the Town of Kingston, gentleman, respectfully submit:—

That they have carefully examined the same with the documents annexed, viz:—Articles of agreement between the said Philip Ferguson Hall and John Cressy Hall, of Alfreton, County of Derby, gentleman, one of the Attorneys of His Majesty's Court of King's Bench at Westminster, and also a Solicitor and master extraordinary of His Majesty's High Court of Chancery, whereby it appears that the petitioner had faithfully served with the said John Cressy Hall, the full period of four years, viz, from the 4th of February, 1794, until the 15th of April, 1798, and would have ended the full term of service agreed upon, but for a threatened invasion of the country, which induced him to enter as a Lieutenant in the Derby Regiment of supplementary Militia, and subsequently in one of His Majesty's regular regiments, and has served His Majesty for upwards of eighteen years in actual service in Germany, the West Indies, in South and North America, and France; and that it further appears by the certificate of Allan McLean, Esquire, Barrister and Attorney at law, at Kingston, that the petitioner (having been first entered on the books of the Law-Society, and paid the regular fee) as he alleges, served a further period of service, viz: from the 18th day of October, 1819, to the 27th day of January, 1822, and subsequently from the 28th day of January, 1822, to the 16th of January, 1823, with Benjamin Fairfield, Esquire, also a Barrister and Attorney at law, as by his certificates annexed will more fully appear. That the documents certify to the satisfaction of your committee; that the petitioner has, (including his service in England,) served a full period of seven years, and therefore recommend that the prayer of his petition be complied with.

THOMAS DALTON,
Chairman.

Committee Room,
January 19th, 1829.

Petition of P. F. HALL.

To the Honorable the Commons House of Assembly for the Province of Upper Canada in Parliament assembled:

The petition of Philip Ferguson Hall, of the Town of Kingston, in the Midland District, and said Province of Upper Canada, Gentleman,

Humbly Sheweth,

That your petitioner placed himself by the consent of his father, under articles of agreement, dated the fourth day of February, 1794, to serve as a clerk in the profession of an Attorney at Law, and Solicitor in Chancery for the term of five years, to John Cressy Hall, his brother, of the Town of Alfreton, in the county of Derby, in that part of the United Kingdom called England.

That your petitioner in consequence of the threatened invasion of our mother country by the French army in the commencement of the year 1798, volunteered his services, and through his brother obtained a commission as Lieutenant in the Derby supplementary militia, and soon afterwards obtained a commission in His Majesty's regular service.

That your petitioner in the year 1819, having sometime previous retired from the service, was desirous to return to his original studies, and thro' that impression, for the furtherance of his views, emigrated to this Province as a settler, to draw his grant of waste lands and re-commence his studies in the profession of the Law.

That your petitioner having conformed to the terms of the Law Society in Hilary Term, 1820, was regularly passed and entered on the books of that Society as a Student under Allan McLean, Esquire, Barrister and Attorney at Law, and continued as such until 27th January, 1822, and then by his consent with Benjamin Fairfield, Esquire, and Mr. Francis X. Rocheleau, until 16th January, 1823, thereby completing more than three years in this Province.

That your petitioner begs to refer your Honorable House to the Act of the Provincial Parliament of the 2d Geo. 4, chap 5, sec. 3, in which it is provided, that all Students then serving, as Clerks with a practising Attorney, shall be exempted from five years study to enable them to be admitted to practice as an Attorney.

That your petitioner is well aware that from the error of not having articles regularly drawn up and signed in this country, he cannot be admitted by the honorable Court of King's Bench to practise as an Attorney, without relief from your honorable house—therefore your petitioner humbly prays, that under the foregoing circumstances, and the authentic documents produced, your honorable house will be graciously pleased to grant him such relief as in your judgment you may think most expedient, and your petitioner as in duty bound, will ever pray.

P. F. HALL.

(COPY.)

MEMORANDUM, this 18th day of October, 1819.—Philip Ferguson Hall at present resident in the Town of Kingston, in the Province of Upper Canada, being desirous of returning to the study of the law, has entered into an agreement with ———— McLean, Esquire, of Kingston aforesaid, for the purpose of completing as an Attorney at law, the residue of the term of five years by assignment of the articles of the said Philip Ferguson Hall to the said ———— McLean, Esquire, that the said assignment, with the necessary and official documents will be obtained from Great Britain with as little delay as possible.

(Signed) P. F. HALL.

I certify that Philip Ferguson Hall, of the Town of Kingston, gentleman, served and was employed by me as Clerk in the practice and profession of an Attorney and Barrister at law, from the 18th day of October, in the year of our lord 1819, the date of his articles of Clerkship to the 27th day of January, 1822,—when with my consent he put and placed himself a clerk to Benjamin Fairfield, Esq. Attorney and Barrister at Law, for the

residue of his term of Clerkship—and I further declare that his conduct was uniformly exemplary and assiduous as a Clerk and Student.

(Signed) ALLAN McLEAN.

Kingston, 5th January, 1829.

I certify that Philip Ferguson Hall of the Town of Kingston, gentleman, served and was employed by me as clerk in the practice and profession of an Attorney and Barrister at Law, from the 28th day of January, 1822, to the 16th day of January, 1823, when he finished the residue of his clerkship of three years with Mr. Francis X. Rocheleau, Attorney at law.—I further declare that his conduct was uniformly exemplary and assiduous as a Clerk and Student.

(Signed)

B. FAIRFIELD, junior.

Bath, 5th January, 1829.

IN THE KING'S BENCH:—

John Cressy Hall of Alfreton, in the County of Derby, Gentleman, one of the Attornies of His Majesty's Court of King's Bench at Westminster, and a Solicitor and Master extraordinary of His Majesty's High Court of Chancery, maketh oath and saith, that by certain articles of agreement bearing date sometime in or about the beginning of the year of our Lord one thousand seven hundred and ninety four, and as this deponent believes in or prior to the month of March in the said year one thousand seven hundred and ninety four, and made between Philip Hall the elder, (the father of this deponent) and Philip Hall the younger, his son of the one part, and this deponent by his description above mentioned of the other part. The said Philip Hall the younger, for the consideration therein mentioned, did put and place himself to be a clerk to the said John Cressy Hall, and with him after the manner of a Clerk to serve from the day of the date of the said articles, for the full term and time of five years from thence next ensuing, in the profession and practice of an Attorney and Solicitor. And this deponent further saith, that the said articles were in due form of Law executed by the said Philip Hall the elder, Philip Hall the younger, and this deponent on the day of the date thereof, in the presence of William Moore, then a Clerk to this deponent (since deceased) who duly subscribed his name as a witness to the due execution of the said articles.—And this deponent further saith, that the said Philip Hall the Younger, duly & faithfully served him this deponent under and by virtue of the said articles at Alfreton aforesaid, as his clerk in the profession and practice of an Attorney and Solicitor for the term of four years and upwards, that is to say from the said month of March in the year one thousand seven hundred and ninety four, until the 15th day of April in the year one thousand seven hundred and ninety eight, when the said Philip Hall the younger, obtained a commission through the interest of this deponent, as Lieutenant in the Derby Regiment of supplementary Militia, and soon afterwards obtained a commission as a subaltern officer in one of His Majesty's regular Regiments, and hath continued an officer in His Majesty's service ever since.—And this deponent further saith, that he hath at various times within the last two years, and more particularly for the last seven days, made most diligent search among his papers and writings for the above mentioned articles of clerkship and rough draft thereof, but cannot find said articles or draft, nor any copy, extract or memorandum thereof. Indeed this deponent verily believes that no draft or copy of the said articles of clerkship were ever made; but that the said articles were in the first instance written or engrossed by him the deponent, upon a proper and legal stamp immediately previous to the execution thereof as aforesaid, without making any such draft or copy.—And this deponent further saith, that the said articles when so executed as aforesaid, were left with and remained in the custody of this deponent, but are, he verily believes, wholly lost. (Signed) JOHN CRESSY HALL.

Sworn by the said John Cressy Hall, at Alfreton in the county of Derby, the thirtieth day of October, in the year one thousand eight hundred and twenty—before me,

(Signed)

BENJAMIN RICHARDS.

A Commissioner, &c.

Philip Ferguson Hall, of the Town of Kingston, Gentleman, maketh oath and saith, that he is the person mentioned in the foregoing affidavit, by the description of Phillip Hall the younger, and he further saith that from his knowledge of the hand writing of John Cressy Hall and Benjamin Richards, the foregoing signatures are of their own proper hand writing.

(Signed)

P. F. HALL.

Sworn before me at Kingston, this 19th day of March, 1821.

(Signed)

JAMES NICKALLS, Junior.

Commissioner for taking affidavits.

Articles of Agreement, indented, made, concluded, and agreed upon the fourth day of February, in the thirty fourth year of the reign of our Sovereign Lord George the Third, by the Grace of God, of Great Britain, France and Ireland, King, Defender of the Faith, &c. and in the year of our Lord, one thousand seven hundred and ninety four—Between Philip Hall of Alfreton, in the county of Derby, Yeoman, and Philip Hall the younger, son of the said Philip Hall, of the one part; and John Cressy Hall of Alfreton aforesaid, gentleman, one of the Attornies of His Majesty's Court of King's Bench at Westminster, and also a Solicitor and Master extraordinary of His Majesty's High Court of Chancery, of the other part, as follows:—[that is to say]

First—These presents witness, that the said Philip Hall the younger, by and with the advice and consent of his said father, hath put and placed himself to the said John Cressy Hall, to serve him as his clerk in his profession of an Attorney at Law and Solicitor in Chancery, for the term of five years, to be accounted from the day of the date hereof.

Also the said Philip Hall, doth hereby covenant, promise, and agree to and with the said John Cressy Hall, and the said Philip Hall the younger; doth hereby consent, promise and agree, that he the said Philip Hall the younger, shall during the term aforesaid, do unto the said John Cressy Hall, true and faithful service as his Clerk, and shall not at any time absent himself from such service without the leave of the said John Cressy

Hall for that purpose first had and obtained—and shall not publish or disclose any of the secrets, business or concerns of the said John Cressy Hall or any of his clients—And shall not secrete, conceal or deface any Deeds, writings or papers, which shall be delivered unto him the said Philip Hall the younger, to be copied, or wherewith he may be entrusted, and shall and will, well and truly account for and pay according to his said master's directions, all such monies as shall come to his hands and which shall belong to him the said John Cressy Hall, or any of his clients, or for his or their use or benefit—and shall not, nor will on his own account transact, solicit or defend any suit or action, or be concerned directly or indirectly in soliciting, prosecuting or defending any suit or action whatsoever, otherwise than for the said John Cressy Hall and his clients and on his account.

And he said John Cressy Hall in consideration of the premises and of the aforesaid covenant, promise and agreement on the part of the said Philip Hall, and also of the love and affection which he hath for his brother the said Philip Hall the younger, doth covenant promise and agree to and with the said Philip Hall the elder, by these presents, that he the said John Cressy Hall shall and will during the said term of five years, find and provide for the said Philip Hall the younger, competent and convenient meat, drink, washing, lodging and clothes, and also shall and will according to the best of his knowledge, skill and power, teach and instruct the said Philip Hall the younger, in the art, skill and practice of an Attorney at Law, and Solicitor in the High Court of Chancery, and in all other courts and places where the said John Cressy Hall doth, or during the said term of five years shall practice as an Attorney or Solicitor—and also shall and will, at the end or at any time after the end of the said term, upon reasonable request and at the proper costs and charges of the said Philip Hall the younger, give a proper certificate of the aforesaid clerkship, and use his utmost endeavours to procure the said Philip Hall the younger, to be sworn and admitted an Attorney of the said Court of King's Bench, and a Solicitor of the said Court of Chancery.

In Witness whereof the said parties to these presents have hereunto set their hands and seals the day and year first above written.

Signed, sealed and delivered,
Being first duly stamped
in the presence of
EDWARD BRAMBLOY.
W. C. MOORE.

[Signed] PHILIP HALL, (L.)
PHILIP HALL, Junr. (L.)
JOHN C. HALL, (L.)

Instructions from the Right Honorable the Lords Commissioners of His Majesty's Treasury, to Peter Robinson, Esq. Commissioner for the sale and management of Crown lands in the Province of Upper Canada.

WHEREAS His Majesty by a commission bearing date the seventeenth day of July, 1827, did nominate and appoint you the said Peter Robinson, to the office and trust of commissioner for the sale and management of Crown lands in the province of Upper Canada, and did strictly enjoin you to follow such orders and directions as you might from time to time receive from the commissioners of His Majesty's Treasury, or from any one of His Majesty's principal Secretaries of State, or from the Governor or officer administering the government of the province of Upper Canada for the time being: Now We, the commissioners of His Majesty's Treasury, do hereby require and enjoin you to govern yourself in the execution of the duties of your said office by the following instructions.

That you do forthwith repair to Canada, and report your arrival to the Governor or officer administering the government, and lay before him His Majesty's commission appointing you to the said office, and these our instructions for the guidance of your conduct in the execution of the duties thereof.

That you do, immediately upon your arrival enter into security, to the satisfaction of the Governor or officer administering the government, yourself in five thousand pounds, and two sureties in two thousand five hundred pounds each, that you will diligently and faithfully perform the duties of your said office, and duly account for and pay over all monies which may come to your hands in the execution thereof.

That as soon as possible after your arrival, you do proceed to ascertain the nature and particulars of all the Crown property within the said province under the following heads:—

Waste lands in those districts of the colony which have not heretofore been surveyed or laid out.

Waste lands in those districts of the colony which have been surveyed and laid out, but no part of which has been granted.

Unglanted lands and crown reserve in those districts where grants have been made.

Lands which have been granted in perpetuity upon payment of quit or other rents.

Lands and reserve which have been granted upon leases for series of years upon reserved rents or otherwise.

That you do make an annual report of the progress you may have made in ascertaining these particulars to Us, or to the commissioners of the Treasury for the time being, and also to the Governor or officer administering the government of the province of Upper Canada.

That no lands or other crown reserve arising from lands within the province of Upper Canada, be hereafter disposed of or granted, except upon the following conditions:—

By actual sale, or, in cases of poor settlers, by grants subject to Quit rents in the manner hereafter directed.

That you do from time to time, and at least once in every year, submit to the Governor or officer administering the government, a report of the total quantity of each district of crown property within each district, of the reserve, so far as you may then have ascertained the same, together with your opinion of the quality of each description of property which it may be expedient to offer for sale within the then ensuing year, and the upset price per acre, at which you would recommend

the several descriptions of property to be offered, obtaining previously a certificate from the Surveyor General of Woods and Forests within the province, that the land proposed to be offered by you does not contain any considerable quantity of valuable timber fit for His Majesty's navy, or for any other purposes; it being the intention that no grant of the land upon which such timber may be growing, should be made until the timber is clear.

That if the Governor or officer administering the government should be pleased to sanction the sale of the whole or any part of the land recommended by you to be sold, at the upset price recommended by you, or at any other price which he may name, you will proceed to the sale in the following manner.

You will give notice in the York Gazette and in such other newspaper as may be circulating in the province, as well as in any other manner that circumstances will admit of, of the time and place appointed for sale of the lands in each District, and of the upset price at which the lots are proposed to be offered,—that the lots will be sold to the highest bidder; and if no offer should be made at the upset price, that the lands will be reserved for future sale in a similar manner by Auction.

That no lot should contain more than 1,200 estimated acres. You will also state in the notices of the conditions of the sale, that the purchase money is to be paid by four instalments, without interest, the first instalment at the time of the sale, and the second, third, and fourth instalments at the intervals of a year.

That if the instalments are not regularly paid, the deposit will be forfeited, and the land again referred to sale.

In case purchasers of land at any sale, not exceeding 200 acres, being unable to advance the purchase money by instalments as proposed, you may permit the purchaser to occupy the same upon a Quit Rent, equal to five per cent upon the amount of the purchase money, one year's Quit Rent to be paid at the time of sale in advance, and to be paid annually in advance afterwards; upon the failure of regular payment, the lands to be again referred to Auction and Sold; the Quit Rent upon Lands so purchased in this manner, to be subject to redemption upon payment of twenty years' purchase, and parties to be permitted to redeem the same by any number of instalments not exceeding four, upon the payment of not less at any one time than five years' amount of Quit Rent, the same proportion of the Quit Rent to cease.

In case, however, the parties should fail regularly to pay the remainder of the Quit Rent, the same to be deducted from the instalment paid, and the land to be resold by Auction whenever the instalment may be absolved by the accruing payment of the remainder of the Quit Rents.

That public notice shall be given in each District in every year, stating the names of the persons in each District who may be in arrear, either for the instalments of their purchase, or for Quit Rents; and that if the arrears are not paid up before the commencement of the sales in that District for the following years, that the lands in respect of which the instalments or quit rents may be due, will be the first lot to be exposed to auction at the ensuing sales—and if any surplus of the produce of the sale of each lot should remain, after satisfying the Crown for the sum due, the same will be paid to the original purchasers of the land who made default in payment.

That no land be granted at any other time than at the current sales in each district, except upon application from poor settlers who may not have been in the Colony more than six months preceding the last annual sale.

That settlers so circumstanced may be permitted to purchase land, not exceeding two hundred acres each, at the price at which it may have been offered at the last annual sale, and not purchased, and may pay for the same, or by Quit Rent computed at five per cent on the sale price,—and thenceforth these persons shall be considered as entitled to all the privileges, and be subject to the same obligations, as they would have been subject to if they had purchased the land at the last sale.

In cases of settlers who shall be desirous of obtaining grants of land in distinct Districts not surveyed, or in districts in which no unredeemable grant shall have been made, you will, under the authority of the Governor, at any time within the period of seven years from the date hereof grant permission of occupancy to any such settlers for lots of land not exceeding two hundred acres, upon condition that they shall pay a Quit Rent for the same equal to five per cent upon the estimated value of the land at the time such occupancy shall be granted, and the persons to whom claim or occupation may be made shall have liberty to redeem such Quit Rent at any time before the expiration of the seven years, upon the payment of twenty years purchase of the amount, and at any time after the termination of the seven years upon the payment of any arrears of Quit Rent which may be then due, and twenty years purchase of the annual amount of the rent.

That no patent shall be granted until the whole of the purchase money shall have been paid; nor any transfer of the property made, except in case of death, until the whole of the arrears of the instalments or Quit Rent shall have been paid.

That the purchase money for all lands, as well as the Quit Rents, shall be paid to you, or to such persons as you may appoint, at the times and places to be named in the condition of the sale.

You will give public notice that you have received instructions to apply to all persons holding lands from the Crown in perpetuity, upon the payment of quit rents, as well as to all persons holding lands upon lease for term of years, for payment of the rents which may be due from them respectively, to commence from the 1st of January, 1827; and you will, at any time within seven years from the date hereof, sell to the proprietor, at twenty years purchase, any lands held in free and common socage, [but to no other person whatever,] any quit rent which may be payable by them respectively, provided that all arrears up to the end of the year preceding the time of purchase be previously paid.

If these Quit Rents are not purchased by the proprietor within the period of seven years from the date hereof, further instructions will be given in regard to the sale by public auction, or otherwise as may then be deemed expedient.

With respect to the lands upon lease for terms of years, you are desired on no account to sell the same by public auction if the rent is not

more than two years in arrear until the termination of the lease; but if the rent is more than two years in arrear, and if, according to the terms of the lease, the same is void in consequence of the non-payment of the rent, you are at liberty to submit to the Governor, or officer administering the government, that any such lots should be sold. If, however, previously to the sale the rent is paid up, you will withdraw the same from the sale, and you will at any time sell to the lessee of such lands as may be held under lease, at such price as the Governor, or officer administering the government, may upon your recommendation approve of, the land so held, all arrears of rent being in every case paid up to the end of the year preceding the sale, but in no case at less than twenty years' purchase of the rent.

You will on the first January and first July in every year render, a complete account of all your sales within the preceding half year to the Auditor of provincial accounts, specifying the conditions upon which each lot is sold, and you will at the same time render a complete cash account of the money received and expended by you within the same period, carrying forward to each account any balance which may remain in your hands at the date of the preceding account. And you will on the first January, first April, first July, and first October, in each year, pay over to the Receiver General of the province, any sum which may on those days respectively be in your hands over and above the sum of £500 which you are permitted to retain for future contingent expenses.

You will not charge the salary and remuneration to which you are entitled under your commission in your accounts, but you will receive the same annually by warrant of the Governor, out of the treasure which you may have paid into the hands of the Receiver of the province in the preceding year.

You are authorised to incur and defray such contingent expenses for authorities, clerks, Treasurer and Receiver of rents, office-rent, &c. as you may find absolutely necessary, and as the Governor or officer administering the government may sanction and approve, provided however, that the whole of such contingent expenses shall not exceed one-sixth part of the money to be received by you under His majesty's commission and these our instructions.

That you do transmit to us or to the commissioners of the Treasury for the time being, copies of the half yearly accounts which you may render to the Auditor of provincial accounts in Canada, and that the same be transmitted by the first direct conveyance which may offer, after the periods they are respectively rendered.

That in the execution of the duties of the said office, you do obey all such orders and directions as you may from time to time receive from us, or the commissioners of the Treasury for the time being, or from any one of His majesty's principal Secretaries of state, or from the Governor or officer administering the government.

Whitehall, Treasury Chambers,
the 18th day of July, 1827.

[Signed]

MACNAGHTEN,
J. LEVESEN GOWER,
ELIOT.

Instructions to Peter Robinson, Esquire, Commissioner for the sale and management of Crown lands in the Province of Upper Canada.

A Correct copy,

Z. MUDGE.

Schedule of accounts in detail, from 1st July to 31st December, 1827, inclusive, to accompany the Public Accounts, laid before the Commons House of Assembly.

| | Sterling. | Currency. |
|---|----------------|-----------|
| George Hillier, Esq. Government Office, | | 201 15 5 |
| George Hillier, Esquire, Government House repairs, | | 183 5 11 |
| John Small, Esquire, Clerk of the Executive Council, | | 151 0 2½ |
| The Hon. James Baby, Inspector General, contingent Account, | 301 5 2½ | |
| The Hon. Thomas Ridout, contingent account, | | 346 3 8½ |
| The Hon. Duncan Cameron, account as Secretary, | | 72 8 4 |
| Do. do. Account as Registrar, | | 10 17 0 |
| John B. Robinson, Esquire, contingent account | 379 5 7½ | |
| Robert Stanton, Esquire, Government Printer, | | 109 6 11 |
| Charles C. Small, Esquire, Clerk of the Crown, | 35 12 9¾ | |
| The Hon. John Henry Dunn, contingent account, | 241 12 10 4-10 | |
| Henry J. Boulton, Esq. Solicitor General. | | 200 15 0 |
| Henry Sherwood, Esq., Clerk of Assize. | | 72 11 0 |
| William A. Campbell, Esq. do. do. | | 64 4 0 |
| Joseph N. Hagerman, Esq. do. do. | | 46 6 6 |
| The Hon. Wm. Allan, Light House expenses, | | 42 18 3 |
| From 1st January to 30th June, 1828, omitted in Schedule. | | |
| Samuel P. Jarvis, Esq. Clerk of the Crown in Chancery, | | 243 6 9 |

UPPER CANADA.

Debtor Government to George Hillier, Esquire, Secretary to His Excellency the Lieutenant Governor, for the ordinary and incidental expences of the Government Office for the half year, from 1st July to the 31st of December, 1827.

| No. of Voucher. | PAYMENTS. | Canada Currency, Dollar at 5s. |
|-----------------|--|--------------------------------|
| 1 | To Isaac Pilkington as messenger and keeper of the government office, his half year's allowance, | 35 0 0 |
| 2 | To William McBride as Assistant messenger to the said office, his half year's allowance, | 25 0 0 |
| 3 | To the Post office at York for postage, | 95 0 7½ |
| 4 | To the Post office at Kingston for do. . | 3 0 9 |
| 5 | To the Post office at Queenstown for do. | 6 18 1½ |
| 6 | To Isaac Pilkington, his account of disbursements on account of the government office, | 2 5 6 |
| | £ | 187 5 0 |

UPPER CANADA.

Supplementary Account.

Debtor Government to George Hillier, Esquire, private Secretary to His Excellency the Lieutenant Governor, for certain contingent expences incurred on account of the Government Office, between the 1st July and 31st December, 1827.—the vouchers not having been furnished in time to be included in the ordinary account of the said office, for this period.

| Voucher. | PAYMENTS. | Canada Currency. |
|----------|--|------------------|
| 1 | To James Givens for copying various papers to be laid before the parliament, | 10 0 0 |
| 2 | To Robert Stanton for printing, | 3 16 8 |
| 3 | To Thomas W. Moore, at New York, for postage, | 10 0 0 |
| 4 | To Edward M'Mahon for disbursements by him for said office, | 10 13 9 |
| | £ | 34 10 5 |

UPPER CANADA.

Debtor Government to George Hillier, Esquire, Private Secretary to His Excellency the Lieutenant Governor, for disbursements for repairs, &c. to the Government House, between 1st January, and 31st December, 1827.

| | PAYMENTS. | Currency. |
|--|--|-----------|
| | To John Ewart, Builder, for repairs and materials furnished, | 99 14 9½ |
| | To Isaac Collumbus for Smith's work, and furnishing iron and materials, repairing Stoves, and making pipes &c. | 83 11 1½ |
| | £ | 183 5 11 |

The Government to John Small, Esquire, Clerk Executive Council, for the usual allowances and contingencies in the Council Office, from the 1st July to the 31st December, 1827, inclusive.

| No. of Voucher. | ALLOWANCES & CONTINGENCIES. | Province Currency, Dollars at 5s. |
|-----------------|-----------------------------|-----------------------------------|
| | | |

| No. of Voucher | ALLOWANCES & CONTINGENCIES. | Province Currency, Dollars at 5s. |
|----------------|--|-----------------------------------|
| 1 | Allowance for Stationary, Firewood and candles, | 33 6 8 |
| 2 | Joseph Martin his half year's allowance as office servant, | 12 10 0 |
| 3 | Philip James his half year's allowance as office servant, | 12 10 0 |
| 4 | Mrs Anne Bailey, her half year's salary as House keeper, | 16 13 4 |
| 5 | Mrs Anne Bailey, her half year's allowance for firewood as House keeper, | 6 9 4½ |
| 6 | Hugh Carfrae, his half years salary as Door keeper, | 16 13 4 |
| 7 | William Lee, junior, his half year's salary as extra clerk, | 62 10 0 |
| 8 | George Savage, for disbursements on account of the office, | 13 10 2½ |
| | £ | 174 2 11 |
| | The following items are suspended for want of vouchers, | |
| No. 4. | Mrs Anne Bailey, her half year's salary as House-keeper, £ | 16 13 4 |
| No. 5. | Mrs. Anne Bailey, her half year's allowance for fire-wood as Housekeeper,) | 6 9 4½ |
| | | 23 2 8½ |
| | Province Currency £ | 151 0 2½ |

| | | Continued £ | 150 0 0 |
|---|----|--------------------|------------|
| July to 31st December, 1827, inclusive, | 3 | | 75 0 0 |
| " Mr. Joseph B. Spragge, extra clerk, his salary from 1st July to 31st December, 1827, inclusive, | 4 | | 62 10 0 |
| " Office-messengers at the rate of £25 Currency, per Annum, viz Joze Martinez from 1st July to 31st December, 1827, inclusive. Philip James from do. to do. | 5 | 12 10 0 12 10 0 | 25 0 0 |
| " Fire-wood expended in the office and Drawing room, from 1st July to 31st December, 1827, inclusive, | 6 | | 10 0 0 |
| " Candles expended in do. and do. from first July to 31st December, 1827, inclusive, | 7 | | 0 8 4 |
| " Postage of Public letters from 1st July to 31st December, 1827, inclusive, | 8 | | 6 14 1 |
| Mr. Robert Stanton for 1 bound Calendar and printing 1000 copies blank descriptions, as per account charged herein pursuant to authority of His Excellency Sir P. Maitland, K. C. B. &c. dated 19th January, 1828, | 9 | 6 9 4 | |
| " Peter McPhail for binding up books for the use of the office, between the 1st July and 31st December, 1827, inclusive, per account charged herein pursuant to authority aforesaid, | 10 | 0 12 0 | |
| " John Ewart, (Carpenter) his account for sundry repairs done and articles furnished to the office and drawing-room for the present year, charged herein pursuant to authority above mentioned, | 11 | 6 11 2½ | |
| " Lewis Bright, (Blacksmith) for sundry smith's work performed for the office and drawing-room, between the 1st July and 31st December, 1827, inclusive, per account charged herein pursuant to said authority, | 12 | 1 2 0 | |
| " Jos. Martinez, for sweeping the chimneys of the office and drawing-room, and for sundry articles furnished for the use of the same for the present year, per account charged herein pursuant to authority above stated, | 13 | 1 16 9 | 16 11 3½ |
| | | | £ 346 3 8½ |

Cr. By amount due Thomas Ridout, Esquire, £346 3 8½.

The Government of Upper Canada, to James Baby, Esq. Inspector General of public provincial accounts, Dr. For the ordinary and incidental expences of his office, from 1st July to 31st December, 1827, inclusive.

| No of Voucher. | | Sterling. |
|----------------|---|-----------|
| 1 | To allowance for the first clerk, for the above period, | 91 5 0 |
| 2 | To allowance for the second clerk, for the same period, | 75 0 0 |
| 3 | To the salary of an extra clerk, employed under the authority of His Excellency the Lieutenant Governor, in the examination of the militia accounts of expences incurred during the late war with the United States of America, in conformity to the orders of the Lords Commissioners of His Majesty's treasury, between the 4th May and 31st December, 1827, inclusive, 212 days, less 35 days absence, 207 days at £150 Sterling, per annum, | 85 1 4½ |
| 4 | To allowance for fire-wood for the same period, 13½ cords a 9s. per cord. | 5 19 3 |
| 5 | To allowance for an office messenger for the same period, at the rate of £25 currency, per annum. | 11 5 0 |
| 6 | To allowance for office rent for the same period, | 18 0 0 |
| 7 | To cash paid Wm. Allan, Esq Post Master at York, for postage of public letters to and from the said office, for the same period | 14 14 7½ |
| | Total £ | 301 5 2½ |

The Government to Duncan Cameron, Secretary of the Province of Upper Canada, for fees on divers public instruments and the allowance for an office servant, from the 1st day of July to the 31st day of December, 1827, inclusive.

| | | | |
|------|-----|--|---------|
| July | 3. | Engrossing ten commissions of Oyer and Terminer, 11 folios each, | 5 10 0 |
| | | Affixing the Great Seal thereto, | 11 13 4 |
| | | Engrossing 10 commissions of Assize and Nisi Prius, each 3½ folios. | 1 15 0 |
| | | Affixing the Great Seal thereto, | 11 13 4 |
| " | 16 | Engrossing a deed in trust to Archdeacon Stuart for the burial ground in Kingston, 16 folios, | 0 16 0 |
| | | Affixing Great Seal, | 1 3 4 |
| " | 17. | Engrossing proclamation proroguing legislature to 3rd August, and printer's copy, each 3 folios, | 0 6 0 |
| | | Affixing Great seal to ditto, | 1 3 4 |
| | | Engrossing a patent in trust to James Bell and others, for the Market ground in Perth 5½ folios, | 0 5 3 |
| | | Affixing the Great seal, | 1 3 4 |
| | | Engrossing commission of the Peace for district of Gore, 11 folios, | 0 11 0 |
| | | Affixing Great seal, | 1 3 4 |
| | | Engrossing proclamation proclaiming His majesty's disallowance of an Act of the legislature, 2nd session, 9th parliament, chapter 2, | 0 4 0 |
| | | Affixing Great seal thereto, | 1 3 4 |
| | | Continued £ | 38 10 7 |

A. 31. Dr. Government to Thomas Ridout, Esq. Surveyor General of the Province of Upper Canada, in account, from the 1st July to the 31st December, 1827, inclusive.

| 1827, December 31. | No. of Vouchers. | Provincial Currency, Dollars at 5s. |
|---|------------------|-------------------------------------|
| | | £ s. d. £ s. d. |
| To Mr. John Radenurst, junior clerk, his salary, from 1st July to 31st December, 1827, | 1 | 75 0 0 |
| " Mr. Bernard Turquand, junior clerk, his salary from 1st July to 31st December, 1827, inclusive, | 2 | 75 0 0 |
| " Mr. James Chewett, Assistant Draftsman, his salary from 1st | | |
| | Continued £ | 150 0 0 |

| | | Continued £ | 33 10 7 |
|-----------|-----|---|---------|
| July | 20. | Engrossing Exemplification of patent to James Forsyth, folios 14, | 0 14 0 |
| | | Affixing Great seal, | 1 3 4 |
| | | Engrossing Exemplification of patent to Francis Elsworth, folios 14, | 0 14 0 |
| | | Affixing Great seal, | 1 3 4 |
| | 23. | Engrossing commission of the Peace for the Home district, 11 folios, | 0 11 0 |
| | | Affixing the Great seal, | 1 3 4 |
| August | 20. | Engrossing proclamation proroguing Legislature to 8th October, 3 folios and printer's copy, 3, | 0 6 0 |
| | | Affixing Great seal thereto, | 1 3 4 |
| September | 21. | Engrossing proclamation offering a reward respecting destruction of a Barn, 3 folios and Printer's copy three folios, | 0 6 0 |
| | | Affixing Privy seal, | 0 13 4 |
| | 29. | Engrossing Proclamation proroguing parliament to 17th November, and printer's copy each 3 folios, | 0 6 0 |
| | | Affixing Great seal, | 1 3 4 |
| November | 14. | Engrossing proclamation proroguing legislature to 26th December and printer's copy, each 3 folios, | 0 6 0 |
| | | Affixing Great seal, | 1 3 4 |
| December | 13. | Engrossing proclamation convening legislature for the actual despatch of public business and printer's copy, each three, .. | 0 6 0 |
| | | Affixing Great seal, | 1 3 4 |
| | | Allowance for an office-servant at £50 per annum, .. | 25 0 0 |
| | | The following items are disallowed. | 75 16 3 |
| July | 16. | Engrossing a Deed in trust to Archdeacon Stewart, &c 16s. and affixing the Great Seal &c. 23s. 4d. being parish-charges, .. | 1 19 4 |
| | 17. | Engrossing patent in trust to James Bell and others, &c 5s. 3d. and affixing Great seal &c. 23s. 4d. being Town charges, .. | 1 8 7 |
| | | Currency £ | 72 8 4 |

The Government to Duncan Cameron, Registrar of the Province of Upper Canada, for fees on divers public instruments, from the 1st day of July to the 31st day of December, 1827, inclusive.

| | | | |
|-----------|-----|---|--------|
| July | 3. | Registering 10 commissions of Oyer and Terminer, 11 folios each, Ditto 10 commissions of Assize and Nisi Prius, 3½ each, | 5 10 0 |
| | 16. | Do. a Deed in trust to Archdeacon Stewart for the Burial ground in Kingston, 16 | 1 15 0 |
| | 17. | Do. Proclamation proroguing parliament to 30th August, .. | 0 3 0 |
| | | Do. Patent in trust to Christopher James Bell and others, for Market ground in Perth, 5½ | 0 5 3 |
| | | Do. commission of the peace for the district of Gore, 11 | 0 11 0 |
| | | Do. proclamation announcing His Majesty's disallowance of an Act of 2nd session, 9th parliament, chap. 2, folio 4, | 0 4 0 |
| | | Do. Exemplification of a patent to James Forsyth, 14 | 0 14 0 |
| | | Do. do. of a patent to Francis Elsworth, 14 | 0 14 0 |
| | 23. | Do. commission of the peace for the Home district, 11 folios | 0 11 0 |
| August | 20. | Do. Proclamation proroguing parliament 8th October, 3 | 0 3 0 |
| | | Do. Proclamation offering a reward respecting the destruction of a barn, | 0 3 0 |
| September | 21. | Do. proclamation proroguing parliament to 17 November, 3 | 0 3 0 |
| November | 14. | Do. proclamation proroguing parliament to 27th December, | 0 3 0 |
| December | 13. | Registering proclamation convening parliament for the actual despatch of public business, 3 folios, | 0 3 0 |
| | | Do. University charter folios 31½ | 1 11 4 |
| | | £ | 13 9 7 |

| | | £ | 13 9 7 |
|-------------------------------------|-----|--|---------|
| The following items are disallowed. | | | |
| July | 16. | A Deed in trust to Archdeacon Stewart, for a burial ground in Kingston, being a Parish charge, | 0 16 0 |
| | 17. | Patent in trust to Christopher James Bell and others for Market-ground in Perth, being a Town charge, | 0 5 3 |
| December | 13. | University Charter, being a charge against King's College, | 1 11 4 |
| | | Currency £ | 2 12 7 |
| | | | 10 17 0 |

The Government of Upper Canada,
To John Beverley Robinson, Esq, Atty. General. Dr.

| 1827. | | Sterling. | £ s. d. |
|--|-----|--|---------|
| July | 1. | To draft of warrant to the Judge for the discharge of Catharine Joseph, a convict, .. | 1 1 0 |
| " | " | Do do. Sheriff thereupon, .. | 0 10 6 |
| " | 9. | Opinion by order of His Excellency the Lieutenant Governor, | 1 16 0 |
| " | " | do. to the Honorable the Executive Council on the petition of Billa Flint, .. | 1 16 0 |
| " | 15. | Fiat for proclamation proroguing parliament to 30th August, | 1 16 0 |
| " | 12. | Opinion upon the revenue laws to the collector of Customs at Cornwall, .. | 1 16 0 |
| " | 13. | Draft of proclamation disallowing the bill passed respecting persons charged with the murder of bastard children, .. | 1 16 0 |
| " | 14. | Fiat for a commission of the peace, for the District of Gore, .. | 1 16 0 |
| " | " | Opinion by order of His Excellency the Lieutenant Governor, | 1 16 0 |
| Eastern District Assize, after Trinity Term. | | The King vs. Alexander Hover, Forgery, Conducting cause to judgment, .. | 5 5 0 |
| | | Do. do. do. Perjury, .. | 5 5 0 |
| | | Do. Donald McDonald and others, Conspiracy, Drawing indictment, .. | 2 0 0 |
| | | Do, John Dunbar, Larceny, Drawing indictment, £2 0 0 | 2 0 0 |
| | | Conducting cause to judgment, .. | 5 5 0 |
| | | Do, Leonard Stoneburner Perjury, Drawing indictment, .. | 2 0 0 |
| | | Do. John Deacon, Misdemeanor, Drawing indictment, .. | 2 0 0 |
| | | Conducting cause to judgment, .. | 5 5 0 |
| | | Do, Thomas Leach & others. Conspiracy, conducting cause to judgment, .. | 5 5 0 |
| | | Do. Henry Bertram, Perjury, Drawing indictment, .. | 2 0 0 |
| August | 20. | Fiat for proclamation proroguing the Legislature to 8th October next, .. | 1 16 0 |
| | | King vs. Francis La Rose, Murder, Drawing indictment, .. | 2 0 0 |
| | | Do. Thomas Edwards, Larceny, and John Parsons and Anne Parsons as accessories, .. | 2 0 0 |
| | | Drawing Indictment, .. | 2 0 0 |
| | | Conducting cause to judgment, .. | 5 5 0 |
| | | King vs. Patrick McGrath, Larceny, Drawing indictment, .. | 2 0 0 |
| | | Conducting cause to judgment, .. | 5 5 0 |
| | | The King vs. Thos. Brown, Larceny, Drawing indictment, .. | 2 0 0 |
| | | Conducting cause to judgment, .. | 5 5 0 |
| | | The King vs John Richardson, Burglary, Drawing indictment, .. | 2 0 0 |
| | | Conducting cause to judgment, .. | 5 5 0 |
| | | The King vs. Jas Keays, Black Act, Drawing indictment, .. | 2 0 0 |
| | | Conducting cause to judgment, .. | 5 5 0 |
| | | The King vs. Enoch M'Chase, Riot, Drawing indictment, .. | 2 0 0 |
| | | Conducting cause to judgment, .. | 5 5 0 |
| | | Currency £ | 97 14 6 |

Continued £ 97 14 6

| | | Continued £ | 97 14 6 | | | Continued £ | 238 19 6 | |
|--|--|-------------|---|---|---|-------------|----------|--|
| Midland District Assizes. | The King vs. Isaac Hill & others, Riot, Drawing indictment, 2 0 0 | | | King vs. Hiram Lossee, Murder, Drawing indictment, 2 0 0 | | | | |
| | Conducting cause to judgment, 5 5 0 | | 7 5 0 | | Conducting cause to judgment, 5 5 0 | | 7 5 0 | |
| | The King vs. Daniel Moore, Libel, Drawing indictment, 2 0 0 | | | | King vs. Kebekekesicoqueau, an Indian Woman, Drawing indictment, 2 0 0 | | | |
| | Conducting cause to judgment, 5 5 0 | | 7 5 0 | | Conducting cause to judgment, 5 5 0 | | 7 5 0 | |
| | The King vs. Wm. Miller and others, Larceny, Drawing indictment, 2 0 0 | | | | King vs. J. Bryant, Larceny, Drawing indictment, 2 0 0 | | | |
| | Conducting cause to judgment, 5 5 0 | | 7 5 0 | | Conducting cause to judgment, 5 5 0 | | 7 5 0 | |
| | The King vs. William McMillan, Forgery, Drawing indictment, 2 0 0 | | | | King vs. George Lucas, Larceny, Drawing indictment, 2 0 0 | | | |
| | Conducting cause to judgment, 5 5 0 | | 7 5 0 | | Conducting cause to judgment, 5 5 0 | | 7 5 0 | |
| | The King vs. Michael Hogan & J. Crizzle, Larceny, Drawing indictment, 2 0 0 | | | | King vs. Wm. Burns and others, Riot, Drawing indictment, 2 0 0 | | | |
| | Conducting cause to judgment, 5 5 0 | | 7 5 0 | | Conducting cause to judgment, 5 5 0 | | 7 5 0 | |
| | The King vs. Jean B. Payen, Arson, Drawing indictment, 2 0 0 | | | | King vs. E. Develin, Larceny, Drawing indictment, 2 0 0 | | | |
| | Conducting cause to judgment, 5 5 0 | | 7 5 0 | | Conducting cause to judgment, 5 5 0 | | 7 5 0 | |
| | The King vs. John Steele, Murder, Drawing indictment, 2 0 0 | | | | King vs. Jason Bryant, Larceny, Drawing indictment, 2 0 0 | | | |
| | The King vs. Mary Davis, Larceny, Drawing indictment, 2 0 0 | | | | King vs. Joseph Udell, Misdemeanor, Drawing indictment, 2 0 0 | | | |
| | Conducting cause to judgment, 5 5 0 | | 7 5 0 | | Fiat for proclamation proroguing parliament to the 17th November next, Investigating (by order of His Excellency the Lieutenant Governor,) a complaint for encouraging and harbouring a deserter, 1 16 0 | | | |
| | The King vs. Jas. Ezra Durick, Larceny, Drawing indictment, 2 0 0 | | | | Opinion by order of His Excellency the Lieutenant Governor, 1 16 0 | | | |
| | Conducting cause to judgment, 5 5 0 | | 7 5 0 | | Opinion by order of the Honorable the Executive council, on the petition of John Pollard, 1 16 0 | | | |
| | The King vs. H. Woodcock and M. Wood, Larceny, Drawing indictment, 2 0 0 | | | | Draft of warrant for the discharge of R. Dalton and others, convicted of a Riot, 0 10 6 | | | |
| | Conducting cause to judgment, 5 5 0 | | 7 5 0 | | Draft of warrant to the judge for the discharge of William Jones convicted of felony, 1 1 0 | | | |
| | The King vs. H. Noble & others, Riot, Drawing indictment, 2 0 0 | | | | Draft of warrant to the Sheriff thereupon, and the prisoner's recognizance, 1 1 0 | | | |
| Conducting cause to judgment, 5 5 0 | | 7 5 0 | Fiat for proclamation proroguing the legislature to 26th December next, 1 16 0 | | | | | |
| The King vs. R. Dalton & others, Riot, Drawing indictment, 2 0 0 | | | Opinion by order of His Excellency the Lieutenant Governor, 1 16 0 | | | | | |
| Conducting cause to judgment, 5 5 0 | | 7 5 0 | do. do. the hon. the Executive council on the petition of Samuel P. Jarvis, Esquire, 1 16 0 | | | | | |
| The King vs. T. & E. Bailey, Arson, Drawing indictment, 2 0 0 | | | Opinion by order of His Excellency the Lieutenant Governor, 1 16 0 | | | | | |
| Conducting cause to judgment, 5 5 0 | | 7 5 0 | do. do. do. do. 1 16 0 | | | | | |
| King vs. Thomas Bailey, Arson, Drawing indictment, 2 0 0 | | | do. do. do. do. 1 16 0 | | | | | |
| King vs. Thomas Bailey, Black Act, Drawing indictment, 2 0 0 | | | do. do. do. do. 1 16 0 | | | | | |
| King vs. Jos. Clement, Forgery, Drawing indictment, 2 0 0 | | | do. do. do. do. 1 16 0 | | | | | |
| King vs. Isaac Palmer and others, Riot, Conducting cause to judgment, 5 5 0 | | 5 5 0 | Opinion by order of His Excellency the Lieutenant Governor, 1 16 0 | | | | | |
| King vs. Nathan Thomson Moore, Murder, Drawing indictment, 2 0 0 | | | Fiat of a proclamation convening the legislature on 15th January next, Amount of costs and disbursements in obtaining from the court of King's bench writs of assistance for the Collectors of customs at Burlington bay, Prescott, Brockville, Dover, and Niagara, under statute 6, Geo. 4. cap. 114, £5 12 8 currency, 5 1 5 | | | | | |
| King vs. Wm. Murphy, Larceny, Drawing indictment, 2 0 0 | | | To amount disbursed to two poor witnesses for the crown, in a prosecution directed by the government £5 | | | 4 10 0 | | |
| King vs. Jas. Moore, Larceny, Drawing indictment, 2 0 0 | | | Amount of costs taxed on a judgment for the crown upon an information, against William Forsyth, for intrusion, £11 11 4 currency, 10 8 2½ | | | | | |
| Conducting cause to judgment, 5 5 0 | | 7 5 0 | To my allowance for a clerk and the rent of an office, from the first July to 31st December, inclusive, at £90 per annum, 45 0 0 | | | | | |
| King vs. Thatcher Walton & others, Murder, Drawing indictment, 2 0 0 | | | | | | | | |
| King vs. John Rogers, Nuisance, Drawing indictment, 2 0 0 | | | | | | | | |
| The King against John Leister, Misdemeanor, Drawing indictment, 2 0 0 | | | | | | | | |
| The King vs. John Leister, Misdemeanor, Drawing indictment, 2 0 0 | | | | | | | | |
| The King vs. Thatcher Walton and others, Riot, Drawing indictment, 2 0 0 | | | | | | | | |
| Conducting cause to judgment, 5 5 0 | | 7 5 0 | | | | | | |
| Home district sittings. | The King vs. Herod Noble, Perjury, Conducting cause to judgment, 5 5 0 | | 5 5 0 | Sterling £ | | | 381 1 7½ | |
| | The King vs. Joseph Hudson and J. Mulloy, Conspiracy, Drawing indictment, 2 0 0 | | 2 0 0 | The Government of Upper Canada, | | | | |
| | The King vs. William Jones, Felony, Drawing indictment, 2 0 0 | | 2 0 0 | To ROBERT STANTON, Dr. | | | | |
| | Conducting cause to judgment, 5 5 0 | | 7 5 0 | | | | | |
| | Continued £ | | 238 19 6 | 1827. | | | £ s. d. | |
| | | | | July 1. | To continuing notice, Bowman's Lot in Murray, 6 weeks, 1s 4d. | | 0 8 0 | |

| | | Continued £ | 0 8 0 |
|--------------|---|--|-----------------|
| " | " | Do. Proclamation proroguing parliament, 2 do. 5s. | 0 10 0 |
| " | " | Do. Rice Lake Ferry, 3 do. 2s. 1d. | 0 6 3 |
| " | " | Notice Town lots in Kingston, 15 lines 4d. | 0 5 0 |
| " | " | Continuing do. 25 weeks, 1s. 3d. | 1 11 3 |
| " | " | Notice of Assize, 24 lines, 4d. | 0 8 0 |
| " | " | Continuing do. 10 weeks, 2s. | 1 0 0 |
| 7. | " | Appointment of Jas Wilson, 12 lines, 4d. | 0 4 0 |
| 21. | " | Notice entry of Goods, 18 do. | 0 6 0 |
| | " | Continuing ditto twenty weeks, 1s. 6d. | 1 10 0 |
| | " | Appointment of W. J. Scott and J. O - Hara, 14 lines, 4d. | 0 4 8 |
| | " | Ditto of T. Murphy, 7 lines, 4d. | 0 2 4 |
| 29. | " | Ditto of L. H. Forward, 7 lines, 4d. | 0 2 4 |
| | " | Proclamation disallowing assent to provincial statute 66. | 1 2 0 |
| | " | Continuing do. 22 weeks, 5s 6d. | 6 1 0 |
| September 1. | " | Appointment of Geo. Shaw, 7 lines, 4d. | 0 2 4 |
| | " | Do. A. N. Bethune, 7 " " | 0 2 4 |
| | " | Do. G. Lount, 8 " " | 0 2 8 |
| | " | Proclamation Proroguing Parliament 60 lines, 4d. | 1 0 0 |
| | " | Continuing ditto 5 weeks, 5s, | 1 5 0 |
| 29. | " | Proclamation M'Key's barn, 44 lines, 4d. | 0 14 8 |
| | " | Continuing ditto 12 weeks, 3s. 8d. | 2 4 0 |
| October 6. | " | Proclamation Proroguing Parliament, 60 lines, 4d. | 1 0 0 |
| | " | Continuing ditto 5 weeks, 5s. | 1 5 0 |
| 20. | " | Appointment C. Ridout, 7 lines, 4d. | 0 2 4 |
| | " | ditto J. F. M. Queen and R. Ironside, 13 lines, 4d. | 0 4 4 |
| | " | ditto A. A. Bethune, 8 do. | 0 2 8 |
| 27. | " | To inserting despatch, receipt of condolence, 15 lines, 4d. | 0 5 0 |
| November 3, | " | Appointment A. Chewett, 6 do. | 0 2 0 |
| | " | Ditto G. N. Ridely, 10 do. | 0 3 4 |
| 14. | " | 800 Innkeeper's licences, .. | 2 14 8 |
| | " | 400 shop do. | 2 3 4 |
| | " | 400 still do. | 2 3 4 |
| | " | 100 Wholesale dealers' do. | 2 3 4 |
| 17. | " | Proclamation proroguing parliament 60 lines, 4d. | 1 0 0 |
| | " | Continuing ditto 3 weeks, 5s. | 0 15 0 |
| December 15. | " | Proclamation convening parliament, 62 lines, 4d. | 1 0 8 |
| | " | Continuing ditto 2 weeks, 5s. 2d. | 0 10 4 |
| | " | Inserting clauses Customs' act, 162 lines, 4d. | 2 14 0 |
| | " | Continuing ditto 2 weeks, 13s. 6d. | 1 7 0 |
| 22. | " | Appointments King's College, 51 lines 4d. | 0 17 0 |
| 29. | " | Appointment of James King, 6, | 0 2 0 |
| | " | do. A. F. Reide, 11, | 0 3 8 |
| July 21. | " | Proclamation proroguing parliament omitted this date, 60, | 1 0 0 |
| | " | Continuing ditto 5 weeks, 5s. | 1 5 0 |
| December 31. | " | Continuing reward, W. Morgan, 15 weeks, 2s 7d. | 1 18 9 |
| | " | ditto proclamation Canada company, 26 do, 9s. 2d. | 11 18 4 |
| | " | do. do. timber, 26 do- 9s. 1d. | 12 15 8 |
| | " | do. &c. 21st November, 1826, 26 do, 11s. 2d. | 14 10 4 |
| | " | ditto &c. 23rd March, 1826, 26 weeks 3d. | 0 19 6 |
| | " | Gazette six months, 10 clerks Peace 12s. 2d. | 6 1 8 |
| | " | ditto six ditto, ten sheriffs ditto | 6 1 8 |
| | " | ditto six ditto, clerk peace & Sheriff at York, 10s. | 1 0 0 |
| | " | To Gazette six months, 9 public offices, 10s. | 4 10 0 |
| | " | ditto six ditto 5 councillors, 10s. | 2 10 0 |
| | " | ditto six do, 3 do. by mail 12s. 2d. | 1 16 0 |
| | " | Six months' office-rent, | 20 0 0 |
| | " | Six ditto Type allowance, | 25 0 0 |
| | | Total £ | 151 18 3 |

| Amount of the above account brought down, | | 151 18 3 |
|---|---|----------|
| | Deduct 5s. being an over-charge for inserting proclamation proroguing provincial parliament, 27 insertions, being charged in 26 weeks, | 0 5 0 |
| | The following items being to be paid out of the crown funds, are therefore deducted. | |
| July 1. | Continuing notice, Rice lake ferry, 0 6 3 | |
| | do. do. Town lots Kingston, 0 5 0 | |
| | do. do. do. 1 11 3 | |
| December 31. | do. proclamation Canada Company, 11 18 4 | |

| | | Continued £ | 151 18 3 |
|-----|-----------------|-------------------|-----------------|
| do. | Timber, 12 15 8 | | |
| do. | do. 14 10 4 | | |
| do. | do. 0 19 6 | 42 6 4 | 42 11 4 |
| | | Currency £ | 109 6 11 |

Examined, J. Baby, Inspector General.

The Government of the Province of Upper Canada, To Charles C. Small, Esq, Clerk of the Crown and Pleas, in and for the Province of Upper Canada, from the 1st day of July to the 31st day of December, 1827, both days inclusive.

| 1827. | Contingent Account. | Halifax cy. Dollars at 5s. | Sterling, Dollars at 4s. 6d. |
|--------------|---|----------------------------|------------------------------|
| July 18. | Filing extract of fines from Newcastle district and a ft. Rex vs. Aneas McDonell, making up record of conviction for Attorney General, 9 folios. | 0 3 0 | 0 2 8½ |
| | Do. vs. do. exemplification for do. | 0 9 0 | 0 8 1½ |
| | Do. vs. A. M'Donell, making up record of conviction for Att'y. General, 14 folios | 0 7 0 | 0 6 3¾ |
| | Do. vs. do. exemplification for do. | 0 14 0 | 0 12 7½ |
| | Do. vs. do. exemplification for do. | 0 9 6 | 0 8 6¾ |
| 21 | Rex vs. Backhouse, making up record of conviction for the Solicitor General, 24 folios. | 1 4 0 | 1 1 7½ |
| | Do. v do. exemplification for do. | 0 14 6 | 0 13 0¾ |
| 27. | Rex vs. Roper, a subpoena for Mr. Ward, | 0 2 6 | 0 2 3 |
| November 14. | Paid postage of fines, &c, from Johnstown district, ... | 0 6 5 | 0 5 9½ |
| | Filing same, 4 papers, | 0 2 0 | 0 1 9¾ |
| December | Entering criminal proceedings of the Home district assizes, in October, 1827, | | 1 10 0 |
| | Do. do. of Niagara Assizes. in August, | | 1 10 0 |
| | do. do. of Gore, do. in do, | | 1 10 0 |
| | do. do. of London, do. in do | | 1 10 0 |
| | do. do. of Western, do. in July, | | 1 10 0 |
| | ditto of Midland do, in August, | | 1 10 0 |
| | ditto of Johnstown, do. in do. | | 1 10 0 |
| | ditto of Bathurst, do. in do. | | 1 10 0 |
| | ditto of Eastern, do. in July. | | 1 10 0 |
| | Allowance for rent of an office, from 1st July to 31st December, 1827, both days inclusive, | | 18 0 0 |
| | | | 35 12 9¾ |

UPPER CANADA.

Ordinary and incidental expences of the Receiver General's Office. from the 1st July to the 31st December, 1827, inclusive.

| No. of Vouchers. | PAYMENTS. | Sterling, Dollars at 4s 6d, each. |
|------------------|--|-----------------------------------|
| 1 | To allowance for the first clerk, for the above period, | 91 5 0 |
| 2 | do. for the second do for the same period, | 75 0 0 |
| 3 | do. for office rent, for the same period, | 18 0 0 |
| 4 | do. for firewood, for do period, 13 cords, a 11s 3d. per cord, | 7 6 3 |
| 5 | do, for Stationary, for the same period, | 11 5 0 |
| 6 | Cash paid William Allan, Esqr, post master, for the postage of letters to and from the office, during the above period. | 8 15 9½ 4-10 |
| 7 | Cash paid Robert Stanton, Esq, Government Printer, for printing done for this office, for the half year ending 31st December, 1827, | 3 19 10½ |
| 5 | Cash paid John Thompson, (carpenter,) for a small box to contain the Receiver General's accounts, warrants and vouchers, | |
| | | Continued £ 215 11 114-10 |

| | | |
|--|-------------|----------------|
| | Continued £ | 215 11 114-10 |
| from the 1st January to the 31st December, 1827, inclusive, for transmission to the commissioners for auditing the same, | | 0 4 6 |
| Cash paid Mr Thomas C. Gale, for his services as an extra clerk in the Receiver General's office, from the 30th October to the 31st December, 1827, inclusive, 63 days, at £150 St'g. per annum..... | | 25 16 4 2/2-10 |
| | | 241 12 102-10 |

| | | |
|---|-------------|----------|
| | Continued £ | 103 15 0 |
| The King vs. — Freeman, Nuisance, Drawing indictment, | 2 5 0 | |
| Conducting cause to judgment, | 5 16 8 | |
| | | 8 1 8 |
| The King vs. P. Murn, Larceny, Drawing indictment, | 2 5 0 | |
| The King vs. Robbs et. al. Rape, Drawing indictment, | 2 5 0 | |
| The King vs. John Whiting, Perjury, Drawing indictment, | 2 5 0 | |
| | | 2 5 0 |

NIAGARA DISTRICT.

The Government of Upper Canada, in account with Henry John Boulton, Esq. Solicitor General. Dr.

| | £ s. d. | £ s. d. |
|--|---------|---------|
| Fiat for a commission of the peace for the Home district, .. | | 2 0 0 |
| Fiat for exemplification of patent to Francis Elsworth, of a lot of land near the Falls of Niagara, in Stamford, .. | | 2 0 0 |
| Fiat of exemplification to William Forsyth of another lot in Stamford, .. | | 2 0 0 |
| Fiat for a proclamation under the privy seal by order of the Lieutenant Governor, Opinion to the magistrates of Gore by order of the Lieutenant Governor, | | 2 0 0 |
| | | 10 0 0 |

| | | |
|---|--------|-------|
| The King vs. Leslie McCall, Murder, Drawing indictment, | 2 5 0 | |
| Conducting cause to judgment, | 5 16 8 | |
| | | 8 1 8 |
| The King vs. — Pratt, Forgery, Drawing indictment, | 2 5 0 | |
| Conducting cause to judgment, | 5 1 8 | |
| | | 8 1 8 |
| The King vs. Jane Forsyth, Misdemeanor, Drawing indictment, | 2 5 0 | |
| The King vs. McMahon, Horse stealing, Drawing indictment, | 2 5 0 | |
| Conducting cause to judgment, | 5 16 8 | |
| | | 8 1 8 |
| The King vs. — Fairchild, Forgery, Drawing indictment, | 2 5 0 | |
| The King vs. — McDonell, Larceny, Drawing indictment, | 2 5 0 | |
| Conducting cause to judgment, | 5 16 8 | |
| | | 8 1 8 |

MIDSUMMER ASSIZES.

WESTERN DISTRICT.

| | | |
|---|--------|-------|
| The King vs. John Qualls, Murder, Drawing indictment, | 2 5 0 | |
| Conducting cause to judgment, | 5 16 8 | |
| | | 8 1 8 |
| The King vs. Hutchins and Wife, Murder, Drawing indictment, | 2 5 0 | |
| Conducting cause to judgment, | 5 16 8 | |
| | | 8 1 8 |
| The King vs. B. Andrews, Misdemeanor, Drawing indictment, | 2 5 0 | |
| Conducting cause to judgment, | 5 16 8 | |
| | | 8 1 8 |
| The King vs. — Firman, Misdemeanor Drawing indictment, | 2 5 0 | |
| | | 2 5 0 |

| | | |
|---|--------|--------|
| The King vs. — Jackson, Misdemeanor, Drawing indictment, | 2 5 0 | |
| The King vs. Fleming et. al. Riot, Drawing indictment, | 2 5 0 | |
| The King vs. — McMahon, Forgery, Drawing indictment, | 2 5 0 | |
| The King vs. Hill, Horse Stealing, Drawing indictment, | 2 5 0 | |
| The King vs. J. McMahon, Larceny, Drawing indictment, | 2 5 0 | |
| The King vs. J. McMahon, Larceny, Drawing indictment, | 2 5 0 | |
| The King vs. — Forsyth, Intrusion, Conducting cause at trial, | 5 16 8 | |
| | | 5 16 8 |

LONDON DISTRICT.

| | | |
|---|--------|-------|
| The King vs. Jacob Choate, Larceny, Drawing indictment, | 2 5 0 | |
| Conducting cause to judgment, | 5 16 8 | |
| | | 8 1 8 |
| The King vs. John Smith, Assaulting, Sheriff's officers, Drawing indictment, | 2 5 0 | |
| Conducting cause to judgment, | 5 16 8 | |
| | | 8 1 8 |
| The King vs. John Matthews, Esq. Misdemeanor, Drawing indictment, | 2 5 0 | |
| Conducting cause to judgment, | 5 16 8 | |
| | | 8 1 8 |
| The King vs. D. Tallman, Larceny, Drawing indictment, | 2 5 0 | |
| The King vs. Joseph Deliefs, Esquire, Extortion, Drawing indictment, | 2 5 0 | |
| The King vs. Robert McKinsey, Perjury, Drawing indictment, | 2 5 0 | |
| | | 2 5 0 |

| | | |
|---|-------|----------|
| HOME DISTRICT. | | |
| King vs. Jason Bryant, Larceny, Fee with brief, | 2 0 0 | |
| The King vs. Kebekesicoqueau, Manslaughter, Fee with brief, | 2 0 0 | |
| The King vs. Herod Noble, Perjury, Fee with brief, | 2 0 0 | |
| The King vs. Wm. Jones, Felony, Fee with brief, | 2 0 0 | |
| The King vs. Hiram Lossee, Murder, Fee with brief, | 2 0 0 | |
| The King vs. George Lucas, Fee with brief, | 2 0 0 | |
| The King vs. — Burns, et. al. Affray, Fee with brief, | 2 0 0 | |
| The King vs. Edward Develin, Larceny, Fee with brief, | 2 0 0 | |
| | | 200 15 0 |

GORE DISTRICT.

| | | |
|---|--------|-------|
| The King vs. Henhawan, an Indian, Murder, Conducting cause to judgment, | 5 16 8 | |
| The King vs. Hiram Sheweth, Larceny, Drawing indictment, | 2 5 0 | |
| Conducting cause to judgment, | 5 16 8 | |
| | | 8 1 8 |
| The King vs. John Morrison, Misdemeanor, Drawing indictment, | 2 5 0 | |
| Conducting cause to judgment, | 5 16 8 | |
| | | 8 1 8 |
| The King vs. Samuel Hood, Felony, Drawing indictment, | 2 5 0 | |
| Conducting cause to judgment, | 5 16 8 | |
| | | 8 1 8 |
| The King vs. James Colquhoun, Manslaughter, Drawing indictment, | 2 5 0 | |
| Conducting cause to judgment, | 5 16 8 | |
| | | 8 1 8 |
| The King vs. David Lewis, Larceny, Drawing indictment, | 2 5 0 | |
| Conducting cause to judgment, | 5 16 8 | |
| | | 8 1 8 |

The Government of Upper Canada, To Henry Sherwood, Clerk of Assize.

EASTERN DISTRICT.

| | £ s. d. |
|---|---------|
| Precept to Sheriff, | 0 10 0 |
| Impaunelling and swearing Grand Jury, | 0 10 0 |
| Swearing one constable, | 0 1 0 |
| The King vs. John Dunbar, Grand Larceny, Reading and filing indictment, | 0 2 6 |
| Arraignment of prisoner, | 0 2 6 |
| Impaunelling, swearing and charging Jury, | 0 10 0 |
| Entering and endorsing verdict, | 0 3 6 |
| Swearing one witness for grand jury, .. | 0 1 0 |
| Swearing six witnesses for trial, | 0 6 0 |
| Reading and filing one exhibit, | 0 2 6 |
| Entering sentence, | 0 2 6 |
| The King vs. Alexander Hover, Forgery, Traverse, Reading and filing incietment, | 0 2 6 |
| Impaunelling, swearing and charging jury, ... | 0 10 0 |
| Swearing one witness, | 0 1 0 |
| The King vs. Alexander Hover, Forgery, Traverse, Reading indictment, | 0 2 6 |
| Impaunelling, swearing and charging jury, | 0 10 0 |
| Entering and endorsing verdict, | 0 3 6 |

| | Continued £ | 4 | 1 | 0 |
|--|-------------|----|---|---|
| Reading and filing two exhibits, | 0 | 5 | 0 | |
| Swearing nine witnesses, | 0 | 9 | 0 | |
| Swearing one constable | 0 | 1 | 0 | |
| The King vs. Donald McDonald, Donald McDon- | | | | |
| ald, John Ray McDonell, Intrusion, | | | | |
| Reading and filing indictment, | 0 | 2 | 6 | |
| Arraignment of prisoner, | 0 | 2 | 6 | |
| Swearing 2 witnesses for Grand jury | 0 | 2 | 0 | |
| Three bench warrants, 5s. each, | 0 | 15 | 0 | |
| Taking Donald McDonald's recognizance, | 0 | 2 | 6 | |
| The King vs. John McDonell, junior, Perjury, | | | | |
| Reading and filing indictment, | 0 | 2 | 6 | |
| Arraignment of prisoner, | 0 | 2 | 6 | |
| one Subpœna, | 0 | 2 | 6 | |
| Taking prisoner's recognizance, | 0 | 2 | 6 | |
| The King vs. Alexander Hover, Perjury, Traverse; | | | | |
| Reading and filing indictment, | 0 | 2 | 6 | |
| Impannelling, swearing and charging jury, | 0 | 10 | 0 | |
| Entering and endorsing verdict, | 0 | 3 | 6 | |
| Swearing 3 witnesses at trial, | 0 | 8 | 0 | |
| Swearing 7 constables to attend jury at night, | 0 | 7 | 0 | |
| The King vs. Leonard Stoneburner, Perjury, | | | | |
| Reading and filing indictment, | 0 | 2 | 6 | |
| Arraignment of prisoner, | 0 | 2 | 6 | |
| One subpœna, | 0 | 2 | 6 | |
| Swearing 7 witnesses for Grand jury, | 0 | 7 | 0 | |
| Taking prisoner's recognizance, | 0 | 2 | 6 | |
| Taking John Manning's recognizance to appear | | | | |
| and give evidence in this case, | 0 | 2 | 6 | |
| The King vs. Donald McDonel, Misdemeanor, | | | | |
| Entering sentence, | 0 | 2 | 6 | |
| Taking defendant's recognizance, | 0 | 2 | 6 | |
| Filing copy of indictment. | 0 | 2 | 6 | |
| The King vs. Alexander McDonell, Misdemeanor, | | | | |
| Entering sentence, | 0 | 2 | 6 | |
| Reading and filing copy of indictment, | 0 | 2 | 6 | |
| Taking defendant's recognizance, | 0 | 2 | 6 | |
| The King vs. Alexander Hover, Forgery, | | | | |
| 2 subpœnas, | 0 | 5 | 0 | |
| The King vs. Robert Wilson, Complaint for perjury, | | | | |
| Swearing 5 witnesses for Grand jury, | 0 | 5 | 0 | |
| The King vs. Daniel McCaulay et. al. Riot, | | | | |
| Two subpœnas, | 0 | 5 | 0 | |
| Calendar for sheriff, | 0 | 2 | 6 | |
| Return of criminal proceedings to clerk of crown, | 0 | 10 | 0 | |
| DISTRICT OF JOHNSTOWN. | | | | |
| Precept to sheriff, | 0 | 10 | 0 | |
| Impannelling, and swearing Grand jury, | 0 | 10 | 0 | |
| Swearing 1 constable, | 0 | 1 | 0 | |
| The King vs. Thomas Brown, Grand Larceny, | | | | |
| Reading and filing indictment, | 0 | 2 | 6 | |
| Arraignment of prisoner, | 0 | 2 | 6 | |
| Impannelling and swearing jury, | 0 | 10 | 0 | |
| Entering and endorsing verdict, | 0 | 3 | 6 | |
| Swearing 2 witnesses for Grand jury, | 0 | 2 | 0 | |
| Swearing 2 witnesses at trial, | 0 | 2 | 0 | |
| ditto one constable 1s. entering sentence, 2s. 6d | 0 | 3 | 6 | |
| The King vs. James Keaves, Felony, | | | | |
| Reading and filing indictment, | 0 | 2 | 6 | |
| Arraignment of prisoner, | 0 | 2 | 6 | |
| Impannelling, swearing &c. jury, | 0 | 10 | 0 | |
| Entering and endorsing verdict, | 0 | 3 | 6 | |
| Swearing 6 witnesses for Grand jury, | 0 | 6 | 0 | |
| Swearing 6 witnesses at trial, | 0 | 6 | 0 | |
| Swearing 1 constable, | 0 | 1 | 0 | |
| One bench warrant, | 0 | 5 | 0 | |
| The King vs. Thomas Edwards, Larceny, | | | | |
| John Parsons and Ann Parsons, Accessories after | | | | |
| the fact. | | | | |
| Reading and filing indictment, | 0 | 2 | 6 | |
| Arraignment of prisoner, 2s. 6d. each, | 0 | 7 | 6 | |
| Impannelling &c. jury, | 0 | 10 | 0 | |
| Entering and endorsing verdict, | 0 | 3 | 6 | |
| Swearing 3 witnesses for Grand jury, | 0 | 3 | 0 | |
| Swearing 9 witnesses at trial, | 0 | 9 | 0 | |
| Swearing 1 constable, | 0 | 1 | 0 | |
| One bench warrant, | 0 | 5 | 0 | |
| Reading and filing two exhibits, | 0 | 5 | 0 | |
| Entering sentences, 2s 6d each, | 0 | 7 | 6 | |
| The King vs. Patrick McGrath, Larceny, | | | | |
| Reading and filing indictment, | 0 | 2 | 6 | |
| Arraignment of prisoner, | 0 | 2 | 6 | |
| Impannelling &c. jury, | 0 | 10 | 0 | |
| Entering and endorsing verdict, | 0 | 3 | 6 | |
| Swearing 4 witnesses for Grand jury, | 0 | 4 | 0 | |
| Swearing 4 witnesses for trial, | 0 | 4 | 0 | |
| One Subpœna 2s 6d. entering sentence 2s. 6d., | 0 | 5 | 0 | |
| The King vs. John Richardson, Burglary, | | | | |
| Reading and filing indictment, | 0 | 2 | 6 | |
| Arraignment of prisoner, | 0 | 2 | 6 | |
| Impannelling, swearing, and charging jury, | 0 | 10 | 0 | |
| Entering and endorsing verdict, | 0 | 3 | 6 | |
| Swearing one witness for grand jury, | 0 | 1 | 0 | |
| Swearing 3 witnesses at trial, | 0 | 3 | 0 | |

Continued £

| | Continued £ | 0 | 2 | 6 |
|---|-------------|----|---|---|
| The King vs. Enoch M Chase, Misdemeanor, | | | | |
| Reading and filing indictment, | 0 | 2 | 6 | |
| Arraignment of prisoner, | 0 | 2 | 6 | |
| Impannelling, swearing and charging jury, | 0 | 10 | 0 | |
| Entering and endorsing verdict, | 0 | 3 | 6 | |
| Swearing one witness for Grand Jury, | 0 | 1 | 0 | |
| Four subpœnas, | 0 | 10 | 0 | |
| One Bench Warrant, | 0 | 5 | 0 | |
| Swearing nine witnesses, | 0 | 9 | 0 | |
| One exhibit, | 0 | 2 | 6 | |
| The King vs. Francis L Rose, Murder, | | | | |
| Filing bill ignored, | 0 | 2 | 6 | |
| The King vs. Enoch M Chase, Misdemeanor, | | | | |
| Filing presentment, | 0 | 2 | 6 | |
| The King vs. Wm. R. Glazier, Passing base coin, | | | | |
| Discharging prisoner by proclamation, | 0 | 2 | 6 | |
| The King vs. Samuel Gray, Complaint for perjury, | | | | |
| Two subpœnas 5s. swearing 2 witnesses 2s, | 0 | 7 | 0 | |
| Calendar for Sheriff, | 0 | 2 | 6 | |
| Return of criminal proceedings to the clerk of the | | | | |
| Crown, | 0 | 10 | 0 | |
| DISTRICT OF BATHURST. | | | | |
| Precept to Sheriff, | 0 | 10 | 0 | |
| Impannelling and swearing grand jury, | 0 | 10 | 0 | |
| Swearing one constable, | 0 | 1 | 0 | |
| The King vs. Thomas Leach, Isaac Whaley and George | | | | |
| Cleft, Conspiracy—Traverse. | | | | |
| Reading and filing indictment, | 0 | 2 | 6 | |
| Impannelling, swearing and charging Jury, | 0 | 10 | 0 | |
| Entering and endorsing verdict, | 0 | 3 | 6 | |
| Swearing 11 witnesses, | 0 | 11 | 0 | |
| Swearing 1 constable 1s One exhibit, 2s. 6d. | 0 | 3 | 6 | |
| The King vs. John Deacon, Misdemeanor, | | | | |
| Reading and filing indictment, | 0 | 2 | 6 | |
| Arraignment of prisoner, | 0 | 2 | 6 | |
| Impannelling, swearing and charging jury, | 0 | 10 | 0 | |
| Entering and endorsing verdict, | 0 | 3 | 6 | |
| Swearing 6 witnesses, | 0 | 6 | 0 | |
| Swearing one constable, | 0 | 1 | 0 | |
| Entering sentence, | 0 | 2 | 6 | |
| Bench Warrant, | 0 | 5 | 0 | |
| Taking defendant's recognizance, | 0 | 2 | 6 | |
| The King vs. Henry Bertram, Perjury, | | | | |
| Reading and filing indictment, | 0 | 2 | 6 | |
| Arraignment of prisoner, | 0 | 2 | 6 | |
| Taking prisoner's recognizance, | 0 | 2 | 6 | |
| The King vs. Henry Bertram, Filing presentment for | | | | |
| perjury, | 0 | 2 | 6 | |
| Bench warrant, | 0 | 5 | 0 | |
| Taking Jonathan Toddson's recognizance to ap- | | | | |
| pear and give evidence in this case, | 0 | 2 | 6 | |
| Calendar for Sheriff, | 0 | 2 | 6 | |
| Return of criminal proceedings to the Clerk of | | | | |
| the Crown, | 0 | 10 | 0 | |
| Taking John Deason's recognizance to appear at | | | | |
| next Assizes, to receive sentence, | 0 | 2 | 6 | |
| MIDLAND DISTRICT. | | | | |
| Precept to Sheriff, | 0 | 10 | 0 | |
| Impannelling and swearing Grand Jury, | 0 | 10 | 0 | |
| Swearing one constable, | 0 | 1 | 0 | |
| The King vs. James E. Durick, Larceny, | | | | |
| Reading and filing indictment, | 0 | 2 | 6 | |
| Arraignment of prisoner, | 0 | 2 | 6 | |
| Impannelling, swearing and charging jury, | 0 | 10 | 0 | |
| Entering and endorsing verdict, | 0 | 3 | 6 | |
| Swearing 2 witnesses for grand jury, | 0 | 2 | 0 | |
| Swearing 4 do. at trial, entering sentence, 2s. 6d. | 0 | 6 | 6 | |
| The King vs. Daniel Moore, Misdemeanor, | | | | |
| Reading and filing indictment, | 0 | 2 | 6 | |
| Arraignment of prisoner, | 0 | 2 | 6 | |
| Impannelling, swearing and charging jury, | 0 | 10 | 0 | |
| Entering and endorsing verdict, | 0 | 3 | 6 | |
| Swearing 3 witnesses for grand jury, | 0 | 3 | 0 | |
| Swearing 6 do. for trial, 6s, and 1 constable 1s, | | | | |
| Reading and filing 6 exhibits, 2s 6d. each, | 0 | 15 | 0 | |
| Entering sentence, | 0 | 2 | 6 | |
| Taking recognizance—(previous to trial,) | 0 | 2 | 6 | |
| The King vs. Hester Woodcock and Maria Wood, | | | | |
| Grand Larceny, | | | | |
| Reading and filing indictment, | 0 | 2 | 6 | |
| Arraignment of prisoners, 2s. 6d. each, | 0 | 5 | 0 | |
| Impannelling, swearing and charging jury, | 0 | 10 | 0 | |
| Entering and endorsing verdict, | 0 | 3 | 6 | |
| Swearing 2 witnesses for grand jury, | 0 | 2 | 0 | |
| Swearing 3 witnesses at trial, | 0 | 3 | 0 | |
| One exhibit, | 0 | 2 | 6 | |
| The King vs. William Miller, George Anderson, and | | | | |
| Henry Laughlin, Grand Larceny, | | | | |
| Reading and filing indictment, | 0 | 2 | 6 | |
| Arraignment of prisoners, 2s. 6d. each, | 0 | 7 | 6 | |
| Impannelling, swearing and charging jury, | 0 | 10 | 0 | |
| Entering and endorsing verdict, | 0 | 3 | 6 | |
| One subpœna, | 0 | 2 | 6 | |
| Swearing 4 witnesses at trial, | 0 | 4 | 0 | |

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| One exhibit, | 0 2 6 |
| Entering sentences 2s. 6d. each. | 0 7 6 |
| The King vs. William McMullin, Forgery, | |
| Reading and filing indictment, | 0 2 6 |
| Arraignment of prisoner, | 0 2 6 |
| Impannelling, swearing and charging jury, | 0 10 0 |
| Entering and endorsing verdict, | 0 3 6 |
| Swearing 4 witnesses at trial, | 0 4 0 |
| Three exhibits, | 0 7 6 |
| The King vs. Thomas Bailey, Malicious Mischief, | |
| Filing indictment, | 0 2 6 |
| The King vs. Thomas Bailey, Arson, | |
| Filing indictment, | 0 2 6 |
| The King vs. John Baptiste Payea, Arson, | |
| Reading and filing indictment, | 0 2 6 |
| Arraignment of prisoner, | 0 2 6 |
| Impannelling, swearing and charging jury, | 0 10 0 |
| Entering and endorsing verdict, | 0 3 6 |
| Swearing 4 witnesses for grand jury, | 0 4 0 |
| Swearing 7 witnesses at trial, | 0 7 0 |
| do. one constable, | 0 1 0 |
| The King vs. Isaac Hill, Joseph Hill, Dow Claus, Powles Claws, Seth Powles, William Mackee, Peter Green and John Green, Riot, | |
| Arraignment of prisoners, 2s. 6d. each, | 1 0 0 |
| Reading and filing indictment, | 0 2 6 |
| Impannelling, swearing and charging jury, | 0 10 0 |
| Entering and endorsing verdict, | 0 3 6 |
| Swearing one witness for grand jury, | 0 1 0 |
| Swearing two witnesses at trial, | 0 2 0 |
| One Bench warrant, | 0 5 0 |
| The King vs. Dennis Donahue, James Morean, Laughlin Morgan, Richard Dalton, Patrick Farral, and Patrick Collins, Riot, | |
| Reading and filing indictment, | 0 2 6 |
| Arraignment of Prisoners, 2s. 6d. each, | 0 15 0 |
| Impannelling, swearing and charging jury, | 0 10 0 |
| Entering and endorsing verdict, | 0 3 6 |
| Swearing twenty-five witnesses at trial, | 1 5 0 |
| Thirteen subpoenas at 2s. 6d. each, | 1 12 6 |
| Entering sentence 2s. 6d. each, | 0 12 6 |
| The King vs. William Lee, Perjury, Filing indictment, | 0 2 6 |
| One subpoena, | 0 2 6 |
| One Bench Warrant, | 0 5 0 |
| The King vs. Edward Noble, John Oveins, David Hen- derson, Abraham Henderson, John Willis, Wm. Kagill, Robert Reynolds, Joseph Roe, David Clendenning, Thomas Jordan and John Todd, Riot, | |
| Reading and filing indictment, | 0 2 6 |
| Arraignment of prisoners, 2s. 6d. each, | 1 7 6 |
| Impannelling, swearing and charging jury, | 0 10 0 |
| Entering & endorsing verdict, | 0 3 6 |
| Swearing 14 Witnesses at trial, | 0 14 0 |
| Swearing one witness, | 0 1 0 |
| The King vs. Michael Hogan & John Chreggle, Grand Larceny, | |
| Reading and filing indictment, | 0 2 6 |
| Arraignment of prisoners, 2s. 6d., | 0 5 0 |
| Impannelling swearing and charging jury, | 0 10 0 |
| Entering and endorsing verdict, | 0 3 6 |
| Swearing 4 witnesses for grand jury, | 0 4 0 |
| Swearing 5 witnesses at trial, | 0 5 0 |
| One exhibit, | 0 2 6 |
| Entering sentences, 2s. 6d. each, | 0 5 0 |
| The King vs. Mary Lavis, Larceny, | |
| Reading and filing indictment, | 0 2 6 |
| Arraignment of prisoner, | 0 2 6 |
| Impannelling, swearing and charging jury, | 0 10 0 |
| Entering and endorsing verdict, | 0 3 6 |
| Swearing 4 witnesses at trial, | 0 2 0 |
| Swearing 1 constable 1s, entering sentence, 2s 6d. | 0 3 6 |
| The King vs. Thos. Bailey and Eleanor Bailey, Arson, | |
| Reading and filing indictment, | 0 2 6 |
| Arraignment of prisoners, 2s. 6d, each, | 0 5 0 |
| Impannelling, swearing and charging jury, | 0 10 0 |
| Entering and endorsing verdict, | 0 3 6 |
| Swearing one witness, | 0 1 0 |
| The King vs. Thos, Bailey and Eleanor Bailey, Arson, | |
| Reading and filing indictment, | 0 2 6 |
| Arraignment of prisoners, 2s. 6d. each, | 0 5 0 |
| Impannelling and swearing jury, | 0 10 0 |
| Entering and endorsing verdict, | 0 3 6 |
| Swearing ten witnesses at trial, | 0 10 0 |
| Ten subpoenas, | 1 5 0 |
| The King vs. Thomas Bailey, Arson, Filing indictment, | 0 2 6 |
| The King vs John Steet, Manslaughter, | |
| Filing bill ignored, | 0 2 6 |
| The King vs Revd. Wm. Fraser, Rescue, | |
| One subpoena, | 0 2 6 |
| The King vs Joseph Clement, Forgery, | |
| Filing presentment, | 0 2 6 |
| Filing indictment, | 0 2 6 |
| Taking prisoner's recognizance, | 0 2 6 |
| Bench Warrant, | 0 5 0 |
| Taking James Moreau's recognizance, | 0 2 6 |
| Do Dennis Donahoe's recognizance, | 0 2 5 |

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| Taking Edward Noble's recognizance, | 0 2 6 |
| Do. John Ovein's recognizance, | 0 2 6 |
| Do. David Henderson's recognizance, | 0 2 6 |
| Do. Abraham Henderson's recognizance, | 0 2 6 |
| Do. John Willis's recognizance, | 0 2 6 |
| Do. Wm. Kagill's recognizance, | 0 2 6 |
| Taking Robert Reynold's recognizance, | 0 2 6 |
| Taking Joseph Roe's recognizance, | 0 2 6 |
| Taking David Clendenney's recognizance, | 0 2 6 |
| Taking Thomas Jordans recognizance, | 0 2 6 |
| Taking John Todds recognizance, | 0 2 6 |
| Taking James O'Donovan's recognizance, | 0 2 6 |
| Taking Robert Chancellor's recognizance, | 0 2 6 |
| Calender for Sheriff, | 0 2 6 |
| Return of criminal proceedings to the Clerk of the Crown. | 0 10 0 |
| DISTRICT OF NEWCASTLE. | |
| Precept to Sheriff, | 0 10 0 |
| Impannelling and swearing grand jury, | 0 10 0 |
| Swearing one constable, | 0 1 0 |
| The King vs. Isaac Palmer, Wilkinson Palmer, Luther Hard, Neil McDonal, Joseph Betteest, and Thomas Irish, Riot, | |
| Reading and filing Indictment, | 0 2 6 |
| Impannelling and swearing Jury, | 0 10 0 |
| Entering and indorsing verdict, | 0 3 6 |
| Swearing seven Witnesses at trial, | 0 7 0 |
| Entering two sentences, | 0 5 0 |
| The King vs. Thatcher Walton, Ira Soper, Wm. McKelvey, Jared Kembell and Chauncey Green, Assault and Battery, | |
| Reading and filing indictment, | 0 2 6 |
| Arraignment of prisoners (2 6 each) | 0 12 6 |
| Impannelling and swearing Jury, | 0 10 0 |
| Entering and endorsing verdict, | 0 3 6 |
| Swearing eight Witnesses at trial, | 0 8 0 |
| Entering four sentences, | 0 10 0 |
| The King vs. James Moore, larceny, | |
| Reading and filing indictment, | 0 2 6 |
| Arraignment of prisoner, | 0 2 6 |
| Impannelling and swearing Jury, | 0 10 0 |
| Entering and endorsing verdict, | 0 3 6 |
| Swearing 1 witness for grand jury, | 0 1 0 |
| Swearing 2 witnesses for trial, | 0 2 0 |
| Entering sentence, | 0 2 6 |
| The King vs. Thatcher Walton, et al. Murder, | |
| Filing bill Ignored, | 0 2 6 |
| Swearing ten witnesses for grand jury, | 0 10 0 |
| The King vs. John Leicester, assault and battery, | |
| Filing bill Ignored, | 0 2 6 |
| The King vs John Leicester Assault and Battery, | |
| Filing indictment, | 0 2 6 |
| Swearing five witnesses for grand Jury, | 0 5 0 |
| The King vs. William Murphy, Larceny | |
| Filing bill ignored, | 0 2 6 |
| The King vs Nathaniel T. Moore, Manslaughter, | |
| Filing Indictment, | 0 2 6 |
| Swearing three witnesses for grand jury, | 0 3 0 |
| The King vs. John Rogers Nuisance, | |
| Filing indictment, | 0 2 6 |
| Swearing five Witnesses for grand jury, | 0 5 0 |
| Taking Thatcher Walton's recognizance, | 0 2 6 |
| Taking Ira Soper's recognizance, | 0 2 6 |
| Taking William Mc'Kelorey's recognizance, | 0 2 6 |
| Taking Chauncey Green's, reco nizance, | 0 2 6 |
| Taking Jared Kemble's recognizance, | 0 2 6 |
| Taking Joseph Roger's recognizance, | 0 2 6 |
| Taking Isaac Palmer's recognizance, | 0 2 6 |
| Taking Luther Hadd's recognizance, | 0 2 6 |
| Calender for Sheriff, | 0 2 6 |
| Return of criminal proceedings to the Clerk of the Crown, | 0 10 0 |

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The Government of Upper Canada, To William A. Camp-
bell, Clerk of Assize.

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| WESTERN DISTRICT. | | | |
| Precept to Sheriff, | 0 | 10 | 0 |
| Impannelling and swearing Grand Jury, | 0 | 10 | 0 |
| Swearing 1 constable, | 0 | 1 | 0 |
| 1 1 0 | | | |
| The King vs. John Qualls, murder, | | | |
| Reading and filing Indictment, | 0 | 2 | 6 |
| Arraignment of prisoner, | 0 | 2 | 6 |
| Impanneling swearing and charging jury, | 0 | 10 | 0 |
| Swearing 8 witnesses and 1 constable, | 0 | 9 | 0 |
| Indorsing verdict, | 0 | 3 | 6 |
| Entering sentence, | 0 | 2 | 6 |
| 1 10 0 | | | |

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|--|--------|-------------|---------|---|--------|-------------|--------|
| The King vs. Beebee Andrews, Misdemeanor, | 0 2 6 | | 2 11 0 | The King vs. Wm. Henhawke, Murder, | 0 2 6 | | 19 3 6 |
| Reading and filing indictment, | 0 2 6 | | | Reading and filing indictment, | 0 2 6 | | |
| Arraignment of Prisoner, | 0 10 0 | | | Arraignment of prisoner, | 0 10 0 | | |
| Impannelling, swearing and charging jury, | 0 7 0 | | | Impannelling, swearing and charging jury, | 0 5 0 | | |
| Swearing six witnesses and 1 constable, | 0 3 6 | | | Swearing 4 witnesses and 1 constable, | 0 3 6 | | |
| Indorsing verdict, | 0 2 6 | | | Endorsing verdict, | | | 1 3 6 |
| One subpoena, | | | 1 8 0 | The King vs. David Lewis, Grand Larceny, | | | |
| The King vs. William and Emma Hutchins, Murder, | 0 2 6 | | | Reading and filing indictment, and pre-ent- | 0 5 0 | | |
| Reading and filing Indictments, | 0 5 0 | | | ment, | 0 2 6 | | |
| Arraignment of prisoners, 2s 6d. each. | 0 10 0 | | | Arraignment of prisoner. | 0 10 0 | | |
| Impannelling, swearing and charging jury, | 1 0 0 | | | Impannelling, swearing and charging jury, | 0 3 0 | | |
| Swearing 19 witnesses and 1 constable, | 0 2 6 | | | Swearing 3 witnesses, | 0 5 0 | | |
| Filing 1 exhibit, | 0 3 6 | | | Bench Warrant. | 0 3 6 | | |
| Endorsing verdict, | | | 2 6 0 | Endorsing verdict, | | | 1 9 0 |
| One subpoena, | | | | The King vs. Joshua Freeman, Larceny, | | | |
| The King vs. Wm Forman, Misdemeanor, | 0 2 6 | | | Reading and filing indictment, | 0 2 6 | | |
| Filing bill ignored, | 0 1 0 | | | Arraignment of prisoner, | 0 2 6 | | |
| Swearing 1 witness, | 0 5 0 | | | Impannelling, swearing and charging jury, | 0 10 0 | | |
| Two Calendars, 2s 6d, each, | 0 10 0 | | | Swearing 2 witnesses and one constable, | 0 3 0 | | |
| Return of criminal proceedings to clerk of the Crown, | | | 0 18 6 | Filing 2 exhibits 2s 6d, each, | 0 5 0 | | |
| | | | | Endorsing verdict, | 0 3 6 | | 1 6 6 |
| | | | 7 3 6 | The King vs. Patrick Marr, Grand Larceny, | | | |
| LONDON DISTRICT. | | | | Filing bill ignored | 0 2 6 | | |
| Precept to Sheriff, | 0 10 0 | | | Swearing 1 witness, | 0 1 0 | | |
| Impannelling and swearing grand jury, | 0 10 0 | | | One subpoena, | 0 2 6 | | 0 6 0 |
| Swearing one constable, | 0 1 0 | | 1 1 0 | The King vs. Hiram Shewett, Grand Larceny, | | | |
| The King vs. Jacob Choat, Grand Larceny, | 0 2 6 | | | Reading and filing indictment | 0 2 6 | | |
| Reading and filing indictment, | 0 2 6 | | | Arraignment of Prisoner, | 0 2 6 | | |
| Arraignment of prisoner, | 0 10 0 | | | Indorsing confession, | 0 3 6 | | |
| Impannelling, swearing and charging jury, | 0 10 0 | | | Entering sentence, | 0 2 6 | | 0 11 0 |
| Swearing 9 witnesses and 1 constable, | 0 3 6 | | 1 8 6 | The King vs. John Whitney, Perjury, | | | |
| Endorsing verdict, | | | | Filing bill ignored, | 0 2 6 | | |
| The King vs. John Smith, Misdemeanor, | 0 2 6 | | | Swearing 2 witnesses 2s. 1 subpoena 2s 6d | 0 4 6 | | 0 7 0 |
| Reading and filing indictment, | 0 2 6 | | | The King vs. John A. M. Cameron, Nuisance, | | | |
| Arraignment of prisoner, | 0 10 0 | | | Entering sentence, | 0 2 6 | | 0 2 6 |
| Impannelling, swearing and charging jury, | 0 5 0 | | | The King vs. James Robb; Sl. Pilkinton, and Samuel Hatt, Rape, | | | |
| Swearing 4 witnesses and 1 constable, | 0 6 0 | | | Filing Indictment, | 0 2 6 | | |
| One exhibit 2s 6d. endorsing verdict 3s 6d. | 0 2 6 | | 1 8 6 | Bench Warrant | 0 5 0 | | |
| Taking recognizance, | | | | Swearing 1 Witness | 0 1 0 | | 0 8 6 |
| The King vs. John Matthews, Misdemeanor, | 0 5 0 | | | The King vs. John Burwell Misdemeanor, | | | |
| Reading and filing presentment, and in- | 0 2 6 | | | Filing presentment | 0 2 6 | | |
| dictment, | 0 2 6 | | | Swearing 1 Witness | 0 1 0 | | 0 3 6 |
| Arraignment of prisoner, | 0 10 0 | | 1 19 6 | The King vs. Adam McDuff, Assault and Battery, | | | |
| Impannelling, swearing and charging jury, | 0 8 0 | | | Filing presentment | 0 2 6 | | |
| Swearing 7 witnesses and 1 constable, | 0 3 6 | | | Swearing one witness, | 0 1 0 | | 0 3 6 |
| Endorsing verdict, | | | | The King vs. John Lang, | | | |
| The King vs. Joseph Deffields, Extortion, | 0 2 6 | | 0 2 6 | Filing Presentment, | 0 2 6 | | |
| Filing bill ignored, | 0 2 6 | | | Bench Warrant. | 0 5 0 | | 0 7 6 |
| The King vs. Daniel Tolman. Grand Larceny, | 0 2 6 | | 0 2 6 | The King vs. Barth Day, Perjury | | | |
| Filing bill ignored, | 0 2 6 | | | Filing Presentment, | 0 2 6 | | |
| The King vs. Robert L. McKenny, Perjury, | 0 2 6 | | | Bench Warrant | 0 5 0 | | |
| Filing bill ignored, | 0 1 0 | | | Two Calendars 2 6 each, | 0 5 0 | | |
| Swearing one witness, | | | 0 3 6 | Return of criminal proceedings to Clerk Crown, | 0 10 0 | | 1 2 6 |
| The King vs. James Farley, | 0 2 6 | | | | | | |
| Filing presentment, | 0 2 0 | | | NIAGARA DISTRICT. | | | |
| Swearing 2 witnesses, | 0 5 0 | | 0 19 6 | Precept to Sheriff, | 0 10 0 | | |
| Two calendars, 2s, 6d, each, | 0 10 0 | | | Impannelling and swearing Grand Jury. | 0 10 0 | | |
| Return of criminal proceedings to Clerk of Crown, | | | 13 18 6 | Swearing 1 constable, | 0 1 0 | | 1 1 0 |
| | | | | The King vs. Edward Pratts, Forgery, | | | |
| GORE DISTRICT. | | | | Reading and filing indictment, | 0 2 6 | | |
| Precept to Sheriff, | 0 10 0 | | | Arraignment of prisoner, | 0 2 6 | | |
| Impannelling, swearing and charging jury, | 0 10 0 | | 1 2 0 | Impannelling swearing and charging jury | 0 10 0 | | |
| Swear two constables, | 0 2 0 | | | Swearing 7 Witnesses and 1 constable, | 0 8 0 | | |
| The King vs. James Colquhoun, Manslaughter, | 0 2 6 | | | Filing 1 exhibit, | 0 2 6 | | |
| Reading and filing indictment, | 0 2 6 | | | Endorsing verdict, | 0 3 6 | | 1 9 0 |
| Arraignment of prisoner, | 0 10 0 | | | The King vs. Daniel McDonal, Grand Larceny | | | |
| Impannelling, swearing and charging jury, | 1 0 0 | | | Reading and filing Indictment, | 0 2 6 | | |
| Swearing 19 witnesses and one constable, | 0 3 6 | | 1 18 6 | Arraignment of Prisoner, | 0 2 6 | | |
| Entering verdict, | | | | Impannelling swearing and charging jury, | 0 10 0 | | |
| The King vs. Samuel Wood, Felony, | 0 2 6 | | | Swearing 7 witnesses and 1 constable, | 0 8 0 | | |
| Reading and filing indictment, | 0 2 6 | | | Indorsing verdict, | 0 3 6 | | 1 6 6 |
| Arraignment of prisoner, | 0 10 0 | | | The King vs. James McMahan, Horse Stealing, | | | |
| Impannelling, swearing and charging jury, | 0 2 0 | | | Reading and filing Indictment, | 0 2 6 | | |
| Swearing 2 witnesses, | 0 1 0 | | | Arraignment of prisoner, | 0 2 6 | | |
| Swearing 1 constable, | 0 3 6 | | 1 1 6 | Impannelling, swearing and charging jury, | 0 10 0 | | |
| Endorsing verdict, | | | | Swearing 12 witnesses and 1 constable, | 0 13 0 | | |
| The King vs. John Morrison, Assault and Battery, | 0 2 6 | | | 2 subpoenas, | 0 5 0 | | |
| Reading and filing indictment, | 0 2 6 | | | Indorsing verdict, | 0 3 6 | | 1 16 6 |
| Arraignment of prisoner, | 0 10 0 | | | | | | |
| Impannelling, swearing and charging jury, | 0 2 0 | | | | | | |
| Swearing 2 witnesses, | 0 3 6 | | | | | | |
| Endorsing verdict, | 0 2 6 | | 1 3 0 | | | | |
| One subpoena, | | | | | | | |
| | | | | | | | |
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| | | | | Continued £ | | | 32 7 6 |

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|---|---|--------|--|---|
| The King vs. Leslie McCall, Murder, Reading and filing Indictment, Arraignment of Prisoner Impannelling, swearing and charging Jury, Swearing 5 Witnesses and 1 constable, Endorsing verdict, Entering sentence, 1 subpoena, | 0 2 6 0 2 6 0 10 0 0 6 0 0 3 6 0 2 6 0 2 6 | 1 9 6 | Continued £ | 45 7 0 |
| The King vs. Jas MacMahon Grand Larceny, Reading and filing Indictment, Arraignment of Prisoner, Impannelling, swearing and charging Jury, Swearing 4 witnesses and 1 constable, Indorsing verdict, | 0 2 6 0 2 6 0 10 0 0 5 0 0 3 6 | 1 3 6 | Swearing 7 witnesses and 1 constable, Filing one exhibit, Indorsing verdict, Entering sentence | 0 8 6 0 2 6 0 3 6 0 2 6 |
| The King vs. James McMahon, Grand Larceny, Filing bill ignored, Swearing 3 witnesses, | 0 2 6 0 3 6 | 0 5 6 | The King vs. Win. Jones, Killing Cattle, Reading and filing indictment, Arraignment of prisoner, Impannelling, swearing and charging jury, Swearing 13 witnesses and 1 constable, Filing 1 exhibit, Indorsing verdict, Entering sentence, | 0 2 6 0 2 6 0 10 0 0 14 0 0 2 6 0 3 6 0 2 6 |
| The King vs. John McMahon, Forgery, Filing bill ignored, 2 subpoenas, | 0 2 6 0 5 0 | 0 7 6 | The King vs. Herod Noble, Perjury, Reading and filing Indictment, Arraignment of Prisoner, Impannelling, swearing and charging jury, Swearing 17 witnesses and 1 constable, Filing 5 exhibits, Indorsing verdict, One subpoena. | 0 2 6 0 2 6 0 10 0 0 18 0 0 12 6 0 3 6 0 3 6 |
| The King vs. Jonathan Hill, Horse Stealing, Filing indictment, Swearing 1 witness, Bench Warrant, | 0 2 6 0 1 0 0 5 0 | 0 8 6 | The King vs. John Whitesides and 11 others, Reading and filing 2 indictments, Arraignment of 12 prisoners, 2s 6d. each. Impannelling, swearing and charging jury, Swearing 28 witnesses and 1 constable, Swearing 22 witnesses for grand jury, Taking 3 recognizances, 2s d, each. 7 Bench Warrants, 5s. each, Endorsing verdict, Entering 12 sentences 2s. 6d. each. | 0 5 0 1 10 0 0 10 0 1 9 0 1 2 0 0 7 6 1 15 0 0 3 6 1 10 0 |
| The King vs. Jane Forsyth, Arson, Filing bill ignored, Swearing 1 witness, | 0 2 6 0 1 0 | 0 3 6 | The King vs. John Mulloy, and Joseph Herbson, Conspiracy to defraud, Reading and filing indictment, Arraignment of Prisoners, Taking 1 recognizance, Bench warrant, 1 subpoena, Swearing 2 witnesses, | 0 2 6 0 5 0 0 2 6 0 5 0 0 2 6 0 2 0 |
| The King vs. Elluain Jackson, Assault and Battery, Filing bill ignored, Swearing 4 witnesses, | 0 2 6 0 4 0 | 0 6 6 | The King vs. Jesse Lucas, Petit Larceny, Reading and filing Indictment Arraignment of Prisoner, Swearing 2 witnesses, Indorsing confession, Entering sentence, | 0 2 6 0 2 6 0 2 0 0 3 6 0 2 6 |
| The King vs. J. Flemming, et. al. Riot, Filing bill ignored, Two subpoenas, | 0 2 6 0 5 0 | 0 7 6 | The King vs. Joseph Udall, Misdemeanor, Reading and filing indictment and Pre- sentment, Arraignment of prisoner, Swearing 3 witnesses, Taking 3 recognizances 2s 6d 2 subpoenas Bench warrant, | 0 5 0 0 2 6 0 3 0 0 7 6 0 5 0 0 5 0 |
| The King vs. Wm. Terryberry, et. al. Assault & Rescue, Filing indictment, | 0 2 6 | 0 2 6 | The King vs. Jason Bryant, Grand Larceny, Filing indictment, Swearing 1 witness, | 0 2 6 0 1 0 |
| The King vs. Olaff Hathaway, et. al. Assault. Reading and filing indictment, Arraignment of O Hathaway, One subpoena, | 0 2 6 0 2 6 0 2 6 | 0 7 6 | Robert Hamilton discharged by proclama- tion, Taking Robert Galbraithes, recognizance, 2 calenders 2s 6d each. Return of criminal proceedings to the Clerk of the Crown, | 0 2 6 0 2 6 0 5 0 0 10 0 |
| The King vs. Jos. Allevn, Grand Larceny, Filing indictment, Entering sentence, | 0 2 6 0 2 6 | 0 5 0 | £, | 64 3 6 |
| The King vs. John H. Fairfield, Forgery, Reading and filing indictment, Bench Warrant, Swearing 1 witness, | 0 2 6 0 5 0 0 1 0 | 0 8 6 | The Government of Upper Canada, To Joseph Hagerman, Clerk of Assize. | |
| William Bradley discharged by proclamation, Two Calendars, 2s. 6d. each, Return of criminal proceedings to Clerk of the crown, | 0 2 6 0 5 0 0 10 0 | 0 17 6 | WESTERN DISTRICT. | |
| HOME DISTRICT. | | | | |
| Precept to Sheriff, Impannelling and swearing 2 grand juries. Swearing one constable. | 0 10 0 1 0 0 0 1 0 | 1 11 0 | Precept to Sheriff, Swearing Grand Jury and a constable to attend them, | 0 10 0 0 11 0 |
| The King vs. Kebesikeoque, an Indian woman, Manslaughter, Reading and filing indictment, Arraignment of prisoner, Impannelling, swearing and charging jury, Swearing 5 witnesses and 1 constable, Swearing interpreter, Swearing 3 witnesses for grand jury, Entering sentence, | 0 2 6 0 2 6 0 10 0 0 6 0 0 1 0 0 3 0 0 2 6 | 1 7 6 | The King vs Charles Griffin, Misdemeanor, Reading and filing Judgment 2s 6s, Arraign- ing prisoner 2s 6s, Impannelling, swearing &c. jury 10s En- dorsing verdict, 3s 6d Filing 1 exhibit 2s 6d, swearing 2 witness es 2, Entering sentence 2s 6d, swearing one con- stable 1s, | 0 5 0 0 13 6 0 4 6 0 3 6 |
| The King vs. Jason Bryant, Grand Larceny, Reading and filing indictment, Arraignment of prisoner, Impannelling, swearing and charging jury, Swearing 3 witnesses and 1 constable, Filing 1 exhibit, Entering sentence, | 0 2 6 0 2 6 0 10 0 0 9 0 0 2 6 0 2 6 | 1 9 0 | Continued £ | 1 6 6 |
| The King vs. Hiram Lossee, Murder, Reading and filing indictment, Arraignment of prisoner, Impannelling, swearing and charging jury, Swearing 15 witnesses and 1 constable, One subpoena, Endorsing verdict, Entering sentence, | 0 2 6 0 2 6 0 10 0 0 16 0 0 2 6 0 3 6 0 2 6 | 1 19 6 | | |
| The King vs. Edward Develin, Grand Larceny, Reading and filing indictment, Arraignment of prisoner, Impannelling, swearing and charging jury, | 0 2 6 0 2 6 0 10 0 | 0 15 0 | | |
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| The King vs. Charles Dyer, Assault, Reading and filing indictment, 2s. 6d. filing presentment, 2s. 6d. Arraigning prisoner, 2s. 6d. Impannelling &c. jury, 10s. Endorsing verdict, 3s 6d, Swearing four witnesses, 4s. Entering sentence, 2s. 6d. Swearing one constable, 1s. | — 0 5 0 0 12 6 0 7 6 0 3 6 | |
| Reading and filing Warrant against Charles Griffin, Reading and filing presentment against James Little, Taking and filing the affidavit of Charles Askin, Swearing 4 Witnesses for grand jury, Discharging one prisoner by proclamation, Bench Warrant, 5s. Calendar to Sheriff 10s. | | 1 8 6 0 2 6 0 2 6 0 3 6 0 4 0 0 2 6 0 15 0 |
| DISTRICT OF LONDON, | | |
| Precept to Sheriff, Swearing Grand Jury 10s, and a constable to at- tend them, 1s. | | 0 10 0 0 11 0 |
| The King v. Orrin Smith, et. al. Murder, Reading and filing indictment, | 0 5 0 | 0 5 0 |
| The King vs. James Garner, Felony, Bill Ignored, | 0 2 6 | 0 2 6 |
| The King vs. J. Lavencot, et. al. Arson, Bill Ignored, | 0 2 6 | 0 2 6 |
| The King vs. John Higson, Murder, Bill ignored, | 0 2 6 | 0 2 6 |
| The King vs. James Paul, Assault and Battery, Reading and filing presentment | 0 2 6 | 0 2 6 |
| Reading and filing the inquisition of G. Whitehead, Swearing 11 witnesses for grand jury, Issued three subpoenas, 7s. 6d. 1 Bench Warrant 5s. Discharging a prisoner by proclamation, Calendar to Sheriff, | | 0 2 6 0 11 0 0 12 6 0 2 6 0 10 0 |
| DISRTICT OF GORE. | | |
| Precept to sheriff, Swearing grand jury 10s. and a consta- ble to attend them, 1s. | | 0 10 0 0 11 0 |
| The King vs. Wm. House, Assault, Reading and filing indictment, 2s 6d.— Arraigning prisoner, 2s. 6d. Impannelling, &c. jury, 10s. Endorsing verdict, 3s. 6d, Swearing 4 witnesses, 4s, and one con- stable, 1s. Entering sentence, | 0 5 0 0 13 6 0 5 0 0 2 6 | 1 6 0 |
| The King vs. Thomas Bouk, Manslaughter, Reading and filing indictment, 2s 6d. Arraigning prisoner, 2s. 6d, Impannelling, &c. jury, 10s. Endorsing verdict, 3s 6d, Swearing 9 witnesses 9s. & 1 constable, 1s. | 0 5 0 0 13 6 0 10 0 | 1 8 6 |
| The King vs Michael Vincent, Murder, Reading and filing indictment, 2s. 6d, Arraigning prisoner, 2s. 6d. Impannelling, &c. jury, 10s. Endorsing verdict, 3s 6d. Swearing 10 witnesses 10s. and one constable, 1s. Entering sentence, | 0 5 0 0 13 6 0 11 0 0 2 6 | 1 12 0 |
| The King vs. David Harrison, Larceny, Reading and filing indictment, 2s. 6d, Arraigning prisoner, 2s. 6d, Impannelling, &c. jury, 10s. Endorsing verdict, 3s. 6d. Swearing two Witnesses, 2s, and one constable, 1s, Entering sentence, 2s. 6d. | 0 5 0 0 13 6 0 5 6 | 1 4 0 |
| The King vs. John Young, et. al. Murder, Reading and Filing indictment, 2s. 6d. Arraigning prisoners 5s. Impannelling, &c. jury, 10s. Endorsing verdict, 3s 6d. Swearing twenty-two witnesses 22s. and one constable, 1s. | 0 7 6 0 13 6 1 3 0 | 2 4 0 |
| The King vs. Peter Dewit Zobiske, Misdemeanor, Reading and filing indictment, Impannelling, &c. jury, 10s. Endorsing verdict, 3s 6d, Swearing five witnesses 5s. and one constable, 1s, Arraigning prisoner, 2s 6d, Filing 13 exhibits, 3s 6d, | 0 2 6 0 13 6 0 6 0 1 15 0 | 2 17 0 |
| The King vs Jacob Vanduser, et. al, Larceny, Reading and filing indictment, 2s 6d, Arraigning prisoner 5s, Reading and filing presentment, Impannelling &c. Jury, 10s. Endorsing verdict, 3s 6d. | 0 7 6 0 2 6 0 13 6 | |

| | Continued | £ |
|--|---|---------|
| Swearing twelve witnesses 12s. and one constable 1s. | 0 13 0 | 1 16 6 |
| The King vs. George Younge, and others, Felony, Impannelling, &c. jury, 10s. Endorsing verdict 3s 6d, Reading and filing indictment, 2s 6d, Arraigning prisoners, 10s. Reading and filing presentment, 2s 6d, Entering sentence, 2s. 6d. Swearing 4 witnesses 4s. and one constable 1s, | 0 13 6 0 12 6 0 5 0 0 5 0 | 1 16 0 |
| The King vs. Jacob Thomer, Perjury, Reading and filing indictment, 2s, 6d, Arraigning prisoner, 2s. 6d, Reading and filing presentment, Impannelling, &c. jury, 10s, Endorsing verdict, 3s 6d, Swearing 19 witnesses 19s, and filing two exhibits 5s. Swearing 1 constable , | 0 5 0 0 2 6 0 13 6 1 4 0 0 1 0 | 2 6 0 |
| The King vs Caleb Sharp, Assault, Reading and filing indictment, 2s. 6d. Arraigning prisoner 2s 6d, Impannelling, &c. jury 10s, Endorsing verdict, 3s 6d, Swearing 8 Witnesses, 8s. and one constable 1s, Entering sentence, | 0 5 0 0 13 6 0 9 0 0 2 6 | 1 8 0 |
| The King vs. Jesse Brown and others, Assault, Arraigning prisoner 2s 6d. Reading and filing indictment 2s 6d, | 0 5 0 | 0 5 0 |
| The King vs John Langs, Sodomy, Reading and filing indictment 2s 6d, Arraigning prisoner 2s 6d, Impannelling, &c. jury, 10s. Endorsing verdict 3s 6d, Swearing 14 witnesses and 1 constable, | 0 5 0 0 13 6 0 15 0 | 1 13 6 |
| The King vs. Wm. Terryberry and Fredk. Young, Larceny, Reading and filing indictment, 2s 6d, Arraigning prisoners 5s, Impannelling, swearing &c. jury 10s Ea- dorsing verdict, 3s 6d, Swearing 4 witnesses and one constable, | 0 7 6 0 13 6 0 5 0 | 1 6 0 |
| The King vs. Frederick Farnum, Forgery, Bill ignored, | 0 2 6 | 2 6 0 |
| The King vs. Peter Bloom, Perjury, Bill ignored, | 0 2 6 | 0 2 6 |
| The King vs. John Thatcher et. al. Assault, Reading and filing Presentment 2s 6s, Filing bill found 2s 6d. | 0 5 0 | 0 5 0 |
| The King vs James Odell, Reading and filing indictment, 2s 6d, Filing bill found 2s 6d, | 0 5 0 | 0 5 0 |
| The King vs. Joseph Fairchild, Larceny, Filing bill ignored, | 0 2 6 | 0 2 6 |
| The King vs. Thomas Crogham, Assault and Battery, Reading and filing Presentment, | 0 2 6 | 0 2 6 |
| The King vs. John Gage, Misdemeanor, Reading and filing presentment, | 0 2 6 | 0 2 6 |
| The King vs. Jesse Brown and others, Assault. Taking recognizance of Hiram Phelps, 0 2 6 Issued 12 Bench Warrants, Issued 46 subpoenas, Taking &c. recognizances, Discharging two prisoners by proclamation. Swearing 63 witnesses for Grand jury, Calendar to sheriff, Return of criminal proceedings to the Clerk of the Crown, | 0 2 6 3 0 0 5 15 0 1 0 0 0 5 0 3 3 0 0 10 0 0 10 0 | 45 12 0 |
| £, | | |
| Amount of this account brought down, | | |
| Add 2s. short extended, the King vs. Caleb Sharp, above, | | |
| 46 12 0 | | |
| Deduct an overcharge of 2s 6d, on each calendar to 3 Sheriffs, at the Gore, London and Western Assizes, | | |
| 0 7 6 | | |
| Currency £ | | |
| 46 6 6 | | |

Audited in Council, 30th December, 1828.

The Government of Upper Canada,
To William Allan, Collector of Customs, Dr.

| | | | | |
|----------|--|----|----|---|
| 1. 27. | To 31½ Gallons of best sperm. Oil, 6s. 6d. | 10 | 4 | 9 |
| Novr, 2. | Barrel with ditto. | 0 | 6 | 0 |
| | To six months' rations of provisions to Wm. Alloway, from the 1st July to 31st December, inclusive, | 9 | 7 | 6 |
| | To six months' salary to Wm. Alloway, for attending the Light House at Gibraltar point, during the same period, being 184 days, at 2s 6d, per day, | 23 | 0 | 0 |
| | £ | 42 | 18 | 3 |

| | | | |
|--|-----|----|---|
| To Engrossing the same, 300 words, | 0 | 3 | 0 |
| " fees on a dedimus potestatem for the town of Kingston, the persons named in the first being absent, | 0 | 13 | 4 |
| Engrossing the same, | 0 | 3 | 0 |
| " amount of Mr. Taylor's account and his allowance for services, | 34 | 18 | 9 |
| " amount of Mr. John Powell's account and his allowance for services, | 39 | 19 | 0 |
| | 207 | 4 | 3 |
| " his charges omitted for the county of Oxford discovered by the Inspector General after this account sworn to, as will appear by reference to the Secretary's accounts, (27 writs instead of 25 charged.) | 6 | 2 | 6 |
| Province currency, £ | 243 | 6 | 9 |

The Government of Upper Canada, To Samuel P. Jarvis, Clerk of the Crown in Chancery, for fees on divers public instruments, and for certain contingent expenses attending the execution of his office.

| 1828. | | £ | S | D. |
|------------|---|---|----|----|
| June 24. | To fees on a writ of election for the county of Glengarry, | 2 | 0 | 0 |
| | " Engrossing the same, 600 words, | 0 | 6 | 0 |
| | " Fees on a warrant appointing a Returning officer for the county of Glengarry, | 1 | 3 | 4 |
| | " Engrossing the same, 550 words, | 0 | 5 | 6 |
| | " Fees on a Dedimus Potestatem, for the county of Glengarry, | 0 | 13 | 4 |
| | " Engrossing the same, 300 words, | 0 | 3 | 0 |
| | " Instructions in Duplicate for the County of Glengarry, | 1 | 3 | 4 |
| | " Indentures in Duplicate for the County of Glengarry, | 0 | 5 | 0 |
| September, | " Recording and entering the return for the county of Glengarry, | 0 | 3 | 0 |
| | | 6 | 2 | 6 |
| June 21, | " The same charges for the county of Prescott and Russel, | 6 | 2 | 6 |
| | " the same charges for the county of Stormont, | 6 | 2 | 6 |
| | " the same charges for the county of Dundas, | 6 | 2 | 6 |
| | " the same charges for the county of Grenville, | 6 | 2 | 6 |
| | " the same charges for the county of Leeds, | 6 | 2 | 6 |
| | " the same charges for the county of Carleton, | 6 | 2 | 6 |
| | " the same charges for the county of Lanark, | 6 | 2 | 6 |
| | " the same charges for the county of Frontenac, | 6 | 2 | 6 |
| | " the same charges for the county of Durham, | 6 | 2 | 6 |
| | " the same charges for the county of Hastings, | 6 | 2 | 6 |
| | " the same charges for the town of Kingston, | 5 | 2 | 6 |
| | " the same charges for the county of Lenox and Addington, | 6 | 2 | 6 |
| | " the same charges for the county of Northumberland, | 6 | 2 | 6 |
| | " the same charges for the county of Prince Edward, | 6 | 2 | 6 |
| | " the same charges for the county of York, | 6 | 2 | 6 |
| | " the same charges for the town of York, | 6 | 2 | 6 |
| | " the same charges for the county of Simcoe, | 6 | 2 | 6 |
| | " the same charges for the county of Middlesex, | 6 | 2 | 6 |
| | " the same charges for the county of Kent, | 6 | 2 | 6 |
| | " the same charges for the county of Norfolk, | 6 | 2 | 6 |
| | " the same charges for the county of Essex, | 6 | 2 | 6 |
| | " the same charges for the county of Halton, | 6 | 2 | 6 |
| | " the same charges for the Town of Niagara, | 6 | 2 | 6 |
| | " the same charges for the county of Lincoln, | 6 | 2 | 6 |
| | " the same charges for the county of Wentworth, | 6 | 2 | 6 |
| | To fees on a warrant appointing a second returning officer for the county of Prescott and Russell, the first having declared himself a candidate, | 1 | 3 | 4 |
| | " Engrossing the same. 55 words, | 0 | 5 | 6 |
| | " fees on a dedimus potestatem for the said county, | 0 | 13 | 4 |

SCHEDULE of accounts in detail from 1st January to 30th June, 1828, to accompany the public accounts laid before the Commons House of Assembly.

| | Sterling. | Currency. |
|---|-----------|-----------|
| George Hillier, Esq. Government Office, | | 278 14 0 |
| John Small, Esquire, Clerk Honorable Executive Council, | | 188 4 0½ |
| Honorable James Baby, contingent account, | 294 2 6 | |
| Honorable Thomas Ridout, contingent account and surveys, | | 500 15 4 |
| Honorable Duncan Cameron, account as Secretary, | | 160 12 4 |
| Do. do. account as Registrar, | | 36 11 9 |
| John B. Robinson, Esquire, contingent account, | 216 9 0 | |
| Henry J. Boulton, Esquire, do. do. | | 28 0 0 |
| Honorable John Henry Dunn, do. do. | 225 5 11¼ | |
| Charles C. Small, Esquire, Clerk of the Crown, | 26 15 1 | |
| Robert Stanton, Esquire, printing the laws, Do. Do. contingent account, | | 171 17 4½ |
| Honorable William Allan, expenses of light house, | | 141 14 7 |
| William A. Campbell, Esquire, Clerk of assize, | | 55 0 6 |
| | | 29 4 6 |

UPPER CANADA.

Debtor Government to George Hillier, Esquire, Secretary to the Lieutenant Governor, for the ordinary and incidental expenses of the Government office for the half year, from 1st January to 30th June, 1828.

| No. of Vouchers. | | Canada C'y. Dollars at 5s. |
|------------------|---|----------------------------|
| 1 | To Isaac Pilkington, as messenger and keeper of the government office, his half years' allowance, | 35 0 0 |
| 2 | " William McBride, as assistant messenger to ditto, his half years' allowance, | 25 0 0 |
| 3 | " William Allan, Post master at York, for postage, | 133 1 7 |
| 4 | " Alexander Hamilton, Post master at Queenston, for postage, | 36 16 11½ |
| 5 | " Thomas Wm. Moore, Agent for British packets at New York, for postage, | 10 0 0 |
| 6 | " Edward McMahon, to reimburse him so much paid for Newspapers (the Quebec official Gazette, and the Quebec Mercury,) furnished to the Government office—and also the Farmers' Journal, | 3 10 0 |
| 7 | " Isaac Pilkington, for disbursements on account of the said office, | 1 12 1½ |
| 8 | " Robert Stanton, for printing, | 13 13 4 |
| 9 | " James Givins Junior, for copying various papers during the last session of the Legislature to be laid before parliament, | 10 0 0 |
| 10 | " George Cooper, for 20 cords fire wood, | 10 0 0 |
| | £ | 278 14 0 |

I, George Hillier, do solemnly swear that the foregoing account, a-

mounting to the sum of two hundred and seventy eight pounds fourteen shillings, Canada currency, is just and true to the best of my knowledge and belief.

(Signed) G. HILLIER.

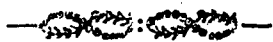
Sworn before me at York, Upper Canada, this 6th day of September, one thousand eight hundred and twenty eight.

(Signed) L. P. SHERWOOD, J.

Audited in Council, 20th September, 1828.

J. BABY,
Presiding Councillor.

Examined,
J. BABY, Inspector General.



The Government to John Small, Esquire, Clerk Executive Council, for the usual allowances and contingencies in the Council office.

| No. of Vouchers. | Allowances and Contingencies. | Province C'y. Dollars at 5s. |
|------------------|---|------------------------------|
| 1 | Allowance for stationary, firewood and candles, from 1st January to 30th June 1828, inclusive, | 33 6 8 |
| 2 | Joseph Martin, his half year's allowance as office servant, for the same period, | 12 10 0 |
| 3 | Philip James, his half year's allowance as office servant for the same period, | 12 10 0 |
| 4 | The house keeper's allowance as salary for one year from the 1st July, 1827, to the 30th June, 1828, inclusive, | 33 6 8 |
| 5 | The house keeper's allowance for firewood, for the same period, | 12 18 9 |
| 6 | Hugh Carfrae, his half year's salary as door keeper, from 1st January to 30th June, 1828, inclusive, | 16 13 4 |
| 7 | Mr. William Lee, junr. his half year's salary as extra clerk, for the same period, | 62 10 0 |
| 8 | Mr. George Savage, for sundry disbursements on account of the office, for the same period, | 4 8 7½ |
| | Currency £ | 188 4 0½ |

John Small, Esquire, Clerk Executive Council maketh oath and saith, that the within account amounting to the sum of one hundred and eighty eight pounds, four shillings and one half penny, province currency, is just and true to the best of his knowledge and belief.

Sworn before me at York, in the Province of Upper Canada, this 17th day of October, 1828

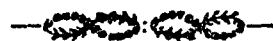
(Signed) JOHN SMALL.
C. E. C.

(Signed) C. A. HAGERMAN, J. K. B.

Audited in Council, 17th October, 1828,

J. BABY,
Pres. Councillor.

Examined,
J. BABY,
Inspector General.



The Government of Upper Canada, to James Baby, Esq. Inspector General of public provincial accounts, Dr. For the ordinary and incidental expences of his office, from 1st January to the 31st June, 1828, inclusive.

| No. of Voucher. | | Sterling. |
|-----------------|--|-----------|
| 1 | To allowance for the first clerk, for the above period, | 91 5 0 |
| 2 | To allowance for the second clerk, for the same period, | 75 0 0 |
| 3 | To the salary of an extra clerk employed under the special authority of His Excellency the Lieutenant Governor, for the same period, at £150 Stg. per annum, | 75 0 0 |
| 4 | To allowance for firewood for the same period, 13¼ cords, at 9s. per cord, | 5 19 3 |
| 5 | To allowance for an office messenger for the same period, at the rate of £25 currency per annum, | 11 5 0 |
| 6 | To allowance for office rent, for the same period, | 18 0 0 |
| 7 | To cash paid William Allan, Esquire, Post Master at York, for postage of public letters to and from the said office, for the same period, | 17 13 3 |
| | Total £ | 294 2 6 |

Examined,
J. BABY,
Inspector General.

Audited in Council, 20th September, 1828,
JOHN STRACHAN, E. C.

A. 39.
Dr. Government to Thomas Ridout, Esq. Surveyor General of the Province of Upper Canada, in account, from the 1st January to the 30th June, 1828, inclusive.

| | | No of Vouchers, | Provincial C'y. Dollars at 5s. |
|------|--|-----------------|--------------------------------|
| | | | £ s. d. £ s. d. |
| 1828 | June 30. | | |
| | To Mr. John Raden- hurst, junior clerk, his salary from 1st January to 30th June, 1828, inclusive, | 1 | 75 0 0 |
| | Mr. Bernard Tur- quand, junr. clerk, his salary from 1st January to 30th June, 1828, inclu- sive, | 2 | 75 0 0 |
| | Mr. James G. Chewett, assistant draftsman, his sal- ary from 1st Janu- ary to 30th June, 1828, inclusive, | 3 | 75 0 0 |
| | Mr. Joseph B. Spragge, extra clerk, his salary, from 1st January to 30th June, 1828, inclusive, | 4 | 62 10 0 |
| | Mr. George C. Ri- dout, his salary from 29th March to 30th June, 1828, inclusive, being 94 days, at the rate of £150, currency, per annum, as a junior clerk em- ployed for the spe- cial service speci- fied in an order in council of the 2th February, 1828, by order of His Excellency Sir Pe- regrine Maitland, K. C. B. Lieute- nant Governor. da- ted 29th March, following, & char- ged herein in pur- suance of an order in council of the 7th August, in the same year, | 5 | 38 12 7 |
| | Office messengers at the rate of £25 currency, each per annum viz. Jose Martinez from 1st January to 30. June 1828, Mr. Philip James from ditto to ditto. | 6 | 12 10 0 12 10 0 |
| | Firewood expend- ed in the office and drawing room from 1st January to 30 June, 1828, inclusive, Candles expended in ditto and ditto, from 1st January to 30 June, 1828, inclusive, Postage of public letters from 1st Ja- nuary to 30. June 1828, inclusive, | 7 | 10 0 0 |
| | To Mr. Robert Stan- ton for printing 3,000 blank descrip- tions, 18 16 0 ditto 1000 blank U. E. and militia location tickets, 5 5 4 For one bound cal- | 8 | 0 8 4 |
| | | 9 | 10 0 10 |

| | | | | | | | | |
|---|----|----|----|---|----|---|---|------------|
| endar for the year 1828, 0 3 9 | 10 | 24 | 5 | 1 | | | | |
| charged herein pursuant to authority of His Excellency Sir Peregrine Maitland K. C. B. Lieutenant Governor dated. John Ewart, carpenter, for 2 setts pigeon holes, 2 12 6 | | | | | | | | |
| & for sundry repairs and materials furnished for the office and drawing room between 1st January and 30th June, 1828, inclusive, charged herein pursuant to the aforesaid authority, 1 13 3 | 11 | 4 | 5 | 9 | | | | |
| Lewis Bright, blacksmith, for sundry smith's work performed for the office and drawing room, between 1st January and 30th June, 1828, inclusive, charged herein pursuant to said authority, | 12 | 1 | 3 | 0 | 30 | 8 | 2 | |
| Jose Martinez for sweeping the chimneys of the office and drawing room, and for sundry small articles furnished for the use of the same, from 1st January to 30th June, 1828, inclusive, charged herein pursuant to authority above mentioned, | 13 | 0 | 14 | 4 | | | | |
| Mr. John McDonald, deputy surveyor, an allowance made him for his attendance on the honorable Executive council, from the 21th January to the 18th February, 1828, inclusive, being 26 days, at the rate of 10s. currency per day, in pursuance of an order thereof dated 26th February, 1828, | 14 | | | | 13 | 0 | 0 | |
| To Mr. James McFarlane, editor of the Kingston Chronicle, for advertizing for contract for opening and making a road through the south block of clergy reserves in the district of Gore and for printing 200 hand bills of the same, charged herein pursuant to authority of an order in council, dated the 24th January, 1828. | 15 | 1 | 17 | 6 | | | | |
| Mr. George Gurnet, editor of the Gore Gazette, for the like service, pursuant to authority aforesaid, | 16 | 2 | 10 | 0 | | | | |
| Mr. Hiram Leavenworth, editor of the Farmer's Journal, for the like service pursuant to the above mentioned authority, | 17 | 2 | 0 | 0 | | | | 6 7 6 |
| Mahlon Burwell, Esquire, his pay as deputy surveyor, from the 9th February to 17th May, 1828, inclusive, at 15s per day, for attendance on the honorable Executive Council, and for making maps and sundry reports &c. &c. respecting the surveying and affixing of boundaries to the reserves made by the Chippewa Indians in the tract of land lately purchased from them by government, in the London & Western district, pursuant to authority of his Excellency Sir Peregrine Maitland, K. C. B. Lieut. Governor, dated 28th July, 1826, & 19th January, 1828, | 18 | 74 | 5 | 0 | | | | |
| Allowance in lieu of rations, ditto time, at 1s 6d, per day, | 19 | 7 | 8 | 6 | | | | |
| Mr Roswell Mount, balance of his pay as Deputy surveyor, from 18th September to 14th November, 1827, inclusive, the balance being 11s 3d, c'y. per day, as an assistant to the above named M. Burwell, Esqr. Deputy surveyor in surveying the northern boundary of the aforesaid purchase, pursuant to authority of His Excellency Sir P. Maitland, K. C. B. Lieutenant Governor in Council, dated 21st December, 1826,..... | 20 | 32 | 12 | 6 | | | | 114 6 0 |
| To Mr. David Gibson, his pay as Deputy surveyor, from the 28th March to 21th April, 1828, inclusive, at 15s. per day, | 21 | 21 | 0 | 0 | | | | |
| Allowance in lieu of rations ditto. time, at 1s 6d, per day, | 22 | 2 | 2 | 0 | | | | |
| Amount of pay list for posting of the line of road through the south block of Clergy reserves in the district of Gore, pursuant to authority of an order in Council, dated 18th December, 1827, and of the 5th of March, 1828, | 23 | 7 | 0 | 0 | | | | 30 2 0 |
| | | | | | | | | £ 505 15 5 |

Amount due the Surveyor General, five hundred and sixty five pounds, fifteen shillings and five pence, provincial currency.

Errors excepted,

THOMAS RIDOUT, S.G.

Audited in Council, 7th October, 1828.

| | | | | |
|--------|---|----|----|---|
| No. 5. | Item No. 5. being for a service necessarily rendered in carrying into effect the Imperial statute, authorising the sales of a portion of the clergy reserves, and the regulation for the disposal of the crown lands. | 38 | 12 | 7 |
|--------|---|----|----|---|

It is respectfully submitted, that this charge should be defrayed out of the funds accruing from the disposal of these lands: Items, Nos. 14, 15, 16, 17, and 23, being for services rendered in relation to the agreements subsisting between His Majesty's Government and the Canada Company. It is respectfully submitted that those charges should be defrayed out of the funds accruing from the sales to the Company.

13 0 0
1 17 6
2 10 0
2 0 0
7 0 0

£ 65 0 1
£ 500 15 4

J. BABY,
Pres. Councillor.

Examined,
J. BABY, Inspector General.

Amount 565 15 5

Deductions being made as recommended by the Honorable Executive Council, of the following items,

| Viz: Item | No. | 5, | 38 | 12 | 7 |
|-----------|-----|-----|----|----|---|
| " | " | 14, | 13 | 0 | 0 |
| " | " | 15, | 1 | 17 | 6 |
| " | " | 16, | 2 | 10 | 0 |
| " | " | 17, | 2 | 0 | 0 |
| " | " | 23, | 7 | 0 | 0 |

£ 65 0 1

Amount of warrant, 500 15 4

The government to Duncan Cameron, Esq. Registrar of the Province of Upper Canada, for fees on divers public instruments and Disbursements, for fuel and repairs to the office, from the 1st day of January to the 30th June, 1828, inclusive.

| | | |
|--------------|--|---------|
| February 11. | Registering commission of oyer and terminer, for the Home district, 11 folios, Commission of Assize and Nisi Prius, for do, 3½ folios, | 0 11 0 |
| 12. | Commission of the peace for the district of Johnstown, 11 folios, | 0 3 6 |
| 21. | Proclamation announcing the appointment of the honorable P. Robinson commissioner for the sale of Crown lands, 2½ folios, | 0 11 0 |
| | Proclamation announcing the appointment of the honorable P. Robinson, Surveyor General of Woods, 3¾ folios, | 0 2 6 |
| May 1. | Proclamation proroguing parliament to 11th June, 3 folios, | 0 3 0 |
| 26. | Patent to the Rev. T. Campbell, and others, 15 folios, | 0 15 0 |
| June 2. | Proclamation Proroguing parliament, to 19th July, | 0 3 0 |
| 5. | Commission of the peace for the district of Gore, 11 folios | 0 11 0 |
| 10. | Exemplification of Patent to Henry Griffith, 12½ folios, | 0 12 6 |
| 20. | Commission to Charles Richardson, 3½ do. | 0 3 6 |
| 24. | Proclamation dissolving parliament, | 0 3 0 |
| 25. | Do. summoning a new parliament, | 0 3 0 |
| 26. | A commission anoving Mr. Justice Willis from the Court of King's Bench, | 0 3 6 |
| 28. | 10 commissions of Oyer and Terminer, each 11 folios, | 5 10 0 |
| | 10 commissions of Assize and Nisi Prius, 3½ folios, | 1 15 0 |
| | 27 writs of election, each 5½ folios, | 7 8 6 |
| | 27 Warrants, 5 do. | 6 15 0 |
| | 27 Dedimus Potestatems, 2 do. | 2 14 0 |
| 30. | Cash paid Peter M'Dougal, for 16 cords of Wood, | 8 0 0 |
| | Amount of John Ewart's account for repairs, &c. | 4 5 0 |
| | Province Currency £ | 40 16 9 |
| | Amount of the within account, | 40 16 9 |
| | Last item suspended. | |
| | Amount of John Ewart's account for repairs, &c. | 4 5 0 |
| | | 36 11 9 |

Audited in Council, 23d October, 1828,

J. BABY,
Pres. Councillor.

Examined,
J. BABY,
Inspector General.

The Government to Duncan Cameron, Esqr. Secretary of the province, for fees on divers public instruments,

and the allowance for an office servant, from the 1st day of January to the 30th day of June, 1828, inclusive.

| | | |
|--------------|---|--------|
| February 11. | Engrossing a commission of Oyer and Terminer for the Home district, 11 folios, | 0 11 0 |
| | Affixing the Great seal to ditto, | 1 3 4 |
| | Engrossing commission of Assize and Nisi prius for the Home district, 3½ folios, | 0 3 6 |
| | Affixing the Great seal to ditto, | 1 3 4 |
| 12. | Engrossing commission of the peace for the district of Johnstown, 11 folios, | 0 11 0 |
| | Affixing the Great seal to ditto, | 1 3 4 |
| 15. | Furnishing the Lieutenant Governor's office with a copy of His majesty's charter establishing an University, 31½ folios, | 1 11 6 |
| | Office certificate to ditto, | 0 5 0 |
| 21. | Engrossing a proclamation announcing the appointment of the Honorable Peter Robinson commissioner for the sale of crown lands, 2½ folios, | 0 2 6 |
| | Affixing the Great seal to ditto, | 1 3 4 |
| | Engrossing a proclamation announcing the appointment of the Honorable Peter Robinson Surveyor General of Woods, 3¾ folios, | 0 3 9 |
| | Affixing the Great seal to ditto, | 1 3 4 |
| March 4. | Certificate of the naturalization bill being reserved for signification of His majesty's pleasure thereon, | 0 5 0 |
| | Furnishing the Lieutenant Governor's office with a copy of do. 20¾ folios, | 1 6 9 |
| | Office certificate to ditto, | 0 5 0 |
| | Affixing the Great seal to ditto, | 1 3 4 |
| | Eight presses parchment for ditto 2s. 6d. each, | 1 0 0 |
| 27. | Furnishing the Lieutenant Governor's office with a copy, chapter 1, 6 folios, | 0 6 0 |
| | Office certificate to do. | 0 5 0 |
| 31. | Furnishing the Lieutenant Governor's office with a copy of reserved bill for the relief of 8¾ folios | 0 8 9 |
| | Office certificate to ditto, | 0 5 0 |
| April 3. | Furnishing the Lieutenant Governor's office with a copy of chapter 12, 9½ folios, | 0 9 6 |
| | Office certificate to ditto, | 0 5 0 |
| | Furnishing the Lieutenant Governor's Office with a copy of chap. 13, 5¾ folios, | 0 5 9 |
| | Office certificate to do. | 0 5 0 |
| | Furnishing The Lt. Governor's office with a copy of Chap. 3 18 folios, | 0 18 0 |
| | Office Certificate to do. | 0 5 0 |
| | Furnishing the Lieutenant Governor's office with a copy of chap 7, 5 folios, | 0 5 0 |
| | Office certificate to do. | 0 5 0 |
| May 1. | Engrossing a Proclamation proroguing Parliament to 11 June and printer's copy, | 0 6 0 |
| | Affixing the Great Seal to do. | 1 3 4 |
| 5. | Certificates of 20 Bills receiving the Royal assent on the 25th March. | 5 0 0 |
| | Furnishing the Printer with a copy of do. 173 folios 1s. | 8 13 0 |
| | Furnishing the Lt. Governor's office with a copy of do. on Parchment. | 8 13 0 |
| | Office Certificate to do. | 5 0 0 |
| | Certificate of a Bill being Reserved for the Signification of His Majesty's pleasure thereon. | 0 5 0 |
| | Furnishing the Lt. Governor's office with Copies of 2 Reserved Bills 35½ folios and office Certificates. | 2 5 6 |
| | A Schedule of the above mentioned bills. | 0 10 0 |
| | Affixing the Great Seal to the Bills and Schedule. | 1 3 4 |
| | 80 Presses Parchment. 2s. 6d. | 10 0 0 |
| 26. | Engrossing Patent to the Rev. T. Campbell and others, for lands in Bellville, 15 folios, | 0 15 0 |
| | Affixing the Great Seal to do, | 1 3 4 |
| June 2. | Engrossing proclamation proroguing parliament to 19th July and printer's copy, | 0 6 0 |
| 5. | Affixing the great seal to do. | 1 3 4 |
| 5. | Engrossing a commission of the peace, for the district of Gore. 11 folios | 0 11 0 |
| | Affixing the great seal to do. | 1 3 4 |
| 10. | Exemplification of patent to Henry Griffith, 12½ folios, | 0 12 6 |
| | Affixing the great seal to do. | 1 3 4 |
| 11. | Furnishing the Atty. General with a copy of a patent to Mrs. Ferguson, | 0 13 4 |

Continued £

| | | | | Continued. £ | |
|--|--|-----|----|--------------|--|
| June 20. | Engrossing a commission to Charles Richardson, 3½ folios, | 0 | 3 | 6 | Drawing indictment, 2 0 0 |
| | Affixing the great seal to do. | 1 | 3 | 4 | Conducting cause to judgment, 5 5 0 |
| 24. | Engrossing a proclamation dissolving the parliament and printer's copy, | 0 | 6 | 0 | 7 5 0 |
| | Affixing the great seal to do. | 1 | 3 | 4 | The King vs William Murphy, Larceny, Drawing indictment, 2 0 0 |
| 25. | Engrossing a proclamation summoning a new parliament and printer's copy, | 0 | 6 | 0 | Conducting cause to judgment, 5 5 0 |
| | Affixing the great seal to do, | 1 | 3 | 4 | 7 5 0 |
| 26. | Engrossing a commission amoving Mr. Justice Willis from the Court of King's Bench, 3½ folios, | 0 | 3 | 6 | The King vs, John Elmsley, Esq. Ob-structing a Road, Drawing indictment, 2 0 0 |
| | Affixing the great seal to do, | 1 | 3 | 4 | Conducting cause to judgment, 5 5 0 |
| 28. | Engrossing ten commissions of Oyer and Terminer, each 11 folios, .. | 5 | 10 | 0 | 7 5 0 |
| | Affixing the great seal to do. | 11 | 13 | 4 | The King vs. Francis Collins, Libel, Drawing indictment, 2 0 0 |
| | Engrossing 10 commissions of Assize and Nisi Prius, 3½ folios, | 1 | 15 | 0 | The King vs Francis Collins, Libel, Drawing indictment, 2 0 0 |
| | Affixing the great seal to do. | 11 | 13 | 2 | The King vs. Small and Boulton, Felony, Drawing indictment, 2 0 0 |
| | Affixing the great seal to 27 writs of election, | 31 | 10 | 0 | The King vs. Peter M'Dougall and others, Riot, Drawing indictment, 2 0 0 |
| 30. | Allowance for office servant for the half year, ending this day. | 25 | 0 | 0 | Conducting cause to judgment, 5 5 0 |
| | Province currency, £ | 160 | 12 | 4 | 7 5 0 |
| Audited in Council, 7th October, 1828. (Signed) J. BABY, Presiding Councillor. | | | | April 25. | To opinion on the petition of Jacob Stover, 1 16 0 |
| | | | | May 1. | " fiat for proclamation proroguing the legislature to 11th June, 1 16 0 |
| | | | | 6. | " opinion by order of His Excellency the Lieut. Governor, 1 16 0 |
| | | | | June 2. | " opinion to the Inspector General, " fiat for proclamation proroguing the legislature to 19th July, 1 16 0 |
| | | | | 5. | " fiat for commission of the peace for the district of Gore, 1 16 0 |
| | | | | 10. | " opinion on the petition of Henry Weeks, 1 16 0 |
| | | | | 19. | " opinion by order of His Excellency the Lieutenant Governor, 1 16 0 |
| | | | | 24. | " fiat for proclamation dissolving the assembly, 1 16 0 |
| | | | | | " fiat for proclamation calling a new assembly, 1 16 0 |
| | | | | | " opinion by order of His Excellency the Lieutenant Governor, 1 16 0 |
| | | | | 26. | " fiat for writ amoving the Honorable J. W. Willis from his office, .. 1 16 0 |
| | | | | 30. | " fiats for commissions of Oyer and Terminer and general gaol delivery, for the ten districts of this province, at £1 16 0 each, 18 0 0 |
| | | | | | " fiats for commissions of assize and nisi prius for the same. 18 0 0 |
| | | | | | " my allowance for a clerk and the rent of an office, from the first day of January to 30th June last, both days inclusive. at £90 per annum. 45 0 0 |
| | | | | | Sterling £ 240 0 0 |

The Government of Upper Canada,
To John Beverley Robinson, Esq, Atty. General. Dr.

| 1828 | | | |
|---|--|-----------|---------|
| January 30, | To opinion by order of His Excellency the Lieutenant Governor. | Sterling. | 1 16 0 |
| February 11. | To fiat for a new commission of the peace for the District of Johustown, | | 1 16 0 |
| | To fiat for commission of Oyer and terminer and general gaol delivery for the Home district, | | 1 16 0 |
| | To fiat for commission of assize and Nisi Prius for do. | | 1 16 0 |
| 15. | " opinion by order of His Excellency the Lieutenant Governor, | | 1 16 0 |
| 21. | " fiat for proclamation of the appointment of Peter Robinson, Esquire, to be commissioner for woods and forests, " fiat for proclamation of the appointment of Peter Robinson, Esquire, to be commissioner for selling crown lands and clergy reserves, | | 1 16 0 |
| March 6th. | " report on a bill passed by the 2 houses. | | 1 1 0 |
| 12. | " opinion by order of his Excellency the Lieutenant Governor, | | 1 16 0 |
| 21. | " Drawing agreement with Absalom Shade for making a road, | | 1 1 0 |
| 22. | " report on ten bills passed by the two houses, | | 10 10 0 |
| 24. | " report on eleven bills passed by the two houses, | | 11 11 0 |
| 27. | " draft of a commission to the Collector of tolls at Burlington harbour, | | 1 1 0 |
| 31. | " opinion by order of his Excellency the Lieutenant Governor, | | 1 16 0 |
| April | " putting marginal notes to 20 statutes passed in the last session, at £1 1 0 each, | | 21 0 0 |
| 12. | " amount disbursed to John Perry and Thomas Duff, witnesses for the crown in a prosecution directed by the government for fraud, in swearing falsely to the performance of settlement duties, £5 10 0, province currency, | | 4 10 0 |
| Home district sittings after Hilary Term. | The King vs. Joseph Udell, Bestiality, Conducting cause to judgment, | | 5 5 0 |
| | The King vs. Robert Galbraith, Perjury, Drawing indictment, .. | | 2 0 0 |
| | The King vs. Joseph Hudson and John Mulloy, Fraud, Conducting cause to judgment, | | 5 5 0 |
| | The King vs. Thomas O'Hara & others, Riot' Drawing indictment, 2 0 0 | | 7 5 0 |
| | Conducting cause to judgment, 5 5 0 | | |
| | The King vs Mary Casey, Larceny, Drawing indictment, 2 0 0 | | 7 5 0 |
| | Conducting cause to judgment, 5 5 0 | | |
| | The King vs. Robert Coyle, Coining, Drawing indictment, 2 0 0 | | 7 5 0 |
| | Conducting cause to judgment, 5 5 0 | | |
| | The King vs. Thos. Dogherty, Misdemeanor, | | |

| | | | | |
|-----------|---|-----|----|---|
| April 25. | To opinion on the petition of Jacob Stover, | 1 | 16 | 0 |
| May 1. | " fiat for proclamation proroguing the legislature to 11th June, | 1 | 16 | 0 |
| 6. | " opinion by order of His Excellency the Lieut. Governor, | 1 | 16 | 0 |
| June 2. | " opinion to the Inspector General, " fiat for proclamation proroguing the legislature to 19th July, | 1 | 16 | 0 |
| 5. | " fiat for commission of the peace for the district of Gore, | 1 | 16 | 0 |
| 10. | " opinion on the petition of Henry Weeks, | 1 | 16 | 0 |
| 19. | " opinion by order of His Excellency the Lieutenant Governor, | 1 | 16 | 0 |
| 24. | " fiat for proclamation dissolving the assembly, | 1 | 16 | 0 |
| | " fiat for proclamation calling a new assembly, | 1 | 16 | 0 |
| | " opinion by order of His Excellency the Lieutenant Governor, | 1 | 16 | 0 |
| 26. | " fiat for writ amoving the Honorable J. W. Willis from his office, .. | 1 | 16 | 0 |
| 30. | " fiats for commissions of Oyer and Terminer and general gaol delivery, for the ten districts of this province, at £1 16 0 each, | 18 | 0 | 0 |
| | " fiats for commissions of assize and nisi prius for the same. | 18 | 0 | 0 |
| | " my allowance for a clerk and the rent of an office, from the first day of January to 30th June last, both days inclusive. at £90 per annum. | 45 | 0 | 0 |
| | Sterling £ | 240 | 0 | 0 |

The Government of Upper Canada, in account with
Henry John Boulton, Esq. Solicitor General, Dr.

| 1828 | | | |
|------------------------|---|----|-------|
| January 12th | Report upon the establishment of a Court of Equity in this Province | | 2 0 0 |
| Home District Assizes. | The King vs. J. Udell, Fee with brief | | 2 0 0 |
| | The King vs. Hudson and Molloy, Fee with brief. | | 2 0 0 |
| | The King vs. O'Hara and others, Fee with brief. | | 2 0 0 |
| | The King vs. Mary Casey, Fee with brief. | | 2 0 0 |
| | The King vs. M. Coyle, Fee with brief. | | 2 0 0 |
| | The King vs. Dogherty, Fee with brief. | | 2 0 0 |
| | The King vs. Wm. Murphy, Fee with brief. | | 2 0 0 |
| | The King vs. John Elmsly, Fee with brief. | | 2 0 0 |
| | The King vs. P. McDougal et. al. Fee with brief. | | 2 0 0 |
| | The King vs Robert Prentice, Fee with brief. | | 2 0 0 |
| June, | Opinion by order of the Lt. Governor, | | 2 0 0 |
| | Opinion by order of the Lt. Governor, | | 2 0 0 |
| | Opinion by order of the Lt. Governor, | | 2 0 0 |
| | Provincial Currency £ | 26 | 0 0 |

UPPER CANADA.

Ordinary and incidental expences of the Receiver General's Office, from 1st January to the 30th June, 1828, inclusive.

| No. of Vouchers. | PAYMENTS. | Sterling, Dollars at 4s 6d, each. |
|------------------|--|-----------------------------------|
| 1 | To Allowance for the first clerk for the above period. | 91 5 0 |
| 2 | do. for the second clerk for the same period. | 75 0 0 |
| 3 | do. for office rent for the same period. | 18 0 0 |
| 4 | do. for Firewood for the same period. 13 cords at 11s 3d per Cord is | 7 6 3 |
| 5 | do. for stationary for the same period. | 11 5 0 |
| 6 | To cash paid Wm. Allan, Esq. post master, for the postage of letters to and from the office during the above period, | 13 1 9 $\frac{1}{2}$ |
| 7 | To cash paid Robert Stanton, Esq. Government printer, for printing &c. done for this office, within the half year ending 30th June, 1828, inclusive, | 9 7 10 $\frac{1}{2}$ |
| Total £ | | 225 5 11 $\frac{1}{4}$ |

| | |
|--|------------------------|
| Additional 19 hundred, 6 $\frac{1}{2}$ sheets, each at 11s 3d, | 69 9 4 $\frac{1}{2}$ |
| Paid P. McPhail for stitching, | 7 10 0 |
| Provincial C'y. £ | 171 17 4 $\frac{1}{2}$ |

Audited in Council, 2d July, 1828.
(Signed) J. BABY, Presiding Councillor.

The Government of Upper Canada,
To Robert Stanton, Dr.

| 1828 | | |
|-------------|--|----------|
| January 1. | To continuing Proclamation convening Parliament, 2 weeks 5s. 2d. | 0 10 4 |
| | " do. clauses customs act 16 do. 13s 6d. | 10 16 0 |
| 15. | " Speech opening Session 112 lines 4d. | 1 17 4 |
| | " 20 Extra copies Gazette 7 $\frac{1}{2}$. | 0 12 6 |
| 19. | " Appointment J. Wylie, J. Stickney, and J. M'Cauley 29 Lines 4d. | 0 9 8 |
| | " Notice of Assize 13, do. do. | 0 4 4 |
| | " Continuing do 11 weeks 1s. 1d. | 0 11 11 |
| 26. | " Address and reply Legislative council 108 lines 4d. | 1 16 0 |
| | " do. House of Assembly, 103. do. | 1 14 4 |
| | " Appointment H. Ruttan 13. do. | 0 4 4 |
| | " Mem appointment G. Powell and J. Fitzgibbon, 9, do. | 0 3 0 |
| February 2. | " Appointment J McNaughton, 12. do. | 0 4 0 |
| | " do. James Graham, 11 do. | 0 3 8 |
| | " do E. Hubble and N. Dickinson, 22. do. | 0 7 4 |
| 23. | " Inserting chap. 62 Geo. 4, 100. do. | 2 3 4 |
| | " continuing do. 10 weeks, 13s 4d. | 6 13 4 |
| March 8th. | " notice naturalization bill reserved, 27 lines 4d. | 0 9 0 |
| 25. | " Speech proroguing Parliament, 95 lines, do. | 1 11 8 |
| 29. | " Appointment John Chisholm, 7. do | 0 2 4 |
| April 5. | " Assessment and Bank law in Gazette, 614 do. | 10 4 8 |
| | continuing do. two weeks, 51s, 2d, | 5 2 4 |
| 12. | " Appointment C. Richardson, 8 lines 4d. | 0 2 8 |
| 19. | " continuing proclamation disallowing assent to provincial statute, 16 weeks, 5s 6d. | 4 8 0 |
| April 19. | " Appointment J. Claus, F. Ellis and J. Gordon 31 lines 4d. | 0 10 4 |
| May 10. | " do. G. Kidout and J. McAulay, 16 do. | 0 5 4 |
| | " Proclamation proroguing Parliament 65 do. | 1 1 8 |
| June 12. | " continuing do. 4 weeks 5s. 5d. | 1 1 8 |
| | " Proclamation proroguing parliament, 61 lines 4d. | 1 0 4 |
| | continuing do. 2 weeks 5s. 1d. | 0 10 2 |
| 26. | " Proclamation dissolving Parliament, 58 lines 4d. | 0 19 4 |
| | " Proclamation writs, new Parliament, 52 do. | 0 17 4 |
| 28. | " 2200 copies Naturalization bill 1 sheet foolscap long Primmer. | 14 8 0 |
| | " Continuing notice Entry of goods 26 weeks 1s 6d. | 1 19 0 |
| | " do. regular council day 26 do. 9d. | 0 19 6 |
| | " Gazette 6 months to 10 clerks Peace and 10 Sheriffs 12s. 2d. | 12 3 4 |
| | " do. do. clerk peace and Sheriff at York 10s. | 1 0 0 |
| | " do. do. 9 public offices 10s, | 4 10 0 |
| | " do. do. 5 Executive Councillors 10s, | 2 10 0 |
| | " do. do. 3 do. by mail 12s 2d. | 1 16 6 |
| | " Six months office rent, | 20 0 0 |
| | " ditto type allowance, | 25 0 0 |
| Total £ | | 141 14 7 |

Amounting to one hundred and forty one Pounds fourteen shillings and seven pence currency ;
York, 30th June, 1828.

ROBERT STANTON.

The Government of Upper Canada,
To William Allan, Dr.

| 1828 | | |
|------|--|---------|
| | To six months' rations of provisions to W. Alloway, from 1st January to 31st June, 1828, | 9 7 6 |
| | To six months' salary to Wm. Alloway, for attending the light house during the same period, being 181 days at 2s 6d, | 22 12 6 |

The Government of the Province of Upper Canada, To Charles C. Small, Esq. Clerk of the Crown and Pleas, in and for the said Province, between the 1st January and 30th June, 1828, both days inclusive.

| 1828. | Contingent Account. | Currency. Dollars at 5s. | Sterling, Dollars at 4s. 6d. |
|--------------|---|--------------------------|------------------------------|
| January. | Entering criminal proceedings of the assizes for the Newcastle district in August last, these were not brought to crown office by the clerk of assize in sufficient time to have them entered in the last half year's contingent account, | | 1 10 0 |
| February 11. | Filing extracts of fines from Newcastle district and affidavit 2s, postage 1s 2d. | 0 3 2 | 0 2 10 |
| May | Filing extracts of fines from Johnstown district, 2s, postage 3s 2d, | 0 5 8 | 0 5 0 $\frac{1}{2}$ |
| | Entering criminal proceedings of the assizes for Home District, in April, | 0 0 0 | 1 10 0 |
| June | Making searches & extracts from the Records of the King's Bench, from 1794 to 1828 34 years, search each year 1s, £1 14 0 Extract do. 2s. 6d 4 5 0 | 5 19 0 | 5 5 9 $\frac{1}{2}$ |
| | by order of His Excellency the Lieutenant Governor. Allowance for office rent, from 1st January to 30th June, inclusive, | | 18 0 0 |
| | | | 26 13 8 |
| | Add as follows : | | |
| | Item 2 short extended, | 0 0 0 $\frac{1}{4}$ | |
| | Item 3 short extended, | 0 0 1 | |
| | Item 5 short extended, | 0 1 3 $\frac{1}{4}$ | |
| | | | 0 1 5 |
| | Provincial currency, £29 4 6, Sterling £ | | 26 15 1 |

Audited in Council, 20th September, 1828.
(Signed) J. BABY, Presiding Councillor.

The Government of Upper Canada,
To ROBERT STANTON,
Government Printer, Dr.

| | | |
|--------------------|---|---------|
| 1828 June 10th. | Printing 2000 copies Statutes, 1828, 52 pages, at 36s 6d, | 94 18 0 |
|--------------------|---|---------|

| | | |
|-----------|--|---------|
| March 27, | To one barrel of oil of 33 gallons at 6s 6d, | 10 14 6 |
| | do. do. do. do. do. | 10 14 6 |
| | Two barrels with do, | 0 12 0 |
| | | 54 1 0 |
| May 12. | To 8 lbs candles 9d, 6 lbs of whiting at 6d, | 10 9 0 |
| | Six yards Cotton, at 10d, | 0 5 6 |
| | Lantern, | 0 5 0 |
| | | 0 19 6 |
| | | 55 0 6 |

Amounting to fifty five pounds and sixpence, provincial currency.
WILLIAM ALLAN.
Custom House, York, 12th May, 1828.

The Government of Upper Canada.
To Wm. A. Campbell, Clerk of Assize, Dr.

| HOME DISTRICT. | | |
|--|--------|--------|
| Precept to sheriff, | 0 10 0 | |
| Impannelling and swearing grand jury, | 0 10 0 | |
| Swearing one constable, | 0 1 0 | 1 1 0 |
| The King vs. Josh. Udell, Misdemeanor, | | |
| Impannelling, swearing and charging jury, | 0 15 0 | |
| Endorsing verdict, | 0 3 6 | |
| Swearing 8 witnesses, | 0 8 0 | |
| Swearing 1 constable, | 0 1 0 | 1 2 6 |
| The King vs Thos. Dority Assault, with intent to ravish, | | |
| Reading and filing indictment, | 0 2 6 | |
| Arraignment of prisoner, | 0 2 6 | |
| Impannelling and swearing jury, | 0 10 0 | |
| Endorsing verdict, | 0 3 6 | |
| Swearing 5 witnesses, | 0 5 0 | |
| Swearing 1 constable, | 0 1 0 | |
| Entering sentence, | 0 2 6 | 1 7 6 |
| The King vs. Mary Casey, Grand Larceny, | | |
| Reading and Filing Indictment, | 0 2 6 | |
| Arraignment of prisoner, | 0 2 6 | |
| Impannelling and swearing jury, | 0 10 0 | |
| Endorsing verdict, | 0 3 6 | |
| Swearing 9 witnesses, | 0 9 0 | |
| Swearing 1 constable, | 0 1 0 | |
| Filing 1 exhibit, | 0 3 6 | |
| One subpoena, | 0 2 6 | 1 13 6 |
| The King vs. Robert Coyle, Misdemeanor, | | |
| Reading and filing indictment, | 0 2 6 | |
| Arraignment of prisoner, | 0 2 6 | |
| Impannelling and swearing jury, | 0 10 0 | |
| Endorsing verdict, | 0 3 6 | |
| Swearing 12 witnesses, | 0 12 0 | |
| Swearing 1 constable, | 0 1 0 | |
| Filing 1 exhibit, | 0 2 6 | |
| Entering sentence, | 0 2 6 | 1 16 6 |
| The King vs. Wm. Murphy, Grand Larceny, | | |
| Reading and filing indictment, | 0 2 6 | |
| Arraignment of prisoner, | 0 2 6 | |
| Impannelling and swearing jury, | 0 10 0 | |
| Endorsing verdict, | 0 3 6 | |
| Swearing 6 witnesses, | 0 6 0 | |
| Swearing 1 constable, | 0 1 0 | |
| Filing one exhibit, | 0 2 6 | |
| Entering sentence, | 0 2 6 | 1 10 6 |
| The King vs. John Mulloy and Joseph Hudson, Conspiracy, | | |
| Impannelling and swearing jury, | 0 10 0 | |
| Endorsing verdict, | 0 3 6 | |
| Swearing 5 witnesses, | 0 5 0 | |
| do. 1 constable, | 0 1 0 | |
| Filing 7 exhibits, | 0 17 6 | |
| Entering sentences, (2s 6d. each.) | 0 5 0 | 2 2 6 |
| The King vs. John Elmsley, Nuisance, | | |
| Reading and filing indictment, | 0 2 6 | |
| do. do presentment, | 0 2 6 | |
| Arraignment of prisoner, | 0 2 6 | |
| Impannelling and swearing jury, | 0 10 0 | |
| Endorsing verdict, | 0 3 6 | |
| Swearing 16 witnesses, | 0 16 0 | |
| do. 1 constable, | 0 1 0 | |
| Entering sentence, | 0 2 6 | 2 0 6 |
| The King vs. H. J. Boulton and J. E. Small, Murder. | | |
| Reading and filing indictment, and presentment, | 0 5 0 | |
| Arraignment of prisoners, (2s 6d, each), | 0 5 0 | |
| Impannelling and swearing jury, | 0 10 0 | |
| Endorsing verdict, | 0 3 6 | |
| Swearing 12 witnesses, | 0 12 0 | |

Continued £

| | | Continued £ |
|--|--------|-------------|
| Swearing 1 constable, | 0 1 0 | |
| 3 subpoenas, | 0 7 6 | |
| 2 recognizances, (2s 6d each) | 0 5 0 | |
| Filing 5 exhibits, | 0 12 6 | 3 1 6 |
| The King vs. P. McDougal, C. Richardson, S. P. Jarvis, C. Héward, J. Lyons, H. Sherwood, C. Baby, and J. King, Riot, | | |
| Reading and filing presentment, and indictment, | 0 5 0 | |
| Arraignment of 8 prisoners, | 1 0 0 | |
| Impannelling and swearing jury, | 0 10 0 | |
| Endorsing verdict, | 0 3 6 | |
| Swearing 8 witnesses, | 0 8 0 | |
| do. 1 constable, | 0 1 0 | |
| 3 Bench Warrants (5s. each,) | 0 15 0 | |
| 3 subpoenas, [2s 6d each,] | 0 7 6 | |
| Entering 8 sentences, [2s 6d each.] | 1 0 0 | 4 10 0 |
| The King vs. R. W. Prentice, Grand Larceny, | | |
| Reading and filing presentment, and indictment, | 0 5 0 | |
| Arraignment of prisoner, | 0 2 6 | |
| Impannelling and swearing jury, | 0 10 0 | |
| Endorsing verdict, | 0 3 6 | |
| Swearing 11 witnesses, | 0 11 0 | |
| do. 1 constable, | 0 1 0 | |
| Two subpoenas, | 0 5 0 | |
| 1 Bench Warrant, | 0 5 0 | |
| Taking recognizance, | 0 2 6 | 2 5 6 |
| The King vs. T. O'Harra, R. Martin, J. McDoal, A. McLaughlin and W. Doyle, Riot, | | |
| Reading and filing indictment, | 0 2 6 | |
| Arraignment of 5 prisoners, | 0 12 6 | |
| Endorsing confessions, | 0 3 6 | |
| Swearing 5 witnesses, | 0 5 0 | |
| Filing six exhibits, | 0 15 0 | |
| Entering 5 sentences, | 0 12 6 | 2 11 6 |
| The King vs. F. Collins, Libel. | | |
| Reading and filing indictment, | 0 2 6 | |
| Taking recognizance, | 0 2 6 | |
| 1 Bench Warrant, | 0 5 0 | 0 10 0 |
| The King vs. F. Collins, Libel, | | |
| Filing indictment, | | 0 2 6 |
| The King vs. F. Collins, Libel, | | |
| Filing presentment, | 0 2 6 | |
| Bench Warrant, | 0 5 0 | |
| One subpoena 2s 6d, taking recognizance, 2s 6d, | 0 5 0 | 0 12 6 |
| The King vs. F. Collins, Libel, | | |
| Filing presentment, | 0 2 6 | |
| Taking recognizance, | 0 2 6 | 0 5 0 |
| The King vs. J. Harris and L. Vanvolkenburgh, Riot, | | |
| Filing indictment, | 0 2 6 | |
| Arraignment of prisoners, 5s. Two Bench Warrants 10s, | 0 15 0 | |
| Taking 2 recognizances, | 0 5 0 | 1 2 6 |
| The King vs. W. L. Mackenzie, Libel, | | |
| Reading and filing presentment, | 0 2 6 | |
| Taking recognizance, | 0 2 6 | 0 5 0 |
| The King vs. R. Gilbraith, Perjury, | | |
| Reading and filing indictment, 2s 6d, | | |
| Arraignment of prisoner, 2s 6d, | 0 5 0 | |
| Swearing 3 witnesses 3s, | | |
| Taking recognizance 2s 6d, | 0 5 6 | 0 10 6 |
| The King vs. H. J. Boulton and J. E. Small, Murder, | | |
| Filing presentment 2s 6d, 1 subpoena 2s 6d, | | |
| Return of criminal proceedings to the clerk of the crown, | | 0 5 0 |
| | | 0 10 0 |
| | | 29 4 6 |

The Receiver General's Schedule of Government Debentures redeemed and outstanding, York, Upper Canada, 8th January, 1827.

FIRST DEBENTURE ACT,

Under the authority of an act of the Provincial Legislature, passed in the 1st session of the 8th Parliament, Chap. 5th:

| Date of Deben- ture. | To whom issued. | No. of Deben- tures. | Date of Redemp- tion. | When re- deemed. | Amount of Debentures respectively. | Remarks. |
|-------------------------|---------------------------------|-------------------------|--------------------------|---------------------|--|--|
| 1821 Sept. 15. | Messrs Clark and Street, | 1 | 1822 Sept. 15 | 16 Sept 1822 | 6666 13 4 | Redeemed by the Bank, by Nos 7, 8, and 9, in this return. |
| | do. do. | 2 | 1823 Sept. 15 | 15 Sept. 1824 | 6666 13 4 | |
| | do. do. | 3 | 1824 Sept 15 | 10. Feby. 1825. | 6666 13 4 | |
| 1822 July 10. | To the Bank of Upper Canada. | 4 | 1823 July 10. | | 1666 13 4 | |
| " | do, do, | 5 | 1824 July 10. | | 1666 13 4 | |
| " | do, do, | 6 | 1825 July 10. | | 1666 13 4 | |
| Sept. 16. | do, do, | 7 | 1823 Sept 16 | | 2222 4 5 ¹¹ / ₃₂ | |
| " | do, do, | 8 | 1824 Sept. 16. | | 2222 4 5 ¹¹ / ₃₂ | |
| " | do, do, | 9 | 1825 Sept. 16. | | 2222 4 5 ¹¹ / ₃₂ | |
| Amounting to £ | | | | | 25000 0 0 | Canada Cy. |

| Date of Deben- ture. | To whom issued. | No. of Deben- ture. | Date of redemp- tion. | When re- deemed. | Amount of Debentures respectively. | Remarks. |
|-------------------------|------------------------------|------------------------|--------------------------|---------------------|--|------------|
| 1826 April 8. | The Bank of Upper Canada. | 24 | 1828 April 8. | | 1666 13 4 | |
| " | do, do, | 25 | " 1830. | | 1666 13 4 | |
| " | do, do, | 26 | " 1832. | | 1666 13 4 | |
| May 8. | do, do, | 27 | 1828 May 8. | | 2666 13 4 | |
| " | do, do, | 28 | " 18.0. | | 2666 13 4 | |
| " | do, do, | 29 | " 1832. | | 2666 13 4 | |
| June 8. | do, do, | 30 | 1828 June 8. | | 4000 0 0 | |
| " | do, do, | 31 | " 18.0 | | 4000 0 0 | |
| " | do, do, | 32 | " 1832 | | 4000 0 0 | |
| Amounting to £ | | | | | 25000 0 0 | Canada Cy. |

(Burlington Bay Canal.)
FIFTH DEBENTURE ACT,

Under the authority of an act of the provincial legislature, passed in the third session of the 9th parliament, chap. 19.

Second Debenture Act.

Under the authority of an act of the Provincial Legislature, passed in the 4th Session of the eighth parliament, Chap. 24th.

| Date of Deben- ture. | To whom Issued. | No of deben- ture. | Date of redemp- tion. | When re- deem- ed. | Amount of Debentures respectively. | Remarks. |
|-------------------------|----------------------------|-----------------------|--------------------------|--------------------------|--|------------|
| 1824 Jan'y 23. | Christopher Widmer | 10 | 1825 Jan'y 23 | 23d May, 1826 | 333 6 8 | |
| " | do. do. | 11 | 1826 Jan'y 23. | 23d Jan. 1826. | 333 6 8 | |
| " | do. do. | 12 | 1827 Jan'y 23. | 23d Jan. 1826. | 333 6 8 | |
| Feb. 20. | Messrs. Clark & Street, | 13 | 1825 Feb. 20. | 23 March 1826. | 5000 0 0 | |
| " | Do. do. | 14 | 1826 Feb. 20. | | 5000 0 0 | |
| " | do, do, | 15 | 1827 Feb. 20. | | 5000 0 0 | |
| Amounting to £ | | | | | 16000 0 0 | Canada Cy. |

[WELLAND CANAL.]

Sixth Debenture Act.

Under the authority of an act of the Provincial Legislature, passed in the 3d Session of the 9th Parliament, Chap. 17.

| Date of Deben- ture. | To whom issued | No. of deben- ture. | Date of redemp- tion. | When re- deem- ed. | Amount of Debenture respectively | Remarks. |
|-------------------------|------------------------------------|------------------------|--------------------------|--------------------------|--|------------|
| 1824 June 22. | Thomas Clark and Samuel Street. | 16 | 1826 June 22. | | 1000 0 0 | |
| " | do, do, | 17 | " 1828. | | 1000 0 0 | |
| " | do, do, | 18 | " 1831. | | 1000 0 0 | |
| " | do, do, | 19 | " 1832. | | 1000 0 0 | |
| " | do, do, | 20 | " 1834. | | 1000 0 0 | |
| " | do, do, | 21 | " 1836. | | 1600 0 0 | |
| " | do, do, | 22 | " 1838. | | 1000 0 0 | |
| " | do, do, | 23 | " 1840. | | 1000 0 0 | |
| Amounting to £ | | | | | 8000 0 0 | Canada Cy. |

WELLAND CANAL.

Fourth Debenture Act.

Under the authority of an act of the Provincial Legislature, passed in the 2d session of the 9th Parliament, Chap. 20th.

| Date of Deben- ture. | To whom issued | No. of deben- tures. | Date of redemp- tion. | When re- deemed. | Amount of Debentures respectively | Remarks. |
|-------------------------|-------------------|-------------------------|--------------------------|---------------------|---|----------|
| 1827 June 16. | Bank of U. Canada | 36 | 1829 June 16. | | 1000 0 0 | |
| " | do. do. | 37 | " 1831. | | 1000 0 0 | |
| " | do. do. | 38 | " 1833 | | 1000 0 0 | |
| " | do. do. | 39 | " 1829, | | 1000 0 0 | |
| " | do. do. | 40 | " 1831, | | 1000 0 0 | |
| " | do. do. | 41 | " 1833, | | 1000 0 0 | |
| " | do. do. | 42 | " 1829, | | 1000 0 0 | |
| " | do. do. | 43 | " 1831, | | 1000 0 0 | |
| " | do. do. | 44 | " 1833, | | 1000 0 0 | |
| " | do. do. | 45 | " 1829, | | 500 0 0 | |
| " | do. do. | 46 | " 1831, | | 500 0 0 | |
| " | do. do. | 47 | " 1833, | | 500 0 0 | |
| " | do. do. | 48 | " 1829, | | 500 0 0 | |
| " | do. do. | 49 | " 1831, | | 500 0 0 | |
| " | do. do. | 50 | " 1833, | | 500 0 0 | |
| " | do. do. | 51 | " 1829, | | 333 6 8 | |
| " | do. do. | 52 | " 1831, | | 333 6 8 | |
| " | do. do. | 53 | " 1833, | | 333 6 8 | |
| Aug. 1st. | do, do, | 54 | 1829 Aug 1st. | | 300 0 0 | |
| " | do, do, | 55 | " 1831, | | 3000 0 0 | |
| " | do, do, | 56 | " 1833, | | 3000 0 0 | |
| " | do, do, | 57 | " 1829, | | 1000 0 0 | |
| " | do, do, | 58 | " 1831, | | 1000 0 0 | |
| " | do, do, | 59 | " 1833, | | 1000 0 0 | |
| " | do, do, | 60 | " 1829, | | 500 0 0 | |
| " | do, do, | 61 | " 1831, | | 500 0 0 | |
| " | do, do, | 62 | " 1833, | | 500 0 0 | |
| " | do, do, | 63 | " 1829, | | 100 0 0 | |
| " | do, do, | 64 | " 1831, | | 100 0 0 | |
| " | do, do, | 65 | " 1833, | | 100 0 0 | |
| " | do, do, | 66 | " 1829, | | 100 0 0 | |
| " | do, do, | 67 | " 1831, | | 100 0 0 | |
| " | do, do, | 68 | " 1833, | | 100 0 0 | |
| " | do, do, | 69 | " 1829, | | 100 0 0 | |
| " | do, do, | 70 | " 1831, | | 100 0 0 | |
| " | do, do, | 71 | " 1833, | | 100 0 0 | |
| " | do, do, | 72 | " 1829, | | 100 0 0 | |
| " | do, do, | 73 | " 1831, | | 100 0 0 | |
| " | do, do, | 74 | " 1833, | | 100 0 0 | |
| " | do, do, | 75 | " 1829, | | 100 0 0 | |
| " | do, do, | 76 | " 1831, | | 100 0 0 | |
| " | do, do, | 77 | " 1833, | | 100 0 0 | |
| Sept. 12. | Canada Company, | 78 | 1829 Sept 12 | | 1000 0 0 | |
| " | do, do, | 79 | " 1831, | | 1000 0 0 | |
| " | do, do, | 80 | " 1833, | | 1000 0 0 | |
| " | do, do, | 81 | " 1829, | | 1000 0 0 | |
| " | do, do, | 82 | " 1831, | | 1000 0 0 | |
| " | do, do, | 83 | " 1833, | | 1000 0 0 | |

Continuation, 6th Debenture Act. Under the authority of an act, &c.

Table with columns: Date of Debenture, To whom issued, No of debenture, Date of redemption, When re-deemed, Amount of Debentures respectively, Remarks. Includes entries for Canada Company and Messrs Clark and Street, Merchants.

Amounting to £ 50000 0 0 Canada Cy.

Kettle Creek Harbour.

SEVENTH DEBENTURE ACT.

Under the authority of an act of the Provincial Legislature, passed in the 3d session, 9th Parliament, Chap. 18.

Table with columns: Date of Debentures, To whom issued, No of debentures, Date of redemption, When re-deemed, Amount of Debenture, Remarks. Includes entry for President Directors & Co of the Bank of Upper Canada.

RECAPITULATION,

Table showing recapitulation of debentures under the 1st Debenture Act (25000 0 0) and public debt (112166 13 4).

The Interest has been paid on foregoing debentures at the half yearly periods, on which the same became due respectively. Receiver General's Office, York, Upper Canada, 8th January, 1829.

JOHN H. DUNN H. M. R. General.

To His Excellency Major General, Sir John Colborne, K. C. B. Lieutenant Governor, &c. &c. &c. UPPER CANADA.

Report in Collins' case.

First Report on the petition of FRANCIS COLLINS.

The Committee to whom was referred the petition of Francis Collins, have taken the same into consideration, and respectfully submit their first report as follows:

The article as set forth in the Petition is the same as the one alleged upon the record, on which the petitioner was convicted. From the evidence, your committee have come to the conclusion, that Francis Collins being under prosecution for an alleged libel on Sir P. Maitland, Mr. Attorney General Robinson, during the last assizes at York,

endeavoured to force him to trial, in the first place by erroneously alleging, that the defendant had been arraigned at the previous assizes; in the second place, when the records of the court were found to contradict this assertion by denying the right to traverse altogether, the indictment having been found at the preceding assizes;—and in the third place by contending, that having omitted to traverse the indictment upon his arraignment, as the proper time for doing so, he could not be permitted to avail himself of that privilege subsequently. While the latter points were still depending before the court, and undetermined, the article for which he is now convicted of libel was published.

The evidence of Mr. Robert Baldwin is corroborated by Dr. Baldwin, Mr. Carey and others. Mr. Attorney General Robinson had an opportunity given him of offering his representation of the transaction in which he was personally concerned. The answer from him is general and very unsatisfactory, criminating indeed the evidence of Mr. Robert Baldwin, without however particularising any mistake, or supplying any other statement, pretended to be more correct. It appears to your committee that the article on which the petitioner was convicted, was declared by the jury in delivering their verdict, and it was so understood by the court in receiving it, to be libellous, only as respects Mr. Attorney General Robinson.

The sentence passed upon Francis Collins in this case, was to be imprisoned in the common Gaol of the District for twelve calendar months, to pay a fine of £50 to the King, to give security for good behaviour for three years, himself in £400 and two sureties in £100 each, and to stand committed until all these conditions be complied with. A sentence pronounced by Mr. Justice Sherwood, to be light, in consideration of its being a first offence.

Your committee observe, that the only persons selected for prosecution are Francis Collins, Wm. Lyon MacKenzie, and Hugh C. Thomson Esq. Editors of papers in the popular interests, while those under the patronage, influence and pay, of the late administration, have wholly escaped, although their papers have abounded with publications of a character far more dangerous and reprehensible.

The committee report the draft of an address to His Excellency, praying him to pardon Francis Collins.

THOMAS DALTON, Chairman.

Committee Room, } Jan. 21st, 1829. }

COMMITTEE.

- 1, THOMAS DALTON, 2, JOHN ROLPH, 3, JOHN MATTHEWS, 4, THOMAS HORNOR, 5, PETER PERRY

Met 14th January, 1829:

THOMAS DALTON, elected Chairman.

EVIDENCE.

Mr. ROBERT BALDWIN.

QUESTIONS.

Give the committee a brief and succinct statement of what took place in the case of Francis Collins, to which his alleged libel refers.

Answer.—Francis Collins being under prosecution for an alleged libel on Sir Peregrine Maitland, Mr. Attorney General Robinson during the last Assizes, at York, endeavoured to force him to trial, in the first place by erroneously alleging, that the defendant had been arraigned at the previous assizes; in the second place, when the records of the court were found to contradict this assertion, by denying the right to traverse altogether, the indictment having been found at the preceding Assizes; and in the third place by contending, that having omitted to traverse the indictment upon his arraignment, as the proper time for doing so, he could not be permitted to avail himself of that privilege subsequently.

While the latter points were still depending before the court and undetermined, the article for which he is now convicted of libel, was published.

DOCTOR BALDWIN,

Give the committee a brief and succinct statement of what took place in the case of Francis Collins, to which his alleged libel refers.

Answer.—The facts attending the trial of Francis Collins for the libel upon the Attorney General, were to the best of my recollection as follows:—Collins having been indicted at the former assizes for a libel against the late Lieutenant Governor, another on Mr. Jarvis, and a third, I believe, on a prosecution of Mr. Boulton for one on him. After the trial, on my recollection being recalled to this fact, the third indictment was on some matter originating with the grand Jury and not at the instance of Mr. Boulton. After the trials of Mr. Jarvis and Mr. Boulton, Judge Willis from the Bench, recommended, (for the purpose of quieting the feelings of all the parties concerned, or interested for the parties concerned, in the affair, an unhappy duel,) that the indictments against Collins for Libel should be abandoned. The counsel for Collins suggested to him the prudence of meeting the recommendation of the Judge, and requested him and the other editor not to publish the evidence on the trial of the duel. Collins declined, unless an assurance was given him by the Attorney General, that the Libel indictments would be given up.

After this consultation with Collins, his counsel invited the Attorney General to a conference on the subject, at which he declined doing so, at the same time expressing a hope, that if the Editors would publish the evidence, they would first submit it to some preparation or sitting for publication. This would not be conceded to the Attorney General. Collins' counsel returned into court and expressed their regret, that the conciliatory course suggested by the court, could not be pursued by them, inasmuch as the Attorney General refused to meet the proposition. The Judge having expressed his regret, it could not be so, the Attorney General said he had no objection to abandon the private prosecutions; but he could not do so with the public, alluding as I took it to the libel on the Governor—that he considered it prudent to hold that as a check on Mr.

Collins. Collins' counsel, Mr. Rolph, Mr. R. Baldwin and myself, returned to consult, and thinking on the whole that it would be pressing the Attorney General too much to expect him to make a public engagement to drop the public libel, my suggestion was accepted by the other counsel, under a full persuasion in our minds, that the whole of the libels then pending would be dropped as a measure of obvious prudence on the part of the Attorney General, though he declined the pledge as to the one. Thus things stood till the next assizes, those of last October, at which the Attorney General, certainly unexpectedly by Collins and his counsel, called on the trial of the indictment for the libel on the Lieutenant Governor. Collins declared he was not ready, his counsel absent, and that he thought the Attorney General had given up the prosecutions. An altercation took place between them, and Collins in person insisted on his right to traverse, as he was not yet arraigned—on this point the altercation was continued, the Attorney General insisting on his having been arraigned, Collins denying it. On reference to the clerk it appeared he had not been arraigned. Mr. Justice Sherwood, on the Bench, said it was his impression that he was not arraigned. The right of Traverse was allowed and accepted, but as the Attorney General, or the court, or both as I believe, required of Collins bail for good behaviour, Collins hesitated, and time seemed allowed him to make up his mind. The next day, or day after that, Mr. Robert Baldwin rose in court, to speak against the right of exacting bail for good behaviour before conviction. The court would not hear him. Mr. Baldwin asked if His Lordship meant not to hear him on the law as to that point; the Judge replied, he would not hear him, he had made up his mind on that point. During this time the article appeared in the Canadian Freeman for which Collins was indicted for the libel on the Attorney General. As to the trial, all I can say is, that I thought the sentence pronounced by the Judge, very disproportionate in severity to the offence, and regretted it much. I was not in court when the verdict was brought in, nor do I know of my personal knowledge what passed between the Jury and Mr. Justice Hugermau who received the verdict.

MR JOHN CAREY, Editor of the Observer.

Q. Same question as to Dr. Baldwin.

A. Upon the Court making inquiry about the next business to be entered into, Mr. Attorney General Robinson named the King vs. Francis Collins, who was arraigned upon an indictment for libel last assizes.—Such to my recollection, were the words used by Mr. Attorney General. Francis Collins then addressed the court, alleging that he had not been arraigned, and therefore had a right to traverse, in consequence of which he had not prepared himself with counsel for trial. The Attorney General Robinson again stated positively, that he had been arraigned. Upon hearing this I whispered to Mr. Collins to state to the court that it was untrue, and I would prove it, if necessary, on oath; and Mr. Collins then appealed to the Judge for his personal knowledge of the transaction. Judge Sherwood said he had no recollection of the arraignment, and appealed to the clerk of the court; upon which the Attorney General looked at the record, and said that he was fully impressed with the belief, as well as several gentlemen about him, that Collins was arraigned last assizes, although it did not appear by the record.

It was ascertained and admitted that he Collins had not been arraigned. The Attorney General then still persisted in proceeding to trial, on the ground that he had no right to traverse, that at all times in such cases, it was matter of favor from the Court. This matter was argued the following day, by the Attorney General on the part of the crown, contending against the prisoner's right, and Robert Baldwin, Esqr. for defendant. The court decided in favor of the defendant's right to traverse.

Question. Did you observe any urgency beyond what you have noticed on other occasions by the Attorney General?

ANSWER I did. I think the Attorney General was determined to force on the trial if possible, and to induce the court to exercise a discretion alleged to belong to them, injurious to the prisoner. The proceedings appeared to me to be directed to take unfair advantage of the prisoner in the absence of his leading counsel.

The charge of the Judge appeared to me to outrage law and common sense; and the report of the charge in the petition is substantially correct: I was surprised and much dissatisfied with the counsel for not interrupting the Judge in delivering his charge. A Judge would not be allowed to pervert the meaning of words in any of the courts of Great Britain.

One of the jurors, (Hayden) told me that he would not have found Collins guilty but for the word "malignancy," the meaning of which he did not understand, until after the finding of the jurors.

PATRICK KENNY.

Give a brief account of what took place previous to the trial of Francis Collins for libel, referred to in the petition read to you?

ANSWER I was in court when the Attorney General told the Judge there was the case of the King vs. Francis Collins, which stood over since last assizes. Mr. Collins in reply, said he was not arraigned, and he would traverse. The Attorney General stood up and insisted in positive terms, that he was arraigned at the former assizes. Collins appealed to the court, stating that he was ready for trial last assizes; at present he was not, as his leading counsel was not in town. An enquiry was made as to the arraignment of Mr. Campbell, who produced the indictment. The Attorney General then said to His Lordship, he was still of the impression that the prisoner was arraigned, altho it did not appear by the indictment.

Give an account of what took place at the delivery of the verdict?

Relate the conversation that took place between you and one of the jurors!

ANSWER I heard John Hayden one of the jurors on the trial, say, that they found him guilty of libel, upon the words "native malignancy."—He [John Hayden] did not know the meaning of the word malignancy, and asked for a dictionary which was refused—when one of the jurors put such a construction on the word as induced him to bring in a verdict of libel against the Attorney General only. He said if he had known the true meaning of the words in the jury room, he would not have found him guilty,

and has expressed deep regret at the unjust finding of the jury of which he was one.

MR. ATTORNEY GENERAL ROBINSON.

Question.—What remarks have you to make upon the statement now read to you of the occurrences at the late York assizes, respecting the case of Francis Collins?

ANSWER.—I have only to remark, that as the words seem intended to convey an imputation upon a part of my official conduct, I may perhaps take them in a graver sense than that in which they were meant to be used. Understanding them, however, as I do, the statement they convey, is not such as I should have expected any member of the profession to have made who was present at the occurrences spoken of—and if it is taken down in the words of Mr. Baldwin, whose evidence the committee informs me it is, I must regard it as a statement uncandid and unjust, and I am prepared to shew it to be so whenever I may be required to render to the Government, or in any judicial proceeding an account of the manner in which I have discharged my public duty on the occasion referred to.

The committee having favored me with an opportunity to deliver a written answer to their question. I have made a minute of the proceedings in the case alluded to; but I do not at present, feel that I need desire to submit this to the Committee. I want no protection or indulgence in respect to any part of my public conduct, and I shall always be ready to answer to any statements delivered on any occasion, and under circumstances which shall entitle me to claim as a matter of right, that after investigation an opinion shall be pronounced upon them.

I beg to inform the committee that the Solicitor General, the clerk of assize, the Hon. Mr. Macaulay a barrister, Mr. Allan, one of the associate Judges, and doubtless many others who were disinterested observers of the proceedings on the occasion alluded to, will probably be found to retain a recollection of them, as satisfactory as that of the defendants counsel.

QUESTION.—On what authority is it, that persons are held to bail for good behavior, before they have been convicted of the offences?

ANSWER.—I have not had occasion to argue this question but I have always considered that the power exercised by Judges and Justices of the Peace of binding to their good behaviour persons indicted for libels scandalizing the government as well as persons indicted for some other offences, rests upon the Statute 34 Edward 3rd ch. 1—but I am not prepared to say, that it rests exclusively on that Statute. The power is recognized by the best authorities known to our law, and has been exercised both in ancient and modern times. It has been applied without question being made, (so far as I have found) of its propriety, even in a case of words not indictable, but which tended to bring a court of Justice into contempt.

This authority, confided by the law of England to those who are appointed to administer the laws, does not seem to have been regarded as unconstitutional in other countries. In Lower Canada it has been exercised by the court, after the legality had been questioned and solemnly argued,—and in the United States, where the freedom of the press is generally understood even to be more unrestricted than in England, it will be found to have been used, and as it appears, without hesitation or question as to the right, in a case of libel, even before any indictment had been found.

Mr. McKean, a lawyer of eminence formerly Chief Justice, and afterwards Governor of Pennsylvania, in a charge delivered to the grand Jury of the city and county of Philadelphia, on the 27 November 1797, after an exposition of the law relative to libels, informs them, "that a certain printer in that city, (meaning Cobbet the publisher of Porcupine's Gazette) was, and long had been in the habit of offending against the law by the publication of scandalous, and malicious libels that he had interfered and endeavoured to arrest the progress of this offender by binding him over to be of the good behaviour, but that the printer in contempt of this recognizance, and in defiance of the authority of the law, persisted in his mischievous course, and that the duty of arresting him now devolved on the grand jury, by whom alone the strong correctives appearing to be necessary could be applied."

I cite this instance not because it is of so much weight as the English authorities upon the same point, but because it may be satisfactory to shew that our system of jurisprudence does not sanction a more rigorous control over the evils of a licentious press than has been exercised in another country where the freedom of the press is often erroneously supposed to exist almost without control.

It is to be borne in mind, that although the effect of giving sureties for good behaviour is, to render others eventually responsible for the continued misconduct of the person charged, yet neither the principal nor his sureties can suffer any penalty, until the former has been found guilty by a jury of an offence subsequent to the taking of the recognizance.

Second Report on the petition of Francis Collins.

The Committee on the Petition of Francis Collins having met and summoned Mr. Justice Sherwood before them, proceeded to question him on the case, when Mr. Justice Sherwood refused to answer any questions whatever on the subject. His reasons for so refusing are subjoined. All which your committee respectfully submit for the consideration of your Honorable House.

THOMAS DALTON, Chairman.

Committee Room, Feb. 4th 1829.

Present CAPT MATTHEWS.

MR. HORNOR.

MR. PERRY.

MR. DALTON, Chairman.

MR. JUSTICE SHERWOOD examined.

QUESTION.—Were you one of the justices of Oyer and Terminer at the Assizes held in York, in October last?

ANSWER.—Upon reading the petition of Francis Collins, I find that he complains to the house of Assembly of my conduct when acting as a Judge on the trial of himself for libel. It appears to me that the summoning me here to-day, to produce documents and answer questions on

the subject of his trial, is in the nature of an arraignment on his complaint; and that I cannot with propriety answer any questions or produce any documents respecting my judicial conduct in that case. I shall always be ready to make any report of my proceedings, when properly called upon to do so; but I conceive I am not so called upon at this time.

THIRD report on the petition of Francis Collins.

The committee on the petition of Francis Collins met February 18th, 1829.

PRESENT,
Messrs. HORNOR,
MATTHEWS,
PERRY.

JOHN HAYDEN called in and examined, when the following questions being proposed to him, he gave the answers corresponding.

QUESTION.—Were you one of the jurors who convicted Francis Collins?

ANSWER.—Yes.

QUESTION.—What was your first verdict?

ANSWER.—Guilty.

QUESTION.—Was the verdict, "Guilty of a Libel against the Attorney General," only?

ANSWER.—I consider there was but one verdict of guilty.

QUESTION.—What were the remarks of the Judge to the jury when the verdict was returned, and for what cause were you the jurors sent back?

ANSWER.—I am not prepared to answer that question.

QUESTION.—Were you not sent back to re-consider your verdict?

ANSWER.—I am not prepared to answer that question.

QUESTION.—Why are you not prepared to answer that question?

ANSWER.—Same as above.

QUESTION.—If you were upon your oath, would you say to the committee, that no person had dictated to you, how you should answer the questions put to you?

ANSWER.—Same as above.

QUESTION.—Did you not call upon Collins in Jail, and did you not tell him that you were sorry for having found the verdict of "guilty", and that the finding was owing to your ignorance of the word "malignancy"?

ANSWER.—I do not think proper to answer.

All which is respectfully submitted.

THOMAS HORNOR,
Chairman, pro tem.

Fourth Report on the petition of FRANCIS COLLINS.

The committee appointed to enquire into the case of Francis Collins, beg leave to report in part; that having summoned Mr. Justice Hagerman he has declined answering any questions on the case as will fully appear to your honorable House by the appended statement in the handwriting of the said Mr. Justice Hagerman.

THOMAS DALTON,
Chairman.

February 23rd, 1829.

Committee met, February 23rd, 1829.

Present Messrs. DALTON, Chairman,

" PERRY,

" HORNOR.

Mr. JUSTICE HAGERMAN, examined.

QUESTION.—Were you one of the Justices of Oyer and Terminer at the last assizes held in York, in October last?

ANSWER.—Having been favored with a perusal of the Petition of Francis Collins, to which this interrogatory refers, I observe that it contains an impeachment of my conduct as a Judge in Court; I therefore respectfully decline answering any question relative thereto.

QUESTION.—Will you be so good as to point out such part of the Petition as you consider to impeach your conduct as a Judge which should warrant your refusal to answer the question of the committee?

ANSWER.—I consider that the general tenor of the petition bears that character.

FIFTH report on the petition of FRANCIS COLLINS.

The committee appointed to inquire into the case of Francis Collins, beg leave to submit the following report.

They have prepared a series of resolutions which they recommend to the adoption of the house. Appended to this report are the evidence and documents connected with the facts contained in the resolutions.

They also report an address to His majesty, to accompany the resolutions, which it is recommended to transmit for the Royal consideration.

Committee Room,
House of Assembly,
March 9th, 1829.

THOMAS DALTON,
Chairman.

Committee Room, February 5, 1829.

Present Messrs DALTON Chairman,

" MATTHEWS,

" HORNOR,

" PERRY,

Witnesses examined.

Mr. JAMES SMALL.

QUESTION.—Were you at the trial of Mr. Collins for the libel of which he was convicted?

ANSWER.—Yes.

QUESTION.—Do you know any thing concerning the calling of the Jury?

ANSWER.—I heard the name of one of the Kennedy's called, who stood in the door; he did not answer. Whether he heard his name or not, witness will not say. The name of McMurray was then called; he was not in court. Kennedy called to McMurray who was ei-

ther upon the steps or the landing. Upon McMurray being called by Kennedy some person said to Mr. Campbell, the clerk of assize, "Stay! McMurray is coming." [Witness believes the person was Mr. H. Sherwood.] McMurray came and was sworn. Witness thinks Kennedy was upon the former jury who acquitted Collins. Witness states that H. Sherwood won a bet of witness upon the result of the trial, of either one or two pounds. Witness thinks from Mr. Sherwood's manner upon McMurray being called, that he was desirous that he should be on the Jury, and that he expressed satisfaction in his countenance upon seeing McMurray come forward.

Mr. S. was talking to the clerk and making remarks during the time the Jury was calling. The impression upon witnesses mind is, that Kennedy came forward about the period the last Juror was swearing, asking if he had been called, and that the Jury being full, he was of course not taken.

QUESTION.—Did you hear the Judge say in his charge to the Jury, that it was libellous to assert, that the Bill brought in by the Attorney General for the relief of Mr. Strobridge, was the Attorney General's Bill?

ANSWER.—I did not hear him say it was libellous, but that it had a tendency to injure the Attorney General, or bring him into contempt.

QUESTION.—Did you not hear him tell the jury that any publication which has a tendency to injure another, or induce him to commit a breach of the Peace, was libellous?

ANSWER.—I think he made use of those words, or words to that effect.

QUESTION.—Did you understand from the judge's charge, that he inferred (by his comments on the words "OLD CUSTOMER,") that it was not the first time Collins had libelled Judge Hagerman?

ANSWER.—I understood Judge Sherwood in conveying his idea of what Collins meant by the term "old customer," that it was not the first time he (Collin's) had had dealings with Judge Hagerman in a similar way.

QUESTION.—Was it not in your Judgment a departure from the indictment, when the Judge said, "It clearly implies that the editor of this paper has made remarks upon this gentleman before, as a retailer of calumny. But in my opinion gentleman, this editor is no petty retailer, but a wholesale retailer of calumny?"

ANSWER.—I think the words in the latter part of the question, mentioned quite uncalled for—and that is one of my reasons for my answer to the question on the propriety of the Judge's charge.

QUESTION.—Where you present when the Jury returned their verdict?

ANSWER.—I was present when the Jury came in with their first verdict, and also when they came in with their second.

QUESTION.—What was the reason the Jury were sent back with their verdict?

ANSWER.—Judge Hagerman, to the best of my recollection, informed them that he could not receive such a verdict—that they must retire and come into court and say "Guilty," or, "not Guilty," and said, gentlemen, if you find any part of the matter charged as libellous, to be so, you must say "Guilty," generally.

QUESTION.—Do you know what the first verdict was?

ANSWER.—The first verdict was, "guilty of a Libel upon the Attorney General."

QUESTION.—What was the second verdict?

ANSWER.—"Guilty." I think upon giving the second verdict, Judge Hagerman asked the Jury, if they adhered to their former declaration, and upon the Jury replying in the affirmative, he intimated that the court would take that circumstance into consideration on passing sentence.

QUESTION.—Do you think the first verdict ought to have been received?

ANSWER.—Upon hearing the arguments of counsel prior to the passing of the sentence, without having examined the question myself, my impression was, and is, that it ought to have been received.

QUESTION.—Suppose the first verdict had been received would it not have had the effect of discharging Collins from all criminality except as regards the Attorney General?

ANSWER.—Certainly.

QUESTION.—Does not the second verdict make Collins stand on record as guilty of the whole charge in the indictment?

ANSWER.—Certainly.

Committee Room, February, 14, 1829.

Present Messrs DALTON, Chairman,

" HORNOR,

" PERRY,

Witnesses Examined.

Bradshaw McMurray.

QUESTION.—Were you one of the Jurors who convicted Mr. Collins of Libel?

ANSWER.—Yes.

QUESTION.—When you had delivered your verdict, were you sent back to the Jury Room?

ANSWER.—Yes.

QUESTION.—Why were you sent back?

ANSWER.—The court said it could not receive the verdict in the way we had given it in.

QUESTION.—What was the verdict?

ANSWER.—Guilty of a libel on the Attorney General.

QUESTION.—On being sent back, what was the instruction of the court?

ANSWER.—The court said that being guilty of a libel on one point warranted a general verdict of guilty, the court said, that if the Jury found guilt only on one point, they could state that to the court which would take the matter into consideration.

QUESTION.—What was your second verdict?

ANSWER.—Guilty, upon the direction of the court.

QUESTION.—On giving in your second verdict, did you inform the court that you adhered to your former principle?

ANSWER.—Yes.

QUESTION.—Would you have brought in a general verdict of guilty if you had supposed it could be taken to mean, guilty on the whole of the charge?

ANSWER. We considered him guilty only of a libel on the Attorney General, and supposed and did not mean that our verdict should convey any more.

QUESTION. Were there any persons on the jury who did not understand the meaning of the words "native malignancy"?

ANSWER. There were some persons, and a dictionary was requested of the court—none however was permitted to be sent in; but a message was delivered, saying, that we might return to the Jury Box where it would be explained to us.

Alexander McDonell, Esq.

Examined.

QUESTION. Were you present in the case of the King vs. Collins when the Jury tendered their verdict?

ANSWER. I was not.—I retired before they did so.

QUESTION. Were you present during the trial.

ANSWER. I was during the whole of the Trial as an associate Judge.

QUESTION. Were you present when the sentence was passed?

ANSWER. I was not.

QUESTION. Had you any conference with the Judges as to the measure of the punishment in this case?

ANSWER. I had not any whatever. I had no conversation with either of the Judges, and was not in court between the giving of the verdict and the passing of the sentence. I knew nothing of the sentence till after it was passed.

QUESTION. Can you give the committee what was stated by the Judge in his charge to the jury, respecting the terms, "old customer," and that "the Bill for the relief of Strobridge was the Attorney General's own Bill?"

ANSWER. Not being versed in the Law I did not pay such attention to the charge as to be able to give any particulars on the subject.

QUESTION. Were you present in court on the other indictment, when it was alleged by the Attorney General that Collins had been arraigned? And if so, relate what passed.

ANSWER. A trial was called on, I think on the indictment respecting Sir P. Maitland, when Collins said that he had not been arraigned—and therefore claimed a traverse. This was at first denied by the Attorney General, who being contradicted by Collins, appealed to the clerk of the court Mr. Campbell, who expressed himself doubtful on the subject. The Bail-Bond for his appearance at the then assizes was in court, and altho' the Attorney General still entertained the same impression of his having been arraigned, yet he gave up the point, the records of the court not showing such arraignment.

QUESTION. Was the right of Collins to traverse, under these circumstances, questioned by the Attorney General?

ANSWER. I so understood There was a long argument on the subject. The Attorney General contended, that, by law Collins had no right to traverse under the circumstances;—and Mr. Robert Baldwin contended, on the contrary, that he had a right to traverse. After argument the court, I believe decided, that Collins had the right to traverse.

Committee room, March 3rd, 1829.

Present, Messrs. DALTON, chairman.

HORNOR,

PERRY.

The ATTORNEY GENERAL examined.

QUESTION. Were you present when the jurors brought in a verdict against Mr. Collins?

ANSWER. No.

QUESTION. Was it not the duty of the Judge to receive the verdict "Guilty of a libel against the Attorney General only"?

ANSWER. He might, in my opinion, have so received it without any irregularity; but I do not conceive it necessary he should have done so. The finding any part of an indictment, sufficient to sustain the charge for the offence, amounts, in my opinion, to a verdict of guilty; and the distinction is seldom made, except where it has the effect of reducing the charge to a lower class of offence, for which the punishment is different, as in the case of grand and petit larceny; but where a defendant is charged as in this case, with libelling several persons, if found guilty of libelling any one, it amounts to a verdict of guilty upon the indictment. The punishment is fine and imprisonment, at the discretion of the judge; and it is to be presumed, that he would discriminate in awarding the punishment, and give full effect to the circumstance mentioned by the jury, whether formally entered on the record or not; for which formal entry I see no necessity.

QUESTION. Were you present when Judge Sherwood said in court, that the law allowing jurors to find a special verdict in case of libel, was not in force in this province;—but as it was the practice of the court to receive special verdicts, although it was not the law, he would, had he been in court when the Jurors brought in the verdict, have received it.

ANSWER. I took no part in the argument upon the objection raised by the Prisoner's Counsel after verdict. They were discussed, I think some days after the verdict was found, and the solicitor General conducted the argument for the crown. I was present, and I think during the whole time. It is not my impression that Mr. Justice Sherwood made any remark of the kind mentioned in the conclusion of the question, or say what he would, or would not have done, had he been present when the verdict was given in.

I recollect that some discussion arose in the course of the argument as to whether the British Act 32 Geo. 3rd respecting libels was in force in this Province and that both at the Bar and on the Bench different opinions were expressed. What Mr. Justice Sherwood's impression was at first I do not now recollect, but I remember perfectly, that having it distinctly impressed upon my mind, from former investigation, that that Statute was in force here, I did, in the manner of an Amicus Curie, state, that it was in force, & that I produced from the library of the Law Society in the adjoining room the volume of the Statutes at large, containing that

particular act, and shewed from the month in which it passed, that it must have been an existing Statute in England, at the period up to which we adopted the criminal law, viz. September, 1792.

Donald Bethune Esq. M. P.

Examined.

QUESTION. Do you consider it legal to incarcerate a person charged with Libel, before conviction.

ANSWER. By the Statute 34 Edward 3d cap. 1 Justices are empowered "to take of all them that be not of good fame, where they shall be found, sufficient surety and mainprize of their good behaviour, towards the King and his people, &c." It is holden that under this Statute, a man may be bound to his good behaviour, for speaking words of contempt of an inferior magistrate, as a Justice of the Peace, or Mayor of a Town; or for words that either directly tend to a breach of the peace, or to scandalize the government, by abusing those who are entrusted by it with the administration of Justice; and this without any trial pending, in the same manner as sureties for keeping the peace are required. There are many other words that would justify a justice in binding a man over to his good behaviour under this Statute, which it would be useless to particularize. After Indictment found for libel, there is an absolute necessity for requiring Bail; and in that case there is a greater necessity than before indictment, for requiring also that the party against whom the Indictment is found, shall be bound to his good behaviour, if the libel be such as would justify such a course in the first instance. In case of refusal to give sureties for his good behaviour, the justices, where no trial is pending, and the court, where a Bill of indictment is found, are of course bound to imprison the person complained of, otherwise the provisions of the law would be nugatory.

QUESTION. Do you consider any such Law consistent with the rational liberty of the Press.

ANSWER. I do; and in giving this opinion, I trust, I shall not be considered as an enemy to "the rational liberty of the Press" I consider a press conducted upon sound principles, inestimable—but, when all principle is set at naught, it then becomes an engine of great moral evil, and should undoubtedly be restrained and kept within proper bounds. The Statute 34 Edward 3d cap. 1, I do not think at all opposed to a press conducted upon proper principles, but it is most decidedly opposed to its licentiousness. It will be observed, that this law is calculated to prevent the commission of crime; and it has always been considered by wise legislators, that those laws which tend to the prevention of crime, are much more salutary and desirable than those which only provide a punishment for offences actually committed. It is plain that the law which prevents a man from doing mischief is much more humane and perfect, and less arbitrary and oppressive, than those which merely provide a punishment for that mischief. To prevent an improper exercise of the discretion which the law gives to the Magistrate in cases where no trial is pending, he is bound, when he commits a man for want of sureties, to express with "convenient certainty," the cause thereof; and it is at his peril, if he commit without good cause.

James A. Gamson, Esq. M. P.

Examined.

QUESTION. Do you consider that the existence of any law authorising incarceration of a person charged with Libel, before conviction, consistent with the rational liberty of the Press?

ANSWER. The terms of the question are too vague for a direct answer, but by reference to the first question of Mr. Bethune's examination, and to the object for which this Committee was appointed, I understand 'incarceration' intended to mean imprisonment on refusal of Sureties of the peace.

From the manner of the question, I assume, that the committee are perfectly acquainted with the law on the subject as it now stands, and as it has stood for centuries. It is therefore unnecessary to quote precedents or refer to experience to prove its utility. Leaving the law therefore entirely out of view, I will reply: That nothing in my opinion contributes so much to the support of a good Government, as the freedom of the Press. It is emphatically a terror to evil doers, and a praise to them that do well. This freedom, I consider established as firmly as Magna Charta. Its own licentiousness may, but no other cause, or power, or combination ever can destroy or abridge the rational liberty of the Press."

It is therefore the duty of every man, but particularly and imperatively of our Judicature to withstand every attempt to check its usefulness or to extend its abuse. Happily for British Subjects the Spirit of the English Law is to prevent the commission of an offence, rather than to retaliate by the punishment of an offender. If therefore those whom the State has appointed to administer this preventive justice, have just and reasonable grounds shown to them that an offence, either by libel, or otherwise, is about to be committed, it is their duty to require from the person so accused, such surety as will in probability deter him from his purpose, and ensure his good behaviour. The principle is much strengthened, if an accusation for a similar offence is pending against the same offender. This is not to punish a man for his intentions, but to secure the public from an anticipated injury. In cases of libel, and particularly libel on the administration of justice, without such restriction, an offender might ensure impunity by a repetition of his offence. Such a restriction never can injure a good man. It may and does afford some security to the public, against the malice and wickedness of the bad.

For these and many other reasons, I consider the law as it at present exists, authorising imprisonment in case of refusal of sureties for good behaviour, not only consistent with, but absolutely necessary to maintain the rational liberty of the press.

Resolutions reported by the committee on the petition of FRANCIS COLLINS, and adopted by the house.

1st. RESOLVED, that while prosecutions have been instituted and encouraged against Francis Collins, Hugh C. Thomson, M. P. and William Lyon MacKenzie, M. P. editors of papers opposing the injurious policy pursued by the late provincial administration, other papers under the patronage and pay of the provincial government,

- have been allowed to disseminate with impunity far grosser and more dangerous libels against the house of assembly, as well as against many public and private men.
2. Resolved, that the document marked B, is a true copy of the indictment upon which Francis Collins was acquitted at the late court of Oyer and Terminer and general Gaol delivery for the Home district.
 3. Resolved, that Francis Collins being under prosecution for the said alleged libel on Sir Peregrine Maitland, Mr. Attorney General Robinson during the said court at York, endeavored to bring him to trial, in the first place by erroneously supposing and alleging the defendant had been arraigned at the previous assizes; in the second place, when the records of the court were found to contradict this assertion, by denying the right to traverse altogether, the indictment having been found at the preceding assizes; and in the third place, by contending, that having omitted to traverse the indictment upon his arraignment as the proper time for so doing, he could not be permitted to avail himself of the privilege subsequently; and that while the latter points were still depending, and undetermined, the article for which he was afterwards indicted and convicted of libel, was published.
 4. Resolved, that the document marked C, is a copy of the indictment upon which the said Francis Collins was tried, convicted and punished.
 5. Resolved, that the select committee of the Imperial House of Commons upon Canada affairs, urged in the most especial manner upon His Majesty's government, that a strict and instant enquiry should take place into all the circumstances attending the prosecutions for libel instituted in Lower Canada, with a view to giving such instructions upon them as should be consistent with justice and policy—which recommendation was properly respected and observed in Lower Canada, and ought not to have been slighted and disregarded in this province.
 6. Resolved, that the document marked D, according to the evidence of those who took down his words, contains a true report of material parts of the charge delivered by Mr. Justice Sherwood to the jury; which charge was an unwarrantable deviation from the matter of record, and a forced construction of language, contrary to the ends of fair and dispassionate justice.
 7. Resolved, that Mr. Justice Hagerman who was one of the persons alleged on the record to be libelled, refused to receive the verdict as first tendered by the jury, viz: "guilty of libel against the Attorney General only,"—and directed them to find a general verdict of Guilty,—with which direction the jury complied, whereby the defendant was made to appear on record guilty of charges of which the jury had acquitted him. and whereby false grounds were afforded upon the record for an oppressive and unwarrantable sentence.
 8. Resolved, that it appears from the appended copy of the letter of Judge Sherwood to His Excellency (marked E.) that Mr. Justice Hagerman alleged on the record to be libelled, did concern himself with Mr. Justice Sherwood, in measuring the punishment of the defendant, thereby, without necessity for it, further violating the rule, that a man shall not be a judge in his own case.
 9. Resolved, that from the language of Judge Sherwood in his said letter, viz: "If such publisher however, steps aside from the high road of decency and peaceable deportment, and adopts a course of public calumny and open abuse against the officers of Government generally, or particularly against the principal law officer of the crown, in the legal execution of his duty in the King's Courts, as the defendant did, then I think he should be punished to that extent, which in human probability, would prevent a recurrence of the offence: any thing short of this would be nugatory, and have an effect contrary to the ends proposed by all punishments," it too plainly appears that the punishment inflicted upon the said Francis Collins, was not confined to the verdict as originally tendered by the jury.
 10. Resolved, that the punishment inflicted upon Francis Collins for the said libel, viz: "that he should be imprisoned for 12 months, pay a fine of £50 to the King, find sureties for his good behaviour after his liberation, for 3 years, himself in £400, and two sureties in £100 each, and stand committed till all those conditions should be complied with"—is, considering the state of the province and circumstances of the defendant, shamefully disproportioned to his offence,—subversive of the freedom of the press, under pretence of correcting its excesses; and destructive of the liberty of the subject, under pretence of punishing an offender.
 11. Resolved, that from the state of this province, and the circumstances of the said Francis Collins, the exorbitant and oppressive bail required from him, leaves him no other alternative than perpetual imprisonment, or the abandonment of the press, by which he maintains himself and a wife, with an infant family.
 12. Resolved, that the document marked F, is a true copy of the address of this house to His Excellency, with the yeas and nays upon the passing thereof, praying for the pardon of Francis Collins, and of the answer of His Excellency to the same.
 13. Resolved, that when the said application from this house was made to His Excellency for the pardon of the said Collins, he had been about three months in gaol.
 14. Resolved, that the doctrine laid down in the letter of Judge Sherwood, viz: that the extent of punishment should be such as will in all human probability, prevent the recurrence of the offence—and that any thing short of it would be nugatory, and have an effect contrary to the ends proposed by all punishment—is an unjust and imperfect view of such a question, dangerous in a Judge entrusted with the administration of the criminal justice of this country, and calculated to render the criminal law so administered a scourge to the community.
 15. Resolved, that it is inconsistent with the liberty of the press, that a person should, before conviction, be called upon to find bail for good behaviour, upon so indefinite an offence as libel; and that the law under which such proceeding is justified in this province, is well objected to by Lord Ashburton in the following terms: "I never heard till very lately, that Attornies General, upon the caption of a man supposed a libeller, could insist on his giving securities for his good behaviour. It is a doctrine injurious to the freedom of every subject, derogatory from the old constitution, and a violent attack if not an absolute breach of the liberty of the press. It is not law, and I will not submit to it."
 16. Resolved, that an earnest appeal be made to His Majesty, to relax, in this case, the rigor of that law, which was made for the happiness and welfare of the people, who pray for its relaxation—and that His Majesty be requested to lay these resolutions and documents before the Imperial Legislature.

B.

I Charles Coxwell Small, Esquire, clerk of the crown and common Pleas in and for the province of Upper Canada, Do hereby certify that the two sheets of paper hereto annexed, contain a true copy of an Indictment filed of record in the crown office against Francis Collins for a Libel against Sir Peregrine Maitland, then Lieutenant Governor of this Province.

In testimony whereof I have hereto set my hand and affixed my seal of office, this seventh day of March, 1829.

(Signed) CHARLES C. SMALL. (L. S.)

UPPER CANADA, } The Jurors for our Lord the King, upon their
Home District, } oath present, that Francis Collins late of the
to Wit. } town of York, in the Home District aforesaid,
printer, being an evil disposed person and maliciously intending to scandalize and vilify the government of this province, and to excite the people of this province, to hatred of His Excellency Sir Peregrine Maitland Lieutenant Governor of the said province, on the 3rd of April in the ninth year of the reign of our Sovereign Lord George the Fourth by the Grace of God of the United Kingdom of Great Britain and Ireland, King Defender of the Faith, with force and arms, at the town of York aforesaid in the said home district, did wickedly and maliciously print and publish, and cause and procure to be printed and published in a Newspaper entitled, "Canadian Freeman," a certain false, scandalous and malicious libel of and concerning the said Lieutenant Governor, in which said libel are contained amongst other things, divers scandalous and malicious matters and things of and concerning the said Lieutenant Governor, to the tenor and effect following, that is to say. "On Thursday morning last His Excellency the Lieutenant Governor, (meaning the said Lieutenant Governor) returned to his farm at Stamford, to look after the Buck wheat and Indian corn. His Excellency (meaning the said Lieutenant Governor) looked sickly, and we hear he took his coffin with him." Again, "He [meaning the said Lieutenant Governor] has left town without paying our £113 10 voted to us now three times by the commons of the country. His Excellency [meaning the said Lieutenant Governor] has sworn to administer justice impartially in this Colony; How has he complied with this obligation? He has paid Mr. Fairbanks [as the Attorney General stated in the House] for work and labor done, and materials furnished by order of Duncan Cameron Esq. [meaning Esquire] without a vote of the Assembly, and he has refused to pay the editor of the Freeman [meaning the said Francis Collins] as was properly observed by Captain Matthews, for work and labor done, and materials furnished by order of the commons of the country, after the amount having been three times voted by the Representatives of the people! Is this the impartial administration of Justice? or is it partiality, injustice, and fraud?" meaning thereby falsely and wickedly to insinuate and to cause it to be believed, that the said Lieutenant Governor of this province had disregarded an oath by him taken to administer justice, and had been guilty of partiality, injustice, and fraud, to the great scandal of the said Lieutenant Governor, in contempt of our said Lord the King and his laws; to the evil example of all others in the like case offending; and against the peace of our said Lord the King, his crown and dignity.

JOHN B. ROBINSON, Att'y Gen'l

C.

UPPER CANADA.

Home District, } The Jurors for Our Lord the King upon their
to Wit. } present that on monday the 13th day of October, in the
ninth year of the Reign of our Sovereign Lord George the Fourth by the Grace of God of the United Kingdom of Great Britain and Ireland King, Defender of the Faith, at York in the Home District aforesaid, a session of Oyer and Terminer and general gaol delivery, in and for the said Home District, was begun and holden at the town of York in and for the said district, before the Honorable Levius Peters Sherwood one of the Judges of His Majesty's Court of King's Bench in this province, the Honorable Wm. Allan and others their fellows, Justices of Oyer and Terminer and general gaol delivery assigned for the said district, and that the said session was duly continued by adjournment and was duly holden by the said Justices and others their fellows as aforesaid on Tuesday, the 14th of October in the year aforesaid and also on the 15th day of October, in the same year, to wit at the town of York aforesaid in the said Home District, on which said last mentioned day the said court was duly holden before the Honorable Christopher Alexander Hagerman another of the Judges of His Majesty's Court of King's Bench in this Province, and also one other of the justices of Oyer and Terminer and general gaol delivery assigned for the said district as aforesaid, the said Honorable William Allan, and others their fellows; and that a session of assize and Nisi Prius for the said Home District was also begun and holden on

Monday the said thirteenth day of October in the year aforesaid at the Town of York in the said Home District, before the said Honorable Levis Peters Sherwood one of the Judges of his Majesty's court of King's Bench in this province assigned to take the said assizes and was duly continued by adjournment from day to day, until and on the said fifteenth day of October, in the year aforesaid, when the same was duly holden before the said Christopher Alexander Hagerman one of the Justices assigned to take the said assizes at York in the said district. And that at the said session of Oyer and Terminer and general gaol delivery holden as aforesaid on Tuesday the said fourteenth day of October, in the year aforesaid, at York aforesaid John Beverly Robinson, then and still being Attorney General of our said Lord the King for his province of Upper Canada, and Henry John Boulton, Esquire, then and still being Solicitor General of our said Lord the King for the said province attended and were present to prosecute for our said Lord the King in the due discharge of the duty of their aforesaid offices, and that one Francis Collins late of the town of York aforesaid, printer, stood bound by recognizance of himself and certain sureties to appear at the said court of Oyer and Terminer and general gaol delivery to be tried on a certain Indictment for libel depending against him, & that at the said court of assize and Nisi Prius holden as aforesaid on the 15th day of October, in the said year, at York aforesaid, a certain issue came on to be tried in due form of law in a cause wherein one James Gordon Strowbridge was plaintiff, and William Chisholm, Alexander Chewett, Robert Nelles and William Munson Jarvis, commissioners appointed under the authority of an Act of the Provincial Parliament of Upper Canada, passed in the 4th year of the reign of Our Sovereign Lord George the Fourth of the United Kingdom of Great Britain and Ireland King, defender of the Faith, entitled, "An Act to provide for the constructing a navigable Canal between Burlington Bay and Lake Ontario," were defendants, in a certain plea of debt, and was then and there tried before the Honorable Christopher Alexander Hagerman by a jury of the country in that behalf duly sworn and taken between the said parties. And that the said John Beverly Robinson, Attorney General as aforesaid, was one of the counsel for the said Defendants upon the trial of the said cause. And that the said Francis Collins being an ill disposed person, and contriving and maliciously intending to bring into scandal and contempt the Administration of justice in this Province, and to defame, vilify and abuse the said Hon. Christopher Alexander Hagerman, one of the Judges of His Majesty's court of Kings Bench in this Province, and also one of the Justices assigned as aforesaid, and the said John Beverly Robinson and Henry John Boulton so acting in the discharge of the duties of their respective offices as aforesaid on the sixteenth day of October, in the said ninth year of the reign aforesaid, with force and arms, at the town of York aforesaid, in the said home district, did wickedly and maliciously print, and publish and cause and procure to be printed and published in a newspaper entitled, "Canadian Freeman," a certain false scandalous, and malicious libel, entitled as follows. "York assizes," of and concerning the proceedings of the said session of Oyer and Terminer and general gaol delivery so holden in and for the said home district against him the said Francis Collins, and of and concerning the said Honorable Christopher Alexander Hagerman, so being one of the Justices before whom the said assizes were holden as aforesaid, and of and concerning the said John Beverly Robinson and Henry John Boulton, in the execution of the duties of their respective offices as aforesaid, and also of and concerning the trial of the said issue before the said Honorable Christopher Alexander Hagerman as such Justice assigned to take the assizes in and for the said Home district as aforesaid. Which said false, scandalous and malicious libel is according to the tenor and effect following, that is so say; "Our assizes, (meaning the said session of Oyer and Terminer and General Gaol delivery and of Assize and Nisi prius,) commenced here on Monday last, (meaning at York aforesaid, on the 13th day of October in the year aforesaid and the Attorney [meaning the said John Beverly Robinson, Attorney General as aforesaid] and little Boulton, [meaning the said Henry John Boulton, Solicitor General as aforesaid] have put their heads together again on Tuesday, [meaning on Tuesday the 14th day of October in the year aforesaid,] to see if they can do any thing in the way of libel. On that morning the Attorney General [meaning the said John Beverly Robinson] called upon the editor of the Freeman [meaning thereby the said Francis Collins,] to take his trial upon one of the cases of libel held over since last assizes [meaning thereby the said indictment for libel for which the said Francis Collins stood bound as aforesaid to take his trial at the said session begun and holden on the said 13th day of October in the year aforesaid] the editor, [meaning the said Francis Collins] who pressed the Attorney, [meaning the said John Beverly Robinson] to trial last court, when his counsel had been brought to town at a heavy expense by express, rose and said, that he was not ready for trial, neither of his counsel being in court, and that from the undetermined manner in which the Attorney General, [meaning the said John Beverly Robinson] spoke last assizes, he did not expect that the proceedings would be followed up. As he had not been arraigned; however, he said would traverse the indictment, [meaning the indictment upon which he the said Francis Collins stood so bound to take his trial as aforesaid.] The Attorney General [meaning the said John Beverly Robinson] with a view of bringing us [meaning the said Francis Collins] to trial unprepared first rose and stated an open palpable falsehood in court, namely that we [meaning the said Francis Collins] had been arraigned last assizes, [meaning at the assizes last before holden in and for the said Home district] when we [meaning the said Francis Collins] contended to the contrary, to the satisfaction of the court, the Attorney [meaning the said John Beverly Robinson,] in his native malignancy took till next day, yesterday, [meaning Wednesday the 15th day of October in the year aforesaid] to hunt up authorities, to see if he could force us [meaning the said Francis Collins] to trial, without the privilege of traverse, contrary to the universal practice of the court. This he [meaning the said John Beverly Robinson] attempted to show yesterday, and our old customer Judge Hagerman, [meaning the said Honorable Christopher Alexander Hagerman] was in favor of the measure. Mr. Robert Baldwin in our behalf, stated that he was taken by surprise; that he thought from the observation of the

"Attorney General, [meaning the said John Beverly Robinson,] last assizes, these cases were quashed. Such was the opinion of Mr. Rolph leading counsel and the defendant himself [meaning the said Francis Collins] and that as he [meaning the said Robert Baldwin] did not think the Attorney General [meaning the said John Beverly Robinson] would refuse the right to traverse he was not prepared to reply to his argument against it. The question is to be decided to-day, [meaning the said 16th day of October in the year aforesaid.] In the mean time we expect Mr. Rolph here daily, and when he arrives, we [meaning the said Francis Collins] shall shew the Attorney, [meaning the said John Beverly Robinson,] and little Boulton, [meaning the said Henry John Boulton,] that we are not afraid to meet them."

"Mr. Strowbridge's case against the Burlington canal commissioners, (meaning the trial of the said issue in which the said James Gordon Strowbridge was plaintiff as aforesaid) came on yesterday—The Attorney General, (meaning the said John Beverly Robinson) who brought the bill into parliament for the relief of Mr. Strowbridge (meaning the said James Gordon Strowbridge) against the tyranny of the commissioners, (meaning the defendants in the said last mentioned cause) acted as leading council (meaning leading counsel) for the commissioners, to prevent his own law from taking effect. This we (meaning the said Francis Collins) view as a monstrous piece of injustice. The Attorney General argued for a nonsuit upon the principle that the commissioners as public officers, could not be sued for a public debt of this kind. The argument was held good by the bench (meaning by the said honorable Christopher Alexander Hagerman before whom the said issue was tried). The case in the end went to the jury who acted uprightly and brought a verdict for the contractor (meaning the said James Gordon Strowbridge) £3,244 14 8 damages. This no doubt from the opinion of the Judge and Attorney will be set aside, and poor Strowbridge will be worried to beggary by the commissioners without the color of justice. We have taken down the proceedings which shall soon appear." to the great scandal and reproach of the administration of justice in this province, in contempt of our said Lord the King and his laws, to the evil example of all others in the like case offending and against the peace of our said Lord the King his crown and dignity.

I, Charles Coxwell Small, Esquire, Clerk of the Crown and Pleas, in and for the province of Upper Canada Do hereby certify that this and the preceding six sheets of paper, contain a true copy of an indictment filed of record in the crown office, against Francis Collins for a libel. In testimony whereof, I have hereto set my hand and affixed my seal of office, this twentieth day of January, in the year of our Lord one thousand eight hundred and twenty nine.

CHARLES C. SMALL. [L. S.]

D.

JUDGE SHERWOOD charged the Jury, in substance, as follows: *Gentlemen of the Jury!*

The defendant Francis Collins, stands indicted for a libel, and has pleaded Not Guilty. It now becomes your duty to enquire whether he is guilty or not. The learned counsel told you very properly that you are judges both of the law and the fact. This I admit; you are so not only in this particular case, but in all criminal cases; you have the same power in all. The court will express an opinion to you, but you will exercise your own opinion and give your verdict as you may think proper. The first witness is Allan Wilmot, a clerk in Mr. Stegman's store. It appears by this witness, that Mr. Stegman was a subscriber to this paper, and that it was the duty of the defendant in conformity to engagement to send the papers to him, which he did by a boy, who usually carries the papers through town. If you think this sufficient proof, well and good; if not, you will acquit the defendant upon this ground. With respect to the libel, you are to take the whole of his language into consideration, in order to form an opinion whether any particular parts of it be libellous,—for whoever reads this article must admit that many parts of it are not libellous. I will, therefore read it to you, Gentlemen, and point out what I consider libellous. It is here said that the Attorney General stated "an open palpable falsehood" in court. You probably know whether the Attorney General did so or not; but even if he did, the defendant is not justifiable in law in publishing it in this manner. The very nature of a libel, is that which has a tendency to cause a breach of the peace; and any thing of that kind, whether true or false, is punishable by law, because, to keep the public peace, is paramount to every thing else, and whether true or false, it has the same tendency to excite public feeling, and drive persons to a breach of the peace. Therefore in my opinion, Gentlemen, to tell the Attorney General or any other respectable counsel at the bar—that he asserted "an open palpable falsehood," is an indictable offence, and is what the law terms libel. The learned counsel for the defendant told you that the term "falsehood," was very different from "a lie,"—that the former was simply an untruth, while the latter was an untruth known to be such.—But my opinion is, that the terms "open palpable falsehood," and "a lie," are synonymous. Then the Attorney General assumed a question in court, whether or not the defendant had the right to traverse, and said he would take the pains to examine law authorities upon the point, to shew that he had not that right, and the defendant accuses him of doing this in his "native malignancy." Now, Gentlemen, this I consider a most improper assertion. In Johnson's Dictionary, you will find that "malignancy," means *an inclination to hurt others!* and if this sense be adopted, the assertion is tantamount to this, *that the Attorney General possesses a natural inclination to injure others.* It is then for you gentlemen to consider the character of the Attorney General, and the high office which he fills, and say whether he be a man of this kind. If you cannot answer this question in the affirmative, if you cannot say that the Attorney General possesses a natural inclination to hurt others, must you not determine that such an assertion is calculated to injure his feelings and lead to a breach of the peace. Would not any of you be disposed to break the peace, and disturb society, under similar circumstances? And if you met a man in the streets who thus libelled you, would you not knock him down? If so,

then it amounts to a *libel*, as having a tendency to lead to a breach of the peace. In another part of this paper, the case of Mr. Strobridge is alluded to. The Attorney General is accused of becoming leading counsel for the Burlington Bay Canal Commissioners, to prevent his own law [the bill which he brought into parliament for the relief of Mr. Strobridge,] from taking effect. This is an assertion, Gentlemen, that I consider very injurious to the Attorney General as a member of parliament and a barrister of the country. The Editor says this law was his own, because he introduced the bill into the house. Now this is not correct, because a member cannot introduce a bill without leave of a majority of the house, and when brought in, it must go through a first, second and third reading: any member may object to it; and if the majority go with him it cannot pass. But this is not all, gentlemen: It has to pass another branch of the Legislature also, and further, to receive the assent of the representative of his majesty, before it can become a law. All these formalities are to be gone through, gentlemen, and can you believe that the editor, who is a man of information, believed his own assertion, when he stated that this was the Attorney General's *own law*? I would be sorry gentlemen, that it should be an objection to any person as a member of Parliament, that he belonged to the Bar. It would be a great loss to the country, if no Lawyers were to be elected. They are men of information, and ought to be mixed with other honest men in Legislative Assemblies. In England, at one time when lawyers were not elected, it was called "*the lack learning Parliament*;" but now gentlemen of the Bar are returned as frequently as others. The editor goes on to say, that this we view as monstrous injustice. The counsel said that what the editor meant by the words "this we view," was merely to give his own opinion, and not to speak positively: but I consider this gentlemen as a *positive assertion*, and if so, it is libellous. You heard the objections of the Attorney General himself to this part; and he took a view of it which I must confess, the language will not, in my opinion, bear, unless very much strained. An editor has a right to comment on the courts of justice, and it has an excellent effect, when his remarks are temperately brought out with a view to give information; but when an editor descends to scurrility and intemperance, it is most improper and dangerous to the administration of justice. Here the liberty of the press is abused by licentiousness in going beyond the proper bounds. It is easy for you, gentlemen, to see when the line is passed between that which is proper and decorous, and that which is indecent and scurrilous, which ought to be punished; and the improper liberty of the press restrained. In the next place the editor speaks of his "*old customer*," Judge Hagerman. Now, I view the expression "*customer*," a figurative allusion to the business of merchants or mechanics, and it clearly implies that the editor of this paper, has made remarks upon this gentleman before, as a *retailer of calumny*; but, in my opinion gentlemen, *this editor is no petty retailer, but a wholesale retailer of calumny*. This is my opinion gentlemen, and, as a Judge of this court, I have a right to express it. It is contended by some, that a judge has not the power to express his opinion in this way; but I contend that he has the power; a constitutional power to express his opinion on all matters that come before him—a power too that ought always to be exercised by a judge in the discharge of his duty; and I shall always give my opinion freely, where I think my duty calls me so to do. I think, gentlemen, that this is a libel; a gross and scandalous libel; but you can determine as you think proper; and whether you determine that it is a libel, or is not, I shall still have the same good opinion of you; as I know you will determine as you think right, and I have done my duty.

I hereby certify, that I have taken down the above charge in shorthand, and that in substance it is perfectly correct.

(Signed.) Francis Collins,
Stenographer.

I hereby certify, that the above charge of Judge Sherwood, is in substance true.

(Signed.) John Carey.

Yours,
9th March, 1829.

Copy.

E.

York, 5th December, 1828.

Sir,

The following are the principal grounds of my judgment, in the case of the King vs. Francis Collins, lately convicted of a libel on the Atty. General. I think all publications of this kind have the effect to create ill blood in society, and therefore manifestly tend to a breach of the public peace, which is always regarded of the greatest importance by all civilized governments. Such publications also have a direct and undoubted tendency to impede the due administration of public justice, by generating a bad feeling and injurious prejudice in the public mind, & more particularly in the minds of the jurors who are summoned for the trial of causes. This libel, in my opinion, was intended to obstruct the administration of justice, because it was printed and published during the sitting of the court, and just before the defendant was tried for printing and publishing an alleged libel on Sir Peregrine Maitland, then the Lieutenant Governor of the province. Any person who writes and publishes fair and candid opinions on the system of government and constitution of the country, or points out what he honestly conceives to be grievances, and in a proper and decent manner, proposes legal means for the redress of such grievances; or if any person in his publications enters into a just and useful criticism of the productions of others, and shews the public their errors and absurdities; or if any one in a decent and proper manner exposes the errors & wrong opinions of public men; or if he exhibits the evil tendency & unconstitutional bearing of public measures, such person, in my opinion, deserves encouragement. If such publisher, however, steps aside from the high road of decency and peaceable deportment, and adopts a course of public calumny and open abuse against the officers of government generally, or particularly against the principal law officer of the crown in the legal execution of his duty in the King's courts, as the defendant did, then I think he should be punished to the extent, which, in human probability, would prevent a recurrence of the offence; any

thing short of this would be nugatory, and have an effect contrary to the ends proposed by all punishments.

Taking all the circumstances of the case into consideration, Mr. Justice Hagerman and myself deemed the sentence which we passed on the defendant, both proper and necessary, for the public good, and what the case itself required.

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

(Signed) LEVIUS P. SHERWOOD, J.

Z. MUDGE,
Secretary to His Excellency the Lieutenant Governor.

[Copy.]

To His Excellency Sir John Colborne, Knight Commander of the most Honorable Military Order of the Bath, Lieutenant Governor of the Province of Upper Canada, and Major General Commanding His Majesty's forces therein &c. &c. &c.

May it please your Excellency,

We His Majesty's dutiful and loyal subjects, the Commons of Upper Canada in provincial parliament assembled, humbly represent to Your Excellency, that we have received a petition from Francis Collins a prisoner in the York Gaol, under a sentence of the late court of Oyer and Terminer and general gaol delivery in and for the Home District, for libel—by which sentence he is doomed to twelve months imprisonment, and to pay a fine of fifty pounds to the King, and afterwards to give security for his good behaviour for three years, himself in £100, and two sureties in £100 each; and to stand committed 'till these conditions be complied with.—And having taken the same into our consideration, together with the time he has already been confined, we earnestly entreat Your Excellency to extend to Francis Collins the Royal clemency, by remitting his sentence, and restoring him to his family.

MARSHALL S. B. DWELL,
Speaker.

Commons' House of Assembly, }
22d January, 1829. }

YEAS and NAYS on passing the ADDRESS.

YEAS. Messrs. Bury, Baldwin, Blacklock, Brouse, Buell, Cawthra, Dalton, Ewing, Fothergill, Fraser, Hopkins, Hornor, Ketchum, Kilborn, Lafferty, Lockwood, Longley, Lyons, McCall, McDonald, MacKenzie, Malcolm, Matthews Morris, Perry, Peterson, Radenhurst, Randal, John Rolph, George Rolph, Shaver, Smith, Thomson, Wilkinson, John Willson, James Willson, Woodruff, 37.

NAYS. Messrs. Bethune, McLean, Samson, 3.

34.

Copy.

Gentlemen,

It is my anxious wish to render service to the Province, by concurring with the Legislature in every thing that can promote its peace, prosperity and happiness—and I regret exceedingly that the House of Assembly should have made an application to me, which the obligation I am under to support the laws and my duty to Society, forbid me, I think, to comply with.

I transmit for the information of the House. Mr. Justice Sherwood's observations, and copies of a petition from Francis Collins, and of the reply to it, forwarded by my direction.

ADDRESS

TO THE KING'S MOST EXCELLENT MAJESTY.

Most Gracious Sovereign,

WE Your Majesty's dutiful and loyal subjects, the Commons of Upper Canada in Provincial parliament assembled, humbly request your Majesty's most favorable consideration of the resolutions and documents accompanying this address, and humbly pray your Majesty to extend to Francis Collins the Royal clemency, by remitting the residue of his punishment—which act of mercy will be most acceptable to the people of this province, and be regarded by us as a fresh proof of Your Majesty's gracious disposition to consult the wishes and happiness of your people in all parts of your ample dominions. And that Your Majesty will be graciously pleased to lay a copy of the resolutions and accompanying documents before your Majesty's Parliament of the United Kingdom of Great Britain and Ireland.

Report of select committee on the petition of Walter Boswell and others.

The select committee to whom was referred the petition of Walter Boswell and others, praying to be incorporated under the name and style of the president, directors and company of the Cobourg Harbour, beg leave to report as follows:

Your committee are convinced from the evidence they have received, that it is expedient to comply with the prayer of the Petitioners to be incorporated into a company in the manner proposed by them, for the constructing a Harbour at Cobourg; but, upon the scale proposed by the petitioners, the principal advantage to be derived from such a harbour, would be chiefly confined to Cobourg, and the country in the rear and adjacent thereto, and to vessels loading and unloading thereat.

Your committee, when they take into consideration the state of the revenue of the Province, are of the opinion, that the prayer of the petitioners for public aid, ought not to be complied with, as from the evidence accompanying this Report, of several masters of vessels, the Har-

hour would not afford protection for vessels passing up and down the lake in stormy weather.

All which they respectfully submit.

JAMES LYONS,
Chairman.

Committee Room,
House of Assembly,
January, 1829,

Proceedings of the Committee upon the Petition of Walter Boswell and others, praying to be incorporated into a company to form a Harbour at Cobourg on Lake Ontario.

House of Assembly 20th January, 1829.

Committee met.
JAMES LYONS, Esq. Chairman,
JOHN ROLPH,
PETER PERRY,
GEORGE LONGLEY,
JOHN KILBORN, Esqrs. members.

Petition read.

Witnesses examined.

Captain Charles McIntosh.

QUESTION.—What vessel do you command, and how long?

ANSWER.—I sail the Schooner Superior, and have sailed the lake 11 years.

Q. Are you acquainted with Cobourg, and the advantages of a harbour there?

A. I am, but I am of opinion that no general advantage would result to the trading vessels generally. It would certainly be of advantage to Cobourg and the country in the rear.

Q. Will you explain how it can be of no general advantage to have an additional harbour on the coast?

A. Because it would afford no shelter in stress of weather, upon the plan shewn me, as it would be dangerous to run in: in severe weather, I would decidedly run for Presqu'Isle, which is a natural harbour.

Q. Of what advantage would it be to Cobourg and the country in the rear?

A. The vessels which now frequent Cobourg, have no place of shelter there; and are often unable in Autumn and Spring, from the weather, to discharge their cargoes. They are sometimes obliged, in heavy weather, to lie off and on, waiting for suitable weather; and sometimes obliged to bear away for Presqu'Isle. I think that more vessels would be lost, in bad weather, from trying to run into that harbour, than in sailing from it.

Q. Do you think any harbour could be there constructed affording safe refuge in any weather; and if so, at what probable expense?

A. I certainly do—but I apprehend the expense would be very great; as the works must be upon a far more extended scale than the one now proposed.

MR. WILLIAM MCINTOSH,

EXAMINED.

Q.—How long have you sailed this lake?

A.—I have sailed the lake about 7 years.

Q.—Are you acquainted with Cobourg, and the advantages of a harbour there?

A.—I think the chief advantage would be confined to Cobourg, and the settlements on the Rice lake.

Q.—Will you explain how it can be of no general advantage to have an additional Harbour on the coast? And of what advantage would it be to Cobourg and the country in the rear?

A.—I think, that in 8 cases of ten it would not be available for vessels generally in bad weather; but it would be useful to vessels in discharging and receiving cargoes, and in having a safe place while waiting there.

Q.—Do you think any harbour could be there constructed affording safe refuge in any weather? and if so, at what probable expense?

A.—I think one of such general use might be constructed, but at a heavy expense.

CAPTAIN WILLIAM BOWKETT,

EXAMINED.

Q.—What vessel do you command, and how long?

A. I command the Schooner Canadian, and am on the lake about 7 years.

Q.—Are you acquainted with Cobourg, and the advantages of a harbour there? and how far do you agree with the testimony of Messrs. C. & W. McIntosh, read to you?

A.—I fully agree with it in all particulars.

CAPTAIN JOHN MCINTOSH,

EXAMINED.

Q.—What vessel do you command, and how long?

A.—Schooner Brothers—On the lake about 12 years.

Q.—Are you acquainted with Cobourg, and the advantages of a harbour there? and do you agree with the testimony of the preceding witnesses now read to you?

A.—I fully agree in opinion with them.

Report of the Commissioners appointed to superintend the erection of a Light House on the False Ducks' Island, in Lake Ontario.

To His Excellency Major General Sir John Colborne, Knight Commander of the Most Honorable Military Order of the Bath, Lieutenant Governor of the Province of Upper Canada, and Major General Commanding His Majesty's forces therein, &c. &c. &c.

We the undersigned Commissioners appointed under the authority of an act passed at the last session of the provincial parliament, entitled "An Act to provide for the erection of a Light House on the False Ducks' Island, in Lake Ontario."

Most respectfully beg leave to report:

That, immediately after we had received official notice of our appointment in the month of May last, we met at Kingston, where after an attentive inspection of the light house erected by the Government of the United States on the Gallop Island, and obtaining other general information respecting the nature of the duties imposed on us, we advertised for tenders for building the tower of the Light House, on a spot which we had fixed on at the South eastern point of the False Ducks' Island. On the second day of June when the tenders were presented us, we concluded an agreement on the lowest terms proposed for the performance of the wood and mason work of a tower according to the following description:—The building was to be circular in form—sixty feet in height from the ground line—ten feet in diameter within walls, which were to be four feet in thickness at the bottom—and gradually diminishing to a thickness of two feet at the top. The floor or platform for the reception of the Lantern, was to be of cut lime stone well jointed and cemented, and supported by a substantial brick arch—The outer face of the Tower was to be rough cast in a neat and durable manner.—The contractors who were respectable mechanics, undertook to prepare the building for the reception of the lantern on the fifteenth day of September, when they were to be paid for their work the sum of five hundred and forty six pounds.

After effecting this contract on terms which on examination of the several tenders that were laid before us, showed to be advantageous, we next turned our attention to the Lantern, and the necessary apparatus for lighting it; which we understood might either be procured in England or in the United States.

We were induced in the first instance to ascertain on what terms we might be provided with the lighting apparatus from England, and with this view, we entered into correspondence with a gentleman resident at Quebec, from whom we obtained information which satisfied us that importation from that quarter could not be attempted. The apparatus for fitting up the light on Green Island in the Gulph of Saint Lawrence, with thirteen lamps, reflectors, &c. including the frame and roof of the lantern, packing, &c. cost, in the year 1809, according to the London invoice, upwards of fourteen hundred pounds, sterling, a sum far exceeding the whole amount appropriated for erecting as well as furnishing the Light House on the False Ducks. We were, therefore, obliged to address ourselves to the person who has for many years had a contract for fitting up and supplying the light houses of the United States. From this person we purchased ten lamps and ten reflectors, with other necessary materials including glass of double thickness for the windows of the lantern, on the terms stated in his account; which we consider reasonable. For the construction of the frame and roof of the lantern, it was necessary to make a separate contract, and as we could not until after some time spent in inquiry, discover and determine upon the most suitable plan and dimensions for that important part of the structure, it was not until the 30th day of August, that we could close an agreement respecting it with a mechanic resident at Brownville, in the State of New York. This person contracted for the sum of one hundred and sixty eight pounds, fifteen shillings, to make and set up the frame and roof of the lantern, furnishing at the same time the materials—and to complete the whole on the first day of November.

The form of the Lantern was to be octagonal with a copper dome or roof—the whole of the frame work for the windows was to be made of wrought iron, sufficiently stout with a copper door opening towards Point Traverse, and one range of copper sheets instead of glass along the lower part of the sash on each face of the Octagon. We, at first, felt some hesitation in using copper for the roof; being apprehensive of its cost—and as it is only in the proximity of the sea that this metal possesses any peculiar advantage as a cover for light houses, we entertained an idea that a tin roof would be equally as effectual a protection against the weather as copper, at the same time that it would be considerably cheaper. It turned out, however, that the contractor valued the difference between the cost of the two metals, at ten pounds only. The superior weight, and consequent probable solidity and durability of a copper roof, therefore, induced us to give it a preference.—Having thus made our arrangement, for the building and furnishing of the light house within the period limited by the statute, it was our hope that nothing would occur to prevent us from reporting at the prescribed time that the work had been completed. Difficulties have, however, arisen to delay the progress of the contractors, to which we feel ourselves called on to advert.

When the masons commenced their work it was their impression, as well as our own, that the Island itself would afford an ample supply of stone, fit for building as well as for making lime. In this respect we were disappointed, and it consequently became necessary to obtain materials from quarries at Mill creek, near Bath, and at Wapoo's Island, in Prince Edward's bay. The vessel employed in bringing those supplies of stone and lime, was frequently detained on the way, and prevented by the weather from unloading with regularity at the False ducks' Island, which, it is well known affords no shelter or protection from the winds. The masons thus lost much time, and instead of completing the tower according to contract, on the fifteenth day of September, they did not put up the platform of the lantern, until the latter end of October—a period so late in the season that we would not allow them to proceed and rough cast the exterior lest the severe frosts of the winter coming on before the work was dry, should damage it and cause the mortar to fall off—we have, therefore, on settling with them, reserved the sum of fifty pounds until the contract shall be fulfilled in all its parts, which can only be done next spring. We have, however, much satisfaction in stating that the tower, which is actually about sixty two feet in height from the ground line to the top of the platform, is neat in its proportions, and we may add that, as a piece of mason-work, we think it will vie in point of strength with any similar structure in America.

In the next place the contractor for the blacksmith work was disappointed in obtaining, at the proper time, his supply of iron at the furnace from which it had been ordered; and thus, he too, failed in fulfilling the conditions of his agreement within the stipulated period. Instead of erecting the frame work and roof of the lantern before the first day of November, he did not succeed in getting the roof in its position until the beginning of the present month; and he was obliged by the state of the weather and the prevalence of boisterous winds at so late a period in the season, to defer the completion of the work until the ensuing spring. We have, consequently, merely made him an advance of one hundred pounds on his contract, that he might be enabled to pay for the materials, viz. the copper and iron used for the construction of the lantern.

We have now to offer a few remarks on the purchases made at Boston, for fitting up the lantern. It will be seen on reference to the invoice of the apparatus for lighting, that the chandelier or frame for the lights has been prepared for the reception of fifteen lamps; though ten only have been imported. It is our opinion that fifteen lamps with reflectors are required in order to render the light house distinctly visible from every point on the horizon, embracing the entire scope on the lake from the vicinity of Point Petre to the gap between Point Pleasant and Amherst Island. In our actual purchases we have been governed by the means placed at our disposal—having however taken care to stipulate that in the event of a further grant being made by the legislature for the completion of the work, according to our suggestions, the other five lamps and reflectors shall be supplied on as favorable terms as if the whole apparatus had been obtained at the same time, and in one lot. Our purchases, it will be seen, are confined to the articles wanted for fitting up the lantern, and include nothing consumable except a year's supply of wicks—there is also a year's supply of spare tube glasses, which were recommended to us by our correspondent at Boston.

| | £ | s. | d. |
|--|----|----|-----------|
| The disbursements made in fulfilment of the act, will, on reference to the general account and vouchers which are herewith submitted, be found to amount to, | | | 887 14 11 |
| The sums held in reserve on the contracts until the Spring are: | £ | S | D |
| On Mason's contract, | 50 | 0 | 0 |
| On Blacksmith's do. | 68 | 15 | 0 |
| | | | 118 15 0 |
| | £ | | 1006 9 11 |
| Making an excess of expenditure beyond the amount of the appropriation of, | | | 6 9 11 |

In order to finish the light house in a proper manner, we have calculated that further disbursements will be necessary under the following heads:

| | £ | s. | d. |
|--|----|----|---------|
| Painting, glazing the lantern, putting up lamps, &c. &c. | 25 | 0 | 0 |
| Completing the number of Lamps to fifteen with tube glasses, wicks, &c. and all expenses for transportation, duty, &c., oil butts, &c. | 85 | 0 | 0 |
| | £ | | 110 0 0 |

Upon the completion of the work according to the plan hitherto acted on by us with the additions we have suggested, the province will possess, on the False Ducks, a good and sufficient light house built in conformity to the injunctions of the statute, and according to our view of the intentions of parliament.

Besides the light house itself, it is necessary to build a convenient and comfortable dwelling house for the keeper and his family, and to provide him a good boat, which, as well as his house, should be kept in repair at the public expense. We recommend that the house should be constructed of stone, in a durable and substantial manner; and are of opinion, that if built on the plan of those provided for the keepers of light houses in the United States, it would cost from four to five hundred pounds.

In order, therefore, to finish the light house and furnish it, and to provide a boat and a comfortable habitation for the keeper, (who in that solitary place should, at least, be made comfortable,) an additional appropriation of from six to seven hundred pounds will be required. Though we have every reason at present to suppose that the expense will not exceed the sum above stated, it is desirable, in our opinion, that the additional sum placed at our disposal should be seven hundred and fifty pounds.

It has been represented to us that a bell would be a very useful appendage to the light house, at times when thick fogs prevail. At such times lights are useless, and a bell rung at stated intervals by the keeper, may warn the mariner of the vicinity of the light house and enable him to ascertain and correctly shape his course.

In purchasing window glass for the lantern, it was a question in discussion with us, whether it ought not to be coloured, on account of the False Ducks being situated within fifteen miles of Gallop Island. If the cost of coloured glass should not much exceed that of common glass, it might be desirable to use it in the sashes facing the South and West. The time allowed for the completion of the building, has however been so brief, that we have been prevented from instituting any satisfactory inquiries on this subject.

Should it be considered important to establish some means of distinguishing between the lights on the two Islands, we beg leave to observe, that the coloured glass required for three faces of the Octagon can hereafter be obtained and substituted, without loss, for that now supplied, which can be taken out and reserved for repairs.

Having endeavored, as clearly and concisely as possible, to state all matters connected with our disbursements, we approach the subject to which our attention has been particularly directed, by the third and last

section of the statute, viz: "What tonnage or other duties upon vessels of all descriptions navigating Lake Ontario, will, in our opinion, be sufficient to defray the charge of maintaining the light house, repay the sum of one thousand pounds, with the interest accruing thereon, and in what manner and at what place, the said duties can be most conveniently collected." To this subject we have applied our best attention, with a view of collecting and laying before the Legislature, the most correct information within our reach.

In the course of our investigations, we have found an opinion prevail with many persons, that it would be more advisable to build and maintain the light house by appropriations from the general public revenue, than to burthen the shipping of the lake with a special duty for that purpose. This opinion is grounded on the assertion, that the duty would eventually fall on the consumers of goods transported in the vessels paying the duty, and the owners of produce sent to Lower Canada—and that besides his charge, the merchant would exact a profit on the money advanced to defray the additional expense incurred in the transportation of his goods—a more weighty reason than these, is, that all augmentations of the existing charges on transportation, would tend to divert trade from the River Saint Lawrence to the Hudson, to the prejudice of the navigation of the Upper province and of the markets of the Lower province. It has, however, been the uniform practice in England to support Light Houses by means of duties specially levied on the vessels for the benefit of which they were erected—and the same practice has been adopted in this province. One of the first objects of enquiry which engaged us, was the re-imbusement with interest of the money expended on the light house. As we are directed to take into our calculations the rate of tonnage duty to be levied on vessels, we would remark, that according to the impressions we entertain, such re-imbusement ought not to be insisted on.

By a statute passed in the year 1803 (43d. Geo. 3d. Chap. 2,) it was provided that a light house should be erected on the south western most point of Isle Foret, commonly called Simcoe Island, and that in order to defray the cost of its erection and repairs, a duty of three pence per ton on all vessels, boats &c. of ten tons and upwards, should be paid by masters of such vessels, at the first port at which they might arrive after passing Isle Foret. This law remained in force and was acted on (although no light house was ever built on Isle Foret) until the year 1818 when by the 59th. Geo. 3d. Chap. 1: it was declared that it "was inexpedient that such tonnage and light house duty should thenceforth be enforced and collected at any port where there was no light house erected;" and the duty was consequently no longer exacted on vessels passing Isle Foret. According to a return obtained from the office of His Majesty's Inspector General, it appears that the tonnage duties collected under the law of 1803 for the construction of the intended light house on Isle Foret at the ports of Johnstown, Brockville, Gananoque and Kingston, within the period embraced by the statute, i. e. from 1803 to 1818 amounted to the sum of nine hundred and ninetytwo pounds sixteen shillings and one penny half penny which, with interest, would form an amount exceeding at the present day, nineteen hundred pounds, or more by two hundred pounds, than is required to complete the constructions at the false ducks Island. Now as this sum was levied on the shipping for the special purpose of erecting a light house at the lower end of the lake, it appears nothing more than reasonable that the money so levied should be applied as originally intended; and under the impression that the Legislature regarding the matter in the same light that we do, will not require the ship owners twice to contribute the money necessary for the object in view, we leave this item out of our calculations. If we should be considered in error on this point, we have the satisfaction of knowing that the effect of such error on our estimate of the tonnage duty may be easily corrected.

The next point to be examined, (if, on the ground just stated, we discharge from our consideration the re-payment of the cost of the light house,) is the annual amount of the "charge for maintaining it," i. e. as we understand it, for paying the keeper, repairing the buildings, providing oil &c. According to the best information we can procure, we rate those charges as follows:

| | £. | s. | d. |
|--|-----|----|---------|
| Annual salary of the Keeper, | 100 | 0 | 0 |
| Oil allowed the keeper for his own domestic use not to exceed 20 gallons annually, | 6 | 5 | 0 |
| Three hundred gallons best winter strained oil for fifteen lamps, calculating them to be lighted about two hundred and sixty nights in each year, at 6s. 3d. per gallon, | 93 | 15 | 0 |
| Lamp glasses and wick, &c. per annum, | 7 | 10 | 0 |
| Repairs and incidental expenses, | 17 | 10 | 0 |
| | £ | | 225 0 0 |

In framing this estimate we have been guided in many respects by the expenditure for maintaining the United States' light house. The keeper of the light house on the Gallop Island, receives the salary and allowances specified in the foregoing statement and is provided with a boat, which, as well as his dwelling house, is kept in repair at the public expense. The keeper of the light house on the False ducks' Island should be as well provided for as that person, as the Island is a bleak and lonely spot which cannot be subjected to daily visitation like a light house in the immediate vicinity of a port. The keeper should be particularly respectable and trusty, for to him is confided the careful and regular lighting of the lamps—the custody of the oil &c., and on his judgment it must chiefly depend at what periods to commence and discontinue the lighting up of the lantern in each season. It is our opinion that the mode of managing and superintending the light houses in the United States approved by experience in that country, may, in many points, be adopted with advantage in this province.

The keepers should be required to render a quarterly account to the nearest collector or other proper superintendant, in which they should state the number of lamps lighted each night—the number of wicks, tube glasses, buff skins, and the quantity of oil on hand at the commencement of the quarter, together with the quantity they may receive

Appendix.] Report of Commissioners, Ducks' Island light house. [Journal, 1829, (31†)

in the course of the quarter. They should also keep a journal in which they should note, each day, whatever may occur with respect to the subjects under their charge. In addition to the allowances which have been already stated as proper for the keeper, he should be permitted to use the wood growing on the Island as fuel, and even to cultivate if he chose, the whole Island, which probably does not contain more than a hundred acres. Besides this, we recommend that Timber Island, which lies about three miles to the North west of the light house, should be held in reserve as a sort of appendage to it, for the purpose of supplying fuel, with which it now abounds, for the future use of the keeper.

Having thus estimated the whole annual charge of maintaining the light house at two hundred and twenty five pounds, we come to the examination of the duty by means of which it is to be defrayed; and which, according to the act, is to be levied "upon vessels of all descriptions navigating lake Ontario."

This intends, we suppose, that "vessels of all descriptions navigating lake Ontario" shall pay a tonnage duty on passing the light house, and not a general duty whether they pass the light house or not, in the course of their voyage.

A general tonnage duty forming a fund for the maintenance of light houses, may be levied in some countries; but as there are provincial statutes in existence imposing duties expressly for the support of other light houses on vessels which may pass them, it is probably the intention of the act that we should confine our inquiries to the vessels which pass the False duck's Island. With such vessels however, we would recommend that there should be included all vessels proceeding from any United States' port above Cape Vincent, to Kingston, or to the parts eastward of Kingston. After taking all such vessels into our calculation, and making minute enquiry of the several Collectors, who have readily given us such information as their offices could supply, we still find it difficult to make up a satisfactory and conclusive estimate of the number of trips performed by vessels bound to Kingston and the lower ports respectively, or of the total amount of the tonnage liable to duty. We, however, submit such an estimate as we have been enabled to form for the present year.

| | Tons. |
|--|--------------|
| American tonnage reported at Kingston, | 5000 |
| British do do do. | 1000 |
| American do do Prescott, | 8000 |
| British do do do. | |
| Three Steam-boats 31 trips each, making in all 24530 } tons—less $\frac{3}{4}$ d, | 16000 |
| Total. | 30000 |

According to this estimate the tonnage of the vessels liable to duty (leaving Brockville and Gananoque out of view) amounts to thirty thousand tons per annum—which at two pence per ton, will yield a revenue of two hundred and fifty pounds, or £25 more than the probable expense of maintaining the light house. If it were deemed necessary to include the re-imbursment of the expenses incurred in building the light house, which we have left out of our calculations, an additional duty of one penny per ton would be required; but this, for the reasons already stated, we do not anticipate.

If the annual amount of tonnage reported be equal to our estimate, (and we have reason to believe it will be not only equal to it at present, but that it will gradually increase from year to year) there would be a surplus of receipts beyond the disbursements necessary for maintaining the light house, which might be allowed to accumulate with the surplusage of duties levied for the support of the light house at Gibraltar point, under the statute 7th. Geo. 4 cap. 9. and be hereafter generally applicable for the erection of light houses in other parts of the province—or if in consequence of inaccuracy in our estimate, the tonnage duty should in any considerable degree exceed the sum intended to be raised for defraying the annual charges of the light house, a discretionary power might be granted to His Majesty's Executive Council to enquire into the matter at the end of three years and to reduce the rate if requisite to the exact sum wanted according to the average of that period. Perhaps since the main object of the duty appears to be to create a fund for paying the annual expenses of the light house, and not to levy any sum beyond the amount necessary for such purposes—the discretionary power vested in the executive council might be still further extended, and that Honorable body might be authorised, when solicited by petition from the ship owners, to examine the accounts connected with the fund from time to time, and after comparing the disbursements with the receipts, to re-adjust the one to the other, if necessary, according to the increased trade and navigation of the lake.

We find it stated that if the funded surplus of the duties for the light house on the Northern coasts of Great Britain shall at any time hereafter amount to a sum, of which the interest will defray the expenses of the lights, the rates of tonnage duties are by law directed to cease; but independently of the difficulties that would arise in attempting to act on this principle in Canada with respect to funding—it cannot be just policy on the part of the Legislature to raise a greater sum by means of tonnage duties than may be required to defray the annual charges.

In Great Britain it is usual to make the tonnage duty payable on foreign vessels: double that exacted for domestic vessels. In Upper Canada it has, hitherto, been customary to make no distinction, in this respect, between American and British vessels, and there are reasons which might be adduced to shew that no departure should be allowed from this established rule.

Upon the subject of the best manner of collecting the duties, and the most convenient place for their collection, we submit that, in our opinion the duties should be paid on the downward passage only, according to their full burthen by all vessels above ten tons, decked or not decked, laden or empty, at the port at which such vessels may touch next after passing the light house—according to this suggestion the duties would at present be collected at four Ports, to wit: Kingston, Gananoque, Brockville and Prescott; and it would be necessary that the master of a vessel touching at Kingston (or as the case might be) and there paying light house

duty, should on touching at the ports to the Eastward produce the certificate of the collector to whom it was paid, stating that fact in order to be exempted from the duty at the other ports. If the amount of the revenue from this source should hereafter allow it, the following plan might perhaps be worthy of adoption Vessels under fifty tons should pay light house duty at the rate specified in the foregoing estimate, to wit: two pence per ton. Vessels exceeding 50 tons in burthen sho'd pay at the rate of 2d per ton for the first fifty tons, and one penny half penny for every ton which they may measure beyond fifty—the reason for this distinction is, that vessels under fifty tons burthen are more generally fully laden than vessels of larger dimensions.

Packets resorting regularly and at stated times in each week to Kingston, and the ports to the eastward of Kingston might be licenced for the season by the respective collectors under the direction of the inspector General according to the number of trips performed in each week on the master or owner paying for the licence at the commencement of the season, in which case a deduction might be made of a sixth part of the rates computed for the season or of such proportion as the legislature may consider reasonable and proper.

Steam boats also—besides being relieved as they already are by the statute 59th. Geo. 3d. Chap. 16. from payment of duty in that part of the vessel which is occupied by the Engine and fuel, and is computed at one third of its tonnage, should be allowed licences if required, upon such terms as may be deemed reasonable.

The licences for Steam-boats ought, perhaps, to be obtained only at the Receiver General's office. It seems to us also, that as the American vessels resorting to Presque Isle will, in most cases, be benefitted by the light at the False Ducks, all such vessels resorting to that Port and, perhaps, also to Port Hope, should be subject to the payment of tonnage duty for the support of the light. Whether it is proper to grant any compensation to the collectors for the service required of them, in receiving and accounting for light house duties, and granting certificates it is not, we are aware, our province to enquire. We would merely observe that according to the authorities to which we have had access, it appears that the poundage allowed to collectors in Great Britain, on light house duties, varies from one shilling to four shillings in the pound; but that four shillings is the utmost allowed to any, even where the emolument it yields is under ten pounds a year. One shilling in the pound or five per cent would appear a very fair and just compensation to collectors in this country on light house duties, received and accounted for.

In order that the duty should be levied with correctness on the shipping of the Lake at all the ports, we would with deference remark how important it is that the measurement of each vessel should be duly ascertained, registered and certified. By the law of 1803 the duty of computing the burthen of vessels is in general terms left to the collectors, who, in making their computations may differ considerably from each other with respect to the measurement of the same vessel, and the consequence frequently may be that masters may be called on at some ports to pay less than the proper tonnage duty on their vessels; and at others more. As the shipping on the lake increase in number and tonnage the inconvenience resulting from the want of system and uniformity in this matter will be more sensibly felt—should any measures be adopted on this head, particular regulations will be required for American vessels, the tonnage of which is calculated differently from British tonnage. As many schooners are employed in the transportation of Staves from the upper parts of the lake to the lower end of Wolf Island, which do not touch at Kingston or at any port east of it, some measure will be necessary to render them accountable equally with others for Light House duty.

In closing our report we beg leave to say that we were indebted to the civility of the masters of the Steam-boats Queenston and Niagara for several passages in the course of the season to the false ducks, where they obligingly landed us without making any charge.

(Signed.) JOHN MACAULAY
MICHAEL SPRATT
JAMES MCKENZIE.

Kingston, 24th December, 1828.

B.

The COMMISSIONERS for building the Light House on the FALSE DUCKS' Island,

To Messrs. Matthew, Allan, Scott and MacLeod, Drs.

| | |
|---|----------|
| To amount due per contract dated 14th June, 1828, for building the tower of the Light House, £ | 546 0 0 |
| LESS | |
| a sum reserved in the hands of the commissioners until the rough-casting, cementing & completing of the mason-work in the ensuing Spring, | 50 0 0 |
| | £496 0 0 |

Kingston, 28th November, 1828.

Received from John Macaulay, Michael Spratt, and James McKenzie, Esquires, commissioners for building the Light House on the False Ducks' Island, in Lake Ontario, the above mentioned sum of four hundred and ninety six pounds, currency, on the contract for building the said light house—Having signed triplicate receipts.

Robert Matthew
William Allan
William Scott
John McLeod.

C.
The COMMISSIONERS for erecting a Light House on the FALSE DUCKS' Island in Lake Ontario.
To William Hardy.....DR.

| | |
|--|----------|
| To furnishing, setting up and completing the frame work and roof of the lantern of the said light house, according to contract dated the 30th day of August last, and to the specifications thereunto annexed, £ | 168 15 0 |
| LESS a sum reserved in the hands of the said Commissioners, until the said work shall be inspected and received by them in the ensuing Spring, | 68 15 0 |
| £ | 100 0 0 |

Received from the said commissioners the above mentioned sum of one hundred pounds, currency—Having signed triplicate receipts.
Kingston, 10th December, 1828.
WILLIAM HARDY.

D.

The COMMISSIONERS for building a Light House on the FALSE DUCKS' Island in Lake Ontario,
Bought of Winslow Lewis.

| | | |
|---------------------|--|-----------|
| 1828 November 5. | 2 casks and 1 box, containing 10 lamps, 10. 16 inch reflectors, 10 heaters, stove and funnel, and frame or chandelier for the lamps,..... | |
| | 2 pieces iron, 1 the spindle on which the chandelier and stove is placed, the other to lay across the top of the lantern for the end of the spindle to play in—1 Tin box, containing hand lantern and lamp, torch, oil-feeder, 6 wick-formers scissor, 2 files, 6 gross wicks. | \$ 560 00 |
| | 6 gross lamp wicks, at \$ 1 50, | 9 00 |
| | 1 box containing 100 lamp glasses at 18 cents, | 18 00 |
| | 3 boxes containing 160 lights 1 4 x 12 double thick glass, at 7 2 cents, .. | 116 20 |
| | Box for tube glasses, | 00 50 |
| | | \$ 703 70 |

Received payment in full of the above account, having signed triplicate receipts.

WINSLOW LEWIS.

Boston, Massachusetts,
18th December, 1828.

E.

Statement of duties paid on articles imported from the United States, by the commissioners for erecting a Light House on the False Ducks' Island in Lake Ontario.

| | |
|--|---------|
| On frame work and roof of lantern, | 18 15 0 |
| On lamps, reflectors, &c. | 21 0 0 |
| On glass, wick, &c. | 7 3 2 |
| £ | 46 18 2 |

Received from the Commissioners for erecting a Light house on the False Ducks' Island in Lake Ontario, forty six pounds, eighteen shillings and two pence, currency, in payment of the above account; having signed receipts in triplicate.

Kingston, 20th December, 1828.

THOS KIRKPATRICK,
Collector Port of Kingston.

F. No. 1.

The Commissioners for erecting a Light house on the False Ducks' Island in Lake Ontario

To James Macfarlane, DR.

| | | |
|----------------|--|--------|
| 1828 May 17 | To advertising for tenders for a Light house at the Ducks, with specifications 144 lines at 4d. | 2 8 0 |
| | Continuing do. 2 weeks at 1d. | 1 4 0 |
| | Printing 75 copies of do. in hand bills, | 0 10 0 |
| | £ | 4 2 0 |

Received payment in full of the above account; having signed triplicate receipts.

JAS. MACFARLANE.

Kingston, 25th August, 1828.

F. No. 2.

The Commissioners for erecting a Light house upon the False Ducks' Island in Lake Ontario,

To H. C. Thomson, DR.

| | | |
|-----------------|--|-------------------|
| 1828 May 20. | To advertising for tenders to build a Light House on the Ducks' Island, 135 lines, | £ s. d. 2 16 3 |
|-----------------|--|-------------------|

Received two pounds, sixteen shillings and three pence in full of the above account; having signed triplicate receipts.

H. C. THOMSON.

Kingston, 12th September, 1828.

F. No. 3.

The commissioners for erecting a light house on the False Ducks' island on Lake Ontario.

To D. Bethune, Esq. DR.

| | |
|---|--------|
| For drawing a building agreement between the commissioners and the masons and carpenters, and a copy thereof. £ | 1 10 0 |
| For drawing an agreement between the commissioners and William Hardy, for erecting the frame work of the Lantern and covering the Light House and copy thereof. | 1 10 0 |
| £ | 3 0 0 |

Kingston, 9th September, 1828.

Received payment in full of the above account, having signed triplicate receipts.

D. BETHUNE.

F. No. 4.

Abstract of monies disbursed by the undersigned Thomas Rogers, employed as Superintendent by the commissioners for erecting a Light house on the False Ducks' Island in Lake Ontario.

| | | |
|----------------|---|------------|
| 1828 May 8. | Paid expenses of Commissioners' visit to False Ducks and Gallop Islands, and to select the proper site for light house, | 4 4 7 |
| | 19. Paid expenses of my visit with commissioners and masons to examine quarry at the False Ducks, | 0 13 8 |
| July 18. | Paid my expenses in surveying works at the False Ducks, | 2 12 4 |
| | 30. Paid expenses of commissioners visiting works, | 1 13 7 |
| August 30. | Paid do. do. do. | 0 9 7 |
| | 31. Paid my expenses in travelling to Brownville, to get the contract signed for the lantern, | 1 18 4 1/2 |
| September 17. | Paid my expenses in surveying works, | 3 6 3 |
| October 21. | Paid do. do. do. | 2 17 9 1/2 |
| November 21. | Paid my expenses with commissioners, visiting island to inspect the tower, ... | 6 2 0 |
| December 17. | Paid my expenses visiting Island to inspect the lantern, | 7 9 0 |
| | Paid repairs of my boat used for the service of the commissioners, | 1 5 0 |
| | My charge for drawing plans and specifications, | 3 0 0 |
| | My allowance of 3 per cent on £ 536 for superintendance, | 17 17 7 |
| | £ | 53 9 9 |

Received from the Commissioners for erecting a Light house on the False Ducks' Island in lake Ontario, fifty three pounds, nine shillings and nine pence, currency, in full of the foregoing account; having signed receipts in triplicate.

Kingston, 20th December, 1828.

THOS. ROGERS,
Superintendent of Works.

F. No. 5.

The Commissioners for building a Light House on the False Ducks' Island, in Lake Ontario,

To David Ranken, Dr.

| | | |
|---------------------|---|-------------------|
| 1828 December 4. | To Cash paid transportation of Lamps, &c. from Rochester to Kingston, per Schooner George. | £ s. d. 1 10 0 |
| 5. | To cash paid premium of Exchange 2 per cent, on draft for £175 18 6 remitted to Boston in payment for Lamps, Reflectors, &c. | 3 10 3 |
| | To stationary supplied, | 0 10 0 |
| | £ | 5 10 3 |

Received from the Commissioners for erecting a Light House on the False Ducks Island in Lake Ontario, five pounds, ten shillings and three pence, currency, in payment of the foregoing account,—having signed triplicate receipts.

Kingston, 22d December, 1828.

D. RANKEN.

Communication from the Secretary of State respecting the erection of a Light House on Long Point.

Extract of a despatch addressed by the Right Honorable William Huskisson, late His Majesty's Principal Secretary of State for the colonies, to

His Excellency Lieutenant Governor Sir Peregrine Maitland, relating to the erection of a Light House on Long Point in Lake Erie, dated 26th March, 1828.

"I have the honor to transmit to you the copy of a letter from Mr. Backhouse, with its enclosures from Mr. Vaughan, His Majesty's minister at Washington, inviting at the request of the Secretary of State of the United States, the attention of His Majesty's Government to the expediency of erecting a light House on Long Point, Lake Erie, Upper Canada."

Major General, Sir P. Maitland, &c. &c. &c.

COPY.

Foreign office, 19th March, 1828.

Sir,

I am directed by the Earl of Dudley to transmit to you, the copy of a despatch from Mr. Vaughan, His Majesty's Minister at Washington, enclosing a communication from the Secretary of State of the United States, inviting the attention of His Majesty's Government to the expediency of erecting a Light House on Long Point, Lake Erie Upper Canada—and I am to request that you will lay the same before Mr. Secretary Huskisson for his consideration.

(Signed) J. BACKHOUSE.

R. W. HAY, ESQ.
&c. &c. &c.

COPY.

Washington, 9th February, 1828.

My Lord,

I have been requested by the Government of the United States to invite the attention of His Majesty's Government to the erection of a Light House upon Long Point, in Upper Canada, which stretches into Lake Erie:

I have the honor to enclose the copy of a Note upon this subject, which I have received from Mr. Clay, containing the representation of a member of congress, which has been made to the Government, and a copy of my Note to Mr. Clay, assuring him that I will immediately submit the proposal to the consideration of His Majesty's Government.

I have &c.

(Signed) C. R. VAUGHAN.

The Earl of Dudley, }
&c. &c. &c.

COPY.

Washington, 9th February, 1828.

Sir,

Satisfactory information has been received at this department that the commerce and Navigation of Lake Erie would be materially benefited by the erection of a Light House on Long Point, in Upper Canada. I invite your attention to a letter on that subject, a copy of which I transmit herewith, from Mr. E. Whitterly a Member of Congress of Representatives of the United States, who resides in the neighbourhood of the Lake. On the American side of the Lake, several Light Houses have been already erected, and others are contemplated. The advantages derived from those establishments are enjoyed as well by British as by American Commerce and Navigation. Being persuaded that the British Government would take measures promptly to cause a Light House to be erected on Long Point; if it were satisfied of its utility; I have to request that you will direct its attention to this subject, and favor me with the decision which it may hereafter make in regard to the present suggestion.

(Signed) H. CLAY.

The Right Honorable }
CHARLES VAUGHAN, }
&c. &c. &c.

COPY.

Washington, 4th February, 1828.

Sir,

The navigating and commercial interests on Lake Erie, sustain serious losses from the want of a light house on Long point, in Upper Canada. This point stretches so far into the lake, that in violent storms vessels are unavoidably driven on to it in the night season—and not only property, but the lives of our mariners are lost. I understand last fall that four of our vessels were driven on to this point in one storm; that a part of them went to pieces, and that the hands on board of those wrecked, perished. If there was a light house at this place, the Point, so far from endangering the safety of vessels, would furnish the best harbour on that shore—and is many times run into for that purpose,—when it can be discovered by day light. We have on our coast four light houses, which equally secure the British and our commerce, and others are in contemplation.

The commerce on this lake is fast increasing, and has now become too important not to be protected by the adoption of such reasonable measures, as shall give to it greater security. The British Government must feel an increased desire when the Welland Canal shall be completed, to give ample protection to the commerce on the Lake, whether the same shall be carried on in their vessels or in ours. I have the honor to call the attention of the State department to this subject, and to submit whether measures ought not speedily to be taken, either to induce the British Government to place a Light on Long Island Point, or to permit, under suitable regulations, this government to do it. If the Secretary of State shall wish the facts mentioned to be supported by the testimony of those who navigate the lake, I will obtain it at an early day, on being notified of its necessity—on another occasion the attention of this Government was called to a similar application, by the passage of a Resolution by the House of Representatives; if that course shall be preferred in this instance, I will pursue it, on being advised of your pleasure concerning it.

(Signed) E. WHITTERLEY.

The Honorable HENRY CLAY, }
&c. &c. &c.

COPY.

Washington, 8th February, 1828.

The undersigned &c. has the honor to acknowledge the receipt of the note dated the 6th instant of the Secretary of State of the United States, inviting the attention of the British Government to the expediency of erecting a light house upon Long Point, in Upper Canada, which stretches into the Lake Erie.

The undersigned will take the earliest opportunity of submitting Mr. Clay's Note to the consideration of His Majesty's Government.

The undersigned &c.

(Signed) C. R. VAUGHAN.

REPORT of Burlington Canal Commissioners.

SCHEDULE of papers relating to the Burlington Bay Canal, transmitted by the Lieutenant Governor to the House of Assembly 27th January, 1829:

- Report of the Commissioners dated the 24th January, 1829, marked A.
- Copies of papers relating to the state of the canal since removed from the management of Mr. Strobbridge, marked B.
- General account of monies received and expended on account of the canal, up to 1st January, 1829, marked C.
- Account of monies received and expended by Mr. Kerr as superintendent, marked D.
- Order of the commissioners regulating the tolls on certain articles, marked E.
- Copies of papers relating to the differences between the commissioners and the contractor, Mr. Strobbridge, on the payment of the award of the Arbitrators, under provincial statute 9th Geo. 4. chap. 12, marked F.

REPORT of the Commissioners of the Burlington Bay Canal.

A.

Copy.

To His Excellency Major General Sir John Colborne, Knight Commander of the Most Honorable Military Order of the Bath, Lieutenant Governor of the Province of Upper Canada, and Major General Commanding His Majesty's forces therein. &c. &c. &c.

The commissioners appointed in conformity to the provisions of an act passed by the legislature of this province, for making a navigable canal between Burlington Bay and Lake Ontario.

Most respectfully report,

That the undersigned had the honor of transmitting to His Excellency Sir Peregrine Maitland, in October last, Mr. Kerr, the superintendent's report of work done at this place during the last summer; since which little has been effected other than securing the machinery belonging to the work, and erecting a temporary bridge across the canal.

The commissioners paid to Mr. Strobbridge on the 11th December last, the sum of £1,734 14 8, and there remains in the hands of the Receiver General the sum of £1,500, as canal funds; the latter sum is claimed by Mr. Strobbridge, as a part of the amount awarded him by the Arbitrators; but subject to the decision of the court of King's bench, before which court the commissioners have laid their reasons for withholding the amount of the award.

In paying to Mr. Strowbridge the sum above mentioned, the commissioners were actuated by a desire of relieving many persons who had made advances to him while carrying on this work, as well as meeting Your Excellency's wish, that such persons should be relieved.

They, however, consider the sum so paid, to be the full and just amount due Mr. Strowbridge for labor and materials unpaid for before—he having now in his possession various articles which had been estimated for by the several Engineers, amounting to at least £1,500.

The commissioners beg leave to transmit for the information of your Excellency, a statement of the monies received, and paid out for the use of the Burlington bay canal, from the commencement of the same up to 1st January, 1829—Also an account of such monies as have passed through the hands of the superintendent, Mr. Kerr; and the amount paid to Mr. Strowbridge, the contractor.

It appears that the sum of £283 7 2½, exceeding the funds in hand, has been expended by the superintendent in securing the work this last season; which with the sum of £75 as expenses of arbitration &c. will make £358 7 2½ to be provided for; with such other sum for completing the canal, as Your Excellency may be pleased to recommend to the legislature.

Besides a large quantity of timber on hand ready for laying down in the spring, there are horses, tools, blacksmith's shop, barrows, hawsers, rigging, blocks and crab, &c. &c. to the good.

It is necessary for the commissioners to remark, that all houses, blacksmith's shops, horses, cattle, harness, tools, bedding, cooking utensils, &c. &c. included in the contractor's account of expenditures, and estimated for by the several Engineers, had been disposed of by Mr. Strowbridge; consequently, the Superintendent in commencing operations last spring, was obliged unavoidably to expend a large sum of money in the purchase of the above articles to proceed with the work; besides very extensive repairs to the dredging machine—the most of which floating machinery, he was obliged to haul out and repair; and in consequence of the buildings erected for the accommodation of the men, being in the possession of Mr. Strowbridge and his tenants, the Superintendent was obliged to pay a higher rate for the board and lodging of his hands.

The work laid down by Mr. Kerr, remains permanent and secure, although tested on several occasions by heavy easterly storms. Indeed the commissioners feel it due to that gentleman, to say, that they are perfectly satisfied with the manner in which he has conducted the work entrusted to his care.

Its permanency, as far as he has undertaken, as well as his Economy and attention in carrying it on, assures them that they have not been deceived in their selection.

The commissioners conceive it their duty to mention the very ready manner, in which His Excellency Sir P. Maitland met their request for money to secure the canal last summer, in granting £1000 out of the annual appropriation of £2,500; which, had His Excellency withheld, the work must have gone to total ruin; and the tolls collected this last season, amounting to upwards of £1,000, have been lost to the country.

The Burlington Bay Canal at present gives a safe winter harbour to eight merchant vessels, and the commissioners consider themselves warranted in assuming, that in eight years hence, it will give employment and protection to five times that number, yielding an increase of revenue quite proportionate.

(Signed) Wm. CHISHOLM, Wm. M. JARVIS, A. CHEWETT.

Burlington Bay Canal. } 24th January, 1829. }

B.

At a meeting of the commissioners this day were present.

WILLIAM CHISHOLM ESQ. WILLIAM M. JARVIS, ESQ. ALEXANDER CHEWETT, ESQ.

The commissioners examined the whole of the work as far as Mr. Kerr the Superintendent has repaired the same, which they are well satisfied with. The cribs are well tied and treenailed, and perfectly filled with good stone; and the manner in which the top of the South Pier is tied and decked meets the commissioners' entire approbation.

In consequence of the stone coming in so very rapidly, the commissioners have thought it advisable to recommend to the superintendent to discharge the whole of the stone boats for the present, as the means in their hands are limited; and if a greater quantity of stone is brought in, it may cripple their resources, and prevent them from making some necessary repairs to the North Pier.

The Commissioners have ordered that the sum of two hundred and sixty five pounds, five shillings and four pence be paid to William Chisholm Esquire, as that sum was assumed by Mr. Chisholm last winter, for Mr. Strowbridge the contractor; and that an order be given to Mr. Chisholm for that amount.

Ordered that the Secretary do write to Major Hillier, for the information of His Excellency the Lieut. Governor, relative to the leasing of Lots near the Burlington Bay Canal, or Port Huskisson.

It is also ordered that a copy of the proceedings of the commissioners this day be transmitted to His Excellency the Lieut. Governor.

(Signed) WILLIAM CHISHOLM, W. M. JARVIS, ALEXANDER CHEWETT.

Signed, M. J. KERR, Secretary.

Commissioner Chisholm's letter to the Lt. Governor with Report of the Superintendent.

Nelson, 14th October, 1828.

Sir,

I have the honor of enclosing to your address, Mr. Kerr's report of work done this season at the Burlington Bay Canal which you will be pleased to lay before His Excellency the Lieut. Governor.

The commissioners beg leave to return their best thanks to His Excellency for the very prompt manner in which he met their request for money to secure the work under their care—which would have gone to total ruin, had His Excellency withheld it.

I have the honor to be &c. (Signed) W CHISHOLM. Commissioner B. B. Canal.

To, Lt. Col. Hillier, &c. &c. &c. York.

REPORT from superintendent to the 1st Commissioner.

Burlington Bay Canal, 13th October, 1828.

Sir,

In obedience to an order of the Commissioners of the 16th of April

C.

A General statement of monies received and paid out, for, and on account of the Burlington Bay Canal, from the commencement of the same, to the January, 1829.

Table with 3 columns: Date, Description, Amount (£ s. D.). Rows include 13th August 1824, 5th February 1825, and Continued £.

last, I immediately put the Dredging Machine in repair and commenced deepening the Canal about the 10th May, which I found in some places quite shallow, not exceeding 6 1/2 feet, occasioned by the breaches made in the South Pier last fall—and by the 10th of June I discontinued the Dredge, having a depth of water averaging 12 feet throughout. I then began repairing the South Pier which was in a very shattered state,—I carried it out 800 feet upon the foundation laid down by Mr. Hall—200 feet of it had been washed away six feet below the surface of the water, and the other 600 feet I took down principally to the water level, which I have tied with timber of one foot square, fastened with two inch treenails, 22 inches long, and every five feet tied. The whole, 800 feet, is perfectly filled with heavy stone. 700 feet of this Pier, I have decked over with two and three inch plank, placing the plank lengthwise, crossing the top ties, and spiked with 7 inch spikes—with heavy oak gun-wales on both sides on the top of the ties, secured with treenails and iron bolts, 22 and 18 inches long—and with the view of protecting the foundation of this Pier, I have thrown over on the South side of it, about 40 cords of large stone brought from the islands below Kingston, which I think will add much to the security of the work, by giving the ground swell an easier ascent upon the Pier.

About the 1st of September, I commenced upon the North Pier, which I have repaired from one end to the other, measuring 700 feet, putting in additional ties in the lower timbers, treenailing the whole with two inch treenails 22 inches long. This Pier is perfectly filled with stone and decked over with 3 inch plank well spiked down, secured on the top in the same manner as the South Pier, with heavy ring bolts drove on the outer side, for the convenience of vessels fastening to. I have also laid down a Pier on the North side of the canal, 108 feet long, and 10 feet wide, for the purpose of preventing the sand washing into the channel.

The pier laid by Mr. Strowbridge at this point, was entirely washed away this fall. The whole length of Piers laid down and repaired by me this season, is as follows, viz:

Table listing pier dimensions: South Pier (192 feet long, 20 feet wide), North Pier (94 feet long, 20 feet wide), New Pier (108 feet long, 10 feet wide).

Making in all 1618 feet of Pier.

In laying the same down, I have never had more than 25 hands upon the work; and since the 15th of September I have had about 15. At that time, I discharged the stone scow men, say 10 hands; and on Saturday the 11th instant, I paid off 12 hands, leaving but 3 to finish some planking which they will complete in the course of this week. I have given my whole attention to the canal this season, and every economy has been observed in prosecuting the work.

In commencing operations this last spring, I found the Dredge, as well as all the Scows, Piling Scow, &c. &c. in very bad condition, and I was obliged to have them hawled out and repaired, before they could be used to any advantage. The piling scow alone has cost at least £50 in repairs—which with the others have taken largely from the means I had to secure the work with; otherwise I could have done something towards repairing the Piers in Burlington Bay, and adding to the security of the canal across the beach.

Before closing this report, I would suggest for the consideration of the Commissioners, the necessity of erecting a bridge across the Canal this winter, after the navigation is closed,—as well on account of the expense of the present ferry, as the convenience of travellers. The expense of a good swivel bridge would be about £250. At present I am paying £5 per month to the ferryman,—out of which he finds himself with board, lodging and liquor. He attends late and early, as well as on Sundays.

Should the Legislature feel disposed to prosecute this work to its completion, I would be happy to submit a plan for securing the harbor more effectually, and particularly against the sand forming in the bay across the channel.

The plan I would offer, if put into effect, would supersede the necessity of dredging out the channel so frequently as will be required upon the present plan.

All which is most respectfully submitted.

I have the honor to be, &c. (Signed) W. J. KERR, Superintendent B. B. Canal.

WILLIAM CHISHOLM, Esq. } First Commissioner B. B. Canal. }

Table with 3 columns: Description, Amount (£ s. D.). Rows include Paid the contractor by James Crooks, Contingencies paid by ditto, and Carried forward.

| | | Brought over £ | | | | Brought over, \$ | |
|-------------------|---|----------------|------|----------------|---|------------------|--------------|
| 20th May, 1825. | do. in favor of W. Chisholm, Esquire, | 1000 | 0 0 | | Paid the contractor by W. Chisholm, ... | 7650 | 5 0 |
| 23d Nov. 1825. | do. in favor of Jas. Crooks, Esquire, | 1000 | 0 0 | | Contingencies paid by ditto, | 349 | 15 0 |
| 28th Nov. 1825. | do. in favor of W. Chisholm, Esquire. | 1000 | 0 0 | 1827 Novr. 24. | Paid for a sett of large blocks by order of the commissioners, | 6 | 5 0 |
| 2d. Feb. 1826. | do. in favor of W. Chisholm, Esquire, | 1000 | 0 0 | 26th Novr. | Paid J. G. Strowbridge by order, .. | 838 | 15 2½ |
| 9th June 1826. | do in favor of Jas. Crooks, Esquire, | 500 | 0 0 | 15th Decr. | Paid do. by order, .. | 150 | 0 0 |
| | Amount of original Grant, £ | 8000 | 0 0 | 18th Decr. | Paid James Crooks' account against the canal, per order, | 11 | 2 5½ |
| 10th March, 1826. | Warrant in favor of W. Chisholm, Esquire, to purchase the dredging machine, | 2000 | 0 0 | 28 Jan. 1828. | Paid Mr. Barret the Engineer, | 11 | 10 0 |
| 2d March, 1827. | do. in favor of W. Chisholm, Esquire, to pay Jas. G. Strowbridge, .. | 2000 | 0 0 | | Paid W. Chisholm, Esquire, to meet the contractor's draft on the commissioners, .. | 300 | 0 0 |
| 10th Nov. 1827. | do in favor of A. Chewett, Esquire, | 500 | 0 0 | 1st Feb. 1828. | Paid J. G. Strowbridge, Paid Mr. Harris by A. Chewett, Esquire, .. | 112 | 10 0 |
| 14th Nov. 1827. | do. in favor of A. Chewett, Esquire, .. | 2000 | 0 0 | 1st April | Paid W. J. Kerr's account by order, | 25 | 0 0 |
| 16th Aug. 1828. | do. in favor of W. Chisholm, Esquire, .. | 265 | 5 4 | 5th May, | Paid James Crooks amount of his account, | 185 | 7 7½ |
| | Received upon His Excellency Sir P. Maitland's warrant, 5th August, 1828, | *500 | 0 0 | | Amount of expenditure for May, | 128 | 8 11 |
| 2d Sep. 1828. | Received upon His Excellency Sir P. Maitland's warrant, His Excellency Sir John Colborne's warrant to pay J. G. Strowbridge, | *500 | 0 0 | | Amount of ditto for June, | 157 | 10 3½ |
| 11th Dec. 1828. | Balance expended by the Superintendent in securing the work over the funds in hand, | 283 | 7 2½ | | Amount of ditto for July, | 238 | 11 7 |
| 1828 | | | | | Amount of ditto for August, .. | 546 | 5 11 |
| December 31. | | | | | Mr. Kerr's expenses attending at York with books and papers, | 3 | 12 6 |
| | | | | | Amount of expenditure for September, | 292 | 19 5½ |
| | | | | | Amount of ditto for October, November & December | 388 | 1 0½ |
| | | | | December | Paid W. Chisholm for stone delivered at the canal by his vessels, | 223 | 10 4 |
| | | | | | | | 904 10 16 |
| | | | | December 31. | Due Wm. Chisholm for sundries furnished for the use of the canal. | 4 | 6 1 |
| | | | | | Due P. McGee, the ferryman, | 24 | 0 0 |
| | | | | | Due James Fletcher for building a temporary bridge across the canal, | 7 | 10 0 |
| | | | | | Due A. T. Kerby for 1300 feet 2 inch plank for covering the bridge, at 7s 6d. | | 4 17 6 |
| | | | | | Due W. J. Kerr, as secretary to the commissioners, for 9 months' salary at £50 per annum, from 1st April, to 31st December, 1828, | | 37 10 0 |
| | | | | | Due W. J. Kerr, as superintendent of the works, 9 months' wages from 1st April to 31st December, 1828 inclusive, being 275 days at 5s | | 68 15 0 |
| | | | | | This sum assumed by W. Chisholm, Esq. for James G. Strowbridge, and paid by His Excellency Sir P. Maitland's warrant the 16th August, 1828 | | 265 5 4 |
| | | | | | This sum paid to J. G. Strowbridge, on the 11th December, 1828, as per His Excellency Sir John Colborne's Warrant, | | 1734 14 8 |
| | | | | | | | £ 17783 7 2½ |

* £ 1,000—This sum granted by His Excellency Sir P. Maitland, out of the annual appropriation of £ 2,500.

Burlington Bay canal,
1st January, 1829.

E. E.

(Signed.) WILLIAM KERR,
Superintendent.

Expended by the Superintendent in securing the works,
over the funds in hand,
Expenses of Arbitration, &c.

283 7 2½
75 0 0

Pro. currency, £ 358 7 2½

An account of monies paid to James G. Strowbridge the contractor, on account of the Burlington Bay Canal, by the Commissioners and Wm. J. Kerr, the superintendent.

Table with columns for dates, descriptions of payments, amounts in £ s d, and original grant amounts. Includes entries for 1827, 24th Novr, 15 December, and a summary for Burlington Bay Canal on 1st January, 1829, signed by William J. Kerr, Secretary and Superintendent.

D. Account of monies received and paid out, by William J. Kerr, Superintendent, for, and on account of the Burlington Bay Canal.

Large table with two columns of entries. Left column shows receipts from the Bank of Upper Canada and other sources. Right column shows payments for various expenses, including wages for the superintendent and contractor, and sundries. Totals are given at the bottom of each column.

* £ 1,000—This sum granted by His Excellency Sir P. Maitland, out of the annual appropriation of £ 2,500.

Burlington Bay canal, 1st January, 1829.

E. E.

Balance expended by the Superintendent in securing the works, over the funds in hand, (Signed.) WILLIAM KERR, Superintendent.

E.

Order of the Commissioners, regulating the toll on certain articles.

Burlington Bay Canal, 16th April, 1828. In pursuance of the tenor of the 18th clause of the Act passed on the 19th March, 1823, entitled, "An act to provide for constructing a navigable canal between Burlington bay and Lake Ontario," which authorises the commissioners to make the rate of toll on articles not enumerated in proportion to the rates in that clause mentioned. It is ordered, that on the following articles, tolls shall be taken according to the schedule hereunder written.

Table listing toll rates for various items: Butter per barrel (1s. one shilling), Bees wax per barrel (1s. one shilling), Herring per barrel (1s. one shilling), Lard per barrel (1s. one shilling), Ploughs each (6d. six pence), Shingles per M. (3d. three pence), Peas per bushel (1d. one penny).

And agreeably to the second clause of an Act of the parliament of this province passed on the 19th January, 1824, entitled "An act to amend and extend the provisions of an Act passed at the last session of parliament entitled an 'Act to provide for constructing a navigable canal between Burlington bay and Lake Ontario,'" which authorises the commissioners to lower the rate of Tolls as is therein mentioned.

It is ordered, that the rate of toll on each barrel of flour shall hereafter be six pence, and wheat one penny per bushel, provincial currency.

By order of the Burlington bay canal commissioners,
(Signed) WILLIAM J. KERR,
Secretary.

F.

A statement of funds applicable to the uses of the Burlington Bay Canal, unappropriated.

| | £ | s. | d. |
|---|------|----|----|
| Amount of the last grant of money, passed 17th February, 1827. | 5000 | 0 | 0 |
| Paid J. G. Strobridge by the Lieutenant Governor's warrant, 17th March, 1827. | 2000 | 0 | 0 |
| Lieutenant Governor's warrant to Alexander Chewett, Esquire, 10th November, 1827, | 500 | 0 | 0 |
| Lieutenant Governor's warrant to Alexander Chewett, Esquire, 14th November, 1827, | 2000 | 0 | 0 |
| | 4500 | 0 | 0 |
| In the hands of the Receiver General, | 3500 | 0 | 0 |
| Deduct advance to the contractor last winter at York, by William Chisholm, | 265 | 5 | 4 |
| Pro. currency, £ | 3234 | 14 | 8 |

Amount of unappropriated funds.

Burlington Bay Canal,
21st April, 1828.
(Signed) W. J. KERR,
Secretary.

MR. KERR TO THE ARBITRATORS.

Burlington Bay Canal,
17th May, 1828.

Gentlemen,

Agreeably to a resolution of the Burlington Bay Canal commissioners, I am authorised to act for them, before you, the Arbitrators, agreeably to the provisions of an Act passed at the last session of parliament for settling all differences between the said commissioners and James G. Strobridge the resident contractor.

At the commencement of your investigation, I felt it my duty to lay before you all the books and documents connected with the work of the said canal, as well as to prove that the commissioners were always guided, and acted agreeably to the terms of the contract, throughout the whole course and progress of the transactions with Mr. Strobridge the resident contractor.

I have proved that the contract entered into between the parties above mentioned, was not dissolved by the act of 1827. I have also proved that the commissioners were always in advance with the contractor agreeably to the contract price.

Proved that the said cribs were experimental, and the contractor liable to replace the same, in case they proved insufficient.

I have proved that no promises, on the part of the commissioners were ever made to the contractor to pay him the amount of Mr Barrett's report of work done; I have also proved that Mr Barrett was ordered by the commissioners to make a second estimate of work done. I have also proved that Mr. Barrett was ordered by the commissioners, to make a second estimate of work done agreeably to contract price, which he did not do.

I have further proved the contractor promised to complete the canal, provided the government would purchase the dredging machine from him.

Proved that the commissioners offered the whole of the money in their hands (as canal funds) to the contractor, provided he would give them security for the completion of the work contracted for.

Proved that Mr. Barrett's estimate is not a correct one.

Proved that the work generally, was not laid down agreeably to contract, in as much as the ties were insufficient, the timbers not treenailed properly, and blocks of wood were thrown into the cribs instead of stone.

I have proved that the contractor's men were in the habit of slighting the work, that is, they did not bore deep enough in treenailing the timbers together.

I have shewn to you, the Arbitrators, that the ties generally, were nothing more than saplings, instead of being good timber of one foot square.

I have also shewn you, that two inch plank was used by the contractor for ties instead of timber of one foot square.

I have proved to you that Mr. Strobridge's statements of expenditures are not correct; that his hands idled away a very great part of their time, which he has charged an extravagant price for, besides charging for the keeping and labour of horses he never had on the work.

As Mr. Strobridge has charged horses & oxen purchased for the use of the work, and since sold and bartered them away, I conceive the amount so charged should be refunded; they being estimated for with his other expenditures by Mr. Hall, the Engineer, together with bedding, cooking utensils, tools, harness, blacksmith's shops, shanties and buildings connected with the works, as well as boats, scows, piling-scows, and

the loss of several boats, scows, &c. estimated for by Mr. Barrett.— If the above items are to be allowed for, as estimated by the several engineers, I on the part of the commissioners, must demand them, and such as are not forthcoming or produced, must be deducted from Mr. Strobridge's claim.

I cannot conceive upon what grounds the contractor of a public work founds his claim for personal expenses and superintendance.

From the very bad state of the work altogether, occasioned by the insufficient manner in which it has been laid down by the contractor, it is the opinion of the commissioners, and I am authorised to say, that the contractor ought to replace the same, agreeably to promises made by him, which I proved by Mr. Crooks and Mr. Chisholm. Acting as I am, in behalf of the commissioners, I have not come here, without instructions, or without consulting the best legal advice—and taking every circumstance connected with the work at this place, I believe I am quite as well acquainted with the whole of the business of the canal, as far as it has gone, as any other person:— and I must say, take it as a public work, solemnly contracted for, in good faith on the part of the commissioners, it is the most shameful (without giving it a harder name,) piece of work, I ever beheld.

I have the honor to be, &c.
(Signed,) W. J. KERR,
Secretary B. B. C. Commissioners.

To DANIEL O'REILLY, Esq. } Arbitrators:
EDWARD M'BRIDE, Esq. }
A. N. M'NAB, Esq. }

MR. KERR TO THE ARBITRATORS.

Burlington Bay Canal, }
19th May, 1828. }

Gentlemen,

I had the honor of addressing you on the 17th instant, relative to the subject matters of your investigation, as Arbitrators and in addition to which I beg leave to submit for your consideration the propriety of referring to the reports of Messrs. Moore and MacTaggart, which were made subsequent to Mr. Barrett's—also that of Mr. Harris. The latter embraces work and materials from the date of Messrs Moore and MacTaggart's estimate, up to the 13th October last—all which is sworn to by the several Engineers.

I have the honor to be, &c.
[Signed] W. J. KERR,
Sec'y. B. B. C. Commissioners.

To Daniel O'Rielly, Esquire, } Arbitrators.
Edward McBride, Esqr. }
A. N. McNab, Esquire, }

Burlington Bay Canal,
19th May, 1828.

Agreeably to the request of the arbitrators, the canal commissioners met this day; and the following communications passed between the arbitrators and commissioners

"The Arbitrators claim as remuneration for their time and trouble, the sum of £37 10s, each, making the sum of £112 10 0, currency, and the further sum of £3 15 10, currency, for the professional services of Thomas Taylor, Esq. for drawing up award, &c."

"They also request, that the commissioners will name the sum to be allowed to witnesses."

[Signed] DANIEL O'REILLY,
EDWARD M'BRIDE,
A. N. M'NAB.

19th May, 1828.

Gentlemen,

In answer to your communication respecting the allowance to the Arbitrators, and for the professional services of Mr. Taylor, as well as that for witnesses, I am directed by the commissioners to say, that they will give the same due consideration, together with the other matters of the same nature, after the decision of the Arbitrators is made known to the commissioners.

I have the honor to be, &c.
[Signed] W. J. KERR,
Sec'y B. B. C. Commissioners.

To Daniel O'Reilly, Esquire,
Edward M'Bride, Esquire,
A. N. M'Nab, Esquire,

19th May, 1828.

Gentlemen,

"In reference to the act under which we are acting, you will see that it is impossible for us to make an award with any degree of certainty, without a distinct answer from you, as to the amount of money in your hands, unexpended—and in order that you might give that with the certainty the case demands, we furnished you with the statement sent you this morning. We therefore request a correct statement of monies applicable to the canal in your hands unexpended."

We are, &c.
[Signed] DANIEL O'REILLY,
EDWARD M'BRIDE,
A. N. M'NAB.

To the Commissioners of the B. B. Canal.

Reply of the Commissioners to the foregoing.

"A statement of the monies unappropriated, applicable to the uses of the Burlington Bay Canal, was handed to the Arbitrators by the Secretary, Mr. Kerr."

From the Arbitrators to the Commissioners.

"The Arbitrators regret that their application to the commissioners should have been misunderstood—as they fully intended, and on reference to their communication of this morning, the commissioners will perceive, their application to be precisely in the words of the act—that is, for the

amount of the monies in their hands unexpended, and which they now request."

[Signed] DANIEL O'REILLY, EDWARD M'BRIDE, A. N. M'NAB.

19th May, 1828.

From the Secretary to the Arbitrators. Burlington Bay Canal, 19th May, 1828.

Gentlemen,

Previous to your application to be made acquainted with the amount of funds remaining unappropriated to the use of the canal, the commissioners had ordered the sum of £800 to be placed in the hands of the Superintendent, for the purpose of putting in repair the Dredging machine—keeping clear the canal, and paying the Arbitrators, Engineers, and other contingencies.

I have the honor to be &c. [Signed] W. J. KERR, Secretary.

To Daniel O'Reilly, Edward M'Bride, A. N. M'Nab, } Esquires.

19th May, 1828.

The Secretary of the Burlington Bay canal commissioners was directed to ask the Arbitrators for the number of days employed by them in their investigation, to which the following was received.

"The Arbitrators received the verbal communication of the commissioners, through their Secretary—and as they conceive they have a right under the Act, to place a proper value on their time and trouble, they have done so, and the payment now rests with the commissioners, whom they make no doubt will give the same due consideration, together with other matters of the same nature"

"But the Arbitrators call the attention of the commissioners to the payment of the witnesses and engineer, Mr. Barrett."

[Signed] A. N. M'NAB, DANIEL O'REILLY, EDWARD M'BRIDE.

Minute of the Arbitrators.

It appears to the Arbitrators, that the sum of £13,096 1 2½ has been paid to the contractor, and the commissioners report that the sum of £3,34 14 8 remains unexpended, and that £18,000 has been appropriated; leaving a balance of £1669 4 1½ remaining to be accounted for. The Arbitrators request that the commissioners will shew how the balance has been appropriated.

[Signed] A. N. M'NAB, DANIEL O'REILLY, EDWARD M'BRIDE.

19th May, 1828.

Summons of the Arbitrators to the Secretary.

To William J. Kerr, Esq.

By virtue of powers in us vested by a certain act of parliament, passed in the 4th session of the 9th Provincial Parliament; We command you, that all business being laid aside, and all excuses ceasing, you appear in your proper person before the Arbitrators at their session at the house of Jacob Spaun, Innkeeper, on Monday, the 19th May instant, to give evidence on the various matters submitted to the decision of said Arbitrators.

[Signed] DANIEL O'REILLY, EDWARD M'BRIDE, A. N. M'NAB.

Burlington Bay, 19th May, 1828.

Upon which summons Mr. Kerr attended upon the Arbitrators, and explained the whole of the accounts connected with the canal, and corrected an error of the Arbitrators of about one thousand pounds.

He also gave them a general statement of monies applicable to the construction of the canal from the commencement of the same.

After which the Arbitrators handed in to the commissioners their award, amounting to £3,234 14 8, in favor of the contractor.

Award of the Arbitrators.

To all to whom these presents shall come— We, Edward M'Bride, of the Town of Niagara, in the Niagara District, Esquire, Daniel O'Reilly, of the Township of Nelson, in the Gore District, Esquire, and Allan Napier M'Nab, of the Town of Hamilton, in the Gore District, Esquire, send Greeting:—Whereas by an Act passed in the last Provincial Parliament of this Province, entitled, "An Act to provide for the valuation of labor and materials applied in constructing the harbour at Burlington Bay, and for other purposes relating to the said harbour,"—After reciting that there appeared reason to doubt whether the amount paid to the contractor for making the canal at Burlington Bay upon the estimate made in pursuance of the Act of parliament of the province passed for that purpose during the then last session, would remunerate the said contractor for the monies actually expended by him for labour and materials applied in the construction of the said work. And further reciting that from the peculiar nature of the said undertaking the difficulties and expense attending its prosecution could not be certainly foreseen,—and as there was reason to expect that the revenue arising from tolls and duties to be levied at the said canal would reimburse the charge of the work,—and the said contractor, James G. Strobridge, had by his petition set forth that he had suffered great loss by the said work,—and had prayed that measures might be taken for ascertaining by arbitration the true value of the labor and materials applied by him in constructing the same,—it was enacted, that it should and might be lawful for the commissioners appointed to superintend the said work at

Burlington Bay or a majority of them, within one month from the passing of the said recited act, to appoint one arbitrator, and for the said James G. Strobridge within the same period, to appoint another arbitrator, and that the said two arbitrators, within one week after their appointment, should and might appoint a third arbitrator, which three arbitrators should have power to summon witnesses before them and to hear them on oath—and if they thought it expedient to hear the commissioners or any of them, and also the said James G. Strobridge, on oath, as to all such matters and things as might appear necessary for enabling them to make a just award upon the true value of the materials and labor applied by the said James G. Strobridge in the prosecution of the said work. And whereas it was by the said act further enacted, that the sum which should be awarded by the said arbitrators or a majority of them, to be due to the said James G. Strobridge, if any sum should be found to be due—should be paid to him by the commissioners for superintending the said work, out of the monies theretofore granted for the making of the said canal. Provided always, that such award should be made in writing, under the hands and seals of the arbitrators, making the same, on or before the first day of June then next. And provided that it should not be lawful for the said arbitrators to award to the said James G. Strobridge a greater sum of money than should, at the time of making the said award, remain unexpended, of the monies already appropriated for the erection and completion of the said work.

Now Know Ye, that We, the said Edward M'Bride, Daniel O'Reilly, and Allan Napier M'Nab, having duly taken upon ourselves the burden of the said Arbitration, and having duly qualified ourselves for the performance of the same agreeably to the provisions of the said in part recited act; do assess, award, and determine the true value of the materials and labour applied by the said James G. Strobridge in the prosecution of the said work, at the sum of sixteen thousand three hundred and thirty pounds, fifteen shillings and ten pence half penny. And we do further award, assess, and determine, the sum of three thousand two hundred and thirty four pounds, fourteen shillings and eight pence, as the sum to be paid by the said commissioners as a balance due to the said James G. Strobridge, on account of the value of the materials and labor applied by the said James G. Strobridge in the prosecution of the said work. And we do award and determine that the said sum of three thousand two hundred and thirty four pounds, fourteen shillings and eight pence, being a sum not exceeding that remaining unexpended of the monies appropriated for the erection and completion of the said work, shall be paid by the said commissioners or one of them to the said James G. Strobridge, his certain Attorney, Executors, Administrators or Assigns, on the second day of June next, by eleven o'clock of the forenoon, at the Court House for the District of Gore, in the Town of Hamilton, in the said District.

In witness whereof, we, the said Edward M'Bride, Daniel O'Reilly, and Allan Napier M'Nab, the said arbitrators have to this our award, set our hands and seals, this nineteenth day of May, in the year of our Lord, one thousand eight hundred and twenty eight.

[Signed] EDWARD M'BRIDE, DANIEL O'REILLY, ALLAN N. M'NAB.

Signed, sealed and delivered, in presence of [Signed] JOHN CHISHOLM, JOHN L. WILLIAMS.

A true copy, [Signed] W. J. KERR.

Report of the Commissioners to the Lieutenant Governor on the award, &c.

To His Excellency Sir Peregrine Maitland, Knight Commander of the Most Honorable Military Order of the Bath, Lieutenant Governor of the Province of Upper Canada, and Major General Commanding His Majesty's forces therein, &c. &c. &c.

The commissioners appointed by Your Excellency in conformity to the provisions of several acts passed by the legislature of this province; for making a navigable canal between Burlington Bay and Lake Ontario.

Most respectfully report—

That the period for transmitting to your Excellency a regular report upon the work entrusted to our superintendance has been prolonged much beyond the usual time. The delay has been occasioned from unavoidable circumstances connected with the undertaking. Differences between the contractor and the commissioners arose, which could only be adjusted by the interference of the legislature.

The contractor memorialized Your Excellency upon the same, and, agreeably to his prayer, the subjects of his complaint were laid by Your Excellency before the Provincial Parliament. Upon which an act was passed at the last session of the Legislature, providing for the valuation of the labor and materials applied in constructing the harbor at Burlington Bay by arbitration. In conformity to the provisions of the said act, arbitrators were appointed. When Daniel O'Reilly, Esq. was chosen by the commissioners as their arbitrator; Edward M'Bride, Esq. on the part of the contractor; and Allan Napier M'Nab, Esq. the third person as the act directs.

The above named arbitrators met at the Burlington Bay Canal on the 10th April last, and were sworn before Robert Nelles, Esq. one of His Majesty's Justices of the peace, for the District of Gore.—And with the view of putting the arbitrators in full possession of all matters relating to the said canal; the commissioners met on that day at the same house with the arbitrators, and directed their Secretary Mr. Kerr, to lay before the arbitrators, all books, accounts, papers and plans belonging to the Burlington Bay Canal Commissioners, and instructed him to give daily attendance on them during their session.

From Mr. Kerr's knowledge of the whole business connected with the canal, the commissioners passed an order, giving that gentleman full authority to act for them before the arbitrators according to the best of his judgment. They also ordered the sum of eight hundred pounds to

be placed in his hands as superintendant of the work, for the purpose of putting in repair the dredging machine, keeping clear the canal, and answering the purposes of repairing the accidents which may happen to the same,—and also for the purpose of paying the arbitrators appointed under the act in such case made and provided,—and such Engineer or Engineers as may be employed, and all contingencies dependent thereon.

The commissioners made some alterations as to the tolls to be exacted at the canal, which the accompanying schedule will more fully explain.—See No. 1.

The commissioners met again on Monday the 21st ultimo, at the canal—when they received the following communication from the arbitrators :

“The commissioners are requested to furnish the Arbitrators with a statement of monies applicable to the uses of the canal “unappropriated” which statement was handed in to the arbitrators by the secretary—the commissioners beg leave to transmit a copy of the same to Your Excellency, No. 2.

A further meeting of the commissioners took place at the canal on the fifteenth instant for the purpose of inspecting the whole work, in company with the arbitrators, which was examined minutely; and before the commissioners adjourned, they were requested by the Arbitrators to meet again on Monday the 19th instant. The secretary was directed to attend upon the arbitrators in the investigation of accounts connected with the canal.

The commissioners beg leave to call the attention of Your Excellency to a statement of facts proved before the arbitrators by Mr. Kerr, as contained in his letter of the 17th instant to the arbitrators; also his second letter dated 19th instant, copies of which are herewith enclosed; and also to the fact, that when the contractor was called upon by Mr. Kerr, (then acting on behalf of the commissioners) to be sworn by the Arbitrators, and there to give evidence on oath, which the said arbitrators had full power by the act to do, the arbitrators said, that the said contractor could not be called upon to give evidence, and they declined peremptorily to do so: by which means many very important facts must have been kept back from the view and knowledge of the arbitrators: but, at the same time, they swore other of the contracting parties to the same agreement, to which Mr. James G. Stobridge was a party; namely, James Crooks, and William Chisholm, Esquires, also Mr. W. J. Kerr, the secretary.

Agreeable to the request of the arbitrators the canal commissioners met again, on Monday the 19th instant, at the canal, when several communications passed between the arbitrators and the commissioners—See No. 3.

The arbitrators handed in their award to the commissioners, for labor and materials applied to the construction of the harbor of the Burlington Bay, in favor of Mr. James G. Stobridge, the contractor, amounting to £3,234 14 8—a sum far beyond any thing like what the commissioners had reason to anticipate—Indeed, it embraces every farthing unappropriated; and your Excellency will discover from the correspondence of the arbitrators on the 19th instant, that it is more than probable that they would have awarded the sum which had been appropriated by the commissioners for the purpose of putting the dredging machine in operation, had it been in their power.

After the proofs adduced by the Secretary Mr. Kerr in the course of the investigation, the decision appears most extraordinary. It has been mentioned to the commissioners, (although not by the arbitrators) that a further sum of £3,750, will be recommended by the arbitrators as remuneration due to the contractor, which the commissioners suppose Mr. Stobridge will apply to the legislature for.

The commissioners met here again to-day, for the purpose of demanding from the contractor, (Mr. J. G. Stobridge) sundry articles estimated for by the several Engineers—such as boats, scows, piling-scows, buildings, shanties, blacksmith's shops, cattle, horses, tools and bedding; cooking utensils and harness.

Mr. Stobridge was called upon to-day by the commissioners to deliver up to them the articles above enumerated; when Mr. Stobridge delivered up one Crane scow, one piling-scow, one stone-scow, and a scow used at the Ferry; but refused to deliver up the buildings, shanties, blacksmith's shops, cattle, horses, tools, bedding, cooking utensils, &c.—and said that one of the arbitrators told him, that the scows only were considered as belonging to government.

Your Excellency will perceive, that in the award made by the arbitrators, they have mentioned no articles as belonging either to the CONTRACTOR or the GOVERNMENT, which the commissioners conceive they ought to have done—and merely to mention a matter of such importance to the contractor—and this with other circumstances above stated, leads them to believe, that the property demanded must have been intended to belong to the government.

The commissioners certainly think that the award for the above reason, is not a just one—& from that cause, as well as the contractor's refusing to deliver over the property belonging fairly and justly to the government, they cannot, in justice to themselves or the public, pay over the sum awarded; and although it must create great delay, they deem it right that the matter should be further looked into and investigated, either by the provincial legislature, or by a court of law, as the contractor may conceive most expedient.

The commissioners conceive it their duty to state to Your Excellency, that unless measures are taken this summer, to secure the Piers in Lake Ontario, the heavy gales usually experienced here in the fall of the year, will destroy the whole of the south pier, which is in a very shattered condition.

The money retained by the commissioners for the purpose of keeping the channel open, will not be sufficient to attempt any repairs of importance.

All which is most respectfully submitted.

(Signed) Wm. CHISHOLM,
R. NELLES,
Wm. M. JARVIS,
A. CHEWETT.

Burlington Beach,
27th May, 1828.
[Signed]

W. J. KERR,
Secretary.

[Copy]

Mr. Stobridge to the Government on the non-payment of the award by the Arbitrators.

York, June 6, 1828.

Sir,

The arbitrators appointed according to the provisions of an act passed during the last session of the Legislature for settling and arranging the difficulties that had arisen between the commissioners of the Burlington Bay Canal and myself as contractor; awarded, that on the second day of June, the said commissioners or their agent should pay over to me the sum of three thousand two hundred and twenty four pounds, fourteen shillings and eight pence, at the court house at Hamilton, in the district of Gore; and that this payment should be made by eleven o'clock of the same day.

I attended at Hamilton, at the time and place mentioned in the said award, and remained there for nearly two hours in expectation of meeting with the said commissioners, but neither did they, or any one in their name, make their appearance, or pay over to me any money, whatever, pursuant to the meaning and tenor of the said award.

I likewise sent, [after attending in this expectation,] to Mr. Chewett, one of the commissioners, residing at Hamilton, to request of him, that he as a commissioner, would inform me of the views and intentions of the commissioners in not complying with the condition of the award; but he refused any explanation whatever.

Before the second day of June, the said commissioners called upon me, and received from me scows, timber and a piling-engine, which they claimed as belonging to them as commissioners, according to the award of the arbitrators.

After the said award was published, and became generally known, many persons to whom I am indebted, made application to me for what I owed them; and I, trusting that the commissioners would at last have paid some regard to what was due from and incumbent on them, promised my creditors, that after the said day, I should be ready to pay them the sum awarded to me—and many did attend in the hope of being paid.

There is likewise a number of my labourers and workhands still remaining with me whom I cannot send away until they be paid, and for whom, now, I can no longer find any means of subsistence,

I am drained of all my resources; and after this amount has been awarded to me as my right, have not face enough to beg from my friends.

I have always experienced from His Excellency and his Government so much attention and kindness in all the troubles and difficulties I have undergone in carrying on the execution of the canal at Burlington Bay, that I am persuaded that if any thing can be done by His Excellency for my relief and assistance, it will be done.

Knowing this to be so, I have to request you will have the kindness to lay this letter with, the accompanying papers, before His Excellency the Lieutenant Governor, and to beg of him in my name, his earliest attention to the same. If relief do not come speedily to me from some quarter, both I and many of those who have been generous enough to aid and assist me, must be ruined.

I have the honor to be

Sir,

Your most obedient,

Humble servant,

(Signed) J. G. STORBRIDGE.

To Major Hillier,
Private Secretary,
&c. &c. &c.
York.

Attestation of Asa Mann and Michael Homer, accompanying Mr. Stobridge's letter of the 6th June.

We the undersigned do hereby certify, that we were present this day at the Court House in the village of Hamilton, at eleven o'clock in the forenoon, and waited with Mr. Stobridge the contractor of the Burlington Bay Canal, until between one and two o'clock, in expectation of his receiving the award of the arbitrators appointed to settle the difficulties between him and the Commissioners. None of them appeared. We were then requested by Mr. Stobridge to call on Mr. Chewett for some explanation, and to know if the Commissioners had any explanation or communication to make to him, why the award was not complied with.

Mr. Chewett replied, that he would give no answer, nor would he give any without an order from the commissioners. We observed to him that a large number of persons were waiting at Hamilton and at the Beach, for money that had been due them a long time, and felt anxious to know the result.

His reply was, that he would give no explanation on the subject.

(Signed) ASA MANN

MICHAEL HOMER.

Hamilton 2d June, 1828.

Attestation of Job Loder and others, accompanying Mr. Stobridge's letter of 6th June.

We the undersigned do hereby certify, that we attended at the court house in the town of Hamilton in this district from the hour of eleven in the forenoon until nearly the hour of one in the afternoon of this day in company with James G. Stobridge, the contractor for the canal at Burlington Beach; that he the said James G. Stobridge remained there during the said period, in expectation of meeting the commissioners of the said canal, to pay him the sum awarded by the arbitrators according to the act passed in the last session of the Legislature, to settle and determine the differences between the said commissioners and the said contractor, and that during the said space of time none of the commissioners

there made their appearance—and that no money was paid to the said James G. Strobridge by any one, either in the name or on the behalf of the said commissioners.

(Signed) JOB LODOR.
W. S. CHITTENDEN.
W. B. SHELDON,
Wm. SHERMAN.
M. DICKINSON.
JOHN LAW.

Hamilton,
District of Gore,
June, 2d 1828.

Attestation of Asa Mann to the delivery of certain materials by Mr. Strobridge to the commissioners.

I hereby certify that I was present at the canal at Burlington Beach, a few days previous to the 2nd of June, the time appointed for the commissioners to pay the amount of the award of the Arbitrators to James G. Strobridge. The commissioners made a demand of the Scows and other property which they said was considered belonging to Government by the Arbitrators.

Mr. Strobridge delivered over what he said he understood was considered by the Arbitrators as belonging to the canal, such as scows, timber &c.—and the commissioners or superintendant have since made use of the Scows at the canal.

[Signed] ASA MANN.
Niagara, June 7th, 1828.

Report on the expediency of putting a roof on the walls of the old parliament house, and refitting it for the use of the legislature.

The Select committee appointed to report on the expediency of placing a roof on the walls of the late Parliament House, and to consider the resolutions of the last session respecting the accommodations for the Legislature, and also the message of His Excellency the lieutenant Governor on the same subject; most respectfully submit that the great necessity which exists of improving some of the principal highways of the province & the limited means at the disposal of the legislature, suggest the necessity of the most rigid economy in the application of the monies intended for the construction of a parliament house, and the propriety of recommending the adoption of speedy measures to afford accommodation to the legislature.

In order to ascertain the probable expense of fitting up the old parliament building, so as to afford ample convenience for both branches of the legislature, your committee have consulted one of the principal builders of this place, who is of opinion, that the walls may be repaired and additional wings erected during the incoming season, at an expense not exceeding £5,000.

Your committee are aware that a law exists authorising the erection of a new building; and that the sum of £7,000 has been appropriated for that purpose; but when the report of the commissioners requiring an additional sum of nearly the same amount is taken into consideration, together with the magnitude of the public debt, your committee are constrained to acknowledge, that it may very fairly be questioned how far, under the circumstances alluded to, it would be proper to undertake the work on a very extensive scale, the completion of which will inevitably deprive the public of important means for the repair of the roads and other public improvements. Your committee further respectfully beg leave to draw the notice of your house to the opinion of the person who examined the walls and estimated the cost of putting them in repair; which is that although the ruins in question may be repaired, and additional wings put up at the expense stated, yet he considers that new walls may be built for a sum not exceeding the extra charge of putting the old ones in a substantial condition. Under all these circumstances, your committee are forced to the conclusion, that the commissioners appointed to superintend the erection of a parliament house, ought, at the opening of the season, to proceed with the work upon a plan corresponding with the means placed at their disposal.

From the statement of the person alluded to, your committee cannot recommend any expenditure of the public money in covering the walls of the late Parliament House, unless it shall be repaired for the use of the Legislature, but think steps should be immediately adopted for the disposal and removal of the ruins.

The Resolutions of last session respecting remuneration for the use of this Building, referred to your committee, give a pledge, which your Honorable House, may, before the close of the session, see fit to redeem.

All which is respectfully submitted,

ALEXANDER FRASER,
Chairman.

Committee Room,
House of Assembly.

York, Jan. 22d 1829.

Sir,

Agreeably to the request of your's of yesterday, I beg leave to state, that I think the repairing of the old parliament house, with the addition of wings to it, sufficient for the accommodation of both Branches of the Legislature, including committee rooms, clerks' offices &c, will cost about five thousand pounds.

I have no doubt but the work could be completed by the first of January, 1830.

I have the Honor to be,

Sir,

Your most Obedient,
Humble Servant,

JOHN EWART

Wm. Morris, Esq. M. P.

Report of the select committee to whom was referred the petition of William J. Sumner, and 119 others.

Your Committee to whom was referred the petition of William J. Sumner, and 119 others, praying for a grant of two hundred pounds to enable them to repair a road leading from near W. J. Sumner's Inn on Dundas Street, through Nelson, Nassagaweya, and Eramosa, to Garafraxa, having taken the same into their consideration, and several of your committee being acquainted with the nature of the said road—beg leave respectfully to submit: that they can fully corroborate the statements made in the petition, viz. that it is the only principal road through the townships above mentioned; that the townships are generally settled with Emigrants from Great Britain and Ireland, very enterprising and industrious, but generally scanty in their means; that the road is in a bad state, and from the constant thoroughfare and travel, the labor they are able to apply thereon is of little avail; that independent of the above considerations, they have to encounter much more serious difficulties from the twelve and sixteen mile creeks, and a branch of the Grand River intersecting it: that the banks of the twelve mile creek are nearly as inaccessible as where it crosses Dundas Street, when in its natural state: that the banks of the Sixteen mile creek and Speed are more inaccessible. Your committee therefore feel themselves fully justified in reporting favourably on the prayer of the petitioners, as it must be evident to your Honorable House, that money, expended in this way, will not only add greatly to the ease and comfort of the inhabitants of the country, generally, by giving a stimulus to industry, but must eventually greatly improve the revenue of the province.

All of which is respectfully submitted.

CALEB HOPKINS
Chairman.

Committee Room,
28th January 1829.

The petition of Catharine Campbell and 39 other Innkeepers of the Eastern District.

To the Commons' House of Assembly of the Province of Upper Canada in Provincial Parliament assembled:

The petition of the undersigned Innkeepers in the Eastern District of said province,—beg leave most respectfully to represent to your honorable house:—

That under the existing law, they are unable to collect small accounts from individuals calling upon them, who at the time may not have wherewith to discharge their bills—that they must often submit to the intrusion and frequent annoyance of disreputable persons, who get intoxicated, at stores and other places of common resort—which often interferes with the quiet and comfort of respectable travellers.

Wherefore your petitioners pray your honorable house will take their case into consideration, and to pass an act to enable them to collect tavern bills to the amount of two pounds, c'y.—and further to pass a bill to prevent store-keepers from allowing persons to drink liquor in their shops. And your petitioners, as in duty bound, will ever pray.

[Signed] CATHARINE CAMPBELL,
and 39 others.

Report on the petition of Wilcox and Dolson.

To the Honorable the Commons House of Assembly,

Your committee to whom were referred the petitions of Leonard Wilcox and John Dolson, beg leave to report:

That having taken into consideration the said Petitions, they consider, that though the matters therein set forth, may be, and probably, are, true, yet they are of such a nature, as ought in the first instance to be presented to the Executive Government for redress.

JESSE KETCHUM,
Chairman.

Committee Room,
Commons' House of Assembly,
15th day of March, 1829.

REPORT OF THE SELECT COMMITTEE APPOINTED
TO ENQUIRE INTO THE STATE OF THE POST OFFICE
DEPARTMENT IN UPPER CANADA.

MEMBERS OF COMMITTEE.

W. L. MACKENZIE, Esq. *Chairman.*
JOHN MATTHEWS, Esq.
AMBROSE BLACKLOCK, Esq.
JOHN CAMPHRA, Esq.
WILLIAM TERRY, Esq.

REPORT.

The Select Committee appointed to enquire into the state of the *Post Office Department* in Upper Canada, and to report their observations thereupon to the House; have examined the matters to them referred and agreed to the following as their first report.

Your Committee began their investigations by examining Mr. Howard, the Post Master of York, whose testimony is important as shewing the method or system on which the business of this important department is conducted in the Canadas; the income of the Office at York; and some of the causes why the communication with England, by letter, is so uncertain and expensive.

The statement made by the Post Master of Buffalo to the chairman, and by him reported to your committee, contains the outline of a plan whereby the delays usually attendant upon a correspondence with Europe might be greatly lessened and the expense of postage reduced.

Mr. Brown in his evidence adverted to the state of the great public thoroughfares of the colony, and concurs with other witnesses, and with the Deputy Post Master General, in representing the state of the roads as one of the greatest obstructions to a speedy communication by post.

On the information furnished by Mr. Cooke, who has for many years filled the responsible situation of Post Master at Lewiston, as to the best means of rendering the mail communications with Europe, and the United States, more frequent and expeditious, the committee place great reliance.

Mr. Cooke's evidence does not corroborate the opinion, expressed by Mr. Guiteau, that the New York mails arrive as soon at Buffalo as at Rochester.

The letters addressed to the chairman of Your Committee by Messrs. Hamilton and Thorburn, with accompanying documents, merit a patient and careful perusal. These Gentlemen have, for many years, had the distribution and forwarding of a great part of the correspondence which passed between Europe and the United States and Upper Canada: their opinions, therefore, being founded on experience, are entitled to great weight. In 1828 17,871 letters passed through the post offices of Queenston and Lewiston: while in 1821, only 2,790 letters were forwarded through these offices; the increase, in eight years, being nearly in the ratio of six to one.

Your Committee are decidedly of opinion that the Provincial Legislature should assume the management of the post office department within Upper Canada, and they recommend the immediate passage of a law for its regulation. They entertain no doubt whatever but that His Majesty's Government possess full power and authority to appoint Post Masters and carriers for the delivery and safe conduct of such correspondence as it may by them be thought necessary to carry on with the constituted authorities in this colony, but they cannot admit that any authority other than the Provincial Legislature has the power to impose a tax upon the correspondence of the inhabitants, or that any rate of postage or post regulation of the Imperial Parliament can have the force of law in Upper Canada. They hold all attempts that may be made, by the persons deputed by Government to convey letters and collect postage, to fine or otherwise punish the inhabitants of this Province for sending their letters by steam boats, stages, travellers, or such other conveyance as may better suit their convenience, to be unjust and illegal: because the British Parliament has, by a solemn act, forever renounced the right of imposing taxes upon the colonies, or of appropriating their revenues without the consent of their several legislatures.

The greater part of the enactments hereinafter proposed, are selected from or modified by the statutes passed during the last century, in Great Britain and the United States of America, for regulating the conveyances by post in these countries. Other clauses are added, suitable in the opinion of Your Committee to the peculiar situation of this province.

On such a subject as the post office it is utterly impossible for Great Britain to legislate to the satisfaction of a country 3 or 4,000 miles distant, it will therefore be a wise policy in her to trust in the good sense of her colonists, and to believe that they know better what post roads ought to be opened, and what improvements and alterations to be made than His Grace the Post Master General; and that the people will be far better pleased if allowed to manage this portion of their internal affairs in their own way.

Your Committee are of opinion that the Colonial Post Office, and even the Department in Upper Canada, taken by itself, as now organised, yields a handsome revenue to England, after paying expences; but that should the province assume the controul of the mails, agree to grant the franking privileges hereinafter recommended to be allowed to certain public officers of this Province, and also establish a number of new post roads, a very small surplus income will accrue to the public, if any. In such a case, however, the advantages to be derived from the department would be increased four-fold.

It must appear evident to your Honourable House that whatever laws may be enacted for the regulation and good guidance of this department, its efficacy will nevertheless greatly depend on the manner in which these laws shall be administered. If enforced by the exertions of an active officer at its head, a man possessed of sound judgment, energy and decision of character, joined to an accurate knowledge of the localities of the Province, the improved system, would confer great and manifold benefits on all classes of society.

It appears by the evidence of the Post Master at York, that the mails, are not only detained by bad roads, but also "made too subservient to the conveyance of passengers." That deputy Post Masters, in the country, receive the miserable pittance of twenty per cent on their collections for letter postage, and nothing at all for their trouble in delivering newspapers, pamphlets, and other printed sheets, sent by post to subscribers. Mr. Howard himself, through whose hands, about £4,000 postage value of letters and newspapers pass annually, and who, with an assistant, has to give a constant attendance at the office, receives annually £150 sterling, out of which he is required to pay that assistant, and his office rent, fuel, candles and so forth, leaving to himself an income not exceeding the ordinary wages of journeymen mechanics.

The amount of monies received at the York office for the last year is stated at about £1500; and deducting for ship letter postage, United States postage, and such Colonial Post charges as may be incurred by the domestic system, a

large sum will nevertheless remain to be appropriated towards the expences of conveying the mails after remunerating the incumbent.

It appears that for newspaper postage there is annually received at the York office alone, from the proprietors of Journals £120; the payment of which ought of right to be made by the persons receiving the papers, at the offices where they take them out.

In the course of a late discussion in the Legislature of Lower Canada, it is said to have been alleged by a member, that all the newspaper postage of the two provinces was merely a perquisite of the Deputy Post Master General; but of that officer's receipts or expenditures your committee are ignorant, nor are they better acquainted with the extent of the powers granted to him by His Grace the Post Master General.

Your Committee think that printed papers ought not to go free through the post office; a service is performed and there ought to be a compensation therefor.

It appears there is now no law or usage regulating the advertising of dead letters, or the rates to be charged for such advertisements.

Your Committee would in a particular manner direct the attention of Your Honourable House to the mode of post communication with Great Britain and Ireland.—It appears to them that the interests of the Empire would be promoted in no small degree were the British Parliament to pass an act greatly reducing the rates of Ship postage on all letters received from and sent to these colonies, and allowing letters to be mailed at any place in the Provinces, to any place in the Home dominions, the postage being payable by the persons to whom such letters may be addressed. The United States Government has wisely ordered that no single letter, even if carried in the mail 1800 or 2,000 miles, shall be charged more than *fifteen pence*. Thus they contrive to bring distant parts of their republic closer together by a good mail establishment and moderate charges.

Is it then wise and politic in England to subject her subjects in the Colonies to 7s. 6d, 6s. 3d or 5s. for the conveyance of a single letter, *via* Halifax or Quebec, between the Canadas and Great Britain and Ireland!—nature has placed the Atlantic as a barrier; would it not be well to lessen the costs and difficulties in crossing it, even if the consequence should be a decrease in the revenue?

Where a bridge cannot be built it certainly is no sign of wisdom to authorize a ferry-man to monopolize the thoroughfare, and make exorbitant charges.

There is no manner of doubt on the minds of Your Committee but that the mails to the east and to the west might be despatched and received much sooner under different management than they are at present. They are said to be delayed far too long at Kingston and York. An hour is quite sufficient, even at these offices, and any longer hindrance may occasionally prove hurtful to the interests of those whose correspondence is thereby detained.

Your Committee coincide in opinion with the Deputy Post Master General that the great roads of communication are in a deplorable state; and in order to promote the ease and convenience, and the security and comfort of His Majesty's subjects, and to facilitate and make certain the time of arrival of the mails, they recommend that the sum of seven thousand pounds be annually laid out upon the great road between Sandwich and Prescott, in the most economical and prudent manner that can be devised, and that commissioners be appointed by the House in the Acts granting the said sums.

Your Committee recommend the appointment of a Post Master General for Upper Canada, with a competent salary. The details of the system they think most suitable for the Province in its present state, are as follows:

1. Establishing post roads by law.
2. Authorising the Post Master General to establish post offices and appoint Post Masters as he may deem it expedient on said post roads.
3. Directing said Post Masters to transmit their accounts quarterly to the Post Master General.
4. Directing that all persons employed in a post office, or in the care, custody or conveyance of the mail, shall, previous to entering on the duties assigned to them, be sworn faithfully to perform the same.
5. Making it the duty of the Post Master General to require of all deputy Post Masters, bonds for the faithful discharge of their duties. The sureties to be prosecuted within two years after any default.
6. Requiring the Post Master General to establish a mail route from the nearest post office, on any established post road, to the court-house of any district, which is now or may hereafter be established within this Province, and also to the shire-town of any county which is without a mail.
7. Authorizing the Post Master General to contract with the proprietors of steam-boats for the conveyance of the mail in any steam-boat, when he may think it expedient, provided that he does not pay more than two-pence for each letter and a farthing for each newspaper.
8. Authorizing the captains of all steam-boats or packets to carry letters, and to receive one penny per letter for every letter delivered at any post office, provided the boat is not under contract with the Post Master General. Subjecting the captains of steam-boats and packets to a penalty of £7 10 0 if they do not, on their arrival, deliver at the post office, at the port to which they are bound, all letters and packets; subjecting every person employed on board a steam-boat to a penalty of £2 10 0 unless they shall deliver all letters in their possession to the master of such boat before they shall touch at any port.
9. Post roads not kept in repair to be reported to the Post Master General.
10. Any person obstructing or retarding the mail or the driver or carrier, horse, carriage &c. shall pay a fine of £25, and any ferryman who shall delay the mail, shall pay a fine of £2 10 for every ten minutes the mail shall be so delayed.
11. Directing the Post Master General to advertise for contracts in such a manner as the Legislature may deem most advisable, and making it the duty of all Post Masters to keep open the office every day during such hours as the Post Master General shall direct. And all letters brought to any post office (except the post offices of York and Kingston) half an hour before the departure of the mail are to be forwarded therein.
12. Enacting that the following rates, or such other rates of postage as parliament may direct shall be charged within this Province.
13. Rates of postage for single letters: any distance not exceeding

| | |
|--------------------------------------|-----------------------|
| 30 miles..... | £ 0 0 3 $\frac{1}{2}$ |
| Over 30, and not exceeding 80..... | 0 0 6 |
| Over 80, and not exceeding 150..... | 0 0 7 $\frac{1}{2}$ |
| Over 150, and not exceeding 300..... | 0 1 0 |
| Over 300..... | 0 1 2 |

 And in proportion on double and triple letters.
14. Authorising the following compensation per quarter to Post Masters.

| | |
|--|--------------|
| On a sum not exceeding £25 per quarter | 30 per cent. |
| On any sum over the first £25 and not exceeding £100, | 25 per cent. |
| On any sum over the first £100 and not exceeding £600, | 20 per cent. |
| On any sum over the first £600, | 8 per cent. |

 An additional allowance to persons employed in receiving and despatching Foreign or Lower Canada mails; and to persons at whose offices the mails arrive or depart regularly between 9 in the evening and 5 in the morning. Also to Post Masters whose compensation shall not exceed £125 per annum, one penny for every free (franked) letter delivered out of the office.
15. Directing the Post Master General to allow to the Post Masters, respectively, a commission of 50 per cent on receipts arising from the postage of newspapers, magazines and pamphlets.

16. Charging on letters from the United States by Ferry or from Europe through these States or from this Province to these States *no Ferrage*.

17. Inflicting a penalty of \$100 upon any Post Master who shall charge a greater sum than the regular rates.

18. Ordering ships from the United States not to break bulk until all letters are delivered at the post office: authorizing the payment of a penny per letter to the Masters of said ships; and that Post Masters shall charge on said letters, a ship postage of one penny only per letter.

19. Authorizing the Post Master General to enter into an arrangement with the head of the post office Department at Quebec, and with the head of the same Department in the United States, by which letters can be received from and sent to, Lower Canada and the United States through the Frontier offices, whether paid or unpaid, and that all dead letters shall be returned to the proper offices, and the difference paid or received quarterly.

20. Directing way letters to be accounted for by the Deputy Post Masters, who are authorized to pay one penny to the mail carrier for each way letter.

21. Directing the degree of punishment by fine and imprisonment, to be awarded to any person employed in any of the departments of the Post Office, who shall unlawfully detain or open any letter or packet enclosing money or without money.

22. Directing the punishment to be awarded to mail robbers; to persons endangering the life of the mail carrier; to persons who shall illegally take, open or embezzle letters in the custody of the officers or servants of the department, and to persons cutting or otherwise injuring the mail bags.

23. Allowing printers to exchange newspapers free of postage; as also with foreign printers, in countries where the same privilege is or shall be extended to the Upper Canada Press. Authorizing letters remaining in the Post Office over three weeks to be advertised at one penny a letter for three insertions.

24. Enacting that the following public officers of Upper Canada shall have the privilege of franking their own letters or those on the business of their offices, if mailed to places within the Colony, or free of inland postage if addressed to places abroad, and of receiving those addressed to them, free of such rates of inland postage as are otherwise imposed by this act.

Lieutenant Governor of Upper Canada.

Post Master General.

Auditor General.

Receiver General.

Attorney General.

Provincial Secretary.

(A) Members of the Legislative Council.

(A) Members of the House of Assembly.

Provincial Agent.

Surveyor General.

Inspector General.

* Post Masters.

25. Petitions to either House of Parliament, addressed under cover to Members, to be free, if properly described outside and left open at the end.

26. Awarding punishment to persons counterfeiting Franks to avoid payment of Postage.

27. Regulating the mode of proceeding against Post Masters who shall be defaulters, and the distribution of penalties under the act.

28. Authorizing the Post Master General to make provision for conveying letters to Great Britain or other parts of Europe via the United States, and receiving letters from thence.

29. Exempting Post Masters, Post Riders and Drivers from Militia Duty and serving on Juries.

30. Authorizing the appointment of and compensation to letter carriers.

31. Post Master General to report to Parliament all post roads, which shall not, after the second year of the mail establishment thereon, have produced one third of the expence of carrying the mail.

32. Authorizing the Adjutant General of Militia to send and receive packets free, on Militia business only.

33. When the emoluments of any Post Master shall exceed £500 per annum the surplus to be accounted for and paid to the department.

34. Enacting that all newspapers conveyed in the mail shall be under cover, open at one end, and charged with a Postage of one half penny each; and the Post Master General shall require those who receive newspapers by Post, always to pay the amount of one quarter in advance; no printer or other person sending newspapers by Post shall be required to pay the postage chargeable thereon: Newspapers to and from Great Britain & Ireland shall pay no postage. Magazines and other periodical pamphlets to be mailed to subscribers when the state of the mail and the mode of conveyance will permit it, paying one penny per sheet if the distance be not over 100 miles; and one penny halfpenny per sheet if over 100 miles; other printed pamphlets, not periodical, two pence per sheet for any distance not exceeding 120 miles; and if over 120 miles, three pence per sheet.

Should it be the opinion of the Legislature that it is inexpedient at this time to assume the controul of the Post Office, Your Committee would by no means wish to see another Deputy Post Master General appointed in the Canadas; because Mr. Stayner, the gentleman who has for a short time been at the head of the department in both Provinces, they conceive to be fully adequate to the performance of the duties of his office, so far as it is likely to be extended, under the existing system. Nor can they well understand how two Deputy Post Masters General having distinct authorities, are to act in these Provinces, interwoven as the accounts and services necessarily are. Unless it were to secure the controul of the department to the Province and thereby extend its usefulness, any further subdivision of authority would be impolitic. As each of the United States have a voice in the General Government, they decline separate Post Office establishments; one Post Master General acts for an extent of country equal to all Europe; but that person is himself under the salutary controul mentioned by Mr. Cooke in his last reply to the Committee, and has moreover, an establishment of assistants equal to the great charge with which he is entrusted. In his department the clerks are numerous, the persons employed various; but their capacity, their talent, their time and their intelligence are so well arranged, that the action of the whole, proceeds as it were, from one mind, one impulse, devoted to a common purpose. The spirit of efficiency which animates the General Post Office at Washington extends more or less to the farthest extremity of the United States. If a Post Master is faithless to his duty, a citizen has only to present the case, and instant remedy is the consequence. If the mail contractors are behind their engagements, on the first representation they are brought up to the line of duty. The revenue of the United States Post Office in 1792 was \$68,000, & in 1822 \$1,600,000. There are now in these States 7851 Post Offices, and 114,538 miles of Post Roads.

The Committee also incline to believe that the powers of the United States Post Master General are far more extensive and better defined than those of the head of the same department at Quebec, nor is there any secrecy in regard to his accounts, all goes to the public fully and fairly, but it is otherwise in the Colonies. The Committee agree with Mr. Cooke that a daily Mail between

(A.) Members of the Provincial Parliament not to be permitted to frank or receive their letters free if they exceed one ounce in weight.

* Post Masters not to Frank letters or receive them free if they exceed half an ounce in weight.

the Frontier and the Capital of the Province ought to be established immediately; they are satisfied that the postage receipts furnish ample means for this purpose, and that it is every way advisable. They think that on reflection, Mr. Stayner himself must perceive that he has made use of a very weak argument against it, by comparing the route with that between York and Montreal. The latest intelligence from Europe is almost always received via Queenston, and the most speedy and certain mode of transmitting letters to England is through the same channel.

The American Government have established a daily mail from New York to the Frontier; it is for us to continue it via Burlington to York. On this subject your committee would refer to the evidence given by Mr. Cooke and Mr. Thorburn, and also to Mr. Hamilton's letters.

It appears that a recent regulation has been made respecting the post offices on the frontier in communication with the United States, by which the intercourse is restrained to Niagara via Youngstown. Your Committee altogether disapprove of the alteration, and recommend that the offices of Queenston, Chippawa and Fort Erie, be also allowed as heretofore to send and receive letters by the most direct route. They fully coincide with Mr. Cooke in his proposal to leave the door open to competition on the Frontier, but if a preference were to be given to any one office, Queenston being the most central station, and on the direct line of post communication, possessing also the best and safest ferry, ought to have that preference. The petition on the subject, a copy of which is hereto annexed, is understood to have been very respectably signed by persons acquainted with the local situations of the respective villages.

The suggestions offered by Mr. Cooke in regard to using locked mail bags, to be opened only at Lewiston or Buffalo as the case may be, and New York and Liverpool, deserve consideration.

In respect to Mr. Stayner's remarks about running the mail thrice a week between Montreal and York, it has been understood that a daily line of Stages and Steam Boats run during the summer between Montreal and Kingston, which at no great cost might be continued in winter, and a thrice a week mail established from York to Kingston. A mail passes seven times a week between Buffalo and Cleveland, and even in the Michigan Territory a daily mail stage runs from Detroit to Pontiac, another thrice a week from Detroit to Amherstburgh, and a third to Sandusky. With how much more reason might Upper Canada expect daily mails.

Your Committee can only guess at the revenue of the Department in these Colonies. If York alone yields fifteen hundred pounds per annum, how great must be the whole Provincial income? If Richmond, Va. yields \$14,500, Baltimore \$37,000, and New Orleans \$18,000, what may we not expect from Montreal, Halifax and Quebec? In New York City between fifty and sixty thousand letters are said to pass through the Post Office each week, and about fifty thousand newspapers and magazines.

All the mails in the Colony ought to be leased, by a public advertisement generally circulated with conditions; and every proposer ought to be permitted to offer, in his bid, to make any improvement in the transportation of the mail, from the terms invited; either as to the mode of transporting it, the speed required, or the frequency of the trips per week. All proposals ought to be made to the Post Master General; and no contracts intrusted to the management of his deputies in the country, as has been frequently the case; as these deputies, oftentimes storekeepers, may be (and have been) blamed for partiality and interested preferences. Under no circumstances would Your Committee desire to see the Post Office made a source of public revenue; on the contrary they would invariably add to the extent of Post Roads as occasion served.

Your Committee perceive that there is a Deputy Post Master General in Nova Scotia and another in New Brunswick. What the duties of these officers are, and to what specific objects their attention is directed; what their powers and how exercised, it would be perhaps difficult to ascertain. It is probable that they are at the same time officers of the General and of the Colonial Government.

Your Committee had proceeded thus far in the consideration of their report, when the additional information contained in the Deputy Post Master General's notes, appended to Mr. Howard's answers, was laid before them. It will be seen from the note to the 46th question, that Mr. Stayner is not authorized to allow a statement of the receipts and expenditures in his department to be published in the Colonies, nor to permit any information on the subject to go forth to the public. In the note to Question 2nd, he alludes to the extent of the means of the Department, but still leaves us entirely at a loss as to what those means consist of. He intends to increase the speed of the mails and the frequency of the trips upon the main route. He states that printed papers sent by mail are chargeable, one penny per sheet. He proposes to employ the steamboat between York and Niagara, in summer, as a means of conveying the Mail, and informs us that "Post Masters are invariably appointed at the recommendation of the Inhabitants who are supposed to possess the best means of judging of their honesty and general fitness for the trust." He states in regard to money transmitted by mail, that much pains have been taken to establish particular securities for all letters marked as containing money. The addresses are registered at the office where they are mailed; they are specially described upon the letter bills; and a note taken of them by the Receiving Post Master. In the note to the 55th question, Mr. Stayner states, that, in his opinion, one office communicating with the United States on the Niagara Frontier affords more perfect accommodation to the public than if there were more, an opinion from which your committee again beg to express their dissent.

Your Committee, in recommending a separate Post Office establishment, would not be understood as saying aught that might detract from the merits of the present Deputy Post Master General of the Canadas. On the contrary, they are thus far satisfied with the promptitude, zeal and intelligence manifested by that gentleman during the short period in which he has filled the situation. Of the system under which he acts, and its inaptitude for this Province, enough perhaps has been already said; it will be for Your Honourable House to judge how far the alterations that have been suggested would be likely to afford an adequate remedy for existing defects.

During the last Parliament, a Select Committee of Your Honourable House enquired very fully into the abuses then existing in the Post Office department, and reported thereon.

An address to His Majesty was passed on the 12th January 1826; twenty two members voted in its favor; and twelve against it. Viewing the opinion of the House of Assembly of that period, as a most important feature in the present enquiry, your Committee herewith submit a Copy of that address as a part of their report. It is as follows:

To the King's Most Excellent Majesty.

"The humble, loyal and dutiful address of the Commons of Upper Canada, in Provincial Parliament assembled.

"Most Gracious Sovereign.

"We your Majesty's most dutiful and loyal subjects, the Commons of Upper Canada in Provincial Parliament assembled, most humbly approach Your Majesty, with the warmest sentiments of loyalty and attachment to Your Majesty's sacred person and family.

"We beg to assure Your Majesty of our most grateful acknowledgments for the repeated instances of paternal regard which Your Majesty has been graciously pleased from time to time, to manifest towards Your loyal people of

Upper Canada, and which has induced your subjects in this remote corner of the Empire to submit with the greater confidence to Your Majesty's consideration that the clause from the 18th of the late King, introduced into the 31st of the same Reign (and which directs all monies raised in the Colony of Upper Canada, to be accounted for before the House of Assembly, and to be appropriated by the said House) is held by them to be a fundamental part of the constitution of this Province; and that as the Post Office Department raises in this Province considerable sums of money contrary to the spirit of the 46th and 47th clauses of the said 31st of the late King, it is desirable to have it under the control and direction of the Provincial Legislature.

"We further beg leave to submit that a well regulated Post Office, responsible to the constituted authorities in this Province, and extended in the number of its establishments, would essentially tend to correct and prevent abuses in that Department, which are found to exist under the present system in some parts of the Province, facilitate commercial intercourse, promote the diffusion of knowledge, and that in time it must become an important branch of the Provincial revenue.

"Permit us, therefore, August Sire, to hope that in addition to the many benefits already conferred upon us, the control and emoluments of the Post Office Department, so far as it concerns this Province, may be conceded to us, and permit us also, whilst we presume to lay before you these our earnest solicitations on that head, to express our fullest confidence, that it only requires to make known to Your Majesty the complaints or reasonable wishes of Your faithful and loyal subjects, however remote from the seat of Your Glorious Empire, to ensure that Your Royal and Paternal regard will direct the proper relief."

JOHN WILLSON, *Speaker.*

"Commons' House of Assembly, 12th January, 1826."
On the 30th January 1826, His Excellency Sir Peregrine Maitland sent

down to the House of Assembly the following answer to their request concerning the above address.

"Gentlemen of the House of Assembly."

"I shall in compliance with your request transmit to His Majesty's Principal Secretary of State for the Colonies your address to the King, respecting the Post Office, with your request that it may be laid at the foot of the Throne."

Your Committee understand that no reply to this address has ever been communicated to the House of Assembly.

The comparative inefficiency of the present Post Office system is so well known and so generally acknowledged, that Your Committee have not thought it essential to extend their enquiry to numerous abuses which are known to exist. The only effectual remedy in their view of the subject, will be found in a domestic establishment under the direction of an officer accountable to the Legislature of this Province for his every act.

All which is respectfully submitted,

W. L. MACKENZIE, *Chairman.*

11th, February, 1829:

APPENDIX.—Contents.

- No. 1. Mr. Howard's evidence, with notes by the Deputy Post Master General.
2. Letter to Mr. Stayner, with the reply.
 3. Letter from Mr. Howard.
 4. Letter to Mr. Thorburn.
 5. Statement of information received from Post Master at Buffalo.
 6. Mr. Brouse's evidence.
 7. Mr. Cook, P. M. Lawiston, his evidence.
 8. Letter from Mr. Thorburn.
 9. Letter from Alexander Hamilton, Esquire.

- No. 10. Petition to the Deputy Post Master General.
11. Note by Alexander Hamilton, Esquire, *Queenston.*
 12. Memorandum by ditto.
 13. Letter from Alex. Hamilton, Esq. with accompanying documents.
 14. Letter from David Thorburn, Esquire, *Queenston.*
 15. Extract of a letter from the Post Master, *Maitland.*
 16. Extract of a letter from Doctor Wylie; *Matilda.*
 17. Letter to Mr. Secretary Mudge, by T. A. Stayner, Esquire.
 18. Letter—Mr. Mittleberger to Mr. Hamilton.
 19. Certificate by Messrs. Steele and Barnard.

No. 1.

Committee Room,
Saturday 17th January, 1829.

MR. JAMES HOWARD, POST MASTER AT YORK, EXAMINED.

1. Have you any Code or Book of instructions sent you by the Post Office Department for your guidance?—There formerly was one, and I believe there is another now preparing.

2. Why are the mails detained so much longer than allowed by the contracts?—From various causes, accidents, bad roads, &c. My own opinion is that the conveyance of the mails is made too subservient to the practice of carrying passengers; the contracts between York and Kingston for the last 3 Years have been given out by Mr. Macaulay. The annual contract between York and Niagara is given by Mr. Crooks. [I give this answer from some personal knowledge of the facts, as well as from information frequently obtained from passengers themselves, I would at the same time remark that no pains or exertions are spared by the head of the department to insure expedition and punctuality.]

3. Upon what principle does the Post Master General remunerate the Deputy Post Masters?—The small offices are allowed 25 per cent upon their receipts: believes only 4 offices receive salaries, Quebec, Montreal, Kingston and York. The salary at Kingston, I believe is £130 sterling; at York it is £150 sterling, out of which I pay office rent, fuel, candles and an assistant.

4. What have been the receipts of Your Office since you have held the situation?—Mr. Howard delivered the following statement.

| | | | |
|--|------|---|----|
| Unpaid postage received at York Post Office during the quarter ending 5th October, 1828..... | £327 | 4 | 7½ |
| Paid postage sent from do. same period..... | 86 | 8 | 9 |

| | | | |
|-----------------------------|------|---|----|
| Amount of this quarter..... | £413 | 8 | 4½ |
|-----------------------------|------|---|----|

| | | | |
|---|------|----|-------|
| Unpaid postage sent from do. same period..... | £372 | 10 | 6 |
| Paid postage received during same time..... | 80 | 13 | 10 |
| Forwarded postage received during do..... | 50 | 1 | 10 |
| Forwarded postage sent during do..... | £ | 88 | 16 10 |

| | | | |
|---|------|----|----|
| Nett at his office during the quarter.... | £324 | 11 | 6½ |
|---|------|----|----|

5. Have the receipts of the current quarter been larger than those of the preceding one?—The receipts and business of the York Post Office for the current quarter are as follows:

| | | | |
|---|------|----|---|
| Unpaid postage received during the quarter ending 5th January 1829..... | £346 | 8 | 1 |
| Paid postage sent during the quarter ending 5th January, 1829..... | 94 | 14 | 0 |
| Forwarded postage sent during the same period..... | 90 | 2 | 7 |
| Unpaid postage sent during the same period..... | 466 | 12 | 7 |
| Paid do. received do. do..... | 93 | 19 | 0 |
| Forwarded do. do. do. do..... | 40 | 9 | 0 |

6. Have the receipts of your office exceeded £2000 per annum to the best of your recollection?—I think the receipts have been about £1500.

7. Have the receipts in your office increased in the last eight years?—Undoubtedly.

8. What were the receipts of the office at York for the quarter ending 5th April last?—I think about £500; this quarter is the largest of any in the year, owing in part to the sitting of the legislature whose correspondence is extensive.

9. What have been the receipts for newspapers for the last year?—I should say £120.

10. What remuneration do you receive for newspapers which you are obliged to deliver?—None whatever.

11. What on papers from the United States?—None. A penny British postage is charged on each, if sent by mail. I collect and transmit the amount to the General Post Office.

12. What sum is paid at your office per annum on each weekly paper?—

Four shillings for each subscriber.

13. To whom does the department account for that?—I do not know.

14. Do printed papers go free? These open at the ends generally go free. Printed circular letters are charged with full postage. [Since giving the above answer, I find that a regulation is in force respecting postage on printed papers.]

15. In case Newspapers are not taken out of the office, are you obliged to give notice to the editor with the reason?—Not obliged, but I return them to the editor, I think it right to do so; they are marked refused.

16. Does any regulation exist obliging you to advertise quarterly the Letters remaining in your office?—Yes, in the old book of instructions already alluded to.

17. Has this practice obtained at your office lately?—Not until the last half year.

18. Is there any law requiring the price per name for advertising, and the number of times?—None that I know of.

19. Do the country post offices advertise generally?—No. [In addition I stated to the committee that it was enjoined on the Post Masters at country offices to put up lists of letters remaining, periodically in public places.]

20. What is your nett income after deducting all expenses?—Cannot exactly say.

21. What is the gross amount of postages and monies passing through your hands in the course of the year?—Upwards of £4000, exclusive of newspapers. [Of which the unpaid received, and paid sent, form the revenue of my office, independent of newspaper postage.]

22. What are your office hours?—None fixed by law or regulation, but I keep it open from 8 o'clock A. M. till 6 P. M. exclusive of the hours of opening and closing the mails; am sometimes detained till 8 or 9 o'clock at night from the non-arrival of the mails.

23. Can the postage of a letter from this to Great Britain be paid the entire way at York; the Letter going either by way of Quebec, Halifax, or New York?—No, but the inland postage must be paid, and the United States postage if sent by New York; Letters from Great Britain sometimes arrive in this country without having either the inland or any other postage paid on them, and sometimes with the British inland and British packet postage paid in Great Britain.

24. Do you not think that lowering the rate of letter postage between Great Britain and this Province would tend to increase the revenues of the Post Office, and add materially to the convenience of the public?—I think a far greater number of Letters would be sent.

25. What is the highest rate that can be charged on letters in the United States?—A quarter of a dollar, let the distance be what it may over 400 miles.

26. Who has the appointment of Post Masters in this Province?—The Deputy Post Master General at Quebec.

27. Are all the persons employed in the Post Office sworn?—All persons in the Department should be, including couriers, but the regulation has not generally been enforced till lately.

28. Is there any particular room or place for keeping the letters at the country Post Offices?—There ought to be, it has been particularly enjoined by the Post Master General.

29. Does the Post Office contract with Steam-boats for the conveyance of mails?—There is no particular contract. Letters to the Frontier of the United States and Kingston, are forwarded by land winter and summer; those arriving in Steam-boats in which letter boxes are provided, are charged as if they came by mail, and two-pence a letter is allowed the captain.

30. Would it not be better in point of dispatch to send them by Steam-boats in summer, as is usual between Quebec and Montreal?—I think such a mode would be on many accounts extremely inconvenient. [From the irregularity of Steam-boats in their arrival and departure, and its effects would be but partially felt, inasmuch as the intermediate offices between this and Kingston would derive no benefit from it. This reason I gave if I recollect right to the committee.]

31. Have there been any penalties enforced in this country for sending letters otherwise than by mail?—I am not aware of any; but there is a penalty of £5 for the first offence. &c. &c.

32. Is there any regulation for reporting to the Post Master General on the bad state of the roads?—There is a space in the way bills for such report.

33. Are you obliged to forward letters the same day they are mailed if put in half an hour before the departure of the mail?—No—it takes an hour to make up each mail generally; sometimes longer.

34. Is there any penalty for overcharging postage on letters?—I think the person overcharged would have his action at law. [Viz: if such overcharge was wilfully made, but if otherwise the delivering post master is authorised to allow or refund such.]

35. Letters and papers are sometimes received in a wet and damaged state, can you assign a reason for this?—It is sometimes owing to bad weather, and the leather of this country not being so impervious to the rain as the leather of some other countries. The bags are made in the best manner.

36. Are the Colonial Governors and Secretaries allowed the privilege of franking?—No.

37. Are the Colonial officers, civil or military allowed that privilege?—No.

38. Are there any complaints of the irregular arrival of newspapers at your office?—Few or none.

39. How and where are actions against Post Masters to be brought?—I do not know.

40. What Bond are you under for the performance of your official duties?—£1000 sterling, with two securities; the Post Master General is not responsible for the Deputy Post Masters. [I conceive that each Post Master, together with his sureties are responsible for his conduct, while in office, and if a Post Master commits a fraud, &c. and is convicted thereof, he surely is the person answerable for such offence.]

41. What bonds and securities are required of the Post Masters at the Niagara, Queenston, and other frontier offices?—I think £200 sterling, with two securities.* †

42. How many minutes are allowed for opening and closing at the country offices?—No particular time is allowed.

43. Are there regular distributing offices in the Province?—I should call the frontier offices distributing offices, as also Kingston, York, Ancaster and others—all Post Masters are obliged to re-cover letters or papers when damaged and to re-direct them.

44. What proceedings are necessary when new post offices are required?—An application to the Post Master General by petition of the inhabitants.

45. Is it imperative on the department to publish periodically a list of post offices established or discontinued, or of which the names have been changed, or to which new Post Masters have been appointed?—Not that I know of, but it is sometimes done.

46. What is the gross amount of revenue derived from the department in Upper and Lower Canada respectively?—I do not know.

47. What are the expenses of the department?—I cannot say.

48. Have you ever seen any account of those things?—No.

49. Is the department responsible for monies sent by mail?—No.

50. Are there many cases of abstraction of money?—No.

51. Is there any improvement in conveying the mails projected?—It is in contemplation to run the mail three times per week instead of twice.

52. Are there not great and unnecessary delays in conveying the mails in this country?—The Western mail might be despatched sooner from York.

53. How long are the mails delayed at Kingston?—The same time as at York.

54. What expenses are charged at the Frontier Post Offices over and above the nett postage?—A letter to New York costs 1s. 10d., of which 9d. is inland, including 2d. for ferrriage; 1s. 1d. is charged, I suppose, for American postage.

55. How many offices on the American frontier communicate with the United States?—Only the Niagara one. [This question was put "Niagara frontier," at least I understood it so.]

Notes, by the Deputy Post Master General.

This examination having been sent to the Deputy Post Master General at Quebec, with a request from the Committee, that he would make such observations thereon as he might think necessary, and it appearing to be advisable to correct some of Mr. Howard's answers which are erroneous (no doubt) in consequence of his want of information on the points treated of, the following notes are made by Mr. Stayner, who requests that they may be appended to Mr. Howard's examination.

1. The old Book of instructions alluded to by Mr. Howard, requiring alterations and amendments in consequence of the great extension of the department and other causes, I am engaged in compiling a new Book.

2. I am perfectly convinced that the wretched state of the roads and bridges is almost invariably the cause of the delay when the mails do arrive late—there is comparatively little difficulty in ensuring regularity and dispatch, where roads are good, but when Men and Horses evidently do their best, and still cannot succeed, it would be both unjust and impolitic to punish the contractors. No report of neglect of his duty, against a courier, ever goes unnoticed. Mr. Howard seems to think the mails are made subservient to the conveyance of passengers. The principal mail contracts, now in force, were made three or four years ago, under the authority of my predecessor in office, and I am convinced were the best that could be made at the time, and were judged to be equal to the wants of the Country.—If contractors were not permitted to connect the conveyance of passengers with the transport of the mails, their demand would be far beyond the means of the revenue to defray. It is the duty of the Head of the department to regulate the *despatch*, and *frequency* of transport of the mails by the extent and importance of the correspondence; and under the belief that a change is now necessary on the Grand route from Montreal to Niagara, I have (as Mr. Howard has hinted in one of his replies), recommended the measure to the Post Master General.—My plan is to increase the number of times per week to 3, and to avoid the delays which now take place, by which means the mails between Montreal and Niagara, might be conveyed in about 3½ to 4 days; but the success of the plan, if it is attempted, will, however, mainly depend upon the roads and bridges being improved and put in proper condition.

3. The receipts for 6 quarters back average £350 per quarter.

4. This is always the most productive quarter in the year at York.

14. There is an old regulation which, from Mr. Howard's observation, appear to have been lost sight of by him, that all printed papers when mailed, pay a penny a sheet; printed circular letters pay letter postage.

15. Since I have been in the department, I have endeavoured to impress upon the Post Masters the necessity of notifying editors when their papers are refused.

19. The country Post Masters are instructed to post up in their offices or in some public place a list of all unclaimed letters, before they are returned to the General Post Office, and not to consider any letter as dead until they are satisfied it will not be taken up.

21. Mr. Howard must here mean the total amount of letters received and sent, but this has nothing to do with the revenue of his office.

22. Post Office hours must conform to the extent and nature of the business at the respective posts: if a Post Master does not afford proper accommodation to the public in this respect, a representation to the head of the department would be immediately attended to.

27. Repeated orders on the subject inculcate the necessity of swearing every individual connected with the Post Office, it is a regulation which I am particularly careful to enforce.

30. Mails are never sent by steam-boats between Quebec and Montreal, but every boat is provided with a locked letter box as they are in Upper Canada (which is visited by the different Post Masters) in order that the public may have the benefit of that mode of conveyance if they choose to adopt it; but I think with Mr. Howard that it would be very objectionable to depend upon steam-boats for the conveyance of the mails in many parts of Upper Canada. Occasionally those boats, plying between Kingston and York make short passages, but they are uncertain, particularly in the passage up the lake—for instance I was four days this autumn in going from Kingston to Niagara, being obliged to make the latter place, tho' our destination was York. Another objection is that the intermediate offices would not be served by this means: I have given this subject much consideration, and am fully of opinion that a land

mail, if the roads were put in proper order, might be so conducted as to afford all the certainty and despatch that could reasonably be expected: I must add, that during summer, I think the steamboats between Niagara and York might be employed with advantage to convey mails between these two places, and this I propose doing.

34. This question is very imperfectly answered by Mr. Howard; if a letter is received by a Post Master, *over-rated*, the party to whom it is addressed, upon affording reasonable proof of the fact to the Post Master, will receive back the amount of the overcharge; if the overcharge is fraudulently made, the post master would be prosecuted as a felon by the Deputy Post Master General on behalf of the Crown, and his sureties held liable for the penalties of his bond.

35. My answer to this would have been, that as the bags are always made of the best materials and kept in good repair, the cause is the state of the roads, which will not always admit of the bags being carried in carriages and secured from the weather. On more than one occasion this fall the bags have got soaked by falling into rivers unprovided with bridges, in spite of the exertions of the courier to protect them.

39. All Post Masters are bound in a penalty to the King, as well for the correct discharge of their duty to the public as for the payment of revenue collected by them, and in default in either of these regards, I conceive that it would be my duty to prosecute.

40. Mr. Howard has here advanced an assertion which should be *qualified* to make it correct: he says the Post Master General (meaning I suppose the Deputy Post Master General) is not responsible for the Deputy Post Masters. Now I think myself so far responsible for the conduct of my deputies that it is my duty to investigate all complaints against them, and to dismiss and prosecute them when it may be necessary, as I have stated in the last article—Post Masters are almost invariably appointed at the recommendation of the inhabitants, who are supposed to possess the best means of judging of their honesty and general fitness for the trust.

42. The utmost expedition is always enjoined; and the road bills shew the time the courier is detained at each office on his route.

45. I have made it a rule since I was appointed Deputy Post Master General to publish as widely as possible, a list of post offices established, and shall pursue the same plan with regard to any that may be discontinued.

46. In noticing this question, I think it right to state that postage on letters from every part of the British Provinces, is unavoidably blended together, in my returns; and that there are no means of analyzing those accounts, and of ascertaining what portion of postage accrues in each individual province; and the fact that the postage on letters brought by the British Packets, forms part of the aggregate revenue, does away the possibility of ascertaining what is the amount of *provincial revenue collectively*. I mention these facts to shew the impracticability of answering this question, if I were at liberty to attempt it; but at the same time I beg to say that I should not feel myself authorised to afford the information required (by questions 46 and 47) without the sanction of the Post Master General even were it in my power to do so.

49. The department is responsible for the safe transmission of money letters, the same as for other letters, but to no greater extent; and much pains have been taken to establish particular securities for all letters marked as containing money. The addresses are registered at the office where they are mailed; they are specially described upon the letter bills, and a note taken of them by the receiving Post Master. If a money letter is missing, or the contents of one abstracted, it is the duty of the head of the department to investigate the matter—to discover if possible the guilty person and prosecute him.

50. (See Nos. 39 and 40.)

51. See my observation No. 2.

52. A remedy is contemplated for this, in the projected arrangements described in No. 2.

54. Mr. Howard cannot possibly be in any doubt as to what is *American* and what *British* postage on such letters.

55. In this answer Mr. Howard must mean the *Niagara*, not the whole *American Frontier* in Upper Canada, since it is well known that Kingston and Prescott are also in public communication with the United States; on the Niagara frontier, (a space of only 50 miles) one office will, I conceive, afford more perfect accommodation to the public than if there were more.

No. 2 * †

A letter was written by the Chairman to T. A. Stayner, Esq. D. P. M. General at Quebec, of which the following is a copy.

Committee Room, House of Assembly,
York, January 16th 1829.

SIR:—From the questions put to Mr. Howard this morning, a copy of which I am directed to submit to you, you will perceive that the object of the

Select Committee on the Post Office Department is, in the first place to obtain general information, and secondly to express their opinion thereon to the House for its consideration and approbation.

Should you see fit to lay any information before the committee on the subject of their enquiry, I hope it will be forwarded at the earliest possible date, as the committee wish to await your reply to this letter, before they report to

the House—In the mean time they will make progress in their enquiries, in order the more fully to obtain the object for which they were appointed.

I remain, Sir,

Very respectfully

Your most obedient Servant,

W. L. MACKENZIE,

Chairman.

To T. A. STAYNER, Esq. D. P. M. G.
of British North America, Quebec.

General Post Office, Quebec, }
31st January, 1829. }

SIR:—I have the honor to acknowledge the receipt of your letter of the 17th inst., written in your capacity of Chairman of a Committee of the House of Assembly of Upper Canada on Post Office affairs, together with the examination of the Post Master of York, and in reply to the request of the committee that I would furnish such information upon the subjects in discussion as I might think advisable, beg to say that it would have been more satisfactory to me, had the desired information been called for by direct question to myself.

I have nevertheless in the shape of observations upon Mr. Howard's answers, given such information as I hope will be satisfactory and useful—there are some questions which seem to require no other answers than Mr. Howard has afforded, and others which I do not feel myself at liberty to answer.

I have the honor to be, Sir,

Your most obedient Servant,

(Signed)

T. A. STAYNER,

D. P. M. General.

W. L. MACKENZIE, Esq. York.

No. 8.

York Post Office, }
February 10th, 1829. }

SIR:—I beg leave to say that on looking over the minutes of my evidence before the Committee on the Post Office Department, I found it necessary to make some alteration in the answers stated to be given by me, and which it will be observed are noted in pencil.

I would also mention that a question was put to me which does not appear in the minutes, and that was whether I had any intimation of a Post Master General being appointed to Upper Canada, and if such an appointment would be advantageous or necessary, to which I replied that I had not, and that I did not consider it at all necessary, for that from the present one every thing might be expected.

I remain, Sir,

Your Obedient and Humble Servant,

(Signed)

JAMES S. HOWARD.

W. L. Mackenzie, Esq.

No. 4.

A letter of which the following is a copy was also addressed to David Thorburn, Esquire, at Queenston.

House of Assembly, }
January 19th, 1829. }

SIR:—The Committee of the Commons on the Post Office department have been informed, that certain changes have been lately made in the department at Quebec, in the mode of communication by mail, between the British and United States frontier.

Will you have the goodness to explain these changes, giving your opinion on their propriety; and also what improvements you think could be made in the mode of conveying mails, and the times of their arrival; with such other information of the number of letters and papers arriving at Lewiston for Canada, the cost of ferrage, the allowance made your office for trouble, &c. as it may be in your power to afford.

This letter is addressed to you instead of Mr. Hamilton, as it is understood that you perform the active duties of the Queenston office.

I am, Sir,

Your most Obedient Servant,

W. L. MACKENZIE,

Chairman of Committee.

To David Thorburn, Esq. }
Queenston, U. C. }

No. 5.

House of Assembly, January 25, 1829.

Present—MR. CAWTHRA, MR. BLACKLOCK, MR. MACKENZIE.

The Chairman of the Committee stated that he had had an interview with Julius M. Guiteau, Esq., Post Master at Buffalo, and obtained from him the following information.

Post Masters in the United States are appointed by the Post Master General, and hold office during good behaviour. Post Masters are paid in proportion to their services—not above 2000 Dollars in any one instance. Thinks it would be advantageous to convey the mails by way of Buffalo, New York and Liverpool. Distance from Buffalo to New York is 450 miles.—Mails arrive at Buffalo from New York in 72 hours. The New York mail arrives as early at Buffalo as at Rochester: Buffalo is only 32 miles from St. Catharines; Rochester, via Lewiston, is 92 miles from St. Catharines.—Postage of a letter from New York to Buffalo is 18 $\frac{1}{2}$ cents. Letters from Liverpool to New York in the American packets cost only 2 cents, which is paid to the office at New York, so that if the British Government were not to charge extra on letters sent by American vessels to Canada, or from Canada to England, 20 $\frac{1}{2}$ cents would convey a letter from Fort Erie in Upper Canada to Liverpool or any other English Port. Mr. Guiteau thinks the ferrage should be paid by the department in Canada and not by the public. The New York Mail has been, the last 4 years, received sooner at Lewiston, via Buffalo by 4 hours than the Mail of the same date via Rochester. The mail from New York this night arrived here (at York) in 10 days via Kingston and 9 days via Niagara.—Under Mr. Guiteau's proposed arrangements the mail would arrive at Buffalo from New York in 3 days, to which add a day or a day and a half to this place, in all 4 $\frac{1}{2}$ days. At present the mails conveyed in the American Packets are carried in an open bag, so that passengers have access to the letters by the way. It has been proposed to have mail bags locked in these Packets, with a key at the Liverpool Post Office and another at the New York Post Office.—Then to count the letters at New York, charge the postage, and forward them to Buffalo in a bag not to be opened till it reached Buffalo. Mr. G. states,

that it is common for persons in business to have letter boxes at the Post Offices. At Buffalo there are 170 boxes, for which the Post Master receives \$1 per annum each from the owners. An account is kept with the owners of these boxes in small check books and paid at certain periodical times.

No. 6.

GEORGE BROUSE, Esquire, M. P.—Examined.

How are the roads in your part of the country?—Tolerable, not very good in bad weather.

Do you know the road between Kingston and Brockville?—It is bad all the year, from rocks, mud, stumps, &c; and from the roads not being well settled they do not dry up soon after rain.

Are many ship letters received at your office?—A considerable number for a country office.

What is the postage generally charged and marked on these letters?—Generally from 4s. 6d. to 5s. on English letters; on Irish letters generally 6 to 7 shillings.

Do Post Masters generally keep the letters in a separate room?—Not generally in the country.

How often does the Montreal Stage Coach pass your office in summer?—Every day, Sundays excepted—but the mail only arrives twice a week.

Do you think a provincial post office establishment would be preferable to the present one?—Yes, certainly.

Is the remuneration of 20 per cent on letters paid, adequate to the duties of the office in country places?—I do not think it is.

What additional charge is made on letters and papers from the United States?—I believe 2d. on letters and 1d. on newspapers.

Is any particular time allowed for opening and closing the mails?—No, we scarcely ever detain them more than 5 or 10 minutes.

Would it not be well if the whole Postage on letters sent to and from Europe should be paid by the receiver?—I think it ought to be optional.

No. 7.

Monday, 2nd February, 1829.

The Chairman submitted to the Committee certain documents numbered from A. to K. inclusive.

BATES COOKE, ESQ. POST MASTER, LEWISTON—Examined.

How long are the mails in coming and going between Lewiston and New York?—The mail on the average, leaves my office at Lewiston at 4 o'clock in the morning, and arrives at New York, at 6 in the morning of the fourth day, making 74 hours in all. The mail starts from New York at 5 P. M. and arrives at Lewiston at from four to six P. M. on the third day, say 72 hours on the average. This is during the season of Steam Boat navigation on the Hudson; during the remainder of the year there is an increase of time, probably a day additional, but this extends to every route to the frontier;—All the mails going East uniting at Canandaigua, which is a distributing office.

Is the arrival at 6 A. M. at New York, in time for the Packets for Europe?—The Packets sail precisely at nine o'clock in the morning, on the 1st, 8th, 16th & 24th of each month, consequently letters arriving 3 hours sooner at the New York Post Office, are despatched for Europe on the day on which they are received.

Which of the three routes on the Niagara frontier do you think present the greatest advantages for communication by letter with Europe?—Queenston and Lewiston.

Why do you prefer the Lewiston route?—Because the New York mail arrives as early at Lewiston as at Buffalo; say seventy two hours during the summer arrangement. Lewiston is nearer York, Upper Canada, than Buffalo. It is well known that the Niagara river can be crossed with far greater ease, safety and certainty, at Lewiston to Queenston, than at any other point between the two lakes, particularly in the winter. During the present winter, persons have come from Youngstown and Black Rock to Lewiston to cross to Canada, on account of obstructions at those ferries. During the whole year the ferrymen can cross night and day at Queenston, with mails if necessary (excepting in such times as the Niagara is obstructed by ice) which is not generally the case at Black Rock and Youngstown. The post offices of Buffalo and Fort Erie are over two miles apart—those of Niagara and Youngstown about one and a half miles—while those of Lewiston and Queenston do not exceed three-fourths of a mile. Buffalo via Thorold is over thirty miles from Saint Catharines—Lewiston via Youngstown and Niagara, to the same place, is nineteen miles; while from Lewiston to Saint Catharines via Queenston (the direct and best road) is only thirteen miles. The mails can be conveyed across every day as cheap at Lewiston as at the other points. If it shall be determined to confine the communication with Canada to one office, Queenston, being more central is the most eligible; and will cause the least inconvenience. As the Niagara ferry at Queenston and Lewiston is the great thoroughfare between the State of New York and Upper Canada, it is my opinion the mails can be conveyed cheaper between York and Queenston, whether daily or twice a week, than between York and Niagara, or between York and Buffalo.

Do you think it judicious in the post office department in this province to confine the communication with the States, on the Niagara frontier, to one office?—I think the arrangement very injudicious: there now exists a competition between the Post Masters of the three frontier offices, on the United States side, Buffalo, Youngstown and Lewiston, each striving to send over the Canada mails earliest. By shutting up two of these routes this very desirable competition will be destroyed, and the public will suffer. Besides, it is most inconvenient for the people of some parts of the Niagara district to have their correspondence sent round, say from Buffalo to Youngstown, and back to Fort Erie; instead of being ferried across at Black Rock, &c.

Do Post Masters in the United States hold their offices for life?—Only during the pleasure of the Post Master General.

What per centage have you on newspapers taken out of your office?—Nominally fifty per cent, but there is a loss sustained of a part; the Postage being, in some cases, difficult of collection.

Is there any check upon your office to correct errors in calculating the amount of newspaper postage?—The printers in most cases furnish the Post Master at the office where they mail their papers, with a statement of the number of papers mailed by them, each previous quarter, which statement is forwarded to the Post Master General at Washington; but this forms no effectual check, perhaps three hundred dollars a year are collected on papers and pamphlets taken out of the Lewistown office.

What inconveniences to the Public have resulted from the mode of transporting the mails between Lewiston and York in time past?—In the United States there are seven daily arrivals and departures of the mail to, and from New York, each week, whereas on the British side there are but two between Queenston and York, which necessarily occasions a delay in forwarding letters from York and Queenston respectively, of from three to four days each week; and, in proportion, a less delay in the intermediate mails. By the present adopted plan, *via* Niagara & Youngstown, the Saturday night's mail from York for Europe, has not left the Lewiston office before the following Tuesday, thereby losing two days to New York, and a Packet to England: the same additional delay of two days occurs in forwarding letters from New York to York.

What are your Post Office hours at Lewiston?—*From sunrise to nine P. M.* or later, if necessary, all the year round.

How long have you held the situation of Post Master at Lewiston?—Nearly fifteen years.

What improvements would your experience suggest in order to render the communication between the Capital of Upper Canada and Europe more certain and expeditious?—Establish a daily mail between Queenston and York, in continuation of the New York daily line to Lewiston; let that mail be conveyed by the shortest possible route: say *via* St. Catharines, Grimsby, Stony Creek, Burlington Beach, Wellington Square, Nelson, Trafalgar and Toronto;—Let ten minutes, and no more, be allowed for the stage to stop at the intermediate offices; let it be understood that the mail stage will arrive at each office at a certain hour, so that Post Masters may have their packages ready. The New York mail which arrives at Lewiston on an average at six P. M. all the year round, may be made up for Queenston at my office, crossed over to that place, the packages there sorted for the different offices, in the interior, and delivered to the courier by half past eight, allowing (average) two hours and a half at most, of delay. Each mail thus despatched will arrive at York to a certainty at 8 o'clock P. M. the following day (stoppages included); the distance is ninety miles, nineteen hours allowed. Rochester is distant from Lewiston eighty miles, and the New York mail takes from eleven to thirteen hours in passing between these places. I presume that Mr. Stephenson, would willingly contract in this way. In order to meet the outgoing New York mail at Lewiston, the mails would need to leave the York post office each night at 12 P. M. or one A. M. arriving at Queenston at 7 or 8 o'clock the next evening, when letters and passengers could cross over the same night in good time for the next morning's mail. I think it would be best to employ daily Stages instead of steam boats, all the year round, because steam boats only run part of the year; their machinery is liable to accidents; sometimes they go one day and return the next, thereby missing a mail each way; are frequently prevented from crossing by high winds; and even in the best of weather, the Canada would have *not more than two hours advantage* of the daily stage, allowing her to leave Niagara at the usual hour: the stage is always certain, the steam boats uncertain.

Where does the controlling power exist in regard to the management of the post office department in the United States?—In the first place, in the Post Master General, who has very ample powers delegated to him by the laws of the United States; secondly, in the President, who may dismiss the Post Master General at his pleasure;—thirdly, in Congress, for the President of the United States may be impeached before the Senate by the House of Representatives; and Congress have enacted, and continue from time to time to amend, the laws by which the post office department is regulated.

No. 8. Post Office, Queenston. 22nd January, 1829.

To William L. Mackenzie, Esq. Chairman of the Committee of the Commons, on the Post Office Department.

SIR:—I have the honor to acknowledge the receipt of your favour of the 19th inst. requesting information relative to the Post Office Department. Mr. Alexander Hamilton being the principal in this office, I handed over your letter to him to give you the necessary information, and enclose his reply, in a letter addressed to the Chairman of your Committee, and a copy of a petition containing reasons why this route to the United States should be continued in preference to any other; the facts therein set forth I am confident are unvarnished truths.

In the meantime I would beg to state that I am in possession of a letter of 19th inst. from Bates Cooke, Esq. P. M. Lewiston, which desires me to inform your Committee that should you deem it necessary to have any information from him or from Messrs. Barton, mail stage proprietors, or Judge Fleming, relative to the facts contained in the enclosed draft of a petition, that you have only to notify, invite, or summon them, or either of them, to attend upon Your Honourable Committee.

I am Sir, Your very obedient servant,
DAVID THORBURN,
Acting Deputy Post Master.

No. 9. Post Office, Queenston. 22nd January, 1829.

To the Chairman of the Committee of the Commons, on the Post Office Department.

SIR:—I have the honour to acknowledge the receipt of your favour of the 19th instant, requesting an explanation of changes lately made by the Post Office Department at Quebec, in the mode of communication by mail between the British and United States frontier; and my opinion of the propriety of them.

In reply to which I now enclose a copy of a petition to Mr. Stayner, Deputy Post Master General, for British North America, from the inhabitants of the District of Niagara and elsewhere, on the intended alteration, which has been partially carried into effect, as fully comprising the circumstances of the case, and my opinion respecting them.

The original of this petition, has been sent to Chippawa and Fort Erie, for the signature of persons in those places, and although only commenced yesterday, has already received the signatures of several of the most respectable inhabitants, viz: Mr. Street, Major Leonard, Mr. Stephens, Mr. Dee, Mr. Kirkpatrick, Mr. Macklem, Mr. Nelles, Mr. Hepburne, & in fact of all to whom it has yet been presented; when the signatures have been obtained of persons in this place, Niagara, St. Davids, St. Catharines and the head of the Lake, it is intended to be sent to York for the same purpose, and when thus completed, to be forwarded to Mr. Stayner and a copy laid before your committee, but as this will necessarily occupy some time, I have thought it better, in the mean time, to put you in possession of the substance of the petition, I have however to remark, that as this copy is taken from a scroll, the diction in the original may in some instances be different, but the substance, I believe, remains the same.

The other queries in your letter, embrace too many particulars to be correctly answered in time for the mail of this day, but shall be prepared for that of Monday.

I have the honour to be, Sir, your obedient servant,
ALEXANDER HAMILTON, P. M.

No. 10.

To Thomas A. Stayner, Esq. Deputy Post Master General, for British North America.

The Petition of the inhabitants of the District of Niagara and elsewhere, Humbly Sheweth:

That your Petitioners have heard with regret, your intention of altering the mode of receiving and forwarding letters from and to the United States of America, (hitherto arranged to the satisfaction of your petitioners; and your petitioners believe, to the satisfaction of the country in general) and to direct that all communication with the United States and Upper Canada, on the Niagara frontier, shall in future be confined to the office in the town of Niagara alone.

That your Petitioners on this frontier, by such an arrangement, will suffer much inconvenience from detention of their letters, particularly those at the Southern extremity, whose letters will by this means be carried sixty miles out of their way, besides being subject to additional postage, both in the United States and Upper Canada, and what is even worse, to a serious loss of time (as our mails are now arranged) of from three to five days or more, in the receipt of their letters.

That your petitioners on a more extended view of the subject, and from their local knowledge, are satisfied that the intended alteration of the route by Lewiston and Queenston, to that by Youngstown and Niagara, will be attended with serious inconvenience to the public at large instead of benefit; for the following reasons:

That the mails from the United States arrive at Lewiston, at from 3 to 6 o'clock P. M. are immediately forwarded to Queenston in time for our outgoing mails of Mondays and Thursdays which by the Niagara route is impracticable, the outgoing mail at that place closing at 4 o'clock P. M., from which a detention arises of three and four days respectively in each week, and which at this particular time when no less than 6 packets from Great Britain are in arrear might be productive of serious inconvenience to the government.

That on letters forwarded to or through the United States, this detention is also experienced, and even to greater extent; letters for Great Britain arriving at Queenston on Saturday evenings are immediately forwarded to Lewiston, leave that on the following morning at 3 o'clock, whereas those by Niagara do not reach Lewiston until Monday, and are not forwarded from thence till the following morning, thereby losing two full days, and on the Thursday mail one day is in like manner lost, occasioning in many instances a detention of a whole week at New York, in consequence of being too late for the packet, instances of which have already occurred.

That even if a daily mail was established from Molineaux's on the ridge road to St. Catharines by Niagara, and the lake road (the route understood to be in contemplation) is greater in the distance than by Queenston and the roads by no means so good nor likely to be so for many years to come if at all, the natural facilities being greater by the Queenston route: the facility in crossing the river from the local situation of the two places is also decidedly in favour of Queenston, being open with very few exceptions during the winter season even at night, whereas that at Niagara is frequently interrupted by accumulations of ice and high winds from its exposure to the lake, so that crossing late in the evening or at night (the probable time of the mail's arrival) is we believe seldom attempted at that place from the danger attending it.

In confirmation of which it may be stated that it is within the knowledge, of some of your petitioners that persons have come both from Niagara and Black Rock already this season, to cross at Lewiston in consequence of not being able to effect it at those places.

That even in the summer season the route by land to York would evidently be more certain and expeditious, the mail from New York at that season arriving at Lewiston about 3 or 4 o'clock P. M. if met by a corresponding one at Queenston, would in all probability reach York in 18 hours, say by nine or ten o'clock next day, whereas the arrival of the same mail at Niagara at 4 or 5 o'clock P. M. will be too late for the packet of that day, and consequently will not leave Niagara till 8 o'clock next morning, or two o'clock P. M. as the case may be, arriving at York at 12 o'clock noon or 6 P. M., and which even in the most favourable season is subject to interruptions from high winds or accidents to the machinery, and which in the spring and fall of the year, become so numerous as to render it at those seasons wholly uncertain.

That your petitioners are informed that two thirds of the passengers going by the mail stage to York or the interior of this Province are received from Lewiston, and that Mr. Stephenson the mail contractor who is one of your petitioners is decidedly in favour of the route by Queenston.

In addition to all which, your petitioners have to state that such an alteration will be productive of much personal inconvenience and loss to several respectable individuals connected with mail stage and post office departments, and whose interests by this means will be seriously injured, and who have hitherto in their several capacities given general satisfaction, without, as your petitioners believe, being of any public utility but the contrary.

That therefore your petitioners humbly pray that the whole of the offices on this frontier may be opened as heretofore for the receipt of American letters, or that if they must be confined to one place that the route by Lewiston and Queenston may be continued as in your petitioners' opinion the most convenient, safe and expeditious.

And your petitioners as in duty bound will ever pray.

No. 11.

In enclosing the within, I have to observe, that want of time has prevented me from consulting Mr. Thorburn on the subject, who has a copy of my letter to you and will communicate more fully with you on the subject, at his leisure.

A. HAMILTON.

The mail of this evening takes from this office to York and the interior upwards of 100, mostly ship letters, papers, &c. which will reach you on Wednesday evening, whereas those by Niagara cannot possibly reach you till Saturday evening.

The public should not suffer so great an inconvenience.

The mail of Saturday evening brought Mr. Stayner's orders, carrying his intended alteration into effect, by confining the communication with the United States, on this frontier, to the office of Niagara alone; above you have a small sample of their consequences. This should be promptly met or the public must suffer much, perhaps Mr. Stayner on a representation from the House, might be induced to withdraw this last order, until the subject can be thoroughly investigated.

There are no less than 89 single letters in the mail of this evening for York alone, 25 of which are from the United States, 71 of which are ship letters.

A. HAMILTON.

Mr. Stephenson, the mail contractor, will undertake a daily mail from Queenston to York, for £12 10s. Cur'y. per week, and will enter into contract for any number of years, and to deliver the mail at all seasons within the 24 hours, to be carried in a close mail stage, with not more than six passengers, unless in case of very bad roads, when Mr. Stephenson will employ a lighter carriage or other conveyance.

The mail must not be detained over one hour at Queenston, half an hour at York, and eleven minutes at any intermediate office.

The present cost is £5 cur'y. per week, going only twice per week £260
At £12 10s. per week, (going six times)..... 650

Difference..... £90

The nett revenue to the General Post Office, arising from American letters at the office of Queenston alone, for the year ending 5th October last, was £382 cur'y. and which the rapid increase of letter postage and the establishment of a daily mail would shortly double.

No. 12. *Post Office, Queenston 24th, January 1829.*
To the Chairman of the Committee of the Commons on the Post Office Department.

SIR:—In accordance with my letter of the 22nd instant, I now proceed to answer the remaining queries in yours of the 19th.

And first, as to what improvements I think can be made in the mode of conveying the mails, I have to state that, in my opinion, a very great improvement, and one which the rapid improvement of the Country loudly calls for, may immediately be made in establishing a daily mail from this place to York, either by the way of Burlington Beach or the Town of Hamilton, as may be found most advisable, in continuation of that to Lewiston, which by this means will reach York, Upper Canada, from New York, United States, in I am convinced the least possible time, and with the greatest certainty of any route on the Niagara frontier. With regard to the route by Niagara, this will I think be apparent from the petition to Mr. Stayner, a copy of which was sent you in my last—and with regard to that by Buffalo, if I am rightly informed, the distance from Canadaigua to St. Catharines, the points where these two routes separate and again unite, is several miles less by this route. With respect to the celerity of the Telegraph line to Buffalo, I have only to observe, that notwithstanding their travelling by night and day, I am informed the mails of last summer of the same New York dates, reached Lewiston at the same time they did Buffalo, a distance of 19 or 20 miles nearer York, Upper Canada, in addition to which I am informed, it is Mr. Barton's intention to establish a new line in the spring, day and night, which will entirely obviate all objections as to time, if any such now exist with regard to these circumstances; and in answer to what Mr. Guittean may have alleged, a reference to Mr. Barton or Mr. Cook of Lewiston may be desirable, who have kindly said they will attend at York if requested by your committee. With respect to the expense attending a daily line to York, I have to refer you to document No. 1, herewith shewing a nett revenue to the General Post Office, by British postage on letters sent to and received from the United States at this office alone, for the year ending 31st October last, of £382 5 10 currency, a sum I presume much more than sufficient to pay the whole expense of such a communication without calculating that attending the present mode of conveyance to the head of the Lake &c., which would then be included in this: Another powerful circumstance in favour of this route, is the facility of crossing the river at this place, also embraced in the petition to Mr. Stayner, and which our further enquiries have tended more strongly to confirm.

A reference to document No. 2 will shew a statement from my books, of letters and papers received at this office from 1st January 1821 to 1st January 1829—the commission to this office for the quarter ending 31st March 1821, per document No. 3, amounting to the moderate sum of £2 currency per quarter, increased in the quarter ending 31st December last to £23 5 11, bearing a proportion of a little less than the minimum allowance to Post Masters of 20 per cent.

With reference to the petition to Mr. Stayner, the prayer of which contains two items, viz. that the whole of the offices on this frontier should be opened for the receipt of American letters as heretofore, or that if the communication must be confined to one place, that the route by Lewiston and Queenston be continued: I would strongly advise your recommendation of the first as much more satisfactory to the inhabitants on this frontier and its vicinity, and to the public at large, as they will then have an opportunity of judging for themselves, and can send their letters by the route they shall find most to their advantage. As to convenience, safety, cost and celerity, and also to obviate personal loss to individuals here, Mr. Cook will retain his usual per centage from His Government, and this office will continue to receive a reasonable compensation in a place which has arisen under our auspices, been fostered by our attention, and has resulted in a large addition to the revenue of the post office department, and in a manner, I will venture to say, the least burthensome and most satisfactory to the public.

Having thus answered the queries in your letter, I have now only to add that I shall be happy to give any other information you may think necessary, that may be in my power.

I have the honor to be, Sir,

Your obedient Servant,

ALEXANDER HAMILTON, P. M.

STATEMENT of Revenue arising to the General Post Office from Letters and Papers sent to and received from Lewiston, United States, for the year ending 5th October, 1828.

| | Letters sent & paid letters received. | | | Paid letters sent and unpaid letters received. | | | Forwarded Letters sent. | | |
|---|---------------------------------------|--------|---------|--|---------|--------|-------------------------|--------|---------|
| | Letters | Papers | Letters | Papers | Letters | Papers | Letters | Papers | Letters |
| For the quarter ending 5th January, 1828..... | 138 | 9 | 74 | 26 | 19 | 6 | 4 | 13 | 7 |
| Do. do. 5th April, 1828..... | 169 | 13 | 24 | 20 | 2 | 1 | 3 | 2 | 2 |
| Do. do. 5th July, "..... | 121 | 0 | 10 | 22 | 0 | 4 | 2 | 3 | 8 |
| Do. do. 5th Oct. "..... | 123 | 6 | 11 | 18 | 19 | 0 | 2 | 13 | 2 |
| TOTAL. £..... | 552 | 10 | 7 | 87 | 10 | 11 | 12 | 17 | 7 |
| Amount of unpaid letters sent, and paid letters received..... | | | | | | | 552 | 10 | 7 |
| Less a sum equal to that of paid letters sent, and unpaid letters received..... | | | | 87 | 10 | 11 | | | |
| Minus forwarded letters sent..... | | | | 12 | 17 | 7 | | | |
| Constituting the amount of British postage belonging to this office..... | | | | | | | 74 | 13 | 4 |
| Gross amount of British postage..... C'y. £ | | | | | | | 477 | 17 | 3 |
| On letters, &c. to and from the United States, predicated on the presumption that the amount of unpaid letters sent and paid letters received in common situations, will be equal to those of paid letters sent and unpaid received | | | | | | | | | |
| Deduct commission to Post Masters in the interior, 20 per cent..... | | | | | | | 95 | 11 | 5 |
| Nett revenue arising to the General Post Office..... C'y. £ | | | | | | | 382 | 5 | 10 |

Queenston, January, 24th, 1829.

STATEMENT of Letters and Papers sent and received to and from Lewiston, United States, from 1st January 1821, to 1st January 1829.

| | Quarter ending 31 March. | | Quarter ending 30 June. | | Quarter ending 30 Sept. | | Quarter ending 31 Dec. | | |
|----------------------|--------------------------|--------|-------------------------|--------|-------------------------|--------|------------------------|--------|------|
| | Letters | Papers | Letters | Papers | Letters | Papers | Letters | Papers | |
| For the year..... | 1821 | 763 | 1032 | 857 | 1019 | 662 | 913 | 708 | 1000 |
| Papers averaged 1000 | 1822 | 974 | 1000 | 810 | 1000 | 828 | 1000 | 887 | 1000 |
| Do. " 1100 | 1823 | 1089 | 1100 | 908 | 1100 | 829 | 1100 | 1007 | 1100 |
| Do. " 1200 | 1824 | 1188 | 1200 | 1274 | 1200 | 1147 | 1200 | 1034 | 1200 |
| " " " | 1825 | 1047 | 1776 | 1548 | 2353 | 1828 | 2680 | 2206 | 3107 |
| " " " | 1826 | 2553 | 3956 | 2834 | 3732 | 2805 | 4051 | 2747 | 3437 |
| " " " | 1827 | 3523 | 3865 | 3349 | 4657 | 3684 | 4645 | 3988 | 4297 |
| " " " | 1828 | 5469 | 4051 | 3881 | 3802 | 3682 | 4035 | 4639 | 4321 |

In the years 1822, 1823 and 1824 the amount of papers was kept by files, and will average nearly as above—In the other years they were kept numerically.

Queenston, 24th January, 1829.

STATEMENT of Commission arising to this office from Ferriage of Letters &c. to and from the United States, for the Quarter ending 31st March, 1821.

| | | | |
|--|----|----|---|
| 763 Letters, a 2d..... | 6 | 7 | 2 |
| 1632 Papers, a 1/2..... | 2 | 3 | 0 |
| Deduct expense of ferriage..... | 8 | 10 | 2 |
| Balance to this office..... | 6 | 10 | 0 |
| Ditto for the Quarter ending 21st December, 1828. | | | |
| 4639 Letters, a 2d..... | 88 | 13 | 2 |
| 4321 Papers, a 1/2..... | 9 | 0 | 0 |
| Deduct expense of Ferriage..... | 6 | 10 | 0 |
| Do. Commission to the office in the interior, 10 per cent on amount of American postage and ferriage say on £179 12 8..... | 17 | 19 | 9 |
| Balance to this office..... C'y. £ | 24 | 9 | 3 |

Queenston, January 24th, 1829.

No. 14. *Post Office, Queenston, 29th January, 1829.*
To William L. Mackenzie, Esq. Chairman of the Committee of the Commons, on the Post Office Department.

SIR:

In continuation of the reply from this Office, to yours of the 19th inst. I beg leave to suggest to your Honourable Committee, that the British mails to and from this office, ought to be regulated as respects their departure and receipt at this office, in connection with the departure and receipt of the American mail at Lewiston, leaving a sufficient time for the two offices to transact the necessary duty for the despatch of the mails, from either office: by being arranged in this manner, the public would enjoy the benefit of all letters from New York without the delay of a single post. To accomplish this the Lewiston mail should leave this for York, from 5 to 8 o'clock P. M. according to the season of the year. The time within those limits to be regulated by the Post Master on the Lines, and the return mail, leaving York at the same hour, would reach us in time for the outgoing Lewiston mail.

We have had a conversation with Mr. Stephenson, the mail Contractor, who assures us of the practicability, of a daily mail to York, and is desirous to have it carried into immediate effect, in the manner above stated, and who says he would himself immediately proceed to Mr. Stayner, at Quebec, with the petition, if recommended in such a way, as to give him a probable assurance of success.

However, as regards the expence to support a daily mail, the avails of the business done through this office alone, are (as you will perceive by documents No. 1 accompanying Mr. Hamilton's Letter, of the 24th instant) amply sufficient, independent of the great increase of business that would naturally arise by such a facility of intercourse.

We would also recommend the establishing of a daily mail from Fort Erie to Niagara, via Chippawa and Queenston, from the facility with which it may be effected, several lines of Stages passing our doors daily through the Summer with Travellers to the Falls, and which the proprietors for a small consideration would continue through the Winter. In the event of Mr. Stayner confining the communication to any one post office on this frontier, (his order for which we trust he will be induced to withdraw) such an establishment as the above would be absolutely necessary, otherwise although useful and of great convenience to the public it would not be peremptorily required, although from the cheapness and facility with which it can be accomplished it should certainly be done.

The advantages this office possesses over any other point on this frontier, for the actual despatch and safety of mails have been so fully elucidated in the communications we have presented to Your Honourable Committee, that I feel confident you will be able to appreciate them without any further comment by me on the subject.

There is one thing further I would beg leave to make known to your honorable committee, that Mr. Crooks the Post Master at Niagara says, that the mails in future shall take their departure from Niagara for York at one o'clock P. M., which if carried into effect will prevent the public receiving the American mail of that day as hitherto despatched from this office. Instance the consequence to the public if this had been acted upon, last Monday they would have been deprived of the receipt of the great number of Ship Letters that we received that evening, and despatched by the outgoing mail, until the succeeding mail, making three days of a complete delay.

I have the honor to be,

Sir,

Your very obedient Servant,

(Signed) DAVID THORBURN, P. M.

P. S. An allowance should be made by the department to all Post Masters in communication with a Foreign Country in proportion to the duty performed at their offices, over the per centage on British postage received by them—Their peculiar situation subjecting them to a great deal of trouble, with little or

no profit. Instance the Queenston Office, through which passes 17,000 letters per annum, the composition on British Postages to which, at 20 per cent, scarcely averages £4 per quarter.

No. 15.

Extract from a letter by the Post Master of Maitland, dated, January 1829.

Respecting *Post Masters* being subject to do militia duty, as the law now stands, every Post Master (unless otherwise exempted) is obliged to attend musters &c. or subject himself to fine and imprisonment, when at the same time he is sworn to attend faithfully and punctually to the duties of his office, and is, himself, with two sureties in a penal bond, bound in a large sum for the faithful discharge of the same. I am sure you will in a moment see that some legislative enactment is required. For instance the time allowed for a muster, may be the hour of receiving and discharging the mail, but at all times a Post Master or his assistant is obliged to give constant attendance for the receiving and delivering of letters. My wish is that a bill may be got up for the exemption of Post Masters and one assistant to every office, from militia duty, and also from being obliged to fill various other petty offices that may interfere with the duties of the post office.

I have written to one of our members (from this county) R. C. Henderson, Esquire, on the subject who I am sure will give his hearty support to such a bill.

No. 16.

Extract from a letter addressed by Doctor Wylie, of Matilda, to the editor of the Colonial Advocate, dated Matilda 2nd January 1829.

"We all complain in this district of the irregularity of our papers, as we often get two papers at once, and there are five papers I have never received. Miss Pierce says, three of hers never came to hand, Carman only missed two. In August last three different Fridays I was in Williamsburgh post office at the opening of the mail bag and coming up, addressed, 'Matilda' from Cornwall, worn through the cover to rags, so that when I got mine at Matilda a great part was scarce legible: at other times my paper is soiled with grease, and blotted with ink and torn when it comes to hand, and what is singular, one of my neighbours who is a subscriber to the Freeman tells me he is served just in the same manner with his paper. The Montreal papers arrive regularly here by mail, and so do the York Loyalist and Kingston Chronicle, being government papers. You would receive more subscribers were the people sure of getting them."

Thursday 22nd January.

Message from His Excellency the Lieutenant Governor.

J. COLBORNE.

The Lieutenant Governor transmits for the information of the House of Assembly a copy of a letter from the Deputy Post Master General at Quebec, respecting the state of the roads.

Government House, 22nd January, 1829.

No. 17. General Post Office, Quebec, 8th December, 1828.

COPY.

SIR,—I have the honor to acknowledge the receipt of your letter of 27th November, informing me by direction of His Excellency Sir John Colborne, that His Excellency had forwarded to His Majesty's Government a project for making an alteration in the mode of conveying letters to the Province of Upper Canada, and had suggested the necessity of appointing a Deputy Post Master General for that Province to reside at York or Queenston. His Excellency further desires my opinion as to the expediency of having a Deputy Post Master General resident in Upper Canada, and also requests that I will authorize the Post Master at York to contract for the conveyance of the mail between York and Queenston daily, via Burlington Beach, conformably to a scheme suggested by the American Post Master (Mr. Cooke) at Lewiston, a copy of whose letter on the subject to His Excellency, you have by His Excellency's command sent me.

With regard to the appointment of a Deputy Post Master General to reside in Upper Canada, I can see no necessity whatever for it, as I hope to prove myself equal to a proper discharge of the duties with which I have the honor to be entrusted, as well in Upper Canada as in this Province.

I beg to be permitted here to say, that independent of my long acquaintance with these countries, and of the plan I formed of acquiring by travelling through every route, an intimate knowledge of the localities of every section; I possess the further advantage of having in many of my deputies, intelligent zealous men, whose services at all times are at my command.

As respects His Excellency's request that I should authorize a contract to be entered into for carrying the mails daily between York and Queenston, via Burlington Beach, I beg to say, that it is beyond the limits of my authority to do so without the previous sanction of His Grace the Post Master General, even if I considered it necessary, which I certainly do not for these reasons, that it would involve an expence which the Province cannot support, and it would not be right nor consistent with the principles hitherto acted upon by the General Post Office, to give that portion of the Province a daily mail, and leave the important country between York and Montreal, with a mail only twice a week.

To carry the mail from York to Queenston, via Burlington Beach, would certainly shorten the distance by several miles, probably from 18 to 15; but in that case His Excellency will please to observe, that another line of Couriers

would be required to serve the offices of Dundas, Hamilton and Ancaster, and it is from the latter office, that the mails for the country west of Lake Ontario, are made up, consequently it is a very important one.

I have some time thought, and my recent visit to Upper Canada, has confirmed me in the belief, that it has now become expedient to have a third mail through the whole of the main Post Route, that is, from Montreal to Niagara and along the Niagara Frontier; and previous to the receipt of your letter, I had made the necessary enquiries relative to the expence, &c. of such an arrangement, preparatory to applying to the House for authority to carry it into effect, which, if I am permitted to do, there will be this advantage secured; that besides a communication once more in a week, the mail will be carried through from Montreal to Niagara, in six days instead of nine, which are at present taken.

I have some other alterations, relative to the Post communication in this Province to submit for the consideration of My Lord the Post Master General, which I hope will tend to facilitate and improve the intercourse by mail.

I avail myself of this opportunity of submitting to His Excellency, the necessity of calling the attention of the Legislature to the condition of the roads and bridges on the Grand River Post Route between Montreal and Niagara.

His Excellency cannot fail to learn by enquiry, that a great proportion of this route is in such a state, that there can be neither expedition nor safety in conveying the mails, until very essential improvements take place upon it. The worst parts lie between Prescott and Kingston, seventy miles; between Kingston and York 172 miles; and between York and Ancaster 50 miles. I do not mean to say that these roads throughout the whole extent are bad; but there are portions of them from 10 to 20 miles together; which, at certain seasons of the year, are almost impracticable: so much so, that I am astonished how the Couriers get through, they have done so, however, up to this time, because the contractors are respectable and wealthy men, who would not shrink from the performance of their obligation; but I have reason to believe, that they are sustaining a very serious loss by their engagement, and that I shall experience great difficulty in forming a new contract when the present one expires, except the roads are placed in better condition.

At this moment I am informed that the Couriers have lately been obliged to swim their horses over some of the Rivers on this route, (in consequence of the bridges being carried away) preserving the mails in the best way they could, and on two occasions within the last month, the mail bags and their contents have been so entirely saturated by falling into the rivers, that it was necessary to dry and re-mail all the letters at the first office they came to before they could be sent on.

These are details with which I am sorry to trouble His Excellency, but I think it is necessary he should be made acquainted with them; as forming a part of the difficulties with which the post office establishment in this country has to contend, and as being closely connected with the questions in discussion; and I respectfully trust that His Excellency will effectually remedy this very serious obstacle to the improvement of the post office duties in Upper Canada.

I have the honor to be &c.

(Signed) T. A. STAYNER,
Deputy Post Master General British North America,

To the Secretary of His Excellency Sir John Colborne.

No. 18.

Copy of a letter from the Post Master, St. Catharines, to the Post Master of Queenston.

Post Office, St. Catharines, Feb'y 4, 1829.

DEAR SIR:—In obedience to circular No. 6, from the General Post Office, I shall be constrained to send all letters intended for the United States through the Niagara office. You will therefore be good enough to forward your account for American postage up to the 5th inst., that I may close it. I regret exceedingly that such an arrangement should have been adopted, inasmuch as it will tend to retard the arrival of letters for this place, and undoubtedly in some instances increase the rate of American postage. Indeed it seems with consequences which must operate against the interests of, and avails accruing to the department.

I am Dear Sir,

Your obedient servant,

H. MITTLEBERGER.

ALEXANDER HAMILTON, Esq.

No. 19.

Copy of a certificate from Messrs. Charles Barnard and Elisha Steel, laid before the Committee by Mr. Hamilton of Queenston.

"We hereby certify that on Tuesday last we left *Canandaigua* at about one o'clock P. M. and that we arrived at Rochester in 2 hours and 40 minutes, that we left Rochester on Thursday morning following at about three o'clock A. M. and arrived at Lewiston at 8 o'clock P. M. of the same day, making in all 14 hours and 40 minutes, while travelling from Canandaigua to Lewiston, including stoppage. That we came in the Pilot-line and are travellers.

CHARLES BARNARD,
ELISHA STEEL.

Sumner's, Saturday Morning, 7th Feb'y, 1829.

REPORT of the ARBITRATOR, on the part of UPPER CANADA, for ascertaining the proportion of DUTIES levied at the Port of QUEBEC to be paid to Upper Canada, for the four years commencing 1st July, 1828.

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

MAY IT PLEASE YOUR EXCELLENCY:

Having had the honor of being appointed by His Excellency SIR PEREGRINE MAITLAND, as arbitrator on the part of Upper Canada to meet an arbitrator on the part of Lower Canada, for the purpose of assigning to each Province its proportion of duties levied at the Port of Quebec upon goods wares and Merchandize, during the next four years succeeding the first day of July 1828, agreeably to the provisions of an act passed in the Imperial Parliament in the fourth year of the reign of His present Majesty, entitled "An act to regulate the trade of the Provinces of Upper and Lower Canada, and for other purposes relating to the said Provinces" and having been officially notified that the Honorable John Richardson had been commissioned by His Excellency the Governor in Chief to perform the same service, I immediately placed myself in communication with the Honorable the Arbitrator for Lower Canada, and by mutual agreement a meeting took place at Montreal in October last.

The question which first presented itself for consideration, was the appointment of a third arbitrator, which became more immediately necessary, as a great part of the period allowed by law for that purpose had already elapsed.

The Honorable the Arbitrator for Lower Canada concurred in opinion that it was highly desirable and almost indispensable, to fix upon some person wholly unconnected with either Province, and there would not have been any difficulty in coming to an agreement respecting the individual to be named, but other circumstances induced the Arbitrators to pursue a different course.

In the twentieth clause of the before mentioned Act it is provided, that in case of a third Arbitrator being appointed by His Majesty, it shall be lawful for the Governor in Chief to fix the remuneration of such Arbitrator, but in the event of an appointment by the two Arbitrators; the third has no certainty of receiving anything for the performance of a very arduous and responsible duty.

There was every reason therefore to suppose that no person residing in the neighbouring Provinces would give himself the trouble of repairing to Montreal for the purpose of deciding an important question without remuneration, there was no one sufficiently disinterested that could be selected at hand and in the meantime while making a distant communication, the period admitting of a choice would have gone by and left no alternative, but an appeal to the King's Government.

This delay it was highly desirable to avoid, and it was therefore determined by previous discussion to ascertain whether the arbitrators did not agree in opinion.

As the person appointed on the part of the Province claiming certain dues, I was called upon to advance such propositions as were supposed to accord with her claims. In so doing, I felt myself bound to assume the following basis.

That during the two last similar occasions the arbitrators however desirous had in vain attempted to fix upon any standard more satisfactory than population.

They had therefore retained it and formed their award thereupon.

That unless the Honorable the Arbitrator for Lower Canada could now substitute some datum more definite, I should feel myself called upon to adhere to it, and claim for Upper Canada an increased proportion of duties according to the ratio of comparative increase of population.

In reply, the Honorable the Arbitrator for Lower Canada said that he was unable to substitute any thing better, yet should most firmly protest against population as an accurate or just basis.

That there were certain articles bearing a high duty of which we did not consume more than an eighth, and that those of which our consumption was greatest bore only a small advalorem duty; and that at all events, he was not furnished with any population returns of Lower Canada.

I stated that the returns of Upper Canada gave an amount of one hundred and eighty nine thousand, but they were believed to be erroneous, and that two hundred thousand would be more nearly the true number—that under the circumstances, assuming that amount from the Province from which I was deputed, I should be willing to admit five hundred thousand as the probable population of Lower Canada.

The Honorable the Arbitrator for Lower Canada said he could not justify to himself, an assent to this proposition, as he did not believe it would produce a fair result, but considering that four years had elapsed since he had dissented from the last award, during which period our consumption must have increased, he had after much deliberation decided that he would accede to the same proportion for the next four years, as we had received for the last like period, which was the utmost he could reconcile to his judgment.

Between this proposition and the chance of an award from a third arbitrator to be appointed by His Majesty, I was called on to make my election.

It is perhaps not yet known to Your Excellency that much of the differences which has hitherto occurred, has arisen from a belief on the part of the Honorable the Arbitrators for Lower Canada, that our consumption of rum, salt and wines, compared with that of their Province is exceedingly small, and that therefore the amount of these duties assigned to us is greater than we can equitably claim.

We have generally in part admitted such to be the fact, though by no means to the extent advanced; having invariably asserted our right to the proportion consumed by such navigators of vessels as are brought to the port of Quebec, to convey our imports, such as come to take off our exports, and the proportion consumed by raftsmen and boatmen, while necessarily in Lower Canada for the delivery and receipt of their cargoes.

We have also successfully contended that our consumption of tea and goods bearing an advalorem duty is greatly superior to theirs. How far this excess in our favor will balance that against us, there is not, unfortunately any means of ascertaining with certainty, as no accurate returns are made of the imports into this Province. On the last occasion the Honorable the Arbitrator appointed by the King, was governed by the relative population, and there is no doubt that the same datum would have given to us at present more than one fourth, but there could have been no safety in trusting to the assumption of such a criterion, for it is undeniable and might be strongly urged that since the last arbitration, owing to the increased distillation of whiskey, our demand for foreign spirits has decreased materially, and it might not be made to appear satisfactory to a third arbitrator that our greater consumption of other articles would equal this deficiency.

In order to bring the matter more clearly under the observation of Your Excellency, I beg leave to state briefly that the whole revenue arising from the spirits, wine and salt for the year 1827, amounted to about £56,825, of which we are to receive one fourth, without perhaps having an equitable claim

to more than one seventh; on the other hand the advalorem duty, and that on tea, amounted to £35,681: of this sum, Lower Canada received three fourths, while there is every reason to believe that less than two thirds would be nearer her just proportion.

It thus appears that the excess over the supposed true amount, in the one case nearly equals that in the other, though there would be a difference in our favor of nearly £1000 annually, but there is not even a pretence for offering this distribution as accurate, for under the present uncertainty, the question must always be decided by an equitable jurisdiction to be governed more by probable circumstances than by the evidence of facts. These however are not easily adjusted owing to the great diversity of opinion, as many persons well informed on the subject strongly contend that our true share of duties on spirits would not amount to one eighth. That, of advalorem goods, large quantities are purchased by persons in the United States, and that our consumption of salt is quite inconsiderable owing to the large supply procured from a neighbouring country.

The want therefore of any positive testimony to justify my own opposition, or to offer as a guide for the judgment of a third person, together with the consequent delay and the possibility of a diminished rate being assigned to this Province led me to consider it my duty to accede to the proposition of the Honorable the Arbitrator for Lower Canada, and I accordingly agreed to receive for Upper Canada the same proportion as had been awarded for the last four years ending on the first day of July last.

Having thus disposed of the main question, upon considering the act attentively, it appears that the term "The three Arbitrators shall hear and determine" rendered the election of a third imperative. The Honorable the Arbitrator for Lower Canada having concurred in this opinion, proposed Mr. Maitland, of London, now of Montreal. To this nomination I had not the slightest objection; under other circumstances as being a person connected with Lower Canada, however highly Honorable, I should have felt myself called upon to oppose the appointment; but as a difference of opinion could not change the decision of the two Arbitrators, I readily assented to the choice.

In consequence the three Arbitrators proceeded to hear the claims of each Province to its proportion of the duties levied at the Port of Quebec, and I have the honour of enclosing herewith the award determined by them, a copy of which was immediately forwarded to the Lords Commissioners of His Majesty's Treasury.

As on transmitting this report to be placed before Your Excellency, my office, as Arbitrator must necessarily cease, I trust it will not be considered out of place, while upon the subject to remark, that in all the arbitrations relating to our financial affairs, there has been hitherto an apparent departure from the course usually pursued on similar occasions, which has no doubt arisen from the circumstances of the case, together with the precedent formed before the passing of the British Act of Parliament.

It will readily appear to Your Excellency, that with respect to the question referred for arbitration, the provinces are the parties by whom the Arbitrators are named, as judges to hear and determine the matter to be brought before them after the exercise of their best discretion to secure an equitable decision.

Under this view it would become the duty of the Arbitrator for Upper Canada, to suggest any thing which might occur to him as advantageous to Lower Canada, though not advanced by that party, and on the other hand the Arbitrator for Lower Canada, would be equally bound to endeavour to ascertain any facts beneficial to this Province.

It has happened, however, that the Arbitrators have hitherto been placed in the situation of advocates, rather than of Judges, advancing and opposing claims, each taking a side and defending it, with all the zeal and skill arising from a predetermination to maintain certain ground.

So far as the arbitrators were concerned, they had no other course to take, it having been established for them, nor has it in any way interfered with the line of duty which they would have at all times pursued, but as the rapid advance of this Province and its increasing resources, render every new decision more important than the last, and will soon put us on a footing of greater equality with our sister Province, I have felt myself called upon to bring under the observation of Your Excellency, every circumstance, connected with the original question which occurred to me during the discharge of the service with which I had the honour to be intrusted.

Whether by the expression "shall hear and determine" was meant that the Arbitrators should be judges only, and whether the province might not on a future occasion, by furnishing the best testimony that can be procured, take from the Arbitrator the delicate responsibility of first advancing a claim and then deciding it, are considerations which will be best weighed by the wisdom of Your Excellency.

All which is humbly submitted,

by Your Excellency's Most obedient,

Humble Servant,

GEORGE H. MARKLAND, Arbitrator.

(Signed)

30th December, 1828.

A true copy,

Z. MUDGE.

AWARD of the Arbitrators on the part of Upper and Lower Canada, relating to Duties levied at the Port of Quebec, for the four years commencing 1st July, 1828.

Whereas in pursuance of a certain act of the Parliament of the United Kingdom of Great Britain and Ireland, made and passed in the third year of His present Majesty's reign, entitled, "an act to regulate the trade of the Provinces of Upper and Lower Canada and for other purposes relating to the said Provinces," the Hon. John Richardson, was duly appointed by commission under the great seal of the Province of Lower Canada, bearing date 17th day of September, 1828, Arbitrator on the part of the said Province of Lower Canada, for ascertaining the proportion to be paid to Upper Canada, for the four years next succeeding the 1st day of July, 1828, of Duties levied in the said Province of Lower Canada, under the authority of any act or acts passed or to be passed therein, upon goods, wares and commodities, imported therein by sea. And whereas in pursuance of the said act of the Parliament of the said United Kingdom, the Hon. George Herchimer Markland, was duly appointed by commission under the great seal of the Province of Upper Canada, bearing date 16th day of September, 1828, Arbitrator on the part of the said Province of Upper Canada, for ascertaining the said proportion of duties herein before mentioned; and whereas the said John Richardson and George Herchimer Markland, Arbitrators as aforesaid, did meet at Montreal, in Lower Canada, on the 4th day of this instant, month of October, in the said year 1828, and on the seventh day of the said month, by an in-

strument under their hands and seals, did appoint William Maitland, Esq. of the city of London, now at Montreal, to be the third Arbitrator, pursuant to the said act of the parliament of the United Kingdom. And whereas the said three arbitrators, that is to say, the said John Richardson, the arbitrator on the part of Lower Canada, the said George Herchmer Markland, the arbitrator on the part of Upper Canada, and the said William Maitland, the third arbitrator, met at Montreal, in Lower Canada, on the 8th day of this instant month of October, and proceeded to take into consideration the matter referred to them. Now therefore, we the said John Richardson, George Herchmer Markland and William Maitland, arbitrators as aforesaid, do hereby in further pursuance of the said act of the parliament of the said United Kingdom, make and certify our award in the premises, in manner following, that is to say, we do award and determine, that for the four years next succeeding the 1st day of July, 1828, one-fourth part of the duties levied in the Province of Lower Canada, under the authority of any act or acts passed or to be passed therein, upon goods, wares and commodities, imported therein by sea, shall be paid to the said Province of Upper Canada, as the proportion of the same duties, arising and due to the said Province of Upper Canada.

In witness whereof, we have hereunto set our hands and seals, at Montreal, in Lower Canada, this 8th day of October, in the year of our Lord one thousand eight hundred and twenty eight.

(Signed)

JOHN RICHARDSON,
GEORGE H. MARKLAND,
WILLIAM MAITLAND.

A true copy,
Z. MUDGE.

Appointment of a third ARBITRATOR on the subject of duties levied at the Port of Quebec.

Whereas by a certain act of the Parliament of Great Britain and Ireland, passed in the third year of His present Majesty's reign, entitled "An act to regulate the trade of the Provinces of Lower and Upper Canada, and for other purposes relating to the said Provinces, it is enacted, that in order to ascertain and establish the proportion to be paid to Upper Canada of duties levied in the Province of Lower Canada, under the authority of any act or acts passed or to be passed therein, upon goods, wares and commodities, imported therein by sea, an award shall be made after every four years from the 1st of July 1824, by certain Arbitrators, one of whom shall be appointed by the Governor, Lieutenant Governor, or person administering the Government of Lower Canada, one other by the Governor, Lieutenant Governor, or person administering the Government of Upper Canada, and a third by the said Arbitrators so appointed, by an instrument under their hands and seals, which three Arbitrators shall have power to hear and determine all claims of the Province of Upper Canada, upon the Province of Lower Canada, for its due proportion of the aforesaid duties.

And whereas by a commission under the great seal of the Province of Lower Canada, bearing date the 17th day of September 1823, the Honorable John Richardson was appointed an Arbitrator on the part of Lower Canada; and by a commission under the great seal of the Province of Upper Canada, bearing date 16th day of September 1823, the Honorable George Herchmer Markland was appointed an Arbitrator on the part of Upper Canada according to the provisions of the before recited act.

Now know ye, that we, the said John Richardson, and George Herchmer Markland, have appointed, and do hereby appoint you, William Maitland, Esquire, of the city of London, now of Montreal, to be the third Arbitrator to ascertain in conjunction with us, under the authority of the before mentioned act, what proportion shall be paid to Upper Canada for the four years next succeeding the first day of July 1828, of duties levied in the Province of Lower Canada, under the authority of any act or acts passed or to be passed therein, upon goods, wares, and commodities to be imported therein by sea.

In testimony whereof, &c. &c. &c.

(Signed)

JOHN RICHARDSON,
GEORGE H. MARKLAND.

A true copy,
Z. MUDGE.

Documents transmitted to the House of Assembly, on the 5th February, 1829, in compliance with an address of that House, to His Excellency Sir John Colborne, on the 30th January ultimo.

LETTER FROM THE RECEIVER GENERAL TO MR. SECRETARY MUDGE.

Receiver General's office, York, 4th Feb'y 1829.

SIR—I have the honor to acquaint you for the information of His Excellency the Lieutenant Governor, that I hold the appointment of Receiver General of Upper Canada under the great seal of England, by letters patent. I have agreeable to the patent, lodged a security, with the King's remembrancer in England, which was previously accepted by the Right Honorable Lords Commissioners of His Majesty's Treasury, for the sum of ten thousand pounds sterling, and I have also entered into a personal bond in this province for ten thousand pounds, for the due execution of my office. I take leave here to remark, that should this security be considered insufficient, that I hold myself ready to afford such additional security as may be judged reasonable to secure the public property from time to time in my charge.

I have the honor to be,

Sir,

Your most obedient Servant,
JOHN H. DUNN, Receiver General.

To Z. MUDGE, Esq.

Secretary to His Excellency, &c. &c. &c.

RECEIVER GENERAL'S APPOINTMENT.

Whereas His Present Majesty by His letters patent under the great seal of the United Kingdom of Great Britain and Ireland bearing date at Westminster the 12th day of April in the first year of His Reign, revoked and determined the said letters patent and every clause, article, and thing therein contained, and did thereby give and grant unto John Henry Dunn, Esq. the Office of Receiver General of all and singular the before mentioned revenues, duties, imposts, penalties, Territorial or Casual Revenues, fines, rights or profits (His Majesty's revenues of customs excepted) arisen and grown due, or that should arise and grow due, unto His Majesty, within His Majesty's said Province of Upper Canada, and all arrears thereof, and also all and singular, such revenues, duties, imposts, penalties, Territorial or Casual Revenues, fines, rents or profits, (except before excepted) which should or might thereafter become

payable in the said Province, and him the said John Henry Dunn, Receiver General of all & singular the before mentioned revenues, duties, imposts, penalties, Territorial or Casual Revenues, fines, rents or profits (except before excepted) arisen and grown due, or that may arise and grow—unto His Majesty within the said Province of Upper Canada, and of all arrears thereof; and also of all and singular such revenues, duties, imposts, penalties, Territorial or Casual revenues, fines, rents or profits (except before excepted) which should or might thereafter become payable in the said Province. His said Majesty did make, ordain and constitute by the said letters patent, which said revenues, duties, imposts, penalties, Territorial or Casual Revenues, fines, rents or profits and all arrears of the same so to be received, are to be answered, paid and applied towards defraying the expences of the administration of Justice and of the support of the Civil Government in the said Province, according to such warrant or warrants as the said John Henry Dunn should from time to time receive from His Majesty or His High Treasurer or Commissioners of His Treasury, or any three or more of them for the time being: To have, hold, exercise and enjoy the said Office of Receiver General of the Revenues and premises aforesaid unto him the said John Henry Dunn, during His Majesty's pleasure: And whereas the said John Henry Dunn hath, pursuant to the provisions contained in the said letters patent, proposed the above bound John Charles Dunn, Esq. to the Right Honorable the Lords Commissioners of His Majesty's Treasury to be his security for the due and faithful execution of his said office of Receiver General as aforesaid, who have approved of the said John Charles Dunn being such surety on his entering into a bond to His Majesty in the penal sum of ten thousand pounds.

Now the condition of this obligation is such that if the said John Henry Dunn shall during his continuance in the said office of Receiver General, well and truly, and duly and diligently attend in the premises, and shall receive all and singular the before mentioned revenues, duties, imposts, penalties, Territorial or Casual Revenues, fines, rents or profits (His Majesty's revenues of the customs excepted) arisen and grown due, or that shall arise or grow due unto His Majesty within His Majesty's said Province of Upper Canada, and also all arrears thereof, and also, all and singular such revenues, duties, imposts, penalties, Territorial or Casual Revenues, fines, rents or profits (except before excepted) which shall or may hereafter become payable within the said Province; and if he the said John Henry Dunn shall well and truly answer, pay and apply the said revenues, duties, imposts, penalties, Territorial or Casual Revenues, fines, rents or profits, and all arrears of the same so by him to be received by virtue of his said office of Receiver General, in and towards defraying the expences of the administration of Justice and of the support of the Civil Government in the said Province, according to such warrant or warrants as he the said John Henry Dunn shall from time to time receive from His Majesty or His High Treasurer, or the Lords Commissioners of His Majesty's Treasury or any three or more of them for the time being, and also if he the said John Henry Dunn shall render into His Majesty's Court of Exchequer in England according to the course of the said Court, just and true accounts of, and shall duly answer to His Majesty, His Heirs and Successors all monies which he shall have so received in virtue of the said office of Receiver General, and also if he the said John Henry Dunn shall from time to time keep fair and true accounts in writing of all the said revenues, duties, imposts, penalties, Territorial and Casual Revenues, fines, rents and profits, whereof he is by the said letters patent made Receiver General as aforesaid, and shall render unto His Majesty's Exchequer at Westminster according to the course thereof, just and true accounts of, and duly answer unto His Majesty all monies which he shall receive in virtue of the said letters patent, and shall pass such account or accounts before the proper Auditor or Auditors now and for the time being, appointed to take such accounts of and from the said Receiver General, from time to time according to the course of His said Majesty's Exchequer, and shall in all things well and truly behave himself in the Execution of his said office of Receiver General, then this obligation to be void, otherwise to be and remain in full force and virtue.

(Signed) J. C. DUNN, L. S.

Sealed and delivered in the presence of
JAMES ALEX. MYERS,
JOHN H. FOOT.

*Extracts from a despatch from George Harrison, Esquire, to His Excellency Sir Peregrine Maitland, dated,
Treasury Chambers, 30th April, 1821.*

The Lords Commissioners of His Majesty's Treasury, having had under their consideration your letter, dated the 12th November last, I have it in command, to acquaint you, that Mr. Dunn, the present Receiver General, was directed to give security in this country to the amount of £10,000 for the due performance of his office, and my Lords have called upon the officer, by whom the security was taken for a copy of the bond, which they will cause to be transmitted to you.

(Copy)

King's Remembrancer's Office, 11th July, 1820.

These are to certify that John Charles Dunn, of Higham House, in the county of Sussex, Esquire, hath entered into bond to His Majesty, in the penal sum of ten thousand pounds as surety, for John Henry Dunn, Esquire, appointed Receiver General, for His Majesty's Province of Upper Canada, (in the room of John McGill, Esquire,) pursuant to a warrant of the Treasury in that behalf.

(Signed)

D. BURTON FOWLER,

A true copy, Z. MUDGE.

1st Secondary.

(COPY)

Know all men by these presents that I, John Charles Dunn, of Higham House, near Robertsbridge, in the county of Sussex, Esquire, am held, and firmly bound to our Sovereign Lord George the fourth, by the Grace of God, of the United Kingdom of Great Britain and Ireland, King, Defender of the Faith, his heirs, and successors, in the penal sum of £10,000, of good and lawful money, of the said United Kingdom, current in Great Britain, to be paid to our said Lord the King, his heirs or successors, which payment well and truly to make, I bind myself, my heirs, executors and administrators, firmly by these presents, sealed with my seal, dated this eleventh day of July, in the 1st year of the reign of the said King and in the Year of our Lord 1820.

(COPY)

Sir—I am commanded by the Lords Commissioners of His Majesty's Treasury, to transmit herewith the copy of a bond entered into, by John Charles Dunn, Esquire, as security for John Henry Dunn, Receiver General of Upper Canada, for your information, with reference to the letter from this board

of 30th ult. and which will, my Lords presume, render any other security from Mr. Dunn unnecessary.

I am Sir, Your Most obedient Servant
 (Signed) GEORGE HARRISON.

Treasury Chambers, 21st May, 1821.

To Lieutenant Governor, Sir P. Maitland, Canada.

Amount of remuneration derived from per centage and salary received by JOHN H. DUNN, from the period of assuming the duties of Receiver General of Upper Canada, to the 31st December, 1828.

| | | | | |
|---|------------|------|----|----|
| From 31st October to 31st December, 1820..... | £ | 15 | 17 | 04 |
| 1st January to 31st December, 1821..... | | 1691 | 11 | 64 |
| 1st January to 31st December, 1822..... | | 545 | 6 | 03 |
| 1st January to 31st December, 1823..... | | 927 | 11 | 11 |
| 1st January to 31st December, 1824..... | | 1171 | 8 | 64 |
| 1st January to 31st December, 1825..... | | 994 | 14 | 07 |
| 1st January to 31st December, 1826..... | | 1077 | 13 | 24 |
| 1st January to 31st December, 1827..... | | 1063 | 5 | 44 |
| 1st January to 31st December, 1828..... | | 1130 | 19 | 04 |
| | £ | 8581 | 10 | 13 |
| Refunded to the public, being a charge of per centage disallowed by the Right Hon. the Lords Commissioners of His Majesty's Treasury, in 1821 and 1822..... | £ | 750 | 0 | 0 |
| Paid out of the above sums 1/4 per cent for agency at Montreal, for receiving the duties at Quebec, on account of this Province..... | | 1129 | 6 | 0 |
| Total amount of per centage received by John H. Dunn..... | | 1870 | 6 | 0 |
| | | 6702 | 4 | 13 |
| | | 670 | 1 | 1 |
| | Sterling £ | 6031 | 19 | 31 |
| Salary of £300 per annum paid by the Government in England..... | | 1631 | 0 | 0 |
| | £ | 7665 | 19 | 31 |

True statement from the } JOHN H. DUNN,
 Public Accounts. } H. M. R. G.

Amount of the ordinary and incidental expenses of the Receiver General's Office, from the 31st October, 1820, to the 31st December, 1828, inclusive.

| | | | | |
|---|---|------|----|-----|
| From 31st October to 31st December, 1820..... | £ | 109 | 11 | 103 |
| 1st January to 31st December, 1821..... | | 410 | 7 | 84 |
| 1st January to 31st December, 1822..... | | 493 | 11 | 94 |
| 1st January to 31st December, 1823..... | | 455 | 1 | 34 |
| 1st January to 31st December, 1824..... | | 440 | 7 | 54 |
| 1st January to 31st December, 1825..... | | 450 | 16 | 104 |
| 1st January to 31st December, 1826..... | | 445 | 10 | 07 |
| 1st January to 31st December, 1827..... | | 471 | 10 | 74 |
| 1st January to 31st December, 1828..... | | 488 | 8 | 13 |
| | £ | 5636 | 1 | 81 |

Amounting to three thousand six hundred and thirty-six pounds, one shilling and three pence 7/4, sterling, dollars & 4s. 6d. each.

JOHN H. DUNN,
 H. M. R. G.

True statement from the Public Accounts.

N. B. The particulars have been furnished to the Honorable the House of Commons, in the annual accounts, laid before the Legislature.

REPORT of the Select Committee appointed to consider and report upon the Petition of John Eastwood and Collin Skinner, Paper Makers, at the Don Mills, near York.

Your committee to whom was referred the petition of John Eastwood and Collin Skinner, paper makers, having taken into consideration the matters to them referred, beg leave to report as follows:

They learn from Mr. Eastwood, that in consequence of the premium offered by the Legislature several years ago, to the person who should first establish a paper mill in Upper Canada, he and his partner Mr. Skinner, commenced building a paper mill, but as Mr. James Crooks had the frame of a grist mill built at the time the act passed, which he immediately converted into a paper mill, he succeeded in obtaining the premium of £125.

Messrs. Eastwood and Skinner have nevertheless persevered in establishing this manufacture and by consuming a material formerly held to be useless in the colony and producing therefrom the common writing and printing papers used by the people, they save within the colony large sums which used to be sent to the United States in payment of this indispensable article.

Your committee can easily imagine the difficulties which spirited individuals have to surmount in a new country, when they attempt to introduce an expensive branch of manufactures, and therefore do strongly recommend the prayer of the petition submitted to them, so far as Messrs. Eastwood and Skinner are interested, being of opinion that an act authorizing the person administering the Government of the Province for the time being, to allow a drawback to the importer for the next four years, on machinery imported from the United States, for the use of paper mills, equivalent in amount to the duties now leviable thereon by law, will be a beneficial encouragement of a valuable domestic manufacture, and a mean of promoting the best interests of this colony.

All which is nevertheless respectfully submitted.

JOHN J. LEFFERTY, Chairman.

Committee Room, Commons' House of Assembly, 6th February, 1829.

A Statement of the sources of Income, &c. set apart for the erection and support of King's College, Upper Canada.

1st. A grant from His Majesty towards erecting the building, of £1000 ster-

ling per annum for 16 years, from 1st of January, 1828, of which one year has been received, as per accompanying abstract of the Bursar's account current.

2nd. A grant of 225,944 acres of the Crown Reserves assigned over to the College. The revenue arising from which cannot be at all accurately ascertained until the reports from the different Surveyors, now employed in the general survey of these lands shall have been received; in as much, as it appears (by reference to the Surveyor General's Office) that very many of the lots were merely applied for, and many others which were ordered for lease, it is well known, still remain in their wild state, & are likely so to remain until leased or sold to other applicants, the original lessors having evidently abandoned all intention of occupying their respective lots, by their having suffered the leases to expire, without, in many instances paying any rent whatever upon them—in others but a small proportion, and in both making no improvement upon the lands. Furthermore, as the College Council is selling off a certain proportion of their lands—it follows that every sale diminishes the rental arising from leases.

N. B. The probable rental from the leased lands at the time they were transferred to the College may be estimated at less than £1600 per annum.

3rd. A future additional source of income will arise from the interest upon the proceeds of the sales of lands exceeding in amount the former rents on such lands; but of this increase of revenue no estimate can at present be formed. Of these lands there have been sold

| | | | | | | |
|---|------|-----------|---|------|----|---|
| To the 31st December, 1828..... | 3167 | Acres for | £ | 3756 | 10 | 0 |
| From 1st to the 31st January, 1829..... | 2790 | Acres for | | 3165 | 0 | 0 |
| TOTAL..... | 5957 | Acres for | £ | 6921 | 10 | 0 |
| Of which has been paid in part to the | | | | | | |
| 31st December, 1828..... | 773 | 1 | 0 | | | |
| From 1st to 31st January, 1829..... | 238 | 7 | 6 | | | |
| As certified in the accompanying abstract of the Bursar's account current | 1061 | 8 | 6 | 1061 | 8 | 6 |
| Balance to be hereafter collected..... | | | £ | 5860 | 1 | 6 |

This balance of £5860 1 6 is claimable only by annual instalment of one tenth of the original purchase with interest payable upon each instalment, the purchasers having the option of completing their entire payments as much within the prescribed period of nine years as they may deem expedient; and which permission some have already availed themselves of; this therefore will serve to account for the balance remaining unpaid as above, being less than nine tenths of the amount of sales.

JOSEPH WELLS,
 Bursar, K. C.

General Abstract of the Bursar's Account Current with King's College, to January 31st, 1829.

| | | | | | | |
|------|-----------|--|---|------|----|---|
| 1829 | To Jan. 1 | By aggregate amount of sums paid at sundry times to surveyors and plan drawers..... | £ | 6 | 0 | 0 |
| | To the 31 | By amount paid a claim in full regarding 36, on the Humber Bay..... | | 15 | 0 | 0 |
| | To the 31 | By amount paid to the Bank for the purchase of a draft on England for £62 sterling, to pay for sundry plans and elevations..... | | 280 | 40 | 0 |
| | To the 31 | By amount of sundry payments in part of the purchase of 136 acres of the park lots for the intended site and domains of the College..... | | 76 | 9 | 4 |
| | To the 31 | By amount of sundry disbursements for office furniture, copying clerks, printing and stationery, &c. to this day..... | | 2584 | 0 | 8 |
| | To the 31 | By ditto paid in month of January 1829..... | | 151 | 13 | 1 |
| | To the 31 | By amount paid to the Bank 1 month's discount on a note of £900 (since redeemed) negotiated to effect a part payment for lands purchased as above..... | | 4 | 11 | 8 |
| | To the 31 | Balance remaining in the Bursar's hands on 31st January, 1829..... | | 21 | 9 | 6 |
| | To the 31 | | | 3138 | 16 | 0 |
| | To the 31 | By aggregate amount of rents received to this day..... | £ | 118 | 0 | 5 |
| | To the 31 | To ditto during the month of Jan'y..... | | 109 | 14 | 3 |
| | To the 31 | To the aggregate amount of sums received on account of sales of lands to this day..... | | 773 | 1 | 0 |
| | To the 31 | To ditto during the month of Jan'y..... | | 238 | 7 | 6 |
| | To the 31 | To half a year's donation from His Majesty to the College, to July 1st, 1828..... | | 555 | 11 | 1 |
| | To the 31 | To ditto to 1st January, 1829..... | | 555 | 11 | 1 |
| | To the 31 | To amount borrowed from the Bank by discounting a note as authorised by the Council..... | | 750 | 0 | 0 |
| | To the 31 | Deduct discount paid thereon..... | | 11 | 9 | 4 |
| | To the 31 | | | 3138 | 21 | 6 |
| | To the 31 | To balance remaining in the Bursar's hands | £ | 3138 | 16 | 0 |
| | To the 31 | | | 21 | 21 | 6 |

The total amount of the above purchase is 156 acres at £25.....£ 3900 0 0
 Paid in part as above.....£ 531 0 8
 Balance remaining unpaid, exclusive of interest thereon.....£ 1315 19 4

JOSEPH WELLS,
 Bursar, K. C.

Return of the Population of the Eastern District, for the year 1828.

Table with columns: TOWNSHIPS, Males under sixteen, Females under sixteen, Males above sixteen, Females above sixteen, TOTAL. Lists townships like Mountain, Lochiel, Williamsburg and Winchester, etc.

I hereby certify that the foregoing return has been correctly made up from the returns of the several Assessors of Townships in the Eastern District, for the present year.

(Signed) ARCHIBALD McLEAN, Clerk Peace Eastern District.

Clerk of the Peace's Office, Cornwall, } May 16th, 1828.

Census of the Ottawa District, for the year ending 1st April, 1828.

Table with columns: TOWNSHIPS, Males under 16, Females under 16, Males above 16, Females above 16, TOTAL. Lists townships like Caledonia, Longueuil, Gloucester, etc.

I certify that the above return is correctly compiled from the lists of the several Assessors of the Ottawa District.

(Signed) R. P. ROTHAM, Clerk of the Peace Ottawa District.

Longueuil, 1st June, 1828.

Return of the Population of the District of Johnstown for the year 1828.

Table with columns: TOWNSHIPS, Counties, Males over 16, Males under 16, Females over 16, Females under 16, Total. Lists townships like Elizabethtown including Brockville, Leeds and Lansdown (Front), etc.

Supplementary return for Burgess, Leeds

(Signed) H. WALKER, Clerk of the Peace, Johnstown District.

Return of the Population of the following Townships of the Bathurst District as taken by the Assessors for the year 1828.

Table with columns: TOWNSHIPS, Males under 16, Females under 16, Males over 16, Females over 16, Total, REMARKS. Lists townships like Drummond, Bathurst, Beckwith, etc.

(Signed) G. H. READE, Clerk of the Peace, Bathurst District.

The Townships of South Sherbrooke, Levant, } Darling and Horton, not assessed.

Amount of the census of the Midland District for the year 1828.

Table with columns: COUNTIES, TOWNSHIPS, No. of males in each family, No. of females in each family, Total in each township, REMARKS. Lists counties like Frontenac, Lennox and Addington, Prince Edward, Hastings.

Kingston, June 6, 1828.

(Signed) ALLAN McLEAN, Clerk of the Peace, Midland District.

A TRUE COPY, Z. MUDGE.

Return of the Population of the District of Newcastle, for the year 1828.

Table with columns: NAMES OF TOWNSHIPS, MALES (Over sixteen, Under sixteen), FEMALES (Over sixteen, Under sixteen), TOTAL. Lists townships like Hamilton, Haldimand, Cramath, etc.

(Signed) T. WARD, Clerk of the Peace.

Abstract from the several Assessors returns of Inhabitants residing in the Home District as taken by them and received by the Clerk of the Peace, between the first day of April and the fourth day of June, 1828. In pursuance of 4th Geo. 4th.

Table with columns: TOWN AND TOWNSHIPS, Males & Females (above 16, under 16), Total, Increase, Decrease. Lists townships like Town of York, Township of York, Whitby, etc.

Errors excepted. 7th August, 1828. Signed, S. BURNARD, Clerk of Peace.

An Aggregate Statement of the Population of the District of Gore, for the Year 1828.

| TOWNSHIPS. | Males under sixteen. | Females under sixteen. | Males above sixteen. | Females above sixteen. | TOTAL. |
|------------------------|----------------------|------------------------|----------------------|------------------------|--------|
| Ancaster..... | 417 | 435 | 504 | 413 | 1799. |
| Dumfries..... | 347 | 285 | 350 | 304 | 1286. |
| Beverly..... | 254 | 206 | 184 | 170 | 814. |
| Grand River Tract..... | 317 | 299 | 347 | 302 | 1265. |
| East Flamboro'..... | 116 | 104 | 106 | 81 | 407. |
| Waterloo..... | 444 | 464 | 433 | 374 | 1765. |
| Etamosa..... | 40 | 56 | 60 | 34 | 190. |
| Woolwich..... | 61 | 73 | 38 | 28 | 205. |
| Nassageweya..... | 69 | 61 | 46 | 65 | 241. |
| Erin..... | 32 | 99 | 61 | 71 | 336. |
| Binbrooke..... | 27 | 26 | 23 | 24 | 100. |
| Salt Fleet..... | 346 | 355 | 332 | 322 | 1355. |
| Glandford..... | 133 | 131 | 56 | 97 | 421. |
| Esquesing..... | 267 | 274 | 304 | 220 | 1065. |
| Nelson..... | 323 | 275 | 353 | 293 | 1244. |
| Barton..... | 332 | 319 | 297 | 299 | 1247. |
| West Flamboro'..... | 230 | 230 | 191 | 183 | 834. |
| Town of Guelph..... | | | 241 | 212 | 453. |
| Total..... | 3320 | 3696 | 3979 | 3491 | 15149 |

(Signed) GEORGE ROLPH,
Clerk of the Peace.

June 11, 1828.

General Return of the Population of the District of Niagara, agreeably to the returns of the Assessors for the year 1828.

| TOWNSHIPS. | Males under 16. | Females under 16. | Males above 16. | Females above 16. | TOTAL. |
|--------------------------|-----------------|-------------------|-----------------|-------------------|--------|
| Bertie..... | 413 | 375 | 403 | 374 | 1565. |
| Caistor..... | 75 | 62 | 71 | 51 | 259. |
| Canby's Settlement..... | 35 | 70 | 65 | 58 | 278. |
| Clifton..... | 407 | 399 | 413 | 391 | 1610. |
| Crowland..... | 190 | 193 | 193 | 152 | 738. |
| Gainsborough..... | 290 | 246 | 251 | 219 | 1006. |
| Grantham..... | 410 | 432 | 415 | 434 | 1727. |
| Grimby..... | 373 | 361 | 421 | 335 | 1495. |
| Haldimand. (Co. of)..... | 166 | 168 | 166 | 131 | 631. |
| Humberstone..... | 170 | 162 | 153 | 141 | 626. |
| Louth..... | 341 | 303 | 290 | 262 | 1202. |
| Niagara..... | 407 | 351 | 475 | 381 | 1614. |
| Niagara (Town of)..... | 256 | 230 | 442 | 334 | 1262. |
| Orphan..... | 271 | 313 | 208 | 271 | 1163. |
| Rainham..... | 77 | 73 | 68 | 60 | 278. |
| Stamford..... | 332 | 334 | 432 | 375 | 1473. |
| Thorold..... | 457 | 336 | 433 | 355 | 1681. |
| Wainfleet..... | 238 | 191 | 232 | 163 | 824. |
| Walpole..... | 76 | 95 | 72 | 58 | 301. |
| Wiltonby..... | 140 | 157 | 51 | 124 | 480. |
| Total..... | 5137 | 4916 | 5399 | 4675 | 20177. |

(Signed) CHARLES RICHARDSON,
Clerk of the Peace,
Niagara District.

Niagara, 31st 1828.

Aggregate statement of the Population of the London District as received from the Assessors of Townships in the said District and filed of record in the office of the Clerk of the Peace, for the year 1828.

| COUNTIES. | TOWNSHIPS. | Males under sixteen. | Females under sixteen. | Males over sixteen. | Females over sixteen. | TOTAL. |
|-------------------|------------------|----------------------|------------------------|---------------------|-----------------------|--------|
| Middlesex. | Aldborough..... | 139 | 170 | 138 | 124 | 571. |
| | Dunwich..... | 121 | 124 | 135 | 107 | 487. |
| | Delaware..... | 31 | 35 | 52 | 42 | 160. |
| | Dorchester..... | 24 | 23 | 21 | 17 | 85. |
| | Westminster..... | 271 | 242 | 270 | 193 | 981. |
| | Lobo..... | 70 | 77 | 73 | 63 | 283. |
| | London..... | 338 | 569 | 562 | 448 | 2217. |
| | Mosa..... | 51 | 43 | 52 | 50 | 202. |
| | Caradoc..... | 63 | 69 | 58 | 59 | 259. |
| | Ekfrid..... | 11 | 19 | 23 | 16 | 69. |
| | Southwold..... | 334 | 359 | 339 | 262 | 1294. |
| | Yarmouth..... | 343 | 300 | 336 | 237 | 1266. |
| | Bayham..... | 308 | 324 | 292 | 231 | 1155. |
| | Malahide..... | 338 | 345 | 291 | 243 | 1267. |
| Total Amount..... | | 2792 | 2693 | 2843 | 2127 | 10260 |

London District—Continued.

| COUNTIES. | TOWNSHIPS. | Males under sixteen. | Females under sixteen. | Males over sixteen. | Females over sixteen. | TOTAL. | |
|-----------------------------|--|----------------------|------------------------|---------------------|-----------------------|--------|-------|
| Oxford. | Burford..... | 133 | 203 | 195 | 162 | 743. | |
| | Blenheim..... | 131 | 121 | 121 | 36 | 465. | |
| | Oxford Western Divisions and Derham..... | 235 | 217 | 236 | 197 | 885. | |
| | Do. Eastern Division..... | 82 | 68 | 81 | 72 | 303. | |
| | Zorra..... | 161 | 134 | 155 | 146 | 646. | |
| | Nassouri..... | 105 | 103 | 112 | 81 | 401. | |
| | Oakland..... | 100 | 70 | 74 | 67 | 311. | |
| | Norwich..... | 277 | 275 | 310 | 247 | 1109. | |
| | Total Amount..... | | 1277 | 1244 | 1284 | 1058 | 4863 |
| | Norfolk. | Charlotteville..... | 274 | 289 | 295 | 263 | 1121. |
| Woodhouse..... | | 251 | 229 | 245 | 207 | 932. | |
| Townsend..... | | 359 | 292 | 332 | 231 | 1264. | |
| Windham..... | | 165 | 154 | 121 | 116 | 556. | |
| Walsingham..... | | 128 | 148 | 137 | 139 | 513. | |
| Middleton and Houghton..... | | 76 | 71 | 71 | 56 | 274. | |
| Total Amount..... | | 5322 | 5120 | 5133 | 4238 | 19813 | |

Recapitulation.

| COUNTIES. | Males under sixteen. | Females under sixteen. | Males over sixteen. | Females over sixteen. | TOTAL. |
|--------------------------------|----------------------|------------------------|---------------------|-----------------------|--------|
| Total Amount in Middlesex..... | 2792 | 2693 | 2843 | 2127 | 10260 |
| " " " Oxford..... | 1277 | 1244 | 1284 | 1058 | 4863 |
| " " " Norfolk..... | 1253 | 1185 | 1201 | 1053 | 4690 |
| Total Amount..... | 5322 | 5120 | 5133 | 4238 | 19813 |

(Signed)

JOHN B. ASKIN,
Clerk of the Peace,
London District.

Western District, Upper Canada.

A General Return of the Population of the Western District as taken from the Assessors lists, for the Towns and Townships therein, for the year 1828.

| TOWNSHIPS. | MALES. | | FEMALES. | | TOTAL. |
|--|----------|-----------|----------|-----------|--------|
| | over 16. | under 16. | over 16. | under 16. | |
| Sandwich..... | 555 | 523 | 507 | 519 | 2104. |
| Malden..... | 335 | 282 | 259 | 264 | 1140. |
| Colchester..... | 192 | 166 | 145 | 155 | 658. |
| Gosfield..... | 115 | 137 | 90 | 110 | 452. |
| Merser..... | 71 | 77 | 62 | 80 | 290. |
| Maidstone and Rochester..... | 74 | 57 | 52 | 57 | 240. |
| Tilbury and Ramsay..... | 97 | 91 | 62 | 82 | 332. |
| Raleigh..... | 113 | 112 | 94 | 122 | 446. |
| Chatham and Harwich..... | 138 | 130 | 107 | 153 | 548. |
| Howard..... | 163 | 153 | 116 | 152 | 584. |
| Oxford..... | 51 | 49 | 37 | 34 | 171. |
| Camden, Dawn and Zone..... | 106 | 127 | 83 | 91 | 407. |
| East and West Dover..... | 143 | 145 | 115 | 133 | 541. |
| Sombra, Sinclair & Walpole Island..... | 127 | 112 | 93 | 85 | 417. |
| Total..... | 2908 | 2161 | 1622 | 2042 | 6393 |

Grand total amounting to eight thousand three hundred and thirty-three.

(Signed)

CHARLES ASKIN,
Clerk, Peace, W. D.

Aggregate of the Assessed property of the Ottawa District, for the year 1828.

| TOWNSHIPS. | Acres of Land. | | Houses. | | | | | | | | | | Mills. | | | | | Carriages. | | | Amount of Assessed Tax. | | | | | | | | |
|---------------------------|----------------|-------------|------------------------|-------------------------|------------------------|-------------------------|-------------------|-------------------------|---------------------------|-------------------------|---------------------------|-------------------------|--------------|----------------------------|------------|-----------------|---------------|---------------|------------------------|----------------------|-------------------------|----|---|-------------|--------------------------------|----------|------------|--------------------|------------------------------|
| | Encultivated. | Cultivated. | Hewn timber one Story. | Additional fire places. | Hewn timber 2 Stories. | Additional fire places. | Framed one Story. | Additional fire places. | Brick or Stone one Story. | Additional fire places. | Brick or Stone 2 Stories. | Additional fire places. | Grist Mills. | Additional pair of Stones. | Saw Mills. | Merchant Shops. | Store Houses. | Stone Horses. | Horses four years old. | Oxen four years old. | | | | Milch Cows. | Young cattle 2 to 4 years old. | Waggons. | Carriages. | Covered Carriages. | No. of Rateable Inhabitants. |
| | | | | | | | | | | | | | | | | | | | | | | | | | | | £ | s | d |
| E. and W. Hawkesbury..... | 19680 | 4367 | 32 | 3 | 1 | 0 | 17 | 3 | 1 | 0 | 11 | 13 | 3 | 3 | 5 | 6 | 2 | 156 | 190 | 520 | 200 | 0 | 1 | 0 | 237 | 73 | 16 | 0 | |
| Longueil..... | 11851 | 2938 | 12 | 3 | 1 | 1 | 21 | 0 | 0 | 0 | 3 | 3 | 1 | 0 | 1 | 3 | 0 | 33 | 100 | 197 | 75 | 4 | 2 | 0 | 104 | 42 | 4 | 9 | |
| Caledonia..... | 4541 | 339 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 17 | 85 | 92 | 31 | 0 | 0 | 0 | 42 | 10 | 10 | 0 | |
| Alfred..... | 3511 | 109 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 3 | 20 | 32 | 13 | 0 | 0 | 0 | 20 | 4 | 9 | 2 | |
| Plantagenet..... | 1115 | 641 | 12 | 0 | 0 | 0 | 1 | 1 | 0 | 0 | 0 | 0 | 1 | 0 | 1 | 1 | 0 | 30 | 39 | 133 | 50 | 0 | 0 | 0 | 91 | 19 | 17 | 6 | |
| Clarence..... | 3038 | 137 | 3 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 4 | 29 | 27 | 18 | 0 | 0 | 0 | 15 | 5 | 0 | 5 | |
| Cumberland..... | 2600 | 100 | 2 | 0 | 0 | 0 | 2 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 2 | 0 | 0 | 6 | 11 | 17 | 7 | 0 | 0 | 0 | 12 | 4 | 10 | 0 | |
| Gloucester..... | 4710 | 514 | 1 | 3 | 0 | 0 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 1 | 0 | 0 | 0 | 40 | 40 | 45 | 11 | 0 | 0 | 31 | 9 | 16 | 5 | |
| Total | 60617 | 9696 | 103 | 10 | 2 | 1 | 53 | 12 | 1 | 0 | 14 | 16 | 5 | 3 | 10 | 2 | 5 | 354 | 514 | 1063 | 1080 | 4 | 3 | 0 | 555 | 170 | 4 | 9 | |

I certify the correctness of the above aggregate,
Longueil, 1st July, 1828.

RICHARD PHILLIPS HOTHAM,
Clerk of the Peace,
Ottawa District.

Aggregate account of the rateable property in the District of Johnstown, for the year 1828.

| THREE THOUSAND AND NINETY-SEVEN PERSONS IN THE ABOVE NAMED DISTRICT, HAVE THE PROPERTY HEREUNDER ENUMERATED. | Aggregate of each article. | Amount of rateable property. | | Rate per £ | Amount to be collected for District. | | | Additional rate assessed for Court Houses and bridges. | | |
|--|----------------------------|------------------------------|-------|------------|--------------------------------------|----|--------|--|----|--------|
| | | £ | s. d. | | £ | s. | d. | £ | s. | d. |
| Acres of Uncultivated land at 4s. per acre..... | 241970 1/4 | 48394 | 1 | One penny. | 201 | 12 | 10 1/2 | 201 | 12 | 10 1/2 |
| Acres of land Cultivated at 20s. do..... | 55239 3/4 | 55239 | 8 4 | | 230 | 3 | 3 1/2 | 230 | 3 | 3 1/2 |
| Town Lots in Brockville, at 30l. each..... | 93 1/2 | 2805 | 0 0 | | 11 | 13 | 9 | 11 | 13 | 9 |
| Town Lots in Johnstown, at 25l. each..... | 69 | 1725 | 0 0 | | 7 | 3 | 9 | 7 | 3 | 9 |
| Houses of squared timber of one story, at 20l. each..... | 201 | 4020 | 0 0 | | 16 | 15 | 0 | 16 | 15 | 0 |
| Additional fire places, at 4l. each..... | 7 | 28 | 0 0 | | | | 4 | 0 | 2 | 4 |
| Framed Houses under two stories, at 35l. each..... | 394 | 13790 | 0 0 | | 57 | 9 | 2 | 57 | 9 | 2 |
| Additional fire places, at 5l. each..... | 47 | 235 | 0 0 | | | 19 | 7 | 0 | 19 | 7 |
| Houses of squared timber of two stories, at 30l. each..... | 11 | 330 | 0 0 | | 1 | 7 | 6 | 1 | 7 | 6 |
| Additional fire places at 8l. each..... | 6 | 48 | 0 0 | | | 4 | 0 | 0 | 4 | 0 |
| Brick or Stone Houses of one story, at 40l. each..... | 135 | 7400 | 0 0 | | 30 | 17 | 6 | 30 | 17 | 6 |
| Additional fire places, at 10l. each..... | 16 | 160 | 0 0 | | | 13 | 4 | 0 | 13 | 4 |
| Brick or Stone Houses of two stories, at 60l. each..... | 139 1/2 | 8370 | 0 0 | | 34 | 16 | 8 | 34 | 16 | 8 |
| Additional fire places, at 10l. each..... | 125 | 1250 | 0 0 | | 5 | 4 | 2 | 5 | 4 | 2 |
| Grist Mills wrought by water with one pair of stones, at 150l. each..... | 30 | 4500 | 0 0 | | 18 | 15 | 0 | 18 | 15 | 0 |
| Additional pair of stones, at 50l. each..... | 6 | 300 | 0 0 | | 1 | 5 | 0 | 1 | 5 | 0 |
| Saw Mills, at 100l. each..... | 40 3/4 | 4075 | 0 0 | | 16 | 19 | 7 | 16 | 19 | 7 |
| Merchant Shops, at 200l. each..... | 44 | 8800 | 0 0 | | 36 | 13 | 4 | 36 | 13 | 4 |
| Store Houses, at 200l. each..... | 13 | 2600 | 0 0 | | 10 | 16 | 8 | 10 | 16 | 8 |
| Stone Horses, at 199l. each..... | 11 | 2189 | 0 0 | | 9 | 2 | 5 | 9 | 2 | 5 |
| Horses three years old and upwards, at 8l. each..... | 2244 | 17952 | 0 0 | | 74 | 16 | 0 | 74 | 16 | 0 |
| Oxen four years old and upwards, at 4l. each..... | 2733 | 10932 | 0 0 | | 45 | 11 | 0 | 45 | 11 | 0 |
| Milch Cows, at 3l. each..... | 6065 | 18195 | 0 0 | | 75 | 16 | 3 | 75 | 16 | 3 |
| Horned Cattle from two to four years old, at 20s. each..... | 2814 | 2814 | 0 0 | | 11 | 14 | 6 | 11 | 14 | 6 |
| Close Carriages with four wheels kept for pleasure, at 100l. each..... | 2 | 200 | 0 0 | | | 16 | 8 | 0 | 16 | 8 |
| Open ditto with four wheels kept for pleasure, at 25l. each..... | 4 | 100 | 0 0 | | | 8 | 4 | 0 | 8 | 4 |
| Carriages with two wheels kept for pleasure, at 20l. each..... | 26 | 520 | 0 0 | | 2 | 3 | 4 | 2 | 3 | 4 |
| Waggons kept for pleasure, at 15l. each..... | 25 | 375 | 0 0 | | 1 | 11 | 3 | 1 | 11 | 3 |
| | £ | 217346 | 8 4 | | 905 | 13 | 0 1/2 | 905 | 13 | 0 1/2 |

(Signed,)

JAMES JESSUP,

Deputy Clerk of the Peace,
District of Johnstown.

Brockville, 1st October, 1828.

Assessment list of the rateable property within the district of Newcastle for the year ending on the first Monday in the month of January, 1829.

Table with columns: NAMES OF TOWNSHIPS, Number of Persons Assessed, Acres of Land (Uncultivated, Cultivated), Houses (Squarred and hewn timber, Framed under two stories, etc.), Grist Mills, Amount of Assessment, Amount of Diartrate at 1d. per, Amount of rate for the Members of Assen'y, Amount of total rate.

I certify that the above are truly taken from the several assessments for the District of Newcastle, Douro not received. (Signed) T. WARD, Clerk of the Peace, District of Newcastle.

General Assessment of rateable property in the Home District, as taken from the several assessment rolls of the town and respective townships therein for the year 1828.

Large table with columns: NAMES of TOWN and TOWNSHIPS, ACRES of LAND (Uncultivated, Cultivated), HOUSES (Square or slated timber, Framed under two stories, etc.), MILLS (Saw Mills, Additional pair of stones, etc.), HORNS CATTLE from two to four years old, MILK COWS, HORSES three years old and upwards, etc.

Errors excepted.

Office of Clerk of the Peace, 31st December, 1828.

WESTERN DISTRICT, UPPER CANADA.

Aggregate account of assessment made on rateable property in the Western District of Upper Canada, for the year 1828.

| | VALUATION. | No. of | Amount of rateable property. | | | Amount to be levied. | | | | |
|--|------------|--------|------------------------------|-------|----|----------------------|---|-----|---|----|
| | | | £ | s | d | £ | s | d | | |
| Acres of uncultivated land,..... | 4s. | 154766 | 30941 | 4 | 0 | | | | | |
| Acres of arable pasture or meadow land,..... | 20s. | 25675½ | 2567 | 10 | 0 | | | | | |
| Town lots in Sandwich,..... | £25 | 56 | 140 | | | | | | | |
| Houses with timber squared or hewn on two sides—one story,..... | 20 | 469 | 816 | | | | | | | |
| Additional fire places,..... | 4 | 25 | 10 | | | | | | | |
| Houses with squared or flatted timber on two sides—two stories,..... | 30 | 21 | 63 | | | | | | | |
| Additional fire places,..... | 3 | 12 | 9 | | | | | | | |
| Houses framed under two stories,..... | 35 | 91 | 318 | | | | | | | |
| Additional fire places,..... | 5 | 26 | 13 | | | | | | | |
| Houses framed, brick or stone—two stories,..... | 60 | 33 | 198 | | | | | | | |
| Additional fire places,..... | 10 | 52 | 52 | | | | | | | |
| Grist mills wrought by water with one pair of stones,..... | 150 | 9 | 135 | | | | | | | |
| Additional pair of stones,..... | 50 | 3 | 15 | | | | | | | |
| Saw Mills,..... | 100 | 4 | 40 | | | | | | | |
| Merchant Shops,..... | 200 | 18 | 360 | | | | | | | |
| Store Houses for receiving and forwarding goods, &c.,..... | 200 | 1 | 20 | | | | | | | |
| Stone Horses kept for covering mares, for hire or gain,..... | 199 | 4 | 79 | | | | | | | |
| Horses three years old and upwards,..... | 8 | 1613 | 1290 | | | | | | | |
| Oxen four years old and upwards,..... | 4 | 1743 | 697 | | | | | | | |
| Milch Cows,..... | 3 | 3317 | 1041 | | | | | | | |
| Horned Cattle, from two to four years old,..... | 1 | 1550 | 155 | | | | | | | |
| Close Carriages with four wheels kept for pleasure,..... | 100 | 2 | 20 | | | | | | | |
| Corricles, Gigs, and other Carriages with two wheels kept for pleasure,..... | 20 | 73 | 146 | | | | | | | |
| Waggons kept for pleasure,..... | 15 | 26 | 39 | | | | | | | |
| | | | £ | 11265 | 11 | 0 | £ | 470 | 4 | 2½ |

(Signed)

CHARLES ASKIN, Clerk of the Peace,
Western District.

EASTERN DISTRICT.

Cornwall, 11th December, 1828.

Report of the Eastern District Public School.

The number of scholars attending the school at this date is thirty-four. Of that number nineteen are learning Latin of which two are also learning Greek.

The Latin scholars are divided into four classes as follows:

1st Class No. 2, are finishing their reading in Ovid and Sallust: having read in the former 2747 lines of the Metamorphoses—including the "contest between Ajax and Ulysses for the arms of Achilles;" and in the latter the whole of Catilines conspiracy "and about 14 chap. of the Jugurthine War"

After the Christmas holidays this class will be ready to commence Virgil and Cicero

This class has besides advanced in the Greek Grammar as far as the irregular verbs of the second conjugation, in, iii.

2nd Class No. 6, are reading in Cornelius Nepos and Casars Commentaries: of the former they have read 10 lives and 18 chapters in the 1st book of the latter. They read and write besides, daily out of Mairs Introduction.

3rd Class No. 3, have nearly finished Adams' Select Lessons, and will be ready after the holidays to commence Mairs Introduction and the lives of Cornelius Nepos.

4th Class No. 8, have nearly finished Ruddimans Latin Rudiments, and will be prepared after the holidays to commence Adams' Lessons.

Of the remaining fifteen scholars,

3 are instructed in Book Keeping, Arithmetic and English Grammar.

5 are reading Mavor's Spelling Book and committing easy pieces of poetry to memory.

2 are spelling words of three and four letters.

The scholars of the first Latin Class have learnt the 4 first books of Euclid; a summary of the fifth book, and are just beginning the sixth.

All the Latin scholars are exercised twice a week in Geography, ancient and modern, the use of the Globes and English Grammar; and four afternoons of the week in Arithmetic.

Since the last report of the school it was deemed advisable to discourage the attendance of girls at the school, as being inconsistent with the good discipline of boys or that delicate treatment which is best suited to girls:—and since July last their attendance has been altogether discontinued.

All which is submitted as a true report.

By H. URQUHART,
Public Teacher, E. D.

OTTAWA DISTRICT.

New Longueuil, 18th November, 1828.

HON'BLE AND VEN'BLE SIR:

Since I had the honour of reporting last on the state of the Ottawa District School, the number of scholars has been fluctuating between 20 and 30. There could be no time more unfavourable than the present for reporting on the state of this school, owing to the badness of the roads which prevent many from attending; and to a number of young men who are in the habit of attending during the winter season, being now employed in other avocations. The number of scholars at present on my list is twenty, and are employed as follows:

One studying Book Keeping; 3 English Grammar; 3 Arithmetic and Writing, the rest reading and writing.

I expect however a considerable addition of pupils in the month of January for the higher branches of education, and I would consider it a favour if it would answer the same purpose to be allowed hereafter to report during that month as it is the best time for affording a fair criterion of the state of this school.

I have the honour to be,

With the greatest respect;

Honorable and Venerable Sir,

Yours very truly,

(Signed)

JOHN McLAURIN.

To The Honorable and Venerable Arch-
deacon STRACHAN, York, }

JOHNSTOWN DISTRICT.

Brookville, 6th December, 1828.

REVEREND SIR:

According to your request I take the earliest opportunity of giving you the information you want respecting the District School at Brookville.

At present there are 17 boys who attend the school regularly. There is a class of six boys reading Virgil; another of three reading Cicero, and another of two reading Casar.

The first six boys are pretty forward in Arithmetic and are reading Euclid. A portion of time is also devoted to History and Geography.

Besides the 17 boys who attend the school there are two other youths who attend at my rooms every evening. The one is reading Cicero, the other Virgil.

I am Reverend Sir,

Your ob't humble servant,

(Signed)

H. BUSHBY.

To The Honorable and Venerable }
the Archdeacon of York. }

To His Excellency Sir John Colborne, K. C. B. Lieutenant Governor of the Province of Upper Canada, &c. &c. &c.

The trustees of the public school of the District of Johnstown, pursuant to the statute in such case made and provided, beg leave to report as follows:

From the resignation of Mr. Padfield, the office of teacher continued vacant till the appointment of Mr. Hugh Bushby the present incumbent who came from England in June last at the request of the trustees. His appointment took place shortly after his arrival, since which time the number of scholars has been regularly but slowly increasing. The school now consists of seventeen scholars, several of whom are well advanced in their education—the branches taught are Greek, Latin, Mathematics, History, Geography, English Grammar and Writing.

No annual examination has taken place since the appointment of Mr. Bushby, nor have any scholars completed their education.

All which is respectfully submitted.

MIDLAND DISTRICT.

To His Excellency Sir Peregrine Maitland, K. C. B. Lieutenant Governor in and over His Majesty's Province of Upper Canada, and Major General Commanding His Majesty's Forces therein, &c. &c. &c.

The trustees of the public district school in the town of Kingston, in consequence of the trust reposed in them, in virtue of their office and in compliance with the requisition of the provincial statute have the honor of addressing this report to Your Excellency representing with the accompanying documents, the state of the public district school as the same has reference to the number of scholars, the qualifications of the teacher and the instruction and moral improvement of the pupils in the said school.

In reference to the number of pupils it exceeds in amount 40, and in the several branches of science enumerated in the accompanying statement.

The pupils at the public examination held on the 8th day of August, the present month, acquitted themselves to the satisfaction of the trustees and gentlemen present on the occasion.

In regard to the attention and assiduity of the teacher to the duties of his office and the maintenance of order and discipline in the public school, the trustees bear testimony to Mr. Baxter's exertions and labours in the conscientious and faithful discharge of his office according to the extent of his ability.

The trustees of the public school in the Midland District assure Your Excellency that in their belief the establishment and support of the school under their inspection and government, will in connexion with others in the province be the nurseries of useful learning and will lay the foundation for the dissemination of the principles of religion, loyalty and morality from the future character and good conduct of the pupils educated therein.

(Signed) GEORGE O'KILL STEWART,
Chairman.

Kingston, August 1828.

Classification of the Pupils of the Midland District School. Public Examination on the 8th day of August, 1828.—No. of Pupils, 41.

CLASSICS.

| | | | | |
|--|---|--|---|---|
| 1st Class. William Herchimer, Robert Murdoch, Richard Corbett, John Forsyth, | } | Greek Testament, Cicero, English Grammar and Rhetorical Grammar. | | |
| 2nd Class. Robert Murdoch, John Forsyth, Wellington Murney, John McDonald, Richard Corbett, William Walker, Charles Stuart, Francis Smith, James Short, James Meagher, Charles Herchimer. | | | | |
| 3rd Class. Wellington Turpin, Edward Walker, William Hinds, William Evans, | | | } | Greek Grammar, Cæsar, English Grammar, Reading, &c. |
| 4th Class. Peter Baxter, Henry Arnold, William Gray, | | | | |
| 5th Class. Archibald Thomson, Walter Stennet, William Stennet, | } | Latin Grammar, English Grammar, Reading &c | | |
| 6th Class. Walter McCuniffe, James O. Farroll, Christopher Smith, William O. Farroll, James Mair, Edmund Butterworth, James Evans, | | | | |
| 7th Class. Michael Stinson, John Arnold, Claudius Arnold, John Creighton, John Fisher, John Evans, | } | English Grammar, Reading, &c. | | |
| 8th Class. John Richmond, William Talbot, Robert Walker, James Atkinson, John Stuart, Peter Baxter, Thomas Molson, Joseph O. Farroll, William Michael, | | | | |

MATHEMATICS.

| | | |
|--|---|--------------------------------------|
| 1st Class. William Herchimer, | } | Algebra and Arithmetic. |
| 2nd Class. John McDonald, Francis Smith, Wellington Murney, Charles Stuart, James Short, William Walker, | | |
| 3rd Class. Wellington Turpin, J. Meagher, C. Herchimer, Walter McCuniffe, | } | Geography, Book-keeping, Arithmetic. |

4th Class.

William O. Farroll,
Archibald Thomson,
William Hinds,
James O. Farroll,
Christopher Smith,
Peter Baxter,
Walter McCuniffe,
Henry Arnold,
Edmund Butterworth,
Edward Walker,
William Evans,
James Mair,
William Grey,

Geography, Arithmetic.

5th Class.

James Evans,
John Arnold,
Claudius Arnold,
Michael Stinson,
John Creighton,
John Fisher,
Walter Stennet,

Geography, Arithmetic.

6th Class.

John Richmond,
John Evans,
Robert Walker,
William Talbot,
James Atkinson,

Arithmetic.

NEWCASTLE DISTRICT.

Cobourg, 1st December, 1828.

SIR:

To you as president of the general board of education, I beg leave to send the following report of the Newcastle District School.

The number of boys at present in attendance amounts to twenty, of whom 4 are studying Latin; 1 Latin, Greek and Euclid's Elements; 4 Book Keeping and Mensuration; 9 Arithmetic and English Grammar; 2 Reading and Writing.

To the above studies must be added exercises in History, English Grammar, Geography and Algebra. One boy finished a classical education at the last vacation.

I am Sir,

Your most obedient servant,
(Signed) DAVID OVANS.

HOME DISTRICT.

Report of the Rev. Thomas Phillips, D. D. Head Master of the Royal Grammar School of York, U. C. laid before the Honorable the Board of Education the 12th December, 1828.

The number of pupils at this time consists of 31. All the boys say classical grammar lessons every morning at first coming in school except Wednesday. Junior boys usually say a second grammar lesson.

7 classes construe and parse. Classical lessons on Mondays, Tuesdays, Thursdays and Fridays.

7 classes write translation and exercise. 3 classes of junior boys read and spell every day alternately using Carpenter's Spelling Book, Histories of Rome and England, Murray's Introduction, &c. All the boys say English Grammar (2 lessons) and write, parsing or other exercise according to their progress in English every Wednesday morning, except senior classical pupils. All the boys except Fuller and two very young boys say 2 lessons of Geography using their maps. The senior class working problems on the Terrestrial Globe on Tuesday mornings. Monday, Thursday and Friday afternoons all the boys cypher, those who are advanced study practical mathematics. On Thursday 1 class demonstrates in Euclid. Monday and Wednesday afternoon and Saturday morning all write, but sometimes a few boys work or set down sums. Saturday morning all except senior classical pupils say the church catechism or the collect for the ensuing Sunday and arithmetical tables. On Saturday before prayers one of the senior pupils reads out of some book on the evidences of the christian religion. 10 every morning scripture reading and prayers, 4 in afternoon prayers, Saturday afternoon holiday, Wednesday afternoon school dismissed at 3 o'clock, 5 geographical classes, 4 classes in English parsing, 3 classes reading and parsing. Of the arithmetical pupils one is working plane trigonometry, 3 going through a course of practical geometry and mensuration. These and some others now entered on business have successively worked practical, common and repeating decimal arithmetic, square and cubic root duodecimals, with very many of their applications in business, as also several have gone through a course of book keeping.

Fuller has read as much of Logarithms as was thought necessary to prepare him for Trigonometry.

BOOKS MADE USE OF.

The Eton Greek and Latin Classics; Keith's and Gregory's Trigonometry; Hutton's and Bonnycastle's course of Practical Mathematics; Keith's, Bonnycastle's, Hutton's, Joyce's and Walkinghame's Arithmetic; Murray's Grammar and Exercise; Goldsmith's Geography and Globes, &c. &c. &c.

Marks of approbation or disapprobation, are regularly kept of the performance of the different studies and exhibited previous to the vacations.

GORE DISTRICT.

Report of the Gore District Public School for the half year commencing the 1st of January and ending the 30th of July, 1828, under the tuition of Stephen Randal.

| | |
|---|----|
| 1. No. of scholars entered on the books of the school during the period, viz: | |
| Boys 41 and of Girls 24..... | 65 |
| 2. Average number of attendants..... | 33 |

3. Students of Latin..... 16
 4. Students of French..... 4
 5. Students of Mathematics..... 7
 6. Students of English Grammar..... 12
 7. Students of Geography and Astronomy..... 19
 8. Students of Arithmetic..... 25
 9. Students of Writing..... 40
 10. Students of English reading and spelling..... 60
 11. Number of Scholars who have been educated gratis..... 6
 11. Mr. Randal begs leave to remark to the trustees that he has thought proper to receive 6 free scholars in compliance with the intention of the act for establishing district schools, and begs that they will at their present meeting direct him in what manner applicants for the government bounty are to be received and what method he ought to take to encourage applicants to come forward until the number specified by law shall be received.

The above report is humbly submitted to the trustees of the Gore District School at their meeting on the 9th July, 1828, by

Their obedient humble servant,
 (Signed) STEPHEN RANDAL.

Report of the Gore District School, for the half year ending the 31st December, 1828.

| NAMES OF SCHOLARS. | Age | Books used by the | | | | | | Total |
|-----------------------------|-----|-------------------|------------|-----------------|-------------|---------|-------|-------|
| | | Writing | Arithmetic | English Grammar | Mathematics | History | Latin | |
| 1 Hercules Burwell..... | 12 | | | | | | | |
| 2 Robert Mullen..... | 10 | | | | | | | |
| 3 Robert Hamilton..... | 10 | 1 | 1 | | | | | |
| 4 Joseph Fillman..... | 10 | | | | | | | |
| 5 Horatio N. Case..... | 10 | | | | | | | |
| 6 George W. Case..... | 10 | | | | | | | |
| 7 John H. L. Askia..... | 14 | 1 | 1 | 1 | | | | |
| 8 Robert K. Chisholm..... | 9 | 1 | 1 | 1 | | | | |
| 9 Abolphus C. Case..... | 7 | 1 | 1 | 1 | | | | |
| 10 Maria Hamilton..... | 7 | 1 | 1 | 1 | | | | |
| 11 Maria Askia..... | 9 | 1 | 1 | 1 | | | | |
| 12 Alexander Millar..... | 12 | 1 | 1 | 1 | | | | |
| 13 Edward Thorne..... | 11 | 1 | 1 | 1 | | | | |
| 14 Richard Procter..... | 11 | 1 | 1 | 1 | | | | |
| 15 Henry Procter..... | 14 | 1 | 1 | 1 | | | | |
| 16 William Fealy..... | 11 | | | | | | | |
| 17 Eleazer Yorks..... | 21 | | | | | | | |
| 18 Crowwell Willson..... | 12 | | | | | | | |
| 19 George Strawbridge..... | 12 | 1 | 1 | 1 | | | | |
| 20 Catharine Beasley..... | 12 | 1 | 1 | 1 | | | | |
| 21 Matthew Seard..... | 12 | 1 | 1 | 1 | | | | |
| 22 Elmieina Douglass..... | 11 | 1 | 1 | 1 | | | | |
| 23 Jane Sheldon..... | 11 | 1 | 1 | 1 | | | | |
| 24 Jane Carey..... | 11 | 1 | 1 | 1 | | | | |
| 25 Janet Murray..... | 11 | 1 | 1 | 1 | | | | |
| 26 Ellen O'Taylor..... | 13 | 1 | 1 | 1 | | | | |
| 27 Izabella Taylor..... | 10 | 1 | 1 | 1 | | | | |
| 28 Kesia Beasley..... | 12 | 1 | 1 | 1 | | | | |
| 29 John Chisholm..... | 12 | 1 | 1 | 1 | | | | |
| 30 Russel Hardy..... | 17 | 1 | 1 | 1 | | | | |
| 31 Richard Strawbridge..... | 11 | 1 | 1 | 1 | | | | |
| 32 Nelson Strawbridge..... | 9 | 1 | 1 | 1 | | | | |
| 33 John Aikman..... | 8 | 1 | 1 | 1 | | | | |
| 34 John Tidd..... | 9 | 1 | 1 | 1 | | | | |
| 35 Eliza Tidd..... | 8 | 1 | 1 | 1 | | | | |
| 36 Sarah Burwell..... | 8 | 1 | 1 | 1 | | | | |
| 37 James Fletcher..... | 11 | 1 | 1 | 1 | | | | |
| 38 George Hamilton..... | 6 | 1 | 1 | 1 | | | | |
| 39 Melvin Strawbridge..... | 6 | 1 | 1 | 1 | | | | |
| 40 Eliza Taylor..... | 8 | 1 | 1 | 1 | | | | |
| 41 Helen Marr Stowe..... | 9 | 1 | 1 | 1 | | | | |
| 42 Robert Thorne..... | 5 | 1 | 1 | 1 | | | | |
| 43 Samuel Smith..... | 9 | 1 | 1 | 1 | | | | |
| 44 George Fletcher..... | 9 | 1 | 1 | 1 | | | | |
| 45 Samuel Mann..... | 10 | 1 | 1 | 1 | | | | |
| 46 George Taylor..... | 7 | 1 | 1 | 1 | | | | |
| 47 Elizabeth Sheldon..... | 11 | 1 | 1 | 1 | | | | |
| 48 James Boyce..... | 5 | 1 | 1 | 1 | | | | |
| 49 Sophia Burwell..... | 5 | 1 | 1 | 1 | | | | |
| | 10 | 38 | 13 | 4 | 6 | 13 | 2 | 8 |

GENERAL REMARKS.

The teacher of the Gore District School in presenting his report to the trustees for the six months just ended, has satisfaction in stating to them that the condition of his school has improved in several important particulars, among which the chief is regularity. During the preceding 6 months out of 63 entered on the list of scholars the average of attendance was only 33, for the average attendance has been 36 out of 45, which latter is the highest number that has attended at any time in the half year, the total 49 being made up by those who have withdrawn at different periods.

The discipline in his school being better understood, has become more effective, and the moral deportment of his scholars, as well as their application to study has been such as to require very little corporeal punishment.

He recommends to your notice with particular gratification the second class in Latin, they have proceeded to the end of the 31st colloquium in Corderius. Their progress has been slow but very correct, and every lesson has been so accurately learned, that scarcely a question could be asked them either in analysis, translation or construction which they could not readily answer; so that tho' only reading Corderius, I consider them as far advanced as scholars generally are who are reading Caesar. An unusual emulation has been excited in this class by allowing each one after the class has recited, to challenge any one standing above him for the repetition of a sentence which he may think most difficult.

The progress of the first class in Latin has been very satisfactory, Sallust's History of the conspiracy of Cataline has been read, and a part of Ovid of their perfection in which the best proof will be the correctness with which they may pass their examination before you.

The third class in Latin all of whom are very young, has advanced with a rapidity equal if not surpassing their age and previous acquirements. None of them have been under my tuition more than 9 months, and most of them at the period of their entrance were unable to read. A great degree of diligence has been excited in this class by a method equally exciting as that employed for the second class and better adapted to their tender capacities. At each time they recited I have given to the one who came off head the figure of a human head sketched with the pen and a small bit of drawing paper, which I think has rendered the conception of merit more tangible to their infant ideas, which heads they will exhibit to you to day, the same method I have employed with the junior classes in English reading with great effect.

I have to regret that the class in mathematics has not advanced in the manner I could have wished on account of their deficiency in preparatory studies. I have been obliged to devote their attention chiefly to these in exclusion of the mathematics. You gentlemen are aware of the difficulty which young persons find in the conception of abstract ideas in which the mathematics are chiefly taken up. Instead of mathematics therefore I have devoted their time of late to the reading of ancient history in which I trust you will find their progress satisfactory. Within the next half year I trust their minds will be so strengthened as to engage the mathematics more effectually. I am happy to present to you a class in English Grammar whose progress thus far has been very correct though but a short time in the study. I have a very juvenile class in English reading and spelling to present to you, with whose progress I have no doubt you will be highly gratified. The specimens of penmanship which I present to you will be a sufficient proof I trust of their progress in that very useful art and in arithmetic, the ease and rapidity with which they can operate the sums which may be given to them will be the best proof I can give you of their proficiency.

Thus gentlemen I have endeavoured to particularize the individual objects of my labours and of the progress of my school for the last six months. All which I hope will meet with your approbation.

Respectfully submitted to the trustees of the Gore District School,

By &c. &c. &c.

(Signed)

STEPHEN RANDAL.

NIAGARA DISTRICT.

Report of the Public School for the District of Niagara, State of Education in December 1828.

CLASSICAL DEPARTMENT.

FIRST CLASS. CLASS No. 1.
 Number of Authors and Studies. Names of Pupils, Parents residence.
 Pupils 3. Horace Minora. Lorenzo Do Raymond, Niagara.
 Horace, Virgil & Cicero's John Millar, do.
 Oration, Latin Exercises, Geography William Millar, do.
 and History, taught at the same time.

SECOND CLASS. CLASS No. 2.
 Number of Authors and Studies. Thomas Crocks, Grimsby.
 Pupils 5. Caesar & Ovid, Latin, Horace Beardsley, Niagara.
 Exercises, Arithmetic, Thomas Burgess, do.
 Geography and History, William Burgess, do.
 Erastus Raymond, do.

THIRD CLASS. CLASS No. 3.
 Number of Latin Grammar and Eli Vary, Niagara.
 Pupils 7. Corderii Col. George Vary, do.
 Reading, Writing, Robert Millar, do.
 Arithmetic and John Cook, do.
 General Knowledge. Henry Galett, do.
 Richard Millar, do.
 James Chrysler, do.

FOURTH CLASS. CLASS No. 4.
 Number of Latin Grammar, T. Sampson, Grimsby.
 Pupils 4. Reading, Writing, Robert Nichol, Niagara.
 and Arithmetic. William Garrett, do.
 Edward Cook, do.

Number of Pupils 10. English Grammar, Reading, Writing, Arithmetic, Geography, &c.

Such is the state of Education in the District School at present. Mr. I. J. Ralston having been engaged as Assistant in September, the Common School of which he had the charge became united to the District School and they are both conducted conjointly, the average number of Scholars having been during that period, sixty, including both. It may be averred with truth that the state of the school is highly satisfactory to the trustees and to the public.

(Signed)

THOMAS CREEN,

Master of the Public School Niagara.

The Venerable the Archdeacon of York, }
 President of Education, U. C. }

LONDON DISTRICT.

Charlottetown, 10th December, 1828.

REVEREND SIR:

On the opposite page you have a statement of the number of scholars at present in the London District School, and the different branches of learning to which they are attending. With the new year it is probable the number will be considerably increased during the winter months at least.

I have likewise the promise of several from a distance on condition of receiving them into my family for which I am making arrangements.

I am, Reverend Sir,

Your obedient humble servant,

(Signed)

E. CHADWICK.

The Hon. and Ven. JOHN STRACHAN, D. D. }
 Archdeacon of York, &c. &c. }

NAMES. BRANCHES TAUGHT.
 Benjamin Tisdale, } Spelling, Reading, Writing, Arithmetic, Latin, Geo-
 Charles Chadwick, } graphy and Historical questions.

G. Titson,
J. Tisdale,
A. Chadwick,
Mary Chadwick,
E. Potts,
J. Rogers,
J. Tisdale,
Nelson Veal,
Isaac Depue,
Alex. Teeple,
Hanfred Oaks,
William Perry,
Richard Oaks,
William Rapelje,
Eliza ditto,
Eliza Wood,
Maria Tisdale,
Margaret do.
Jerome Teeple,
William Olive,
Jno. Chadwick,
James Chadwick,
Richard Rapelje,
Stephen Gilbert,
Harriet Potts,
Francis Tisdale,
Esther Wood,

Spelling, Reading, Writing, Arithmetic, English Grammar, Geography and Historical questions.

Spelling, Reading, Writing and Arithmetic.

Spelling, Reading, Latin Grammar & Vocabulary.

Spelling and Reading.

It is true the teachers, generally speaking, are not men of good or liberal education, few situations offer sufficient encouragement for such; but they are all competent to teach the lower branches of education, which are generally required, and we have no doubt that their labours are extensively useful. The Books which during the last year were received, have all been distributed and have been most thankfully received. We have to thank the General Board of Education, for 12 dozen of Mavor's Spelling Books received recently from Kingston, which will form a valuable addition to the other school books, also recently received and now in course of distribution.

We are Sir,

Your very obedient servants,

ARCHIBALD McLEAN,
DONALD McDONELL,
JOSEPH ANDERSON,

TRUSTEES.

The Hon. and Rev. the Archdeacon of York,
President General Board of Education.

OTTAWA DISTRICT.

To His Excellency Sir John Colborne, K. C. B. Lieutenant Governor of the Province of Upper Canada, &c. &c. &c.

The undersigned, a majority of the members of the board of education of the Ottawa District, humbly beg leave to report:

That the common schools of the Ottawa District, eleven in number, are kept by masters who are British subjects, and well qualified for their office; and, for the support of the said schools during the current year the board recommend the appropriation of the sum of one hundred and forty-two pounds ten shillings, including the salary of their clerk.

PHILO HALL,
ALEX. GRANT,
THOMAS MEARS.

Hawkesbury, 1st January, 1829.

We the subscribers, a majority of the members of the board of education of the Ottawa District, humbly beg leave to report to His Excellency Sir Peregrine Maitland, K. C. B. Lieutenant Governor of the Province of Upper Canada &c. &c. &c.

That the common schools in the said district have been taught for the year last past by persons well qualified for that purpose according to the statute—that the number of scholars in each school is from twenty to thirty-two; and that the books in common use are, the New Testament, Scott's Lessons, Mavor and Webster's spelling book's, Murray's Grammar, English Reader, Tutors Assistant, and Walker's Dictionary. And the board recommend the following appropriations for the current year.

| No. | Place | £ | s | d |
|-----|-------------------------------|----|-----|------|
| 2 | East Hawkesbury | 12 | 10 | 0 |
| 1 | West ditto | 12 | 10 | 0 |
| 2 | ditto | 12 | 10 | 0 |
| 3 | ditto | 12 | 10 | 0 |
| 4 | ditto | 12 | 10 | 0 |
| 5 | ditto | 12 | 10 | 0 |
| 1 | Longueuil | 12 | 10 | 0 |
| 2 | ditto | 12 | 10 | 0 |
| 1 | (10th concession) Plantaganet | 12 | 10 | 0 |
| 2 | Chesser's Mills | 6 | 5 | 0 |
| | For the Clerk of the Board | 5 | 0 | 0 |
| | | £ | 123 | 15 0 |

Total one hundred and twenty-three pounds fifteen shillings.

(Signed)

PHILO HALL,
ALEX. GRANT,
THOMAS MEARS.

Hawkesbury, 1st January, 1828.

BATHURST DISTRICT.

Return of the Teachers of the Common School in the District of Bathurst with the number of Children in each School.

Perth, 6th December, 1828.

| No. | NAMES. | TOWNSHIPS. | No. of Children. |
|-----|---------------------|------------|------------------|
| 1 | Joseph Radford | Bathurst | 23 |
| 2 | Thomas Hall | " | 21 |
| 3 | Robert Clarke | " | 20 |
| 4 | John Higginbotham | " | 22 |
| 5 | Henry Webb Warner | " | 25 |
| 6 | Issabella McFarlane | " | 21 |
| 7 | John Wiggant | " | 20 |
| 8 | William Ferguson | Drummond | 24 |
| 9 | William Gordon | " | 22 |
| 10 | John Willson | Perth | 31 |
| 11 | Hugh McGreggor | " | 20 |
| 12 | Murdock McDonald | " | 21 |
| 13 | Alexander Pollock | " | 24 |
| 14 | Joseph Willets | " | 26 |
| 15 | Alexander Miller | Beckwith | 34 |
| 16 | Alexander McNab | " | 22 |
| 17 | John McLaren | " | 24 |
| 18 | Finlay Sinclair | " | 21 |
| 19 | James Kent | " | 25 |
| 20 | Rev. Buchanan | " | 20 |
| 21 | Jane Connelly | Goulbourn | 21 |
| 22 | Thomas Cox | " | 22 |
| 23 | Margaret Cosgrove | " | 22 |
| 24 | William Hood | Dalhousie | 55 |

WESTERN DISTRICT.

Names, dates of entrance, &c. of the pupils attending at the District School, Western District, in 1828.

| NAMES. | Date of entrance. | BRANCHES. | When withdrawn. |
|--------------------|-------------------|---------------------|-----------------|
| Charles Hall | January 14th. | Latin & Greek. | August 16. |
| Felix Hands | | do. do. | |
| Robert Woods | | English Grammar. | |
| R. Elliott | | ditto. | |
| James Elliott | | ditto. | |
| A. Rankin | | ditto. | |
| Jno. E. Johnson | | Reading & Spelling. | |
| C. Gylotte | | English Grammar. | August 1st. |
| Rose Elliott | | ditto. | |
| Violet Woods | | Alphabet. | |
| Margaret Watson | | Reading & Spelling. | |
| Jane Little | | do. do. | |
| Ellen Little | | do. do. | |
| William Mears | | English Grammar. | |
| J. A. Askin | | ditto. | |
| C. D. Askin | | Spelling & Reading. | |
| Thomas Pajot | | Latin &c. | |
| William Gentle | January 15th. | English Grammar. | |
| John Mears | | do. do. | |
| Mary Ann Wilkinson | | Reading & Spelling. | |
| Fanny Wilkinson | | do. do. | |
| William Baby | | English Grammar. | |
| Julia Baby | | Reading & Spelling. | |
| Henry Baby | January 21st. | English Grammar. | |
| Raymond Baby | " 21st. | ditto. | |
| Henry Forsyth | " 28th. | ditto. | July 10th. |
| Margaret Forsyth | | ditto. | |
| Samuel Lewis | February 5th. | ditto. | |
| James Reaume | " 6th. | Arithmetic &c. | |
| Robert Watson | " 7th. | Spelling &c. | |
| James Leasie | " 11th. | Alphabet. | |
| Duncan Forsyth | " 18th. | English Grammar. | |
| Therasa Kist | " 26th. | Reading & Spelling. | |
| Charles Macon | March 3rd. | Latin. | June 3rd. |
| Todd Reynolds | | | |
| Domask Pajot | " 10th. | Reading &c. | |
| Neil Pajot | | ditto. | |
| Agnes Mears | " 24th. | Spelling. | |
| Sophia J. Johnson | April 1st. | ditto. | |
| Thaddeus Baby | " 6th. | ditto. | |
| Samuel Hall | | ditto. | July 6th. |
| Alfred Baby | " 28th. | Reading &c. | |
| Alexander Meyer | | Reading &c. | |
| Archangel Askin | May 7th. | ditto. | |
| Mary Askin | " 12th. | Alphabet. | |
| Louisa Lewis | " 22rd. | ditto. | |
| Charlotte Lewis | " 26th. | Writing &c. | August 26. |
| Charles Lagrave | July 30th. | ditto. | |

EASTERN DISTRICT.

Common School Reports.

Cornwall, December, 9th, 1828.

SIR:

Agreeable to your request, we beg leave to report that during the half year ending 1st December, 1827, there were forty-eight common schools in this District, and during the ensuing six months the number was increased to 58. In the former period there were according to the reports of the trustees, one thousand two hundred and thirty-four scholars attending these schools, and in the latter, one thousand three hundred and ninety-five who have received instruction in reading, writing and arithmetic. In several instances Latin, Geography and English Grammar have been taught.

From the number of schools, the amount to each teacher is so small, as to form but an indifferent consideration to induce men of good education and talent, to engage, nevertheless, inconsiderable as it is, we have every reason to believe that in many instances it operates greatly in procuring the establishment of schools and in continuing others which would be discontinued if such encouragement were not afforded.

BATHURST DISTRICT—Continued.

| No. | NAMES. | TOWNSHIPS. | No. of children. |
|-----|------------------------|------------------|------------------|
| 25 | Robert Porteus, | Dalhousie. | 25 |
| 26 | John Livingston, | " | 20 |
| 27 | John McIntyre, | " | 24 |
| 28 | Hugh Hunter, | " | 21 |
| 29 | George Bateson, | " | 23 |
| 30 | Patrick Rourke, | Lanark. | 25 |
| 31 | James McIlraith, | " | 21 |
| 32 | William Mills, | " | 23 |
| 33 | James Young, | " | 22 |
| 34 | James Rollo, | " | 21 |
| 35 | George Mitchell, | " | 23 |
| 36 | Robert Mason, | " | 27 |
| 37 | John Young, | Ramsay. | 32 |
| 38 | John Buchanan, | " | 34 |
| 39 | David Campbell, | " | 25 |
| 40 | John Millican, | South Sherbrook. | 20 |
| 41 | Hugh Curry, | North Sherbrook. | 24 |
| 42 | Alexander Watt, | Dalhousie. | 23 |

Total 999

(Signed) JAMES YOUNG,
Clerk to the Board of Education.

| | | | | | | | |
|----|--------------------------|---------------------------|----|------|----|-----|----|
| 9 | King, | John Harvey, | 25 | 18 | 81 | 1 | |
| 10 | East Gwilliambury, | Thomas Evans, | 32 | 1057 | 13 | 15 | 2 |
| 11 | do, | John Garbut, | 26 | | 16 | 1 | 3 |
| 12 | do, | James Aylward, | 23 | | 9 | 21 | 3 |
| 13 | West do, | Samuel Brook, | 29 | 143 | 15 | 100 | 1 |
| 14 | do, | James Caruthers, | 30 | | 14 | 8 | 6 |
| 15 | do, | John Dorcey, | 28 | | 9 | 1 | 10 |
| 16 | Markham, | Henry P. Cutler, | 21 | 2685 | 15 | 4 | 2 |
| 17 | do, | John Shaw, | 29 | | 9 | 30 | 5 |
| 18 | do, | James Lavins, | 30 | | 15 | 7 | 7 |
| 19 | Scarborough, | John Taber, | 26 | 900 | 12 | 34 | 5 |
| 20 | do, | Richard Yeomans, | 36 | | 14 | 31 | 3 |
| 21 | Pickering, | William Smith, | 31 | 903 | 12 | 24 | 5 |
| 22 | Tecumseth, | Robert H. Moffatt, | 27 | 493 | 10 | 24 | 4 |
| 23 | Toronto, | William Cassell, | 24 | 2119 | 11 | 5 | 1 |
| 24 | do, | Benjamin Britham, | 26 | | 9 | 30 | 3 |
| 25 | do, | James McCartney, | 22 | | | 6 | 2 |
| 26 | do, | George Burgess, | 47 | | 14 | 5 | 5 |
| 27 | do, | George Beck, | 20 | | | 5 | |
| 28 | Vaughan, | Charles Jones, | 23 | 1128 | 13 | 41 | 1 |
| 29 | do, | John Murphy, | 20 | | 10 | 19 | 4 |
| 30 | Whitechurch, | John Dewar, | 42 | 1430 | 13 | 35 | 1 |
| 31 | do, | Michael O'Conner, | 21 | | 12 | 31 | 3 |
| 32 | do, | Fredk. S. Stephens, | 34 | | 17 | 34 | 2 |
| 33 | Whitby, | Andrew Masson, | 40 | 1290 | 11 | 1 | 7 |
| 34 | do, | Daniel Griffin, | 22 | | 11 | 34 | 2 |
| 35 | do, | Michael Wilson, | 47 | | 16 | | 1 |
| 36 | York, | Charles Daley, | 44 | 2473 | 27 | 10 | 1 |
| 37 | do, | Thos. FitzGerald, | 21 | | 7 | 15 | 2 |
| 38 | do, | John Lever, | 33 | | | | |

1076

JOHNSTOWN DISTRICT.

To His Excellency Sir John Colborne, K. C. B. Lieutenant Governor of the Province of Upper Canada, &c. &c. &c.

The board of education for the District of Johnstown, pursuant to the statute in such case made and provided, beg leave to report as follows:

During the last year thirty schools were organized or continued under the superintendance of the board, in which seven hundred and fifty scholars were taught Reading, Writing, Spelling, Arithmetic and English Grammar.

Although the amount appropriated by the Legislature for the support of common schools is large compared with the revenue of the province. Still the amount received for each school is but small not exceeding £10 for any one.

But small as this sum appears the board are satisfied that it is the means of organizing and continuing many schools which otherwise could not have been established.

Which is respectfully submitted.

Brockville, 9th December, 1828.

NIAGARA DISTRICT.

Report of Common Schools in the District of Niagara from June 1st to December 1st, 1828.

| TOWNSHIPS. | Teachers Names, | No. of scholars, | Distribution. | | |
|-------------------|--------------------|------------------|---------------|--------------|----|
| | | | £ | S. | D. |
| Niagara, - - - | David Thompson, | 27 | 4 | 00 | 0. |
| do. - - - | James J. Ralston, | 31 | | do | |
| do. St. Davids, - | Robert Triffrey, | 34 | | do | |
| do. Queenston, - | Wm. B. Pointer, | 44 | | do | |
| do. - - - | Henry P. Goff, | 22 | | " irregular. | |
| do. - - - | Isaac Hurst, | 29 | 4 | 00 | 0 |
| Stamford, - - - | Wm. McPherson, | 31 | | do | |
| do. - - - | Wm. H. Meyers, | 30 | | do | |
| do. - - - | John Smith, | 28 | | do | |
| Thorold, - - - | Philip Hodgkinson, | 25 | | do | |
| do. - - - | David P. Brown, | 38 | | do | |
| do. - - - | Henry Clow, | 21 | | do | |
| do. - - - | John McFiggis, | 26 | | do | |
| do. - - - | James Rathay, | 29 | | do | |
| do. - - - | James W. Glenney, | 29 | | do | |
| do. - - - | James C. Lee, | 21 | | do | |
| do. - - - | J. A. Welford, | 22 | | do | |
| Grantham, - - - | Alexander Wilson, | 25 | | do | |
| do. - - - | Robert Heron, | 24 | | do | |
| Grimshy, - - - | John Oakley, | 22 | | do | |
| do. - - - | Dennis Hifferman, | 21 | | do | |
| do. - - - | Reuben Oakley, | 23 | | do | |
| do. - - - | Henry Smith, | 24 | | do | |
| Pelham, - - - | James Murray, | 25 | | do | |
| Haldimand, - - - | Rob't B. Campbell, | 21 | | do | |
| Humberstone, - - | J. H. Johnson, | 33 | | do | |
| do. - - - | James Brennan, | 26 | | do | |
| Gainsborough, - - | Fred. McPherson, | 25 | | do | |
| do. - - - | James Connelly, | 20 | | do | |
| Caistor, - - - | John Morris, | 22 | | do | |
| Willoughby, - - - | Benjamin Catley, | 29 | | do | |
| Clinton, - - - | A. W. Tuber, | 34 | | do | |
| | | No. of scholars, | 354 | | |

REMARKS.

Teachers examined and approved; but with due regard to the circumstances of the school. In villages more competent teachers required. It must be admitted generally that after the approval and appointment of the trustees, the board have not rejected teachers however incompetent from a regard to the wishes of their employers, the terms of tuition being so very low as not to induce men of sufficient qualifications generally to engage in the humble and ill requited duties. In other respects the provisions of the statutes have been rigidly regarded, and to the above statement there have been respectable exceptions. Reading, Writing and Arithmetic have been uniformly taught in all the the schools. Grammar and Geography in a few Religious instruction has not been overlooked although system in many instances in imparting the same has not been uniformly followed.

Upon the whole the system of education in this district may be considered as efficient as can be expected upon the footing on which it is placed.

(Signed)

THOMAS CREEN,

Secretary N. B. E.

HOME DISTRICT.

A List of Common Schools in the Home District to 31st December, 1828.

| No. | TOWNSHIPS. | TEACHERS NAMES. | No. of Schol-ars. | Popula-tion. | No of fami-lies accom-modated. | Lot. | con |
|-----|---------------------|------------------------|-------------------|--------------|--------------------------------|------|-----|
| 1 | Albion, | William Spence, | 21 | 429 | 10 | 25 | 3 |
| 2 | Brock, | Randal Wixon, | 29 | 326 | 14 | 9 | 6 |
| 3 | do, | James McDonald, | 25 | | 10 | 20 | 8 |
| 4 | Chinguacousy, | Andrew Neelands, | 25 | 1099 | 12 | 1 | 4 |
| 5 | Etobicoke, | Alex. Hamilton, | 26 | 763 | 11 | 26 | a |
| 6 | do, | John Harris, | 23 | | 14 | A | B |
| 7 | do, | Abraham Bagshaw, | 25 | | 11 | | |
| 8 | King, | James Jamieson, | 23 | 740 | 12 | 67 | 1 |

LONDON DISTRICT.

General Report of Common Schools reported to the Board of Education in the London District, audited and authorised under the provisions of an Act passed in the 60th year of the reign of His late Majesty, on the first day of June, 1828.

| TOWNSHIPS. | NAMES OF TEACHERS. | NAMES OF TRUSTEES. | No. of months. | SCHOLARS. | | PERIODS OF TUITION. | | Am't. paid. | Books used in the School. |
|-----------------|-----------------------|--|----------------|-----------|--------|----------------------------------|-----------------------------------|-------------|---|
| | | | | Boys. | Girls. | From | To | | |
| Aldborough. | Thomas McCall. | Duncan McCollom. D. McAlpin. Arch'd. Thompson. | 6 | 13 | 12 | 1st Dec. 1826. | 1st Dec. 1827. | 5 1 0 | Morrison & Dilworth's Arith. Bible. Testament, Scott's elocution, Religious History. & Man's four-fold state. |
| Bayham. | Henry Katchiback. | Gabriel Wright. Henry Ribble. Abr'm. Hoosberry. | 6 | 15 | 15 | 26th Nov. 1827. | 26th May. 1828. | 5 1 0 | English Reader, Introduction, Murray's Spelling book and Testament. |
| | Hugh Mulkollen. | John Crosset. Wheeler Kitchen. Samuel Livingston. | 6 | 12 | 13 | 1st March, 1827. | 1st Sept. 1827. | 5 1 0 | Murray's English Reader and Spelling Book. |
| | David H. Dodge. | Charles Buckner. Lewis Winans. Nicholas Phillips. | 6 | 15 | 8 | 12th Nov. 1827. | 12th May, 1828. | 5 1 0 | Murray's Mavor's and Trimmer's Spelling Book & Murray's Reader. |
| | William Hatch. | Joseph Defields. F. Godwin. J. Gibbons. | 6 | 15 | 7 | 1st Nov. 1827. | 1st May, 1828. | 5 1 0 | Murray's Spelling book, Testament, and English Reader. |
| Charlotteville. | *Isaac H. Gilbert. | John White. Charles Hern. John Ward. | 6 | 15 | 8 | 1st Nov. 1827. | 1st May, 1828. | 5 1 0 | Eng. Reader, Instructor, Testament, Enfield's Speaker, Mavors & Charity's Spelling book & Blair's Class-book. |
| Dunwich. | Samuel Ladd. | John Prine. Stephen Barkers. George Henry. | 6 | 14 | 16 | 15th Dec. 1826. | 15th June, 1827. | 5 1 0 | Pikes Arithmetic, Murray's and Mavor's Spelling books, English Reader and Testament. |
| | John Miles Farland. | Hon. T. Talbot. Gilman Wilson. Leslie Patterson. | 12 | 14 | 11 | 28th Nov. 1826. | 23th Nov. 1827. | 10 2 0 | Murray's Gram. Eng Reader, Introduction, Scott's Lessons, Murray's & Mavor's Spel. books & Testament. |
| London. | Theodore Moses. | Anthony J. Hughes. Charles Goulding. | 6 | 16 | 8 | 1st May, 1827. | 21st Nov. 1827. | 5 1 0 | Mavor's & Murray's Spelling books, Testament and York Primer. |
| Malahide. | W. H. Davis. | William Teeple. D. McKinny. James McCride. | 6 | 14 | 7 | 1st July, 1827. | 31st Dec. 1827. | 5 1 0 | Pikes Arithmetic, Murray's English Reader and Spelling book. |
| | John Thomas. | Tho's. Hodgkinson. Nath'l. Nickerson. Samuel Wertover. | 6 | 22 | 9 | 20th March 1827 | 20th Sept. 1827. | 5 1 0 | English Reader, Testament, Murray's Mavor's and Dilworth's Spelling books. |
| | Eben'r. Willeox. | Daniel Davis. James Martin. Jeremiah Moore. | 6 | 17 | 11 | 1st June 1827. | 30th Nov. 1827. | 5 1 0 | Dabol's Arithmetic, English Reader, Introduction, Mavor's and Murray's Spelling Books. |
| Middleton. | Alexander Wood. | William Roy. James Brown. Fredrick Sovereign | 6 | 16 | 10 | 12th Nov. 1827. | 10th May, 1828. | 5 1 0 | English Reader, Testament, Murray's Grammar, Universal Spelling book and London Primer. |
| Oxford. | Marrilla Turner. | Calvin Martin. R. Thornton. John Youngs. | 12 | 13 | 19 | 9th Nov. 1826. | | 10 2 0 | Murray's & Greenleaf's Grammar, Blair's Lectures, Woodbridge's Geography, Dabol's Arith. Reader, Introduction, Scott's Lessons and Webster's Spelling book. |
| Oakland. | Otis Inglis. | Daniel Brown. Horace Foster. John Malcolm. | 6 | 17 | 8 | 14th May, 1827. | 3rd Nov. 1827. | 5 1 0 | Testament, Walker's Dictionary, Murray's Spelling book and Introduction. |
| Southwold. | James Jackson. | Bryant Wade. William Sells. Andrew Ham. | 6 | 8 | 15 | 27 March, 1827. | 27th Sept. 1827. | 5 1 0 | Morrison's Arith. Walker's dictionary, Eng. Reader, Testament, Dixon's Eng. Instructor, Trimmer & Crandel's Spelling book. |
| | John Lesslie. | Joseph Steinhoff. Joseph Spiller. David Conrod. | 12 | 17 | 16 | 7th May, 1827. | 7th May, 1828. | 10 2 0 | Murray's Grammar, English Reader, Murray's Spelling book, Scott's Lessons and Testament. |
| | William Hannah. | Joshua Wardle. Joel Briggs. Parcel Clay. | 6 | 11 | 15 | 1st Nov. 1827. | 30th April, 1828 | 5 1 0 | Murray's Spelling book, English Reader and Testament. |
| | Ewen Cameron. | John Bostwick. John Holden. John Bray. | 6 | 22 | 8 | 23th Nov. 1826. | 1st June, 1827. | 5 1 0 | Hutton's Arithmetic, English Reader, Blair's Class-book, Mavor's and Murray's Spelling Books. |
| | Jackson Stafford. | James McIntyre. Obadiah Griffin. | 6 | 23 | 13 | 10th April, 1827 | 10th Nov. 1827. | 5 1 0 | Murray's & Crandel's Spelling books, Goff & Dilworth's Arithmetic, Moses Geography, Bible and Testament. |
| Townsend. | *Lucinda Chamberlain. | John Fero. Phillip Beamer. John Beamer. | 6 | 21 | 33 | 9th June, 1827. | 9th Dec. 1827. | 5 1 0 | Johnson's dictionary, Woodbridges & Morse's Geog'y. Eng. reader, Testament, Murray & Webster's Sg. book. |
| | Phillip B. Pettit. | Michael Culver. Isaac Merrif. Michael Shaw. | 6 | 21 | 8 | 20th May, 1827. | 20th Nov. 1827. | 5 1 0 | Murray's Spelling book, English Reader and Testament. |
| Walsingham. | *David Smith. | Wm. Gillespie. Thomas Price. Thomas Cope. | 6 | 16 | 9 | 3rd Sept. 1827. | 3rd March, 1828 | 5 1 0 | Dabol's, Dilworth's & Pike's Arith. Cumming's Geog'y. Eng. Reader, Mury's. & Mavor's S. bks. & Intro. |
| Westminster. | Thomas Harman. | Hiram D. Lee. Nathan Griffith. Robert Frank. | 12 | 29 | 11 | 1st Feb. 1827. 1st Oct. 1827. | 6th Aug. 1827. 30 March, 1828. | 10 2 0 | Murray's and Mavor's Spelling Book and Testament. |
| | John W. Clark. | John Tenbroeck. Bart. Swart. | 6 | 13 | 10 | 1st Dec. 1826. | 1st June, 1827. | 5 1 0 | Murray's Spelling Book, English Reader and Testament. |
| | Gid'n. Bostwick. | Joseph S. Odell. Bart Swart. John Tenbroeck. | 6 | 12 | 9 | 10th Sep. 1827. | 16th July, 1827. | 5 1 0 | Monitor & Mavor's Spelling Books, English Reader and Testament. |
| | Rebecca Sumner. | Joshua Putnam. Gardiner Merrick. | 6 | 12 | 13 | 15th Jan. 1827. | 16th July, 1827. | 5 1 0 | Mavor's & Murray's Spelling books, English Reader and Testament. |
| Woodhouse. | Sophia Walker. | James Graham. Andrew Smith. Wm. Havens. | 6 | 4 | 13 | 15th April, 1827. | 23rd Oct. 1827. | 5 1 0 | Mavor's and Murray's Spelling book. Dixon's Instructor, Introduction and Blair's Exercises. |
| Windham. | *Ab'm. Powell. | John Robins. Samuel Wood. William Force. | 12 | 17 | 10 | 18th Dec. 1826. | 18th Dec. 1827. | 10 2 0 | Murray's Spelling book, Testament, Enfield's Speaker, English Reader, Scott's Lessons and Testament. |
| | John H. Dodge. | William Sovereign. P. Sovereign. Geo. Robinson. | 6 | 20 | 16 | 20th Nov. 1827. | 20th May, 1828. | 5 1 0 | Murray's and Webster's Spelling Books, Introduction, Testament and Deighman's Arithmetic. |
| Yarmouth. | John Thomas. | John Marlott. David Coughell. John Couse. | 6 | 16 | 11 | 20th Aug. 1827. | 20th Feb. 1828. | 5 1 0 | Mavor's, Murray's and Dilworth's Spelling Book, English Reader and Testament. |

LONDON DISTRICT—Continued.

| TOWNSHIPS. | NAMES OF TEACHERS | NAMES OF TRUSTEES. | No. of months. | SCHOLARS. | | PERIODS OF TUITION. | | Amount paid. | Books used in the School. |
|------------|-------------------|--|----------------|-----------|--------|---------------------|-----------------|--------------|---|
| | | | | Boys. | Girls. | From | To | | |
| Yarmouth. | Elias B. Smith. | Charles Duncomb. Bela Shaw. Garrett Smith. | 6 | 26 | 22 | 6th Aug. 1827. | 6th Feb. 1828. | 5 1 0 | Murray's Gram. Eng. Read. Golt's Arithmetic, Introduction, Murray's, Mavor's & Dilworth's Spel'g Books. |
| | Joseph Marlatt. | Joseph Mann. Richard Misener. D. Mann. | 6 | 22 | 11 | 1st June, 1827. | 1st Dec. 1827. | 5 1 0 | Dilworth's Arithmetic, Eng. Reader and Murray's Spelling Book. |
| | J. Armstrong. | Jesse Page. William York. Joseph Smith. | 12 | 14 | 11 | 1st Dec. 1826. | 30th Nov. 1827. | 10 2 0 | Hutton's Arith. Murray's Grammar, Murray's Spelling Book, English Reader and Testament. |
| Oakland. | Henry Goff. | Horace Foster. John Malcolm. | 6 | 12 | 9 | 1st Dec. 1827. | 31st May, 1828. | 5 1 0 | Morse's Geography, Mavor's Spelling Book and Testament. |
| London. | Thomas Gardner. | Thomas Harrison. Jno. Fraleigh. Richard Jervis. | 12 | 16 | 14 | | 31st May, 1828. | 5 1 0 | Murray's & Mavor's Spelling Books, Eng. Reader, Testament, Gough's and Walkingame's Arithmetic. |
| Southwold. | Alexander Bryce. | Charles Hannah. Samuel Smith. Abram Smith. | 6 | 10 | 12 | 20th Oct. 1827. | 20th May, 1828. | 5 1 0 | English Reader, Murray's Spelling Book and Testament. |
| Blenheim. | Elam Whoplate. | Joseph Smith. J. Gobbie. Henry Stawson. | 6 | 15 | 12 | 1st Sept. 1827. | 31 March, 1828. | 5 1 0 | Murray's & Mavor's Spelling Books, Testament and English Reader. |
| Malahide. | Thomas Boyd. | Richard McKenzie. David Whitsell. Joseph Harvey. | 6 | 28 | 26 | 1st Dec. 1827. | 31st May, 1828. | 5 1 0 | Murray's Spelling Book and Selections, Testament, and Dilworth's Arithmetic. |
| Woodhouse. | Otis Inglis. | Peter O. Carr. Levi Douglass. Jno. B. Bezo. | 6 | 18 | 12 | 1st Dec. 1827. | 1st June, 1828. | 5 1 0 | Murray's & Vyses Spelling Books, English Reader and Testament. |
| | | | | 646 | 522 | | | £ 237 7 0 | |

The Board of Education are using their utmost exertion to get the inhabitants to build good and substantial frame school houses and to get deeds given to the trustees and their successors of the land for the purposes of a school.
The townships which have already framed school houses are noted thus *

(Signed)

JOHN B. ASKIN.

WESTERN DISTRICT.

Report of the Common Schools in the Western District, year 1828.

| No. | TEACHERS. | TOWNSHIPS. | Branches of Education. | | | | | | TOTAL. |
|--------|-----------------------|-------------------|------------------------|----------|----------|-------------|----------|------------|--------|
| | | | Spelling. | Reading. | Writing. | Arithmetic. | Grammar. | Geography. | |
| 1 | John C. Melvin,... | Sandwich,... | 10 | 7 | 0 | 5 | 0 | 0 | 22 |
| 1 | Philip Dejean,... | do,... | 5 | 11 | 4 | 0 | 0 | 0 | 20 |
| 3 | Jean Bapt Mercuré,... | Amherstburg,... | 10 | 17 | 2 | 3 | 4 | 0 | 36 |
| 4 | Thomas McLarren,... | do,... | 7 | 2 | 0 | 11 | 0 | 0 | 20 |
| 5 | Angus McDonald,... | Colchester,... | 2 | 6 | 8 | 4 | 2 | 0 | 22 |
| 6 | John McDonald,... | do,... | 5 | 10 | 4 | 4 | 0 | 0 | 23 |
| 7 | Lenox Thomson,... | do,... | 1 | 5 | 10 | 6 | 0 | 0 | 22 |
| 8 | Robert McMurray,... | Gosfield,... | 5 | 6 | 4 | 7 | 0 | 0 | 22 |
| 9 | John Feaby,... | do,... | 8 | 17 | 4 | 6 | 0 | 0 | 35 |
| 10 | U. J. Hew Haydon,... | Mersea,... | 8 | 9 | 6 | 4 | 0 | 0 | 29 |
| 11 | Ninian Holmes,... | Raleigh,... | 5 | 7 | 6 | 12 | 4 | 0 | 34 |
| 12 | John Ladd,... | do,... | 6 | 12 | 4 | 3 | 0 | 0 | 25 |
| 13 | John White,... | Chatham,... | 0 | 11 | 6 | 8 | 0 | 0 | 25 |
| 14 | John Rogers,... | Dawn,... | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| 15 | John Sharpe,... | Chatham,... | 10 | 5 | 5 | 3 | 0 | 0 | 23 |
| 16 | George Goody,... | Howard,... | 7 | 2 | 12 | 0 | 0 | 0 | 21 |
| 17 | Gregor McGregor,... | do,... | 13 | 3 | 3 | 1 | 0 | 0 | 20 |
| 18 | John Shipley,... | Harwich,... | 4 | 5 | 6 | 7 | 0 | 0 | 22 |
| 19 | Lewis Burgess,... | Camden,... | 4 | 6 | 10 | 3 | 1 | 1 | 25 |
| 20 | George Munro,... | Oxford,... | 5 | 12 | 15 | 3 | 2 | 0 | 37 |
| 21 | George Elliott,... | do,... | 6 | 5 | 12 | 5 | 0 | 0 | 28 |
| 22 | Hugh McAllum,... | Sombra,... | 1 | 4 | 4 | 4 | 8 | 0 | 21 |
| 23 | Robert Barker,... | Dawn,... | 0 | 6 | 13 | 5 | 0 | 0 | 24 |
| 24 | James Pullman,... | Drommond Isle,... | 1 | 2 | 6 | 0 | 0 | 0 | 20 |
| 25 | Joseph Robson,... | Romney,... | 5 | 7 | 9 | 0 | 0 | 0 | 21 |
| Total, | | | 135 | 181 | 155 | 104 | 21 | 1 | 597 |

Sandwich, August 27, 1828.

Report from the President of the general Board of Education.

May it please Your Excellency:

The General Board for the superintendence of education throughout the Province have the honor to report that the president during last summer visited in person all the districts of the province, and not only inspected the grammar schools but examined minutely the systems of management adopted by their respective teachers.

In several he found the attendance thin and discouraging, but in others the business of instruction was well conducted and the system such as to merit his approbation.

Among those which appeared in a prosperous condition he cannot forbear to mention the Western, Gore, Midland and Eastern District Schools.

In the two last several of the pupils had made great progress for their age in mathematics, and at Cornwall a boy was produced by the Rev. Mr. Urquhart hardly twelve years old who demonstrated in a very satisfactory manner one of the most difficult propositions in Euclid's elements.

In order to produce a greater uniformity of system and to supply in some measure the want of experience to younger teachers, the president has submitted an outline of study for the grammar schools, the adoption of which the board cannot but think would be highly beneficial and produce a higher standard of education through the Province.

The following table will place under Your Excellency's notice at one view the state of education as it is represented in the various reports from the several districts of this extensive colony.

TABLE.

| Numbers of Scholars at the District Schools. | Numbers of Common Schools. | No. of scholars at the Common Schools. | Average amount of salary paid each Teacher. | REMARKS. |
|--|----------------------------|--|---|--|
| 20 | 11 | 286 | £12 10 0 | The returns of the Common Schools for the Gore and Midland Districts have not been made for this year, they are supplied from former years; many schools continue only six months, others eight months, which enables the board to give to teachers a greater salary than an equal division among their Schools would allow. |
| 34 | 58 | 1595 | 4 10 0 | |
| 17 | 30 | 750 | 10 0 0 | |
| 20 | 42 | 999 | 5 0 6 | |
| 44 | 68 | 2040 | 5 0 0 | |
| 20 | 22 | 597 | 10 0 0 | |
| 31 | 38 | 1076 | 8 0 0 | |
| 49 | 40 | 950 | 6 5 0 | |
| 60 | 32 | 854 | 8 0 0 | |
| 29 | 40 | 1168 | 5 0 0 | |
| 48 | 25 | 597 | 10 0 0 | |
| 372 | 401 | 10712. | 84 5 6 | |

Of the scholars attending the District Schools it will be seen from inspecting the report, that in some places girls are admitted—This happens from the want of good female schools and perhaps from the more rapid progress which children are supposed to make under experienced and able schoolmasters.—It is however to be wished that separate schools for the sexes were established, as the admission of female children interferes with the government which is required in classical seminaries; it is nevertheless an inconvenience of a temporary nature which will gradually pass away as the population increases in wealth and numbers.

There appears to be more than ten thousand in daily attendance in the common schools throughout the Province, which shews an increase over last year of nearly two thousand scholars. And if we suppose that half as many more receive some benefit of education through the year (as the children of the same family often go in rotation) we shall have fifteen thousand receiving instruction in the course of the season.

Many schools are established by the people which do not share in the public bounty, and Sunday Schools are increasing greatly in number, and if we suppose that five thousand children receive benefit from these, we shall have an aggregate of twenty thousand children who are provided with some course of instruction at the various schools public and private throughout the Province.

That the provision in this scale is totally inadequate to the wants of the colony is manifest from the consideration that in a population of nearly two hundred thousand, at least one fifth or forty thousand is composed of children between the age of five and fifteen who should be going to school; perhaps one fourth or fifty thousand would be nearer the truth.

The appropriation made by the Provincial Legislature for Common Schools amounts to £2750 per annum or about five shillings for each scholar who attends daily during that period.

Taking the number of those who are benefited at fifteen thousand, then the expence to the Province is about three shillings and nine pence each.

But if this appropriation be averaged upon all the children in the Province capable of going to school and probably amounting to 40 or 50,000 it is scarcely one shilling each.

From the table it appears that in some Districts the salaries allowed to the school masters of the common schools are exceedingly small. In some little more than £5 and in one even less than that trifling sum.

In other Districts the Board it would appear have granted a larger salary to each Teacher, and have in consequence established a smaller number of schools.

It is nevertheless gratifying to know that the class of school masters has in many Districts much improved.

In the Home District the greater number of those who came to be examined last June, were so well qualified as to make it a matter of deep regret to the Board that persons so capable were so inadequately remunerated.

It must at the same time be admitted that the natural consequence of this state of things is, that superior Teachers desert the common schools as soon as they can procure any other employment, and that many persons resort to the occupation of Teachers merely as a temporary expedient.

These latter are without experience, which is all important to an instructor of Youth, and can have little desire to establish a reputation in an employment to which they have only had recourse for present convenience.

It is therefore manifest, that before we can have able professional teachers, greater encouragement must be given than the system at present affords, and it is most desirable that the people should be deeply impressed with this truth in order that they may feel it to be their duty as well as their interest to give more attention to schools where the characters of their children are in some measure to be formed, and no longer indulge a disinclination to make adequate compensation for the services of skilful teachers.

The business of education should be committed to the best talents in the country, but it is vain to expect to procure them for an income below that of common mechanics.

It is respectfully submitted that the law by giving the same sum for each District, whether populous or not, affords to the inhabitants of the Province unequal benefit, and in that particular requires alteration. Thus the Midland District with a population of thirty thousand, and affording six or seven thousand children capable of attending school, receives the same appropriation with the Ottawa District, the population of which is scarcely one tenth that of the other.

In the sister colony of Nova Scotia the sum of £4000 is annually appropriated to the common schools, and divided among 12 counties, not equally, but in proportion to the population.

Thus the County of Cape Breton receives more than double that of Halifax.

In pursuance of the same object it is further to be observed, that since upwards of 20000 children appear totally without aid from the Provincial Revenue, and that the peace and happiness of the community, the preservation of our institutions and of all that is valuable in society, depend upon the character of the people, and essentially upon their intelligence, there is no object of greater importance in Legislation, or possessing a more imperative claim upon the public revenue, than the establishment of Public Schools, which must ever be the basis upon which the peace, good order and prosperity of society are to rest.

The board therefore would submit with all deference that in addition to the public allowance, even if increased beyond its present amount, a power should be given to the townships to assess themselves for this special purpose.

For such a measure precedents are not wanting, and as the principles on which the present system of education established in the Province and the connexion between its different parts are in themselves excellent, all that is necessary to make it efficient is more liberal support so that the blessings of education may be extended to all classes, and encouragement given to persons well qualified of respectable character and exemplary conduct to undertake the office of school master.

In Nova Scotia it is in the school statute among other things provided, that two thirds of the freeholders may under certain forms and conditions tax themselves according to their ability for the support of education, and that no school of 30 scholars shall be entitled to the stipulated aid of £20, unless the teacher receives bona fide from his employers forty pounds together with this sum exclusive of and in addition to his boarding & washing, and that no school of 15 scholars shall be entitled to the stipulated sum of 15 pounds from the public appropriation, unless the teacher receives from his employers twenty five pounds per annum as aforesaid.

Thus the income of the teacher would in one case be £60 per annum, and in the other £40 not including board and lodging.

In one of the neighbouring states it is enacted, that no township or school district shall participate in the proceeds of the education fund, unless it raises in the first place a sum equal to that which is to be allowed, and power is given to raise double that sum if thought necessary, besides what may be required for building school houses, for fuel, and other appendages.

In other places no distinct appropriation is made by the Legislature, but the schools of each township are entirely supported by a local tax.

The general principle is an assessment imposed upon themselves by the inhabitants of the townships or school districts which is more or less according to the public aid awarded to each, while proper care is taken by general boards and superintendants to produce a uniformity of system among the schools, and to take care that the sums are applied exclusively to the purposes of education for which they were raised.

The Board has distributed among the several District Boards and through them to the common schools, a large quantity of useful school books, procured by the grants of the Legislature for 1825 and 1826, and it is with great satisfaction that they state that the society for promoting christian knowledge, being made aware of the wants of the province, gave for three hundred pounds currency, or about two hundred and forty pounds sterling, reckoning the loss in exchange, the amount of the appropriation for two years books to the value at prime cost of £388 5 8 sterling, by which liberality nearly double the supply expected has during the last year been in the course of distribution.

The appropriation for 1827, 1828 & this present year remains unexpended, but it will be the duty of the board to lose no time in transmitting it for books to the same society, as they doubt not but they shall experience a continuance of the same liberality.

The Board has also sent donations of Mavor's Spelling Books to the several Districts for the use of the Common Schools, and they have contracted for two thousand copies of this excellent work, to be executed on cards for the township schools throughout the Province, the expence of which will be defrayed from the resources committed to their care by His Majesty's Government. There appears to be a great scarcity of Arithmetic Books in the Province, and those in use are in general too difficult or deficient in matter and arrangement; the President has therefore undertaken to draw up a short manual on the subject suitable to the state and business of the country, with a key

for the advantage of teachers which will be found it is hoped beneficial, and facilitate this useful study.

The Board cannot close this report without expressing the high gratification they feel in perceiving the warm interest which Your Excellency already takes in the promotion of education through the colony, and from which they anticipate the most beneficial results.

Neither the sick nor the destitute have higher claims upon the public than the ignorant. The want of knowledge brings all other wants in its train, and if education be regarded as charity, it is a charity of which the blessings are without alloy. It demands no jealous scrutiny of the claims of its applicants, nor does it require to be so stinted as not to multiply their number.

The obligations therefore which rest upon every christian government to promote this great interest are sufficiently obvious and imposing.

Nor is it enough that the children of the settlers know how to read and cast accounts, they ought likewise to enjoy the pleasure as well as the advantages of intellectual employment. To understand and admire the beneficence of their Creator in the works of His hands, to feel that they are immortal & accountable beings, that christian virtue is the first distinction among men, and that useful knowledge is the second.

All which is humbly submitted,

by

Your Excellency's

Most obedient

Humble Servant,

JOHN STRACHAN,

P. G. B. E.

York, 5th Feby 1829,

Letter from Sir Howard Douglass to Sir John Colborne.

COPY.

Fredericton, New Brunswick, }
12th January, 1829. }

SIR:

I beg to refer Your Excellency, to a letter, dated the 7th May, 1827, which I had the honor to address to Your Excellency's predecessor, on the subject of the contemplated Canal, to connect the waters of the Bay of Fundy with those of the Gulph of St. Lawrence; and in which communication, I transmitted a draught of the terms in which it was probable I should bring this important measure under the consideration of the government at home, whenever the time should arrive, when it might be deemed prudent to bring it forward again, as a great national work, in the advantages of which, the mother countries, as well as His Majesty's possessions in this quarter, would mutually participate.

Considering that period to have arrived and the practicability and probable cost having been ascertained, I submitted this important project to the Legislature at the opening of the present session, and I have the honor to transmit the copy of a report of a committee of the Lower House, to whom this subject had been referred.

My object in transmitting this report, is with a hope of its being used to ascertain whether the Legislature of Upper Canada would be disposed to contribute with the other North American Provinces, towards the execution of the work? And in this view, I have the honor to suggest that it may be made the subject of communication to the Legislature of Upper Canada, in the approaching session.

Should the result be favourable to the undertaking, I shall take with me to England and lay before His Majesty's Government the views and conditions upon which the British Provinces may be disposed to co-operate, and on those grounds solicit from His Majesty's Government, such pecuniary aid as may appear to be sufficient to proceed with the undertaking.

I have honor to be

Sir, &c. &c. &c.

(Signed) HOWARD DOUGLASS.

His Excellency, Major General,
Sir John Colborne, K. C. B. &c. &c. &c. }

House of Assembly, New Brunswick, }
8th January, 1829. }

REPORT OF CANAL COMMITTEE.

Your committee having examined the papers and plans laid before the House, by order of His Excellency the Lieutenant Governor, are of opinion, that a good water communication may be made from the Bay of Fundy, by way of the au Lac river, to the river Tidnish, which discharges into the Bay of Verte, and that this so far as the committee can judge, is the most practicable route for the contemplated Canal, between the Bay of Fundy and the Gulph of St. Lawrence.

Your committee are fully convinced of the importance of this measure, not only as a great national undertaking, which would fully deserve the attention of the mother country, but also one which, when accomplished, cannot fail to be highly beneficial to this Province, as affording a more safe and easy communication between its different sea ports; and also enabling the interchange of commodities between the Canadas and Prince Edward's Island and the ports of this Province situate on the Bay of Fundy, to be made in a much shorter time and at a much less risk than can be now effected.

Your committee think the advantages which will be derived by our sister colonies from this work, are so obvious, that they cannot doubt that large contribution would be made by the Legislatures of the Canadas, Nova Scotia and Prince Edward's Island, towards the completion of it; and it appears proper that any measure which it might be deemed advisable to adopt should be taken, in concert with those Provinces.

Taking into consideration the yet infant state of this Colony, the various and increasing demands made on the Revenue for the advancement of learning and education, improvement of the internal communication of the country, encouragement of agriculture and the fisheries, erection of public buildings, and other matters which may be deemed of paramount importance, and viewing also the great depression that still exists in the various branches of commerce, in which this Province was unhappily too deeply engaged to recover from in a very short time, your committee do not think it would be expedient as yet to commence the great work recommended to their consideration, without large aid from the mother country, and the cordial co-operation of the other North American Colonies.

Should the British Government for the general benefit of His Majesty's Dominions, either in a military or commercial point of view, determine that it ought to be undertaken, your committee consider it would be the duty of the general Assembly to render every aid in its power, by passing in conjunction with Nova Scotia, the necessary legislative enactments and appropriating such sum as might appear to correspond with the peculiar position and circumstances of this Province, viewed relatively with the general object of the measure.

Signed,

R. PARKER,
COLIN CAMPBELL,
THOMAS BARLOW,
W. CRANE,
THOMAS O. MILES.

I certify this to be a true copy of the Report submitted to the House of Assembly.

Signed,

C. P. WETMORE,
Clerk.

Report of the Committee on Privilege.

MEMBERS OF COMMITTEE.

MR. PERRY,
MR. JOHN ROLPH,
MR. JOHN WILLSON,
MR. MORRIS,
MR. MACKENZIE.

The special Committee appointed to enquire into and report, from time to time, on questions relating to the Rights and Privileges of Your Honourable House, beg leave to submit the following report :

It became an early subject of inquiry with your committee, whether the present officers and servants of your Honourable House had been elected and appointed to their several stations in a legal manner, and whether there has hitherto been any uniformity in the source or mode of appointment.

Your committee examined James Fitzgibbon, Esquire, who stated that there is no officer of the House of Assembly who holds the rank of clerk assistant. Mr. Patrick fills the situation of senior copying clerk with an income of fifteen shillings per day of 6 hours, and there are other five persons, also employed as copying clerks, who are paid ten shillings per day and allowed an additional twenty pence per hour when employed more than 6 hours in the day. These writers as well as the house messenger, Mr. Fitzgibbon considers himself as possessing the right to dismiss and remove at pleasure.

It appears that Dr. Powell, formerly clerk of the House of Assembly, exercised this arbitrary right of dismissal in the case of James Lumsden, the last house messenger, who as appears from his examination, and also the evidence of Mr. Fothergill, a member of your Honourable House, was displaced without any reason being assigned, after his father had given his suffrage as an elector of the town of York, against the crown officer. Mr. Fitzgibbon states, that the Solicitor General's clerk Charles Secord, and the Honorable J. B. Macaulay's clerk John Spragg, are the only two lawyers' apprentices who have been employed in the office of the House of Assembly within his knowledge.

Your committee had before them the Rev. Allan Macaulay, Curate or assistant to the Venerable Doctor Strachan, Archdeacon of York, who states, that by consent of the Speaker of the Legislative Council, he officiates as chaplain in that House in the room of the Rev. William Macaulay, and that he had notified the Speaker of the House of Assembly that he was going to do the duty of chaplain of that House also, in the room of the Rev. Robert Addison.

From the testimony of Mr. David A. McNab, sergeant at arms, your committee ascertained that he was appointed to that office by the late Lieutenant Governor of this province, a few days before his departure for Nova Scotia, by commission under the great seal, and that he (Mr. McNab) holds the office, as he believes, during pleasure only.

Mr. McNab considers the messengers and door-keepers as being under his control. It appears that John Reilly is appointed by commission under His Excellency's seal of office, and has a salary—that William Allaway, who has daily wages, was appointed by the late sergeant at arms without consulting the House—that James Bridgland was appointed by Mr. Speaker Sherwood:—William Knott, by commission from a former Lieutenant Governor, and Thomas Hieckley also by Mr. Speaker Sherwood.

The present House Messenger receives £20 per session; the last messenger had an allowance of £12 10 0—both were appointed by Doctor Powell.

Your committee had reference to the valuable report of the select committee of last session, appointed to enquire where the right lies of appointing the officers and servants of your Honourable House, and are of opinion that that report ought to be immediately acted upon.

Your committee consulted the journals of the General Assembly of Nova Scotia for the first session of the present parliament of that colony, and found that that House elect the whole of their officers and servants at the opening of each parliament. The usage of Nova Scotia however did not appear to your committee to be a fit precedent for their guidance; because that colony received its constitution by a royal charter, while the Legislature of Upper Canada act under the authority of an act of the parliament of Great Britain.

Your committee extended their enquiries to Lower Canada, the constitution of which is similar to that of this province, and obtained from a member of the assembly the following information: "The right of appointing the clerk of the House of Assembly of this Province (Lower Canada) has been held here to be in the Governor, on the recommendation of the speaker, and with the approbation of the House. The clerk with the approbation of the speaker and the consent of the House appoints all subordinate officers and servants, the law clerk and sergeant at arms excepted, who are appointed as the clerk is."

The salaries of certain officers of the Houses of Assembly of Upper and Lower Canada are regulated by statute, but the House of Assembly of the Lower Province, in most cases, regulate the salary or wages paid to each of their servants, discontinuing each vacant office as they find it to be useless and ordering additional assistance according to their wants.

Your committee have not obtained information from any other colony on this subject on which they can fully depend, nor would it be of much importance to wait for more authentic intelligence.

The reason assigned respecting the usage of Nova Scotia will equally apply to the other colonies in British North America and the West Indies having local legislatures.

In order that the public business may not experience unnecessary delays, or be conducted by clerks or other servants, ignorant of their several duties, it appears to your committee a matter of the utmost importance that the officers of your Honourable House should not be subject to the control of another branch of the legislature and removable without cause at the pleasure of the executive. The case of Doctor Powell, who was removed from his office of clerk of your Honourable House by the late Lieutenant Governor, and another appointed in his place without the previous knowledge, consent or approbation of the House of Assembly asked or obtained, sufficiently illustrates these remarks.

Doctor Powell had been employed as clerk for a series of years, he was intimately acquainted with the duties of his office and the transactions of former parliaments; but, notwithstanding his fitness for the trust reposed in him, the records, papers and documents of the House of Assembly were taken out of his custody and placed by an order of the executive in charge of Colonel Fitzgibbon, who may upon the same principle be superseded at any moment by the exercise of the same authority.

Your committee have examined Doctor Thomas D. Morrison, and nine of the members of your Honourable House concerning the fees charged by returning officers from candidates at the last general election: the result of their enquiry is most important, and the facts elicited shew that returning officers have in their proceedings materially interfered with the freedom of elections in several parts of the province. At the last election for the town of York, the candidates were charged by Mr. Jarvis, the sheriff who acted as returning officer, with the expenses of hustings, printing, stationary, constables, poll clerk's fees and returning officer's fees. Mr. Jarvis estimates his own services at two guineas a day, and demands other two guineas for the poll clerk. A copy of the bill presented to Dr. Morrison is annexed to this report, and it appears from his testimony that he considered the charges unjust, and in consequence has been prosecuted by sheriff Jarvis in the Court of King's Bench.

Mr. Sheriff Jarvis was also returning officer for the county of York; and a copy of his bill against two of the candidates and of a letter explanatory addressed by him to Mr. Mackenzie, together with the opinion of a professional man on the question of fees, are appended to this report.

Your committee understand that it is Mr. Jarvis's intention to prosecute Mr. Ketchum for the balance of a demand of £20 and upwards for fees, on which Mr Ketchum had paid fifty dollars.

There were four candidates at the county election, from whom collectively the sheriff made the following demand :

His own services, six days at 4 guineas per day. His brother's services as poll clerk four guineas per day. Hustings, stationary, printing and constables, seventeen pounds ten shillings, also an after charge for constables, affidavits, &c.

Two of the candidates paid him £12 10 0 each; one candidate paid upwards of £20; the fourth it is probable paid the same sum.

Mr. Buell states that he expects the hustings will be charged in his county; he knows of only one other charge, a guinea per day to the poll clerks, the payment to be divided among the candidates.

Mr. Woodruff, a candidate for the county of Lincoln, paid only £6 of election expenses in a week's polling. He says that 10 shillings currency per day was allowed to the constables, and charged to candidates.

The Halton election lasted a week—expenses about £10 per candidate.

The Carleton election cost 10 or £12 per candidate, including a charge for the returning officer's services, constables, &c.

The Northumberland election lasted a week; no fees were paid the returning officer and only one guinea a day for his clerk. The hustings cost £5.

Mr. Wilson of Prince Edward, one of the oldest members of the Assembly, produced to your committee a letter signed David Smith, threatening him with an immediate prosecution unless he pay his share of an election bill containing among others the following items.

Returning officer's fees, 6 days, at 47s. 6d. £14 5 0
2 Constables at 5s. per day, 5 0 0

A copy of the bill is appended to this report, and Mr. Wilson states that he considers some of the charges exorbitant.

Your Committee hesitate to recommend any specific measures in relation to the practice of charging candidates fees; they content themselves for the present with laying before Your Honourable House such facts as came before them in evidence, trusting that the wisdom of the Legislature will provide a remedy for any abuses that may be found to exist.

Your Committee had proceeded this far in the consideration of their report when their attention was called by a member of Your Honourable House to a statement in the second volume of Gray's debates, (page 265) by which it appears that the sergeant at arms of the House of Commons of Great Britain, enjoys his office under a patent for life, and that it is a freehold in him.

All which is respectfully submitted:

W. L. MACKENZIE,
Chairman.

27th February, 1829.

(Note.) *A candidate becomes such by assuming the character; thus, by asking an elector to vote for him or by doing any other act evincing his intention; and whether he has assumed it is a question of fact to be decided, therefore, by the jury, in an action for the election expenses. But excepting where the statute law has made him liable, he is not chargeable with any expenses unless incurred at his own request, expressed or implied. (Hammond's Treatise on Law of Elections, folio 7.)

Committee on Privilege.

EVIDENCE.

Committee Room, House of Assembly, }
Friday, 23rd January, 1829. }

Members Present.—Mr. Mackenzie, Chairman; Mr. Morris and Mr. Perry.

JAMES FITZGIBBON, Esquire, Clerk of the House of Assembly,
Examined.

What are the names of the clerks and other servants now employed in the House of Assembly under you, and what remuneration do they receive?—
W. P. Patrick, Senior Copying Clerk at fifteen shillings per diem, (eleven years);—David Jardine, Copying Clerk, at ten shillings per diem, (ten years); William Coates, Copying Clerk at ten shillings per diem, (eight years);—Nicholas Crawford, Copying Clerk, at ten shillings per diem, (three years);—Alfred Patrick, Copying Clerk, at ten shillings per diem, (three years);—Charles Secord, Copying Clerk, at ten shillings per diem, (one session);—John Doel, Errand Boy, (not settled);—Samuel McMurray, House Messenger, £20 per session, (five years). I do not conceive the others under me. The House ordered the day to consist of 6 hours, and also ordered that the clerks so paid.

should be allowed for every hour extra 2s 6d for the senior copying clerk, and one and eight pence for the others. Under whose authority were these servants of the House appointed?—Always by the verbal appointment of the clerk without the interference of the House or the Executive. I am of opinion that this usage has prevailed because the clerk is held responsible for the accuracy and preservation of the Journals and other documents of the House, and therefore they ought to be held entirely responsible to him. Has it been customary to employ the article clerks of the Crown Lawyers or other Barristers in the House of Assembly as writers?—I have known only two instances, Messrs. Spragg and Secord—one of them is still employed. Mr. Secord the Solicitor General's law student, who is employed because his mother performed valuable services to the crown during the war. Were these clerks and other persons employed per session, or do you consider you have the right to remove them at pleasure?—I consider that I possess that right, but it is a right I will not exercise without good cause. Do you think it right that young lads who are not good writers, should receive the same compensation as experienced writers?—Certainly not; I never will employ an inexperienced writer.—Is there a clerk assistant under you?—No. On the question of his appointment, the Clerk states, that he has been informed, that the Colonial Governors are restrained by Royal instructions from appointing any officers of the civil government during life; this he has not had from any official authority.—He (the Clerk) had been previously employed in the House of Assembly for 5 or 6 years: an interval of seven years took place betwixt that time and his appointment to the clerkship, and he conceives that he received the appointment on account of his previous experience in the business of the Legislature, and that he has good reason to believe there was then no other applicant.

The REV. ALLAN MACAULAY, Examined.

On what authority do you officiate here as Chaplain?—I officiate in the room of the Rev. Mr. Addison; last year by leave of the Speaker; this year I notified the Speaker that I was going to do the duty in place of Mr. Addison. Are you curate and assistant to the Archdeacon of York?—I am his assistant. By consent of the Speaker of the Legislative council, I officiate as Chaplain in that House also, in the room of the Rev. Mr. William Macaulay who is absent.

MR. DAVID A. McNAB, Serjeant-at-Arms, Examined.

When were you appointed?—By Sir Peregrine Maitland a few days before he went away. In what manner were you appointed?—By Commission under the Great Seal. Do you hold the office during life?—During pleasure I believe. What Servants of the House do you consider under your immediate care?—All the messengers and the doorkeepers. Who are these officers and servants, how and when were they appointed, and what are their salaries, and emoluments?—John Riley paid by warrant, salary per annum £20; (contingencies) allowance during session £20, and 2s. 6d. per day during the recess, when employed: 2nd session 9th Parliament appointed by commission under seal of office. 1822 William Allaway 5s. per diem during the session and a few days before and after the session to put the House in order &c.—appointed by Mr. McNab, Senior, late Serjeant at Arms, without consulting the House.—4th session 8th Parliament, James Bridgland, same pay and allowances, appointed by Mr. Speaker Sherwood. Thomas Hickley, same wages and emoluments, appointed by Mr. Speaker Sherwood. William Knott, doorkeeper, £20 per annum, and £20 allowed per session, paid in contingencies: appointed by the Lieutenant Governor and has a commission.

THOMAS D. MORRISON, ESQ., Surgeon, York, Examined.

It is understood you was a candidate at the last general Election for the Town of York?—I was. Who was the returning officer?—Mr. Sheriff Jarvis. What fees did he charge on your election?—Ten pounds—this is the account.

COPY.

| YORK ELECTION, 1823. | | | |
|--|---|----|------|
| | £ | s | d |
| To paid John Ford for Hustings..... | 5 | 19 | 0 |
| To paid Robert Stanton, printing..... | 1 | 8 | 0 |
| To paid Lesslie & Sons, stationary..... | 1 | 2 | 1½ |
| To paid 4 constables, Wright, Bright, Churchill & Carroll, at 9/9..... | | 15 | 0 |
| | £ | 9 | 4 1½ |
| Divided between candidates..... | 4 | 12 | 1 |
| Expences of first day..... | £ | 4 | 12 1 |
| Poll Clerk..... | 1 | 3 | 4 |
| Returning Officer..... | 1 | 3 | 4 |
| | | 6 | 18 9 |
| Second Day, Poll Clerk..... | 1 | 5 | 4 |
| Returning Officer..... | 1 | 3 | 4 |
| Half share of Constables..... | | 7 | 6 |
| | | 2 | 14 2 |
| Currency. £ | 9 | 12 | 11 |

York, 11th July, 1823.

What was the duration of the Election?—Part of two days. Have you paid Mr. Jarvis his bill?—I refused payment because I considered the charge unauthorized both by law and usage: and in consequence was served with a writ a day or two before the House met, to defend an action in the Court of King's Bench. By whom was the writ served?—By Mr. Hamilton the Coroner.—Did the Sheriff state what authority he had for making his charge?—He did not.

JAMES LUMSDEN Examined.

It is understood that you formerly held the situation of messenger in the House of Assembly?—I did, during the two last sessions of the Parliament before the last. What were your wages?—Twelve pounds ten shillings per session. From whom did you receive your appointment?—I was appointed by Doctor Powell. Was you removed from your situation or did you decline? While a messenger in the Assembly, I was an indentured apprentice to Mr. Fothergill, King's printer, and there was a clause in my indenture, providing that I should be allowed to fill the situation of messenger, during each session of the Legislature, during the continuance of the said indenture. But I was removed and another appointed. Was any reason assigned for your removal?—Doctor Powell told my father he did not want me any longer, but that I had behaved to his satisfaction, and to the satisfaction of the House. My father had voted for the opposition candidate and against the Attorney General during the previous summer, and his reasonable belief is that that vote was the only real cause of my losing the situation: I presume however he does not know this as a fact: Mr. William Gamble told my mother that that vote was the reason of my dismissal.

SAMUEL McMURRAY, House Messenger, Examined.

When did you receive the situation of messenger to the House of Assembly?—On the 1st session of the last Parliament. Who appointed you and what have been your wages each session?—Doctor Powell: £20.

CHARLES FOTHERGILL, Esquire, M. P. Examined.

Do you know any reason, or was there ever any cause assigned to you by Doctor Powell, for removing your late apprentice James Lumsden from the situation he held, of House messenger to the Assembly?—I know of no reason: Lumsden was a deserving well behaved boy; and as far as my memory serves me, Doctor Powell once told me that he (Lumsden) had behaved so much to his satisfaction, that were a vacancy to occur he would have no hesitation in re-appointing him.

JESSE KETCHUM, Esquire, M. P. Examined.

What sum was charged you by the Sheriff, Mr. Jarvis, as his fees at the last election for the county of York, as a candidate at the said election?—Between twenty and twenty-five pounds. Did you pay that charge?—I paid £12 10 during the election and refused the second charge.

Mr. Mackenzie, a member of the committee and a candidate at the last election for York county, submitted the accounts charged him by Mr. Jarvis, and stated that he had paid the first 50 dollars and had objected to the payment of the remainder. He believed the same charge was made against each of the 4 candidates, the last 12s. 6d. excepted to those who did not succeed.

See accounts numbered A. and B.

Mr. Mackenzie further stated that he had written to the sheriff for explanation of his charges, and had received an answer, which he submitted to the consideration of the committee. See letter numbered C.

(A.)

Wm. L. MACKENZIE,

To Election Expences.

| | | | | | |
|----------|--|---|----|----|---|
| 1st day. | To ½ share of Hustings, stationary, printing and constables..... | £ | 4 | 7 | 6 |
| | To fee to Returning Officer..... | | 1 | 3 | 4 |
| 2nd day. | To do. Poll Clerk..... | | 1 | 3 | 4 |
| | Constables..... | | | 15 | 0 |
| 3rd day. | Returning Officer..... | | 1 | 3 | 4 |
| | Poll Clerk..... | | 1 | 3 | 4 |
| | Constables..... | | | 5 | 0 |
| | Returning Officer..... | | 1 | 3 | 4 |
| | Poll Clerk..... | | 1 | 3 | 4 |
| | | £ | 12 | 7 | 6 |

24th July, 1823. Received the above in full and 2s. 6d. over.

W. B. JARVIS,
R. O.

(B.)

Mr. MACKENZIE,

To Election Expences.

| | | | |
|--|---|----|-----|
| 4th day, Returning officer, 23/4. Poll clerk, 23/4. Constables 5s. £ | 2 | 11 | 3 |
| 5th day, Do. do. do. do. | 2 | 11 | 3 |
| 6th day, Do. do. do. do. | 2 | 11 | 3 |
| | 7 | 15 | 0 |
| Overpaid on last account..... | | 2 | 6 |
| | 7 | 12 | 6 |
| 26th July, 1823. Affidavits of oath and swearing..... | | 12 | 6 |
| | £ | 8 | 5 0 |

(C.)

York, 13th August, 1823.

SIR:

Your two letters of the 8th and 11th instant, respecting the account furnished you of the expences incurred as a candidate to represent the county of York, at the late election, have been received, and would have been replied to ere this, were it not that the business of my office of sheriff has accumulated to such a degree in consequence of my attendance at the said election, as to require my undivided attention.

Upon presenting the first account to you during the polling, I remember replying in answer to a question from you, that there was authority for all the items charged in the account, save that of the fee to the returning officer, and that such charge was made in compliance with the usage of the colony.

The expences of Hustings, constables and other disbursements will be insisted upon by me to the utmost extent—with respect to the charge of the special constables, it was incurred upon the suggestion of one of the candidates.

In England the sheriffs of counties are ex-officio the Returning Officers, the elections are taken or made in their county courts, where large fees are received—in this colony, a commission appointing the Returning Officer with all the powers, privileges, emoluments, &c. and however such returning officer may have deviated from the usage of England and this country in their charges, it would be unreasonable to suppose, that a duty of so responsible a nature, should be performed gratuitously, and I would add that although in many cases in my official capacity, I have resigned my fees altogether, I have upon no occasion taken less than what I conceived myself fairly and justly entitled to; and I do not consider that my charge of a guinea per diem, to each candidate will compensate me for the anxiety, care, diligence and study necessarily attendant upon the execution of so arduous a duty as that of R. O. I have been paid accounts of the same nature by the three legal candidates, Messrs. Robinson, Baldwin, and Small, and neither Messrs. Ketchum or Morrison have objected to theirs.

I remain Sir,

In much haste,

W. L. MACKENZIE, Esq.

Your very obedient servant,

W. B. JARVIS.

He then wrote to a gentleman versed in such matters for an opinion as to the legality of the claim, and received a reply, a copy of which he submitted to the committee, as follows:

"August 15, 1823."

"DEAR SIR:—With respect to Sheriff Jarvis' charges for the election, I will refer you to the case of Morris vs. Burdett reported in Campbell's re-

Report of the Select Committee on the case of Mr. Justice Willis and the Administration of Justice.

FIRST REPORT.

The Select Committee to which was referred that part of the petition of Joseph Carthra and 1628 others, for redress of grievances, which relates to the case of the Honorable John Walpole Willis, late one of His Majesty's Judges of the Court of King's Bench in this Province, and to the Administration of Justice;

RESPECTFULLY beg leave to offer their first report :

That it appears by His Majesty's letters patent under the great seal of this province bearing date the 26th September, 1827, a copy whereof, marked A. is hereunto annexed, that the Honorable John Walpole Willis was appointed Judge of the Court of King's Bench in this province, "to hold, execute and enjoy the said office during His Majesty's pleasure, and his residence within this province, with all and singular the rights, profits, privileges and emoluments to the said office belonging in the most full and ample manner."

That by other letters patent subsequent bearing date the 26th day of June, 1828, a copy whereof, marked B. is also annexed, the said John Walpole Willis was removed from the said office of Judge; in which latter instrument the only cause assigned for such removal is alleged by way of recital or preamble in these general words—"Whereas for good cause we have found it necessary to remove the said John Walpole Willis from the said office."

That annexed to this report are copies of the address of your Honorable House to His Excellency for information upon the subject matter of this report, and of His Excellency's answer and message thereupon—marked severally C. D. E.

That Mr. Justice Willis had taken his seat as a judge and officiated with the Honorable Mr. Chief Justice Campbell, and the Honorable Mr. Justice Sherwood in the terms of Michaelmas and Hilary last past; in the course of which terms differences of opinion on legal points of much public importance in several causes arose.

That in Easter term following, the Chief Justice, Mr. Campbell, was absent, having a few days before that term set off for England.

That in this term of Easter, Mr. Justice Sherwood and Mr. Justice Willis presided; in the course of which term the varying opinions of these two honorable Judges were publicly witnessed and publicly felt.

That Mr. Justice Willis under these circumstances, examining into the constitution of the Court of King's Bench in this Province, and adverting to that clause of the Provincial Statute which requires in express terms "that His Majesty's Chief Justice together with two puisne Judges shall preside in the said court," resolved not to sit in the court while it continued thus illegally defective in the absence of the Chief Justice; though expressing himself willing and desirous of fulfilling all other duties which the law might permit him to do as a single Judge.

That this opinion of Mr. Justice Willis came to the knowledge of the provincial government some time previous to trinity term, in which that opinion was expressed.

That the Provincial Government although thus aware of the difficulty, took no steps to supply this defect in the court; no Chief Justice being appointed to meet the exigency of the case.

That in this state of things Mr. Justice Sherwood in trinity term last took his seat on the bench, and Mr. Justice Willis impressed with the opinion of the illegality of the course pursued, declared in a clear emphatic and grave argument his reasons why he could not conscientiously proceed to hear causes or give judgment under such circumstances, a copy of his opinion as so declared is hereunto annexed, marked F.

That it appears this opinion received great attention by three gentlemen of the bar then present, who requested the written opinion of the Judges—the copy of this request marked G is annexed; the answer of Mr. Justice Willis is also annexed, marked H. That of Mr. Justice Sherwood as delivered by him from the bench is also annexed, marked I.

That independent of the legal question, great public inconvenience was felt and apprehended in the absence of the Chief Justice, is satisfactorily shown by the evidence of W. W. Baldwin, Esquire, a Barrister, and then treasurer of the law society, marked K. Answer No. 1—and his letter to the Lieutenant Governor dated the 7th of April 1828; a copy whereof, with the reply of Mr. Secretary Hillier, dated 18th April is annexed, marked L. This is the more worthy of attention because it was unknown to Mr. Justice Willis until a few days before trinity term, after his opinion was formed.

That Your Committee would be justly reprehensible did they omit to refer your honorable House to the reply which Mr. Justice Willis made to Sir George Murray, His Majesty's principal Secretary of State for the Colonies, upon the subject of the complaint made against him by the Colonial Government, as it was opened to him in England—in which reply, a printed copy whereof is also annexed, marked M; the constitution of the court is most ably considered, and its illegal insufficiency by reason of the absence of a Chief Justice indisputably established, at least in the humble opinion of Your Committee; this document marked M. being a summary of the case, and a most valuable legal disquisition on the important subject of the administration of Justice in this Province is worthy the deepest attention of the Legislature.

Having thus far informed your honorable House, of the course of events connected with the removal of Mr. Willis: as to the cause of this removal, your committee respectfully refer your honorable house, to an extract from the Loyalist newspaper, under the date of the 28th June, 1828, printed in the same sheet with the Government Gazette, in which it is said "we are authorized to say that Mr. Willis's withdrawing himself from the court, rendered it necessary to remove him from office in order to admit of another appointment," and that Mr. Stanton, the editor, in his reply to question No. 4 of his evidence marked N, annexed, refused to give to Your Committee the authority by which he was so authorized to say—That this publication was soon followed by the issue of another writ or patent under the great seal, a copy whereof is annexed, marked O, appointing in the room and place of the Honorable John Walpole Willis the present Mr. Justice Bagerman, who for many years before and until within a few days of this appointment had been collector of duties at the Port of Kingston, and a practising provincial barrister.

That it appears that all the commissions appointing the Judges of the Court of King's Bench in this Province have, as may be inferred from those of

ports, 1st vol. 218, in which Lord Ellenborough says "a candidate at an election for members of parliament is liable to no expence except such as the statute casts upon him, or he takes upon him by his express or implied consent." He says further "In county elections the sheriff is required to erect hustings, to be paid for by the candidates."

"I think the returning officer's instructions, accompanying the writ, direct him to erect hustings at the expence of the candidates. That expence is considered to be required by the British statute."

"I am not absolutely certain whether the returning officer's instructions say any thing about the expence of a poll clerk, but I think not. The hustings expence is all that the returning officer can legally charge for."

"So far, and so far only, the candidates are liable by statute law; and, as Lord Ellenborough held, their liability for any further expence must depend upon their consent, expressed or fairly implied."

"In the Midland District, it has been customary I believe for the candidates to pay the poll clerk, voluntarily, a guinea a day, divided among the candidates, not a guinea for each candidate. In some instances they have paid the constables; but you will see in the report of the case of Morris vs. Burdett, it was held by Lord Ellenborough that the candidates are not required by law to pay either constables or poll clerks, unless they have assumed on themselves by agreement to do so."

"In the case of Watkins vs. Sandys and Berkeley, 2 Campbell's reports 640. Lawrence, Justice, decided in the same manner, as to the charge for constables. He adds the sheriff is bound to preserve the peace of the country. If he is put to any extraordinary expence in this way, let him represent the matter when he passes his accounts in the exchequer, or directly to His Majesty's Government."

"I believe the returning officers in the Midland District, have made no charge for their own services. The Poll Clerk of the Returning officer of Prince Edward, David Smith, Esq., says that the candidates only paid for the hustings and between them paid the Poll Clerk a guinea a day."

"Mr. Kirby charged the candidates for Frontenac nothing for his services; but £7, that is a guinea a day for his Poll Clerk. The Returning Officer in Lennox and Addington, Mr. McPherson, made no charge for his services.—Your refusal to pay Sheriff Jarvis his exorbitant charges, can have no effect upon the legality of your election."

WILLIAM BUELL, Esq. Examined.

What charges were made against you by the Returning Officer when you were a candidate at the late General Election?—I expect the Hustings will be charged. The only other charge I know of is one guinea per day for each Poll Clerk, divided amongst the candidates—there were two clerks.

WILLIAM WOODRUFF, Esquire, examined.

What was the Returning Officer's fee at the last election for Lincoln?—One guinea a day divided among 6 candidates, and a guinea a day to each of his clerks. My whole election expences was about £6. There were two constables who were allowed two dollars per day each.

GEORGE ROLPH, Esq. examined.

What charge was made upon you by the Returning Officer at the last election for Halton?—I think 10 pounds per candidate. How long did the election last?—A week.

DONALD McDONALD, Esq. examined.

States that his election contest lasted about an hour, and that the Returning Officer's charge was about £2.

THOMAS RADENHURST, Esq. examined.

What did the Returning Officer charge you as costs at the last election for Carleton?—10 or 12 pounds including a charge for his own services; for a poll clerk, for hustings, printing and constables. Joseph Maxwell, Esq. was Returning Officer.

BENJAMIN EWING, Esq. examined.

States that he was a candidate at the Northumberland Election last summer: Mr. Draper was Returning Officer, and his charges as such were a guinea a day for his poll clerk divided among seven candidates; 12s 6d. each candidate's share of the expence of hustings—no fees for himself nor for constables. The election lasted a week.

JAMES WILSON, Esq. M. P. examined.

Submitted to the committee an account against the three candidates for Prince Edward, of which he was one, which had been addressed to him by Mr. Smith, and which he states he does not intend to pay, it being extravagant; and the account is as follows:

(COPY.)

The Candidates at the last Election for the County of Prince Edward, To DAVID SMITH, Returning Officer.

Table with columns for date (1828, July 26th), description of charges, and amounts in £, s., and d. Total amount £10 0 0.

Hallowell, 16th September, 1828.

DEAR SIR:

You will perceive by the above account that your share as one of the candidates at the election is £10 0 0, which I trust it will be convenient for you to pay immediately, as unless you do so, I shall be under the disagreeable necessity of suing for the same at the next court.

I am, Dear Sir,

Yours truly,

DAVID SMITH.

To JAMES WILSON, Esq. M. P. Sophiasburgh.

Mr. Campbell as Chief Justice, and of Mr. Sherwood as puisne Judge, copies of whose patents are also annexed marked P. Q. this express provision of tenure "for and during our pleasure and your residence within our said province."

That your committee not knowing the extent of the accusation of Mr. Willis's enemies can not give that ample exposition which the reference of your Honorable House has imposed upon them. But observing in Mr. Willis's letter to Sir George Murray an allusion to a charge of improper manner in his expressing his opinions in court; and reverting also to a publication in the same Loyalist newspaper of the 21st June, 1828, insinuating slightly something of the same import. Your committee have particularly enquired into this matter and assure your Honorable House that to the public eye and ear, the manner and language of Mr. Justice Willis on the occasion of so expressing his opinion on the bench relative to the defective state of the court, in no respect departed from the dignity and gravity becoming him as a judge; and peculiar malevolence alone could represent it otherwise—the evidence of persons present (K. & R.) and others willing to afford the like evidence in court is quite ample, was there even a shadow of preference for such an imputation.

Your committee are satisfied that the honorable Mr. Willis was removed from the bench on account of the before mentioned judicial opinion expressed by him; the value and force of which opinion must, it is believed by your committee, be felt by all who read it; and your committee further recommend to the most serious consideration of the House, the consequences of removing Judges for the conscientious discharge of their duty.

Your committee beg leave to remark to your honorable House, that the language of the petitioners, is expressed in the most satisfactory and ample manner of their confidence in the qualifications and conduct of the learned Judge; and affords a public testimony to which they do not think it necessary to add.

That your committee have good grounds for apprehending, that whenever all the transactions connected with the wrongs of Judge Willis, shall be disclosed to the public, it will be found that he suffered under that system of espionage, made the subject of complaint by the petitioners.

Your committee also beg leave to report, that upon the subject of the present unsatisfactory confinement of the conduct of criminal prosecutions, to the Attorneys General and Solicitors General, mentioned in the evidence, Mr. Attorney General Robinson, has addressed the following observations to the Government:

"If a preference is felt for the system in use there, (in England) I can only say, I have never heard it expressed by any person, and that it is decidedly my belief, with very good means of observation, that whatever prejudices may in time be excited, any dissatisfaction with the present system of conducting criminal prosecutions in the courts of Oyer and Terminer, is at present confined to a very few individuals in the Assembly, whose opposition to every arrangement and institution of the Government, is very indiscriminating."

Upon a charge so grave, unfounded and injurious to the character of the representative body of the Province; your committee forbear further to remark, than referring to the question put to, and the answer given by Mr. Attorney General Robinson, (Document marked S, annexed.) Your honorable house will observe, that your committee, not unmindful of the complaint heretofore made by Mr. Attorney General Robinson, against select committees of your honorable House, for not giving him an opportunity of answering matters coming out in evidence against him, deemed it a duty to themselves, as well as to him, to present him on this occasion, with an opportunity of exculpation.

W. W. BALDWIN,
Chairman.

Committee Room, 23th February, 1829.

A.

UPPER CANADA.

P. MAITLAND.

GEORGE the Fourth by the Grace of God, of the United Kingdom of Great Britain and Ireland, King, Defender of the Faith, &c. &c. &c.

To our trusty and well beloved, the Honorable John Walpole Willis, and to all others to whom these presents shall come.—GREETING:

Know ye, that having taken into our Royal consideration, the loyalty, integrity and ability of you, the said John Walpole Willis; we have constituted and appointed, and by these presents do constitute and appoint you, the said John Walpole Willis, to be one of the Judges of our Court of King's Bench, within our province of Upper Canada, in the room and place of the Honorable D'Arcy Boulton, late one of the Judges of our said Court. To have and to hold, execute and enjoy the said office, unto you the said John Walpole Willis, for and during our pleasure, and the residence of you the said John Walpole Willis, within our said Province. Together with all and singular, the rights, profits, privileges and emoluments unto the said office belonging, in the most full and ample manner, with full power and authority to hold the said Court of King's Bench, at such places and times, as the same may and ought to be holden within our said Province.

In testimony whereof we have caused these our letters to be made patent; and the Great Seal of our said Province to be hereunto affixed. Witness our trusty and well beloved Sir Peregrine Maitland, K. C. B. Lieutenant Governor, of our said Province, and Major General, commanding our Forces therein, at York, this twenty-sixth day of September, in the year of our Lord, one thousand, eight hundred and twenty-seven, and in the eighth year of our reign.

P. M.

John B. Robinson, *Attorney General*.
By command of His Excellency, D. Cameron, *Secretary*.

I do hereby certify the foregoing to be a true copy of the original commission, to the Honorable John Walpole Willis, as recorded in Lib. I. folio 315.

D. CAMERON, *Secretary*.

Secretary's Office, 30th January, 1829.

B.

UPPER CANADA.

P. MAITLAND.

GEORGE the Fourth, by the Grace of God, of the United Kingdom of Great Britain and Ireland, King, Defender of the Faith, &c. &c. &c.

To the Honorable John Walpole Willis, and to all to whom these presents shall come.

Whereas by letters patent, under the Great Seal of our Province of Upper Canada, bearing date at York, the twenty-sixth day of September, in the eighth year of our reign. We constituted and appointed the Honorable John Walpole Willis, to be one of our Judges in our Court of King's Bench, within our Province of Upper Canada. To have, hold, execute and enjoy the said office, unto him the said John Walpole Willis, for and during our pleasure, and his residence within our said Province; and whereas for good cause, we have found it necessary to remove the said John Walpole Willis, from the said office. Now therefore, know ye that we have removed, and by these presents do remove the said John Walpole Willis, from His said office and place of Judge in our said Court: And we do hereby discharge the said John Walpole Willis, from further attendance in the said Court, constituted by the name of His Majesty's Court of King's Bench, for the Province of Upper Canada, and from all further duties therein. Hereby declaring that the commission heretofore issued, appointing the said John Walpole Willis, to be such Judge as aforesaid, shall be, and is from henceforth revoked, and made of none effect, of which the said John Walpole Willis, and all other persons are to take notice and govern themselves accordingly.

In testimony whereof, we have caused these our letters to be made patent, and the Great Seal of our said Province to be hereunto affixed. Witness our trusty and well beloved Sir Peregrine Maitland, K. C. B. Lieutenant Governor, of our said Province, and Major General, commanding our forces therein at York, this twenty-sixth day of June, in the year of our Lord one thousand eight hundred and twenty-eight, and in the ninth year of our reign.

P. M.

John B. Robinson, *Attorney General*.

By command of His Excellency, D. Cameron, *Secretary*.

I do hereby certify the foregoing to be a true copy of the original, commission, removing the Honorable John Walpole Willis, from the situation of Judge of the Court of King's Bench, as recorded in Lib. I. fol. 324.

D. CAMERON, *Secretary*.

Secretary's Office, 26th January, 1829.

C.

To His Excellency, Sir John Colborne, Knight Commander of the most Honorable Military Order of the Bath, Lieutenant Governor of the Province of Upper Canada, Major General, Commanding His Majesty's Forces therein, &c. &c. &c.

MAY IT PLEASE YOUR EXCELLENCY:

We His Majesty's dutiful and loyal subjects the Commons of Upper Canada in Provincial Parliament Assembled, anxious to know the cause which occasioned the removal of the Honorable John Walpole Willis, from His Majesty's Court of King's Bench in this Province, humbly request Your Excellency to direct the proper officer to lay before this House, copies of all instructions, communications and other correspondence and affidavits, which may have passed between the government of this Province, and the Judges, law officers and other individuals, touching, or in any way relating to his removal from the bench—and also copies of all instructions, communications and other correspondence that have passed between His Majesty's Government and the Government of this Province, on the same subject, so far as it may be in Your Excellency's power to communicate the same.

MARSHALL S. BIDWELL,
Speaker.

Commons' House of Assembly, }
14th January, 1829. }

D.

Gentlemen of the House of Assembly:

I shall direct that copies of any instructions and communications that may be found in the government offices relating to the removal of Mr. Willis until His Majesty's pleasure should be known, be laid before the House of Assembly, if it should appear that the public service, and the undecided case alluded to in your address will admit of those documents being produced in that House.

E.

COPY.

J. COLBORNE.

The Lieutenant Governor would have much satisfaction in laying before the House of Assembly the documents solicited in their address—connected with the removal of Mr. Justice Willis; but on consideration he does not feel himself authorised, without the sanction of the King, to make public a correspondence that relates to a case still pending in a judicial form before His Majesty's Government.

Government House, 21st January, 1829.

F.

Court of King's Bench.

This court opened here on Monday last, by Judges Sherwood and Willis—before they proceeded to business, Judge Willis delivered the following learned and eloquent address, to show that the court was not legally constituted, and could not therefore proceed.

"The evil (owing to the absence of the Chief Justice) of the frequent difference of opinions expressed on the last day of last term, by the senior puisne Justice and myself, in those cases which had been argued before us, and a suggestion which I received on the subject has since led me minutely to investigate the power and constitution of this court."

F

The practice hitherto has been often times for two, & sometimes for one only of the Judges to sit in BANK: and I admit that I have on some few occasions, and particularly during the last term, incautiously followed this practice, which I found had been previously pursued by the senior judges of this court.

I say *incautiously*, from the conviction I now feel, and which it is my bounden duty thus publicly to declare, that all that *has been* or *may be done* contrary to the express provisions of the local Legislature, is altogether nugatory and void.

The 1st. section of the Provincial Statute of the 34th Geo. 3rd. Cap. 2, to establish, &c. in these words (read the title of the act and the *first section verbatim*) these powers are given, not to the individuals *personally* but to the court, in which it is expressly provided: That His Majesty's Chief Justice of this Province, together with two puisne justices shall preside. The Judges, therefore, have only *collective authority*, except in those cases where it is otherwise especially provided for by the Legislature. The origin and existence of the Superior Court, or Court of King's Bench, as it is called, in this colony, is entirely derived from the act of the Provincial Parliament. The constitution of the superior courts of common law in England is essentially different. The English Courts of common law originally emanated from the *Aula Regia*, which according to Bracton (let. 3 tit. 1. c. 7.) was established by the conqueror. These courts, the King's Bench, Common Pleas, and Exchequer, now consists of a chief and three puisne Judges, in each court; but according to Dugdale (orig. Jurid. c. 18.) the number has varied considerably in different reigns, for it appears that Edward the third had nine Judges of the Common Pleas—Richard the 2nd five—That Henry the 6th, changed the number four times—that Edward the fourth reduced it to four, and that Edward the sixth increased the number from three to six, and afterwards to seven. Blackstone also states that James the first, during the greatest part of his reign appointed five Judges in the Courts of King's Bench and Common Pleas. **for the BENEFIT OF A CASTING VOICE IN CASE OF DIFFERENCE OF OPINION**, and that the circuits might at all times be fully supplied with Judges of the superior courts. And in subsequent reigns upon the permanent indisposition of a Judge, a fifth has been sometimes appointed (See Black. Com. 40, citing Raymond, 475, note 2.) These prescriptive courts, unlike courts of Statutory erections, exercise, as Lord Coke justly observes (see 4 Instit. 73, and 1 Black. Com.) the judicial power, *delegated to them from the crown*, according to immemorial usage, and have gained a known and stated jurisdiction regulated by certain and established rules which even our King's themselves cannot alter without the aid of Parliament. (See also 2 Hawk. P. C. 2.)—The Judge of these courts do not sit by virtue of any Statute, which says that the Chief and other Justices and Barons shall *preside* in each or any such courts: neither do their commissions, which are found on immemorial usage, render this imperative. Serjeant Hawkins, indeed, says, (vol. 2. p. 2)—That regularly where there are divers judges of a court of record, the act of any one of them is effectual if their commissions do not require more, or I may add, which is the same thing, if not otherwise provided for by the original constitution of the court or subsequent enactment on which those commissions are founded.

I shall now proceed to show that whenever any additional power is given by parliament to the Judges of a pre-criptive court of record; or that court becomes, in any wise, the object of any statute, and whenever a court is originally constituted by an act of Parliament, the statutory provisions must in all such cases be *strictly* complied with, whether the Judges act by virtue of any commission, founded on those statutes, or immediately under the acts themselves. Thus with respect to the present Justices of Assize, those Judges came in use in the room of the ancient Justices in Eyre (*Justiciarii in itinere*) but are more directly derived from the statute of 2 West. (13 Edward 1. c. 30.) That act directs them to be assigned out of the King's seven justices, associating to themselves one or two discreet knights of each county. In consequence of this and subsequent statutes, commissions of assizes and *nisi prius* and also of *Oyer and Terminer* are now directed to them, accompanied with writs of association: but in order to prevent the delay of justice from the absence of any of the persons therein named, there is always issued, as of course, a writ of *Si non omnes*, which directs that if all can not be present, any two of them, a justice or serjeant being one, may proceed to execute the commission; plainly shewing, that without this writ of *si non omnes*, all who are named in the commission must necessarily be present. (see 3 Bl. com. 58, 60.) Thus, too, when, according to the preamble of the statute, 13 Eliz. c. 48. it was found expedient to alter the system of trying issues triable in Middlesex, at the bar of the superior courts, or to use the words of the preamble, (*which see and read*) that statute enacted (*see and read the enacting part of it—the Chief Justice or two Judges, &c.*) This statute having expressly required the presence of two of the Judges, of such courts whereof the chief was absent; and this being also found inconvenient, it was not attempted to get through the business by one puisne Judge, sitting of his own accord, instead of two, as prescribed by the act; but recourse was again had to parliament; and the statute of 12 Geo. 1. ch. 31. after stating in the preamble, that (and read it) enacted (*read the 1st section*) (any other judge) the important statutory duties which are now discharged, and discharged most admirably, by the present excellent Chief Justice of England, having recently become so unnumbered, as to prevent his attendance, in many instances, in the Court of King's Bench of the mother country, when it is sitting in bank. The present Attorney General of England, who I am proud to call my friend, lately alluded to this circumstance, in the British Senate, in the following manner: "I think," said Sir Charles Wetherall, in the debate on the state of the English Law, "that no question of law should be decided in the absence of the Chief Justice of the King's Bench." At present, from the number of causes he has to decide at *nisi prius*, actually about 800 a term, it is impossible he can attend to his higher functions and the other judges only are left to sit *in banco*, and decide all matters of law, in which the *combined opinion* of the court should be taken. When the Chief Justice was the first common Lawyer in England, it was a solecism in the practice of common law of the country, that "a case should be decided in his absence." In that opinion I most cordially agree.

I will now advert to those statutes, which relate more particularly to the locality of both these Courts. The Court of King's Bench, in England, the style of which is *coram ipso regis* or *coram nobis*, (see 4 Instit. 73) and not like that of the statutory Court of King's Bench, established in the Province, which according to Mr. Taylor's report of Boulton and Randal, is *coram nobis*, or before His Majesty's Justices, is not, nor can it, from its original nature and constitution, be confined to any particular place. The statute 18 Eliz. however, as may be remembered, directed issues joined in the Court of King's Bench, in matters arising in the county of Middlesex, to be tried by the Judges of that Court in *Westminster Hall*, when, therefore, the King's Bench could no longer be held there, owing to the necessary reparation of that edifice, the Judges did not of themselves presume to try such issues elsewhere; but resorted to parliament; and the statute 1st Geo. 4. c. 21, was passed to enable the Chief Justice; or in his absence, any other Judge of that court, with the consent of His Majesty, (thus inferring to the original constitution of the court, after the then next trinity term, and in any future term, to try all issues wherein trial ought to be in the county of Middlesex, in any place in the city of Westminster, in the same manner as they might be tried, in Westminster Hall.

The Court of Common Pleas, in respect to its locality, was very early in our History the object of statutory regulations. The 11th chapter of *Magna Charter* enacts that *communia placita non sequantur curiam regis sed teneantur in aliquo loco certo*. This certain place, says Blackstone (3 com. 33) was established in Westminster Hall, the place where the *Aula regis* originally sat. WHEN the King RESIDED in that city; and there it has ever since continued.

With respect to the locality of the Court of Exchequer, it has, according to Lord Coke (4 instit. 119) been commonly held at Westminster, the usual place of the King's residence, but it has been sometimes holden at other places as the King pleased, as at Winchester, and elsewhere. The Exchequer, it will be recollected, was included in the statute of Elizabeth, which facilitated the trial of issues joined in that court, in matters arising in the county of Middlesex, and directed that such issues should be tried in Westminster Hall, or in the place where the Court of Exchequer is commonly kept, in the county of Middlesex; and because such court had been commonly kept, in Westminster Hall, it was considered necessary, when that court was recently about to be rebuilt, to pass the statute of 3d. Geo. 4 chap. 87. For &c. (read the title and the first section verbatim) which enables **THE COURT TO SIT ELSEWHERE**. With regard to the locality of the court of King's Bench, as established in this colony, the Provincial Statute as has been already stated, directs, that "the court shall be holden in a place certain, that is, in the city, town, or place, where the Governor or Lieutenant Governor, shall usually reside, and until such place be fixed, the said court shall be holden at the last place of meeting of the Legislative Council and Assembly." Thus it appears that the original constitution of the courts of common law in England, is essentially different from that of the court of King's Bench, as established in this Province and that the English Judges are strictly bound by the constitution which their courts have acquired by prescription, and also by the express words of such statutes as have been made respecting them, both in regard to the number and jurisdiction of such Judges and the locality of the courts; and that in both these instances, the 1st section of the local Legislature which establishes the Court of King's Bench here, is clear and explicit. I shall now proceed to shew, that where the origin of a court is purely statutory, a strict compliance with the express terms of the provisions of the Legislature is considered indispensable.

As the first English court of this kind, that I shall notice, is a court of appeal, I avail myself of this opportunity to say a few words on that subject.

The 30th section of the Prov. Stat. of 34 Geo. 3. c. 2. limited appeals from all judgments given in the Court of King's Bench in this Province to those cases where the matter in controversy shall exceed £100: cases which but rarely occur. In case of a division of the court therefore, (if such an event can ever according to the present statutory constitution of this court legally take place) should the matter of controversy not exceed £100, no appeal will be, nor can any control be exercised in case of an *erroneous* or *imperfect* verdict having been rendered at nisi prius—*erroneous* or *imperfect* at least, to the mind of one Judge, though not in that of the other,—except perhaps by the party supposing himself injured, suing out a writ of error, a proceeding which hitherto, in this province, is, I believe, little understood, and rarely resorted to. The parties, therefore, remain without redress; they are compelled to submit, but they submit with repugnance; and thus the next great object to doing right in the administration of justice, which, according to Sir W. Blackstone, should be to give public satisfaction, is in this colony altogether defeated. It is not so however in England. The wisdom of our progenitors, of whom there is so much reason to be justly proud, foresaw, and prudently provided against this evil—an evil which I cannot but think the legislature of this province also intended to prevent by specifically stipulating that THREE Judges, a Chief Justice together with two puisne Judges shall *preside* in this court. If in England the Court of King's Bench or Common Pleas be equally divided, or apprehend great difficulty in the case, it may, according to Lord Coke (Co. Lit. 71.) and Chief Baron Comyn (Dig. Tit. c. D. 5.) be adjourned into the exchequer chamber, to be argued by all the Justices of England, and this says the same authorities, was by the statute 14 Edwd. 2. c. 5, for before it was determined at the next parliament by a prelate, two Earls, and two Barons, with the advice, of the Lords Chancellor and Treasurer, the Judges, and other of the King's Council as deemed convenient. But says Chief Baron Comyn (citing second Bulstrode's Rep. 146. 7.) if after the adjournment a Judge dies, the cause goes on, though if after argument, another Judge be made, he shall not give his opinion. But a cause shall not be adjourned to the exchequer chamber before argument and after argument only if the court be divided—or, for difficulty adjourn it themselves. The court of exchequer chamber, to which I have now alluded is that which was erected by the statute of 27 Eliz. ch. 8. in imitation of the original court of exchequer chamber, established by the act of 31 Edw. 3. c. 12, to determine cases of error from the court of exchequer; and it is the constitution of this last mentioned court, one of the earliest in our history of purely statutory creation, to which I am anxious to draw particular attention. This statute is in the following words:—this statute says Lord Coke (4 Inst. 62.) raiseth a new court and before new Judges, and is introductory of a new law by giving connivance of error in the exchequer, which shall be reversed in the exchequer chamber, before the Chancellor and Treasurer, calling to them the Justices &c. but the Chancellor and Treasurer, that is the Treasurer of England and not of the exchequer, (4 Inst. 1087) ALONE are Judges in the writ of error and the like. It was said by Sir Bartholemew Shower, (Rex. v. Bishop of London. Arg. Show Rep. 432) "That as this statute of Edward III. prescribes the form of redressing error in the court of exchequer chamber; it is held to exclude all other methods being introductive of a new law and though it be a peculiar expression affirmative, yet it implies a general negative too, for both can never take place; and all prescriptions and customs will be foreclosed by a new act of parliament, unless expressly saved. A custom cannot be prescribed against an act of parliament, unless expressly saved. is a matter of record, and the highest record we know." This statute of Edw. III. then being a new affirmative law, excluding all previous customs, and all other methods of proceedings in the court thus created, but those which are expressly pointed out; has been construed, as all other similar statutes must be, in the strictest manner. Thus it has been held that though by this statute, the Chancellor and Treasurer are alone as has already been said, Judges of this court of error, and the Justices and others merely assistants, yet if the Justices be not so taken, they being directed to be taken by the act, it is error.—This is expressly declared in the case in the Year Book, 8. No. 7. 13, and in Brooke's abridgment, Tit. Judgment, Plac. 25. fo. 49, which I have examined and the effect of these authorities is stated almost in the words I have made use of in Viner's abridgment, Tit. Judges, letter H, under the head of "who shall have judicial power." Thus also it was held according to Chief Baron Comyn (Dig. Tit. Courts, D. 6.) after this statute of Ed. the III. If the court of exchequer chamber, thereby created, was adjourned; and at the day of adjournment both the Lord Chancellor and Lord Treasurer *did not attend*, the writ of error was discontinued, and the plaintiff in error was obliged to begin anew. To remedy this the statute of 31st Eliz. c. 1. sec. 1, was passed (and read the title, and the whole of the first section) but this statute did not provide a remedy for the absence of these officers at the day of the return of the writ: therefore another act, that of the 16. Car. 2. c. 2. was passed (read the title and the whole of the act.) But as both the statute of Eliz. and that of Chas. the 2. provided that no judgment should be given unless BOTH the

Lord Chancellor and Lord Treasurer should be present, and there being then no Lord Treasurer, the statute 20 Car. 2. c. 4 (and read the title and the whole of the act) was passed, and is in these words:

I know of nothing that can prove more strongly than the legal decisions, and parliamentary enactments respecting this statutory court of Exchequer Chamber for reversing errors in the exchequer, the absolute necessity of a scrupulous compliance with a statute which introduces a new law, by erecting a new court. But the court I have mentioned is not a solitary instance of the obligation to a rigid adherence to the Legislative enactments in such cases.—The Statute 3. Henry 7th, Chap. 1, by which the court of Star Chamber was, if not established, at least remodeled, a court indeed afterwards, in the reign of Car. 1, altogether abolished to the general joy of the whole nation: (see 16 Car. 1, c. 10, 4 Black. Com. 267) is too remarkable and applicable to the present subject to pass unnoticed. It is introduced with this preamble, (read the preamble and 1st sec. of the Stat.)

It has been held under this act also, as well as that by Edward 3rd, none are Judges but the Chancellor, Treasurer and Lord Privy Seal, by these words, and that the others are but assistants. Lord Coke, indeed (4 Insti. 62) insists that this statute did not raise a new court, admitting if it had done so, all, except the Lord Chancellor, Lord Treasurer, and Lord Privy Seal, would be but assistants, but he says, as the court formerly subsisted, and all the King's Privy Council were judges of the same that the others mentioned in the Statute of Henry as well as the Chancellor, Treasurer and Privy Seal, are Judges also. Lord Coke's opinion respecting the court of Star Chamber must be taken with great allowance; but it matters not in the present case whether all were Judges or some merely assistants, for it was determined by all the Justices, according to the authorities cited in Viner's Abridgment, which I have already mentioned, that as the statute appointed them all to be called to the court, and they were not so called, it was error. I will not stop to mention the necessity of a strict compliance with the Legislative provisions which give criminal jurisdiction to the court of Admiralty, in the cases mentioned in the statutes, nor shall I do more than merely allude to the Statutory Jurisdiction exercised in England in cases of bankruptcy, and the necessity of complying not only with those statutes, but even with an order of the Judge directing commissions (which were authorised to issue by the statute) not to be executed in the country unless he who is called the *Quorum Commission* be a barrister. (see Lord Loughborough's order 12 August 1800.) If this order be evaded, according to my friend Mr. Whitmark's very correct book on the bankrupt laws, and which from practice, I know to be the case, it is considered a good ground for superceding the commission. To my mind, from what has been stated, the indisputable conclusion is, that if all the Judges directed to preside, by a statute, which erects a court, should not be present, and indeed if those even who the Judges are required to take to their assistance should not be called, and present when the business of the court is transacted, any thing which may be done in their absence will be altogether erroneous and void. It follows, therefore, that unless there be some exceptions in the subsequent provincial enactments, which I have not hitherto mentioned authorising the absence of the Chief, or any of the Justices of this Court, the business, according to the term of the Provincial Act, cannot now be legally transacted by the Court, as the *Chief Justice together with two puisne Judges* must preside in it! In the sister colony, and in that legal division of it which adjoins this Province, it has been lately said, and the fact can easily be ascertained, that when sentence was very recently about to be passed on one Edmund Burke, a name too remarkable to escape observation, for having returned from transportation, contrary to the condition of a pardon which had been granted to him in 1818, when condemned to death for a burglary, it was discovered that the Provincial Statute of Lower Canada of 3 Geo. 4 c. 9, continued by that of the 5th Geo. 4 c. 23, neither of which I have been able to procure, enabling two puisne Judges to hold the criminal court of Montreal, in the absence of the Chief Justice, had expired the 1st May, 1827, and consequently the Lower Canadian Statute of the 3d Geo. 3. c. 6 (which I have seen) and which by the 3rd section requires the presence of two Judges in that Court of whom the *Chief Justice must be one*, was revived, and the trial having taken place before two puisne Judges only was held to be a nullity.

The absence of the Chief Justice of the Island of Prince Edward, in the Gulph of St. Lawrence, has recently been the subject of a discussion in the House of Assembly of that settlement, of the deepest interest, not only to those immediately affected by it, but with reference to such persons as may have been appointed to office in any of the British Colonies. The speech of the Attorney General, on the message of the Lieutenant Governor of that Island, relative to the situation of the Assistant Justice of the Supreme Court, is worthy of attention.

The Chief Justice of that province, is universally admitted to be a gentleman of the first attainments, and the highest respectability; but his absence from the Island, which it seems he only visits periodically, is said to be felt there, as the *greatest evil*. In the course of the debate I have alluded to, the manner in which leave of absence is directed by the British statutes to be granted to public officers, in the Colonies, formed a principal topic. I shall now advert particularly to that subject, as it is in my opinion, a matter of the first importance, to ascertain whether the commissions which have been granted to any of the officers of this Colony, are affected by those acts. The first I shall mention, is the statute 22nd Geo. 3. c. 75. (read it Governor AND Council, not the Governor alone.) The other is the more recent act of the 5d Geo. 3. c. 61. (read it Governor and Council, to grant leave.) It appears to me then, from these acts, that absence from the Province without leave, is a forfeiture of the commission of the person so absenting himself. That leave of absence, must be granted to all who hold office in the Colonies, by the Governor or Lieutenant Governor AND Council, and not by the Governor or Lieutenant Governor alone. As I am informed, though contrary to the statutory regulations, and, in my opinion, to every principle of law, has frequently been the practice. On enquiry at the Council office here, I find that leave has always been granted by the Lieutenant Governor alone. As well might His Majesty the King decide an appeal from this Colony without the advice of His Council. The King can do no wrong, and this measure, I presume, applies equally to His Representative; but the law has wisely provided for the interposition of ministers in all public measures, who are answerable to the community for any impropriety that may occur. Who is to be responsible if leave of absence should be improperly granted? the Lieutenant Governor cannot be—therefore the Legislature, provided it should not be granted by the Governor or Lieutenant Governor, alone, but by the Governor or Lieutenant Governor, in Council. But it is evident that such leave of absence cannot be granted, or even extended, in any other manner, according to these statutes, than by the Governor and Council, and that by these acts, even the Secretary of State has merely the power of confirming, not of granting or extending such leave. If, then, such leave of absence should not have been so granted, reported and confirmed as the acts expressly require, or if any officer should, at any time have absented himself from the Province, without first having obtained leave according to the statutes, or should have remained absent for any period to which such leave granted by the Governor or Lieutenant Governor and Council, did not expressly extend, the inevitable consequence, in my opinion, is that, according to the words of the statute of 5d Geo. 3. c. 61, which is a penal act, and to be construed strictly, such officer must by his absence, without such leave, be deemed to have vacated his office, and his appointment must be considered to all intents and

purposes, void and of non effect. But this is a matter which may possibly have already attracted the attention of the legal advisers of this Government. The consequences of having assumed the exercise of office, after forfeiture of the commission is too serious, I should imagine, to have escaped observation, and I now mention it, that in case it has not hitherto been noticed—steps may be taken to obviate evil, which must necessarily have occurred. I allude more particularly to this circumstance, as it materially serves to strengthen the force of the argument I have urged, to show the absolute and invariable necessity, of a strict and rigid adherence to the provisions of the Legislature.

It now only remains for me to examine such other enactments of the Provincial Parliament as relate to the number of Judges, required for the performance of any part of the business of this court. I have hitherto postponed this necessary inquiry, from the conviction, that nothing will appear which can in any manner affect the doctrine I have endeavoured to enforce, or obviate the necessity of the Chief Justice, together with two puisne Justices presiding in this court. The 4 and 5 section of the Provincial statute of 3d Geo. 3 c. 2 enact (read them) what has been said respecting the presence of all the Judges in the exchequer chamber, at the return of the writ, may not have been forgotten; these sections are repealed by the subsequent and recent provincial act of 2 Geo. 4 chap. 1 sec. 1 but the 4th section enacts as follow: (which read) On these provisions I must observe, that if the process of this court be considered as analogous to original writs in England, such writs may and frequently do, according to the case of Whitehead, and Buckland, in Styris reports page 401 bear *teste* and are issued fourth, out of term. And even if the original process of this court be considered merely as a judicial writ, which only issues in term; yet, there is so great a difference between a *teste* of a writ, which is the beginning of an action, and may be as well in the name of one Judge as another, (provided the laws so permits it) and the *deciding* a case on solemn argument, *in court*, and in which court, the statute says, the Chief Justice, together with two puisne Judges shall preside, that it is impossible for any rational mind to believe that this implies permission for the Court to be held in the absence of the Chief Justice. Here if ever, the axiom, *expressio unius, est exclusio alterius*, must prevail—the senior puisne Judge may alone act in solitary instances of allowing a writ to be tested in his name, in the absence of the Chief Justice, but in no other. The 19th sec. of the 1st statute enacts (read it) the 16th sec. of the subsequent act, by which this is repealed, says, (read it) In respect to the trial of issues, in the Home District here, the analogous British statute in regard to the trials of such issues, when arising in the County of Middlesex, which I have mentioned may perhaps be remembered. The exception made by the Legislature in providing for the absence of the Chief Justice, in this instance, strongly shows the necessity of his presence, in all others where it is not specifically dispensed with, and, I need scarcely say how great the distinction is between sitting in bank to correct the errors that may have been committed at *visi prius*, and presiding in a court of the latter description. The 26 and 27th sec. of the first statute enacts, (read them). These are repealed but re-enacted by the subsequent statute. The 39th and 40th sec. which are as follows: (read them) and surely if the presence of the Chief Justice be necessary to make a commission for taking affidavits & bail, it is much more so, to decide important questions of law. The 45th sec. of this last act (that of the 2nd Geo. 4.) enacts &c. (read it). The recent English statute 3 Geo. 4th c. 69, is of a somewhat similar nature (see 3 Evans' Coll. A. d. p. 369, and read the title and the first sec. and remark on the words together with or any THREE OR MORE OF THEM). By "the court" in the prov. statute, I think is clearly intended the court as previously constituted, that is the court in which the Chief Justice together with two puisne Justices shall preside. These I believe are all the enactments of the Provincial Legislature which have any reference to the present subject, none of which, I am convinced permit this court to be held otherwise than as expressly directed by the first section of the local statute of 3d Geo. 3 by which the Court is created.

After much reflection on all the opinions, which I have publicly and deliberately delivered in this Court, there is not one which I could now wish in any manner, to alter, (save indeed, so far as I may have sanctioned the illegal practice, as I consider it, of this court being held without a full attendance of the Judges.) Those opinions however, which have been pronounced as well as an order (though in my opinion a very necessary one) which was made last term in the absence of the Chief Justice, and which order (as far as I am concerned I now recede) cannot I firmly believe, be of any avail until reiterated in this court, when it shall be filed according to the specific direction of the local statute.

Severe industry and legal application has from long use become so habitual to me, independently of the solemn obligation, to endeavor usefully and properly to apply whatever talent I may possess in discharge of the duties of that state of life which it has pleased God to call me, that the interruption of the business of this court, as it regards me individually, will be rather irksome than pleasurable. I shall remain at hand to attend to any of those functions which I can legally discharge.

I have now endeavoured to perform a solemn and imperative duty—I blame myself for having under any circumstances entered upon my judicial functions without sufficient examination of the statutory provisions for the judicature of the Colony. I trusted to what I found to be the practice on my arrival, believing that my brethren had in the course of their long professional career, in this Province, made themselves acquainted with the distinction which, in England at least, subsists between prescriptive courts, and courts constituted by statutes. I am deeply sensible of the public inconvenience which must result from the conclusion at which I have arrived. No man can be more alive to the fearful consequences which the public and individuals cannot but suffer from the awful fact, that the administration of justice in this Province has not in many instances been according to law, and that much which affects the rights, the interests and every thing dear to a community cannot be rescued from jeopardy in the present state of the laws of this colony, which must until altered be rigidly observed.

G.

May it please your Lordships:

The opinion delivered yesterday by His Lordship, Mr. Justice Willis, on the present state of the Court of King's Bench is of such importance to the public and so directly involving ourselves in the discharge of our professional duties to our clients, that it becomes indispensably necessary, with us, to consider the matter of that opinion most maturely. Feeling that such proposed consideration may be imperfect without also hearing the deliberate opinion of His Lordship Mr. Justice Sherwood, we beg leave to express our hope that we shall hear such His Lordships opinion also.

It would be very satisfactory to us to be favored with written copies of those opinions—yet knowing this to be in the option of Your Lordships, we trust you will excuse this part of our application if at all unpleasant. We do not wish to trust to the hasty notes taken by ourselves or the Editors of the public prints.—We would not willingly press upon Your Lordships with any inconvenient haste, but under the present circumstances time is not at our dis-

posal, and therefore trust that if His Lordship Mr. Justice Sherwood, should decline an early delivery of his opinion, so very desirable to us, that he will be pleased to withhold his judgment in any matters wherein our clients may happen to be interested, until as their counsel we be better advised, as to the course to be adopted.

(Signed)

W. W. BALDWIN,
S. WASHBURN,
ROBERT BALDWIN.

H.

York, Upper Canada, June 18th, 1828.

DEAR SIR:

In answer to the written application made by you on behalf of yourself, Mr. Washburn and Mr. Robert Baldwin, as attorneys and barristers, to me, as one of His Majesty's Judges of the Court of King's Bench of this Province, yesterday; I beg to assure you, and to request you will state in the most public and unequivocal manner, that I am and always shall be most willing to act in any way that I LEGALLY can, for the furtherance of Justice. I have already apprised His Excellency the Lieutenant Governor, and through him His Majesty's principal Secretary of State for the colonies, of the conclusion I have come to, respecting the constitution of the court, and the impropriety, (in my opinion) of its being held, unless the Chief Justice together with two puisne Justices preside therein; and I now await His Excellency's commands on the subject. I have directed a copy of the opinion I delivered on Monday, (when recalling the order, so far as I am concerned, which I concurred in last term, during the absence of the Chief Justice,) to be made; and when it is completed, which it will be I hope in an hour or two, it shall be forwarded to you. I am sorry the length of it prevents my sending a copy to each of the applicants.

I remain, dear Sir,

Your faithful and obedient Servant,

JOHN WALPOLE WILLIS, J.

W. W. Baldwin, Esq.
Barrister at Law &c. &c. &c.

I.

Reply of the Honourable Mr. Justice Sherwood, to the Barristers, published in the Loyalist of June 28th, 1828.

"You are desirous, I should express an opinion from the Bench, on the present state of this court, but it appears to me any opinion of that kind, would be extra judicial. No one but His Majesty's Representative has any right to ask for the opinion of a Judge, where no cause or regular motion, according to the practice of the court, is pending before him; and he has the right only so far as a Judge is a constitutional adviser of the Crown.

Being a Judge of this court, I consider it my duty to repair to the usual place of holding the Court of King's Bench during the terms prescribed by the laws of the country. If my brother Judges are not there, I have no authority to enquire whether their reasons for being absent are legal or illegal.

As I stated to the bar on Monday—I think it incumbent on me to preside in court and attend to such business, as the law of the land, the King's commission, and the established practice of both the courts of King's Bench, in England and this province, render it the duty of a Judge to perform. It is my sincere wish that all causes and motions regularly pending in court, should be postponed for the further consideration of a plurality of Judges, and individually, I am desirous of taking no step which my official obligations do not imperatively require. As professional men, you cannot expect me to assign my reason for sitting in this court during the present term, more than any other term. The act of holding this court, I imagine, sufficiently indicates the decided belief of the Judge that he is doing his duty; and no superior tribunal has ever declared the course now pursued, to be erroneous—should any such decision occur, I will adhere with the greatest respect to any new rule laid down by a superior tribunal, for the guidance of the court, any thing short of this can never have the legal effect of controlling the decisions or settled practice of a superior court of record."

K.

Examination of W. W. BALDWIN, Esq.

Ques. No. 1.—What public inconvenience did you feel, or imagine to result from the absence of the Chief Justice?—I often witnessed much inconvenience by the presence only of two Judges—and have no doubt other gentlemen of the profession have felt it—Omitting several minor cases which have escaped my recollection, leaving only the general impression of the public inconvenience, I will beg leave to mention the two latter causes which obliged me as a Barrister to take notice of it publicly:—In the case of *Saishury vs. McKenny*, a verdict was rendered against the defendant upon a charge of Mr. Justice Boulton so violently against the ordinary common place principles of law (his son the Solicitor General was counsel for the plaintiff) that I moved for a rule nisi for a new trial—the rule was readily granted, Chief Justice, Powell, Mr. Campbell and Mr. Boulton, on the bench—I flattered myself that I should have succeeded, not only from the strength of my case, but

an apparent disapprobation of the charge—this certainly was only apparent as I suspected or imagined; for until the return of the rule and argument, I could not expect to hear the Judges opinion—on the return of the rule the Chief Justice had set off on a Journey to England—and tho' Sheriff Merritt (for McKenny was his officer) had to pay £300—the rule nisi was lost, because Mr. Justice Boulton was against the new trial, and Mr. Justice Campbell for it, but no decision could be had and no judgment given—the plaintiff proceeded in his cause and my client grievously distressed by the result.—Smarting under this event I was the more watchful in the case of *George Rolph, Esq. against Titus G. Simons and other*—and there a verdict was rendered for plaintiff, in an amount so wholly unworthy of the nature of his complaint, and rendered so peculiar by the illegal suppression of evidence as I thought, that I moved for a new trial—the rule nisi was granted and it was to be argued finally in Easter Term last—hearing of Mr. Campbell's intended journey to England, I wrote to my client informing him of my apprehensions, that, if Mr. Campbell went to England, the probability was that the court would be divided—in which event he might lose his benefit of the rule.—I suggested to him the propriety of applying to the Governor to suspend the leave of absence—my client concurred in my advice and I wrote a letter to the Governor (this is a copy of it) marked L 1, and this Major Hillier's answer to it, marked L 3.

2. Did you communicate with Chief Justice Campbell on the subject? No. I did not mention my intention to Mr. Campbell—I never spoke with Mr. Campbell on the subject of his absence—I did not think it proper—my reason for wishing his stay was my client's cause—and I could not speak to him—I therefore wrote to the Governor as the only means of obviating the evil.

3. Did you communicate this to Judge Willis?—Indeed I did not—Judge Willis knew nothing of my intentions, nor of my application to the Governor, 'till long after; on the first day of Trinity term or perhaps two or three days before, Mr. Willis asked me if I did not write a letter to the Governor on the subject of the Chief Justice's absence. How he heard it I do not know—not from me—the same day that I had this communication with Mr. Willis, I had also seen Mr. Justice Sherwood; and I took the opportunity of saying to Judge Sherwood, that I had written that letter, and mentioned the causes that induced me so to write it; whether this was in the first days of Trinity term, or before it, I will not say; but certainly Judge Willis knew nothing of my letter, which was written before Easter term, 'till near the approach of Trinity term.—Indeed I was careful to avoid all communication with the Judges on that subject, till I might find occasion to use the letter publicly.

4. What public use of the letter did you contemplate?—My idea was, that I might perhaps think proper to lay it in some form before the provincial Legislature. I gave Mr. Willis a copy of it just before he left this for England, and said he might use it if he thought proper.

5. Were you in court when Judge Willis declared his opinion, and what remarks have you to offer, as to his manner of doing it?—I was in court. I observed nothing in Mr. Justice Willis' manner of delivering his opinion, at all inconsistent with the strictest decorum. I learn that some others (amongst them Mr. Stanton) thought otherwise, but indeed such an opinion of his manner must have arisen from previous prejudice, from whatever cause—his manner was grave and earnest.

6. What is your opinion as a lawyer, upon the point of law involved in his opinion?—My opinion can be but of little moment, however I think Mr. Willis' opinion is correct, I know not how it can be doubted by any person reading his letter to Sir George Murray. I know that his opinion if acted upon, would be most convenient to the administration of Justice. It is idle to conceal it—the absence of Judges from the courts has been a great public evil.

7. Did you witness the conduct of Judge Willis at the Spring Assizes, 1828?—I was present most of the time, though occasionally out of court—as to his conduct, most certainly, I cannot say a word in censure. I was not disposed to think unfavourably of Mr. Willis and did not see any thing in him in the least degree unbecoming a Judge—indeed I can not help thinking he was rather more lenient in his charge upon the indictments against Mr. Boulton, Mr. Jarvis and the type rioters, than the occasions required.

8th. Were you present at the observations between Judge Willis and the Attorney General, relative to public prosecutions in this province, and what have you to observe on the manner of both?—I was present at most of those observations, I think they were in some way reserved on two or three occasions—as to the manner of both, I must say I thought each preserved that check on himself that became him in the place—considering the nature of the observations I know not how they could well be uttered with more guard as to decorum; yet I thought Mr. Robinson's reply to the Judge, that he knew his duty as well as the Judge, and that he would pursue the course he had already followed, was in some manner overstepping the proper bounds on his side—It appeared to me that Judge Willis felt more—he had more sensibility of manner; but indeed he did not in the least descend from the department becoming his seat—I really thought he vindicated its dignity in most becoming language and manner, and I have no doubt the public present were pleased at his conduct—when I say the public, I do not mean the clerks, dependants and adherents of Mr. Robinson and his friends.

9. What observations can you offer as to the general conduct and deportment of Judge Willis, in this Province?—As to his general conduct and deportment, I have no hesitation in saying (for I can say nothing else) that in my intercourse with him, which has not been very frequent, it has appeared most unexceptionable.—Knowing no evil of Mr. Willis, in fact, hearing none, how else shall I answer the question.—I did understand that Mr. Willis gave some offence here by finding fault with the indolence of gentlemen concerned in the charities of the place; but I know not this myself—Mr. Willis did not complain to me, and I think it very possible that as a stranger coming from England and not fully understanding the limited means of charity here, and the necessary occupations of gentlemen to their own affairs, he may have erroneously attributed to indolence or indifference what was the result of necessity—in this way he may have offended some, not that I know it, but it was so said.

L.

York, 7th April, 1828.

May it please Your Excellency:

I am sure, Sir, you will pardon me in immediately addressing Your Excellency on a subject as important as you will feel the present to be; I mean the intended absence of the Chief Justice from the province. It is publicly mentioned that he proposes to set off for England (on leave it must be presumed from Your Excellency) in the course of a few days, this will be before the approaching King's Bench term of Easter.

Your Excellency cannot be aware of the injury suffered by parties in court, where two Judges only sit; many motions of the utmost importance to parties in court, may be lost forever, (as a client of mine heretofore grievously experienced under similar circumstances) where the Judges happened to be divided in opinion, on such occasions, the counsel making the motion, usually loses its benefit for his client, however just the object of it, the opposite party being at liberty to proceed.

Your Excellency will readily perceive, that I could not presume to speak to a judge on a matter of his general duty: and that however inconvenient or injurious to my client, such an event (the presence of two Judges only) may be, yet it forms no ground of usual or legitimate application to court or to a Judge, I therefore feel it incumbent on me as a Barrister, generally, and as counsel particularly engaged to apprise Your Excellency of the public inconvenience likely to accrue by the early absence of the Chief Justice and trust that Your Excellency will not only pardon the intimation but also be pleased to suspend the leave (if given) till after Easter Term next. Nothing can be further from me than a wish to subject the Chief Justice to a disappointment, which this probably may be for a short time, but I should err, still more seriously did I neglect my clients interests by omitting, on this occasion, to address Your Excellency which I do with perfect deference.

And have the honor to be, Sir,

Your Excellency's most obedient,
And very humble servant.

(Signed) W. W. BALDWIN.

L 2.

Saturday Morning.

DEAR SIR,

I took an immediate opportunity of forwarding your letter to the Lt. Governor and yesterday I transmitted one from His Excellency, to the Chief Justice, which I understand to be on the subject of your communication.

I remain, dear Sir,

Yours truly,

(Signed)

G. HILLIER.

W. W. BALDWIN, Esq.

L 3.

Government House, }
York, 18th April, 1828. }

DEAR SIR,

The Lieutenant Governor as I have already acquainted you, made a communication to the Chief Justice on the subject of the letter which you addressed to His Excellency some days since. I am now to inform you, that in reply the Chief Justice stated to His Excellency, that he was not aware of any case now before the Court that can occasion any difference of opinion between the two Judges who remain on the bench, and moreover represented that the state of his health is such as to preclude all hope, that in the event of his departure having been delayed, he would have been able to attend to his duties on the Bench.

I have the honour to remain,

Dear Sir,

Your very faithfully

And obedient servant,

(Signed)

G. HILLIER.

W. W. BALDWIN, Esq.

M.

Copy of Reply to the Report of the Honorable Executive Council of Upper Canada;

Recommending the Removal of the Honorable JOHN WALPOLE WILLIS from the office of one of His Majesty's Judges of the Court of King's Bench within that Province.

Bath, Sept. 23, 1828.

SIR:

A deep sense of the duty I owe to my gracious Sovereign, from whom and for whom, I held and executed the judicial functions which he was pleased to delegate to me; and the duty I feel also to myself and my fellow-subjects, constrains me to PROTEST most respectfully, but in the strongest and most unequivocal manner, against a judicial declaration (even supposing it to be erroneous) ever being made the subject of official comment by the Executive Government, or being, even for a moment, admitted as a ground for accusation against a Judge. The interference of the Sovereign himself with his Judges in the execution of their duty is expressly provided against by the Acts of 18 Edward III. st. 4.

and 20 Edward III. c. 12, at which period, and up to the 13 William III. it is to be remarked that the Judges in England held their offices "durante bene placito" only. It is further provided against in the oath taken by every Judge on entering into office, whereby he swears "that he will not deny right to any, though the King, or any other, by letters or express words, commands to the contrary." Not unfrequently have there been instances of Judges being fined who transgressed the laws, though commanded by warrant from the King; and it is stated by Bishop Burnet, that in the early period of our history "a Chancellor (Earl Typtofi) was beheaded for acting upon the King's warrant contrary to law." In a later period we find that a principal article (the second) of impeachment of the ill-fated Earl Strafford, was for declaring in Court, at the York Assizes, "that some of the Justices were all for law, but they should find the King's little finger should be heavier than the loins of the law." In the same spirit, the ordinances of France have forbidden the Judges to have any regard to the King's letters manual in the discharge of their functions. Independently of the illegality of the King's interference with the Judges in matters of law, it is an ancient and fully established principle; admitted even in the most despotic periods of English history, and when the Judges held their offices during pleasure: that Judges are not in any ways punishable or answerable for mistakes or errors of judgment, either to the King or the party affected by their decision. For this there is abundance of authority (see 2 Hawk. p. c. 1. §. 17. 1 Mod. 148. 1 Salk. 97.) See also the answer to the articles of complaint exhibited by the clergy against the Judges, as recorded in Lord Coke's comment upon the *Articuli Cleri*, 2 Inst. 618. in which are the following expressions, agreed to and signed by all the Judges at that time: "For the Judges doing what they ought, and by their oaths are bound to do, it is not to be called in question and if they err in judgment, it cannot otherwise be informed but judicially in a superior court, or by parliament." The same eminent Lawyer, in speaking of the Puisne Judges of the Court of King's Bench, 4 Inst. 75 says, "They have their offices by letters patent in these words, 'Rex omnibus ad quos presentes littere pervenient salutem. Sciatis quod constituimus dilectum et fidelem J. D. miletem, unum justiciarorum ad Placita coram nobis tenenda, durante placito nostro.' These Justices of the Bench (he says) are styled *perpetui*, for that they ought not to be removed without great cause." The same principle operates with regard to all subordinate Courts of Judicature in His Majesty's dominions. In case of Courts Martial, for example, which are held by virtue of the Mutiny Act and Articles of War: "Although actions may and frequently have been brought in the Courts of Westminster Hall against members and ministers of Courts Martial for wilful and corrupt abuses of authority against the known, obvious, and common principles of justice, yet no officer on a court Martial is liable to be punished for mere mistakes, which an honest well-meaning man may innocently fall into."

Under these circumstances, feeling, as I do, the proud consciousness of having done my duty; and having the firmest confidence in the justice and impartiality of those by whom the matter now at issue between the Provincial Government and myself is, in the first instance, to be determined; I should not hesitate to submit my case to the consideration of His Majesty's Government without further comment. In doing so I should rest satisfied in the conviction, that their regard for the principles of the British Constitution would not suffer them to visit the inconveniences, or consequences, which however unjustly, may be attributed to a judicial declaration upon a Judge who is conscientiously actuated to deliver it; and also in the assurance I feel, that by no ingenuity, nor perversion of argument can my removal from office be virtually separated from my judicial declaration. But as by possibility it might seem that I did not duly appreciate the kindly feeling of His Majesty's Government here, in furnishing me now, for the first time, with the documents from Upper Canada, were I to abstain from observation, I am induced to offer such remarks as will I trust, make it manifest, that they do not in the slightest degree impugn or affect either my conduct, or any particle of my opinion.

I must however premise, by requesting your particular attention to the opinion I delivered, a copy of which I transmit, and to the several Statutes to which it refers. The arguments and authorities advanced in that opinion need not be repeated. I have to apologize for sending you that opinion as printed in a public newspaper; but as no official copy of it appears to have accompanied the documents from Upper Canada, and I am obliged to be my own clerk, I hope it will not be considered disrespectful; and that I may be excused the delay of transcribing it.

In the observations which I shall take the liberty of making with reference to my judicial opinion, I shall remark first, upon the propriety, or rather the absolute necessity, and duty, of my delivering the declaration, and the time, place and manner of making it; both as it regards the constitution of the Court of King's Bench as established in Upper Canada, and the Statutes regulating leave of absence; and I shall then proceed to comment upon the arguments adduced to contravene it.

I submit, therefore, in the first place, that the judicial opinion was neither *extrajudicial* in its character, nor improper in the time or mode of delivering it.

No one, I think, can doubt the propriety of a judge, when he finds, or thinks he finds, that the court, of which he is a member, cannot be held according to the statute by which that court is established, declaring his reasons for not performing those duties which otherwise it would then be imperative on him to discharge. Is it not constantly given as a reason for not proceeding to business in Parliament, that a sufficient number of members are not present? And is the propriety of giving such reason, instead of proceeding illegally, ever questioned? In such case, does the House of Commons wait until an exception is taken to its jurisdiction, or competence to proceed? Do the Judges in the superior Courts of Appeal—do Magistrates, or those who have jurisdiction in any of the numerous inferior courts, to constitute a *quorum* in which, a certain number is admitted to be necessary—do such persons, I say, venture to proceed to business, in the absence of any of the number required by law to constitute their court? do they abstain from discovering their own incompetence, or the illegality of their proceedings, till an objection or plea to their jurisdiction is offered?

Moreover my opinion was delivered, not as a judgment pronounced upon proceedings, of which in my judicial capacity I then was taking cognizance, and which were then brought before the court, and argued by the counsel for the plaintiff and defendant as in ordinary judgments by a court; but to account for my abstaining from taking cognizance of any business whatever. Entertaining the opinion I do with regard to the defective constitution of the

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Court of King's Bench in the absence of the Chief Justice, or of one to discharge his functions, I conscientiously believed, that to proceed with the ordinary business of the Court in Term, would have been to transgress the laws, which I was sworn to administer:—and in declining to do so, I cannot but think that some explanation was due both to myself and to the public. That explanation was contained in the declaration I delivered.

It was not, in my opinion, possible for me fairly and fully to discuss a legal point arising from the absence of a Judge, whose presence I consider to have been necessary to authorise the Court being legally held, without advertent to the legality or illegality of that absence, particularly as that point might also affect the validity of the commission of another Judge of the Court, which, if void, would have prevented the Court being legally held, even if the Chief Justice had not been absent. This point, moreover, might also materially affect the validity of the commission of the Law Officers of the Crown, and other servants of the Court, the legal performance of whose duties was absolutely necessary to the due administration of Justice. I submit therefore that my opinion on both points was neither extrajudicial, nor uncalled for, supposing there had been no point before me of which I might technically avail myself. But this was not the case. In the previous Term, I had concurred in an order, in the absence of the Chief Justice, and I had also taken a part in proceedings where the Court was not, as I, afterwards discovered, and now believe, legally held. I therefore felt myself imperatively called upon to take the earliest opportunity of rescinding my participation in that order; & to obviate as far as possible the evils which might have ensued from the error I committed. In doing so, it is obviously impossible that I could have avoided giving my reasons. Could I then, could any man who was sworn to administer justice according to law, have been justified in remaining silent; or sanctioning proceedings contrary to law? Would he have been justified in continuing in an illegal course; a course which would have justly subjected the party so offending to the heaviest penalties; "or in the mean time, unless called upon by some plea to the jurisdiction, in suffering things to continue in their usual course?"

Such proceeding, it appears by the Report, would have been approved of by the Executive Council of Upper Canada, but, no English barrister, no gentleman of common honour or principle "however unparalleled his conduct might be considered,"† could, I am sure, have forborne to have acted in a similar manner to what I have done.

As to the manner in which I delivered this my judicial opinion.

I forbear commenting on the groundless insinuations to which the mode and manner of delivering my opinion have given rise. Such comment I should consider as unhandsome and unworthy on my part, as I do the insinuations themselves. As an English Barrister, I trust I should have too much delicacy of feeling, and too much respect for myself and my profession, to cast out such insinuations against a Brother Judge.

I certainly, as alleged, came into court robed, as is charged, in the costume of a judge. I might—ought to have found there a sufficient number of judges duly qualified to proceed to business; but I did not find them.

I therefore then made a judicial declaration of those reasons which prevented me taking any part in that business, in which, if the court were properly held, it was my bounden duty at that period to have participated.

I imagine that it would not have been considered very decorous or respectful to the Government or the Public, or indeed to myself, to have gone into court unrobed, and to have left it without giving any public reason. Yet there was no alternative: I must either have done so, or acted precisely as I did; unless, indeed, I had consented to commit what I must always consider as a crime of the deepest enormity, especially in a judge, viz: the wilful violation of his oath, in sanctioning the infringement or non-observance of that law which he is sworn to administer.

I shall now proceed to remark on the several arguments which have been advanced to contravene the opinion I delivered; arranging them, so far as regards the constitution of the King's Bench, under the following heads:

First, those sought to be adduced against my opinion from the words and reason of the statute.

Secondly, those arising from the inconveniences attributed to my construction of the statute.

Thirdly, those which the inferences said to be deducible from subsequent statutes are alleged to afford.

And, fourthly, those which the learned Judge and Law Officers in Upper Canada conceive to arise from contemporaneous exposition and usage of the Court.

I shall then reply to the arguments advanced with respect to leave of absence; and having thus disposed of the comments on my judicial opinion, I shall show that my removal was not, and could not, have been grounded upon, or guided by, the Report of the Executive Council, as is alleged.

And, lastly, I shall comment upon the manifest illegality of the whole proceeding, and upon the total insufficiency of the causes assigned for it.

And, FIRST, with regard to the allegation, "that a statute ought sometimes to have such a construction as is contrary to its letter," and the subsequent observations which may be classed under this head.

I have only to remark, that the maxim, "that judges are to give judgment according to law,—*Facturi quod ad justitiam pertinet secundum legem*," is almost too trite to be repealed. And I firmly believe, "there are no laws demanding a more religious observance, than those that limit and define the power of individuals forming the government over their fellow creatures; and serious as must be the consequences of the temporary stoppage of justice in a whole country, I cannot help looking on it as far less dangerous to the interest of society than the sacrifice of any of the least part of an important principle; and surely no principle can be more important than the obligation on all public functionaries to observe, to the letter, the bounds of those powers with which they are entrusted." The Act of the Local Legislature which constitutes and establishes the Court of King's Bench in Upper Canada, directs, "that His Majesty's Chief Justice, together with two Puisne Judges, shall preside in the said Court; which Court shall be holden in a place certain, that is, in the city, town, or place, where the Governor or Lieutenant Governor shall usually reside." Nothing can be more clear or more explicit than the words of this Act: "and if an act of Parliament be clearly and unequivocally expressed, it is neither void in its direct or collateral consequences, however absurd or unreasonable they may appear; for where the signification is manifest, no authority less than Parliament can restrain its operations." It must be remembered, that this is a court purely of statutory constitution. The distinction between Prescriptive Courts and Courts constituted by Statutes, appears to have been manifestly and strangely disregarded in all the comments on my judicial opinion. It matters not whether the Statute be a new Affirmative Law, as in the case of the Court for redressing Errors in the Court of Exchequer; or a Declaratory Law, in which a Court is remodelled at least, if not primarily established; as Lord Coke asserts to have been the case of the Court of Star Chamber, by the statute of Henry VII. In each case it is equally binding. The good sense and reason of making it necessary that the important functions of the Supreme Court of

Judicature in the Province, (a Court from whose decisions there is no practical appeal,) should be administered by not less than three Judges, cannot, I think, with any degree of propriety be questioned.

With regard to the meaning which may be attached to the word "President," I shall not follow the learned Gentlemen in their philological researches; nor shall I open Ainsworth or Johnson to refute the position, that an ideal Chief Justice, together with two Puisne Judges, can be said to preside in the Court of King's Bench, though all of them are corporeally absent. I shall only observe, that ordinary men have practically affixed a plainer and less abstract idea to the term. The Mutiny Act, for example, which authorises Courts Martial, directs that there shall be a "President" of each Court. Was it ever known that after a President of a Court Martial was appointed, the Court did or could proceed without him? The usage or law of Parliament constitutes the Speaker President of the House of Commons. As well might that august body proceed to legislate in the absence of its Speaker, as the Court of King's Bench in Upper Canada endeavour to proceed with its ordinary business in the absence of the Chief or either of the Puisne Justices. The proceedings of a committee for the trial of a controverted Election,—a tribunal, constituted by statute, like the King's Bench of Upper Canada,—are necessarily suspended by the absence of the chairman, or any of the members of which by law it must be composed; nor can it sit with fewer than the appointed number of members, unless (as is expressly provided for by law) it obtain permission from the House. In such cases, as well as those I have adverted to in my opinion hypothetical attendance is not thought compatible with physical absence.

Therefore, the words of the statute being taken, as they must be, in their ordinary and reasonable acceptation, it is evident that the Chief Justice, at present, we hope, enjoying himself in England, cannot be now holding and presiding, together with two Puisne Judges, in the Court of King's Bench, at York, Upper Canada.

The second class of arguments against my judicial opinion are those *ab inconvenienti*.

With regard to these inconveniences, I respectfully take leave to assert, that it is to the violation of, or inattention to, the law, and not to my declaration, or judicial opinion, that the incongruities or inconveniences alluded to should be justly attributed. The evil which has arisen, and which it is officially said, "threatens to increase," mainly originated in permitting the Chief Justice, and indeed any Judge, at any period to leave the Province without providing for the discharge of his office during his absence. The British Statute, 22 George III. c. 73, enacts, "that it shall and may be lawful for the Governor and Council of any Colony or Plantation to give such leave of absence as they shall see occasion; and in such case, as likewise in the case of vacancy occasioned by death or amotion, to provide for the due discharge of such office or offices until the King's pleasure be known."

Had the Lieutenant Governor and Council thought fit to attend to the provisions of this Act, in cases of vacancy by absence, forfeiture, or otherwise, and provided in the present case for the discharge of the office of the Chief Justice, when he was permitted to leave the Province; had they even done so on the 3rd of June, when I communicated the heads of my opinion for the information of his Excellency, and through him to the late Right Honourable Colonial Secretary of State; much of the evil complained of as resulting from the declaration of my judicial opinion could never have arisen. Precedents in abundance for the appointment of a temporary judge are furnished by the documents transmitted to me; by which Mr. Russell appears to have been repeatedly so commissioned.

I submit therefore, with great deference, that when leave was granted to the Chief Justice, it was the duty of the Lieutenant Governor and Council to provide for the due discharge of his judicial office, and not to suffer the administration of justice to proceed in such a manner as could possibly give rise to so serious a question; in a manner, in my opinion, obviously illegal and improper; more especially as it appears by the opinion of the Law Officers of the Colony in January last, that such a question was not wholly unforeseen. Had the provisions of this and other statutes been complied with at all times, how different would be the state of the province; how many incongruities and inconveniences; how much of the grounds, or pretexts for dissatisfactions, would have been avoided!! But that a British Judge, appointed by His Majesty, should be made to suffer from what I conceive to be the ignorance, or inattention, of the local Government to established statutory law,—should suffer on an allegation directly contrary to an express statute,—should suffer for an evil attributable solely to the Provincial Government; should suffer, for a strict adherence to his oath; should suffer, without accusation, or legal opportunity of defence; appears so unconstitutional, so totally at variance with every principle of British law and justice; that, [as well quoted by Lord Strafford in his defence, from an English statute,] "no man will know what to do or say for fear of such penalties." "Do not," as that unfortunate Nobleman added with regard to Ministers of State, "do not permit such difficulties to be put upon the King's Judges, that men of wisdom, of honour, of fortune, may not with cheerfulness and safety be employed for the public."

To have provided for the administration of the law, by appointing a person to perform the duties of the Chief Justice during his absence, would have been not only the obvious course pointed out by law to be adopted, but would also have been consistent with the ordinary colonial practice in similar cases.—When I went to Upper Canada, I found Mr. Macaulay acting in the capacity of a Judge.* A Mr. Hagerman, brother-in-law to Mr. Macaulay, has been, I am informed, appointed to perform the duties of my office until his Majesty's pleasure be known. It appears also from the returns from the Crown Office before alluded to, of the Judges actually present at the several Terms since the establishment of the Court, (which is the document marked No. 13 in those which you did me the honour of sending me,) that nothing was more frequent than the granting a temporary commission, to enable a person to act as Judge on particular occasions. The copies of two commissions granted to the late Mr. Peter Russell, marked 11 and 12 in the documents sent from Upper Canada, might, I should imagine, have afforded a precedent.

Among the ordinances of Quebec, the one "for securing the liberty of the subject." (24 Geo. III. c. 3.) by introducing the provisions of the *Habeas Corpus Act*, ordains, "that the writ may be obtained from the Court of King's Bench, or from the Commissioners for executing the office of Chief Justice respectively, or from any Judge or Judges of the said Court of King's Bench." When in May last the Chief Justice of Trinidad left that Island, it appears that an acting Chief Judge and acting Judge of Criminal Inquiry, were duly appointed.

But admitting, for the sake of argument, that the inconveniences complained of could with any degree of justice be attributable to the declaration of my judicial opinion, I cannot but feel that even under such circumstances I should not have been justified in withholding it. Supposing, for example, a trial at the bar of the King's Bench in a case involving life should have been demanded, (and it was a case by no means unlikely to arise,) would an honest conscientious Judge, believing, as I do after mature deliberation, that the King's Bench is illegally constituted, unless in the words of the statute, "the Chief Justice together with two Puisne Judges, shall preside therein;" could I in

* Vide Report of Executive Council.

† See Mr. Sherwood's Letter.

* See Schedule annexed to the Report of Executive Council.

such a case, I repeat, without a breach of my oath, have proceeded to trial in the absence of the Chief Justice? With regard to personal consequences, as they might affect myself in the case I have supposed, I shall only remark that Sir Matthew Hale, 1 P. C. 497. concurs with Serjeant Hawkins, 1 Hawk P. C. 70, in declaring that if judgment of death be given by a Judge not lawfully authorized, and execution is done accordingly, the Judge is guilty of murder. If even, to suppose a less serious case, a Judge be appointed a Commissioner of Gaol Delivery, and any point arise in a criminal case, which he reserves for the opinion of the Judges of the land, ought not the prisoner, in this case also, to have the benefit of the opinion of *all* the Judges? Is, in fine, the right by which a Judge is to administer law in matters involving life and property, and all that is dear to a community, to be tampered with; or is a plain unequivocal statute, favourable both to the promotion of speedy justice, and preventing its obstruction by a difference of opinion, where the Judges are only two in number, to be acted upon, particularly by those who have sworn to administer justice according to law? When the foundation is undermined, ruin and confusion inevitably ensue. That much of the statute law of Upper Canada has been made under false impression, and without sufficient consideration: that much of it is worse than nugatory; that many of the inconveniences mentioned by Mr. Robinson, and very many others of much deeper and more vital importance, may, nay *must* arise from it, in its present state, I fully admit. Therefore it is I have read with pleasure the communication of a prominent Member of the British Parliament, of the expectation he entertained that a commission of enquiry would be sent to the colony. The laws, however, until amended, so far as they are clearly and unequivocally expressed, must be strictly observed. It is the duty of a judge to administer what he finds to be law, but not to make the law. Were it otherwise, he might, as has been well said, "rise above all law, either common or statute, and be a most arbitrary legislator in every particular case. In all cases of positive law he must say with Ulpian, *Hoc quidem perquam durum est, sed ita lex scripta est.*" Were it otherwise; "if Judges were (to use the emphatic language of Burke) so full of timidity as to be influenced by mean and unworthy passions, a popular clamour might be sufficient to shake their resolutions built upon the solid basis of legal principles—they might, to please the administration, go one way to-day, and to please the crowd, go another way to-morrow. They might oscillate backwards and forwards between power and popularity, unless the law were fixed in such a manner as to resemble, as it ought, the Great Author of all law in whom there is no variableness, neither shadow of turning."

This principle of acting strictly according to established law, however inconvenient, seems to have been distinctly admitted by the Lieutenant Governor, in his message to the Honorable the Legislative Council of Upper Canada, respecting the civil rights of many of the inhabitants of the Province. The message is dated the 14th of November, 1825, and with reference to them the Lieutenant Governor says, "these inhabitants are exposed to the inconvenience of finding those rights denied which they have hitherto enjoyed, but which, whenever they may be questioned, must be decided upon by those to whom the administration of justice is committed, without regard to the inconveniences which might be much regretted."

With reference to the several specific cases of inconvenience, which are presumed to arise from the plain words of the Provincial Act, one and the same answer will apply, viz. that in all cases the Statute expressly enables the Lieutenant Governor and Council to provide for the discharge of all offices becoming vacant by absence or otherwise. So that if the Court of King's Bench should not be capable of being held, and the administration of justice be interrupted; the fault ought fairly to be attributed to the neglect of the Provincial Government, in omitting to comply with the salutary provisions of this act. I forbear to enter more minutely into the particular instances alluded to as cases of inconvenience, in consequence of which a different construction, from that which I have adopted, is attempted to be put on the act of the Provincial Legislature. And I do forbear, not because, there is not an obvious answer to each of them, but because I feel I should almost outrage propriety, were I to occupy time and attention by further detail. There is one inconvenience, however, arising from my construction of the law, which seems to be so strongly relied upon as contravening that construction, that I cannot allow it to pass unnoticed. Mr. Justice Sherwood states, "If the presence of all the Judges be indispensably requisite to hold the King's Bench; the following anomaly and legal absurdity must inevitable follow, viz: that the Judges of the Court can neither sue, nor be sued in the Province, like other subjects;" and from this, which he calls anomaly or legal absurdity he draws the conclusion that my construction must be a wrong one, and that only two, or perhaps one Judge, can be necessary to constitute the Kings Bench.

Now I deny both his premises, and his conclusion. I deny, 1st, that it is anomalous or absurd for a court to be so constituted as that the Judge or Judges thereof are incapable of suing or being sued, or being parties to legal proceedings for redress of injury. With reference to which it is only necessary for me to call your attention to the constitution of the Perogative Court, or the Admiralty Court in civil causes, or the Court of Arches, or the Sheriff's Court, or the Courts of the Chancery of Durham or Cornwall, or to any similar courts in England. In all of these, I believe, a sole or single Judge is constituted by law, and applying the maxim that a Judge cannot act in his own cause, to Judges of these courts, it becomes I think evident that there are many courts in this country, the construction of which renders it necessarily impossible that the Judges therein can be made amenable to those laws, the observance of which they were instituted to enforce; and yet I am not aware that these courts have ever been considered legal absurdities or anomalies. Moreover by the Provincial Statute of Upper Canada, it is enacted that the Governor or Lieutenant Governor, shall preside in the Provincial Probate Court. His Excellency therefore cannot, I presume, consistently with the maxim of law, be a party to proceedings therein when he must preside; and yet I should scarcely venture to stigmatize this as a legal absurdity or anomaly; and to draw the conclusion, that the law must therefore be interpreted differently; or that such a construction must consequently be put upon it as the words do not legitimately admit of.

The Courts of Exchequer Chamber, which have been so frequently alluded to, afford a similar instance; with a reference to which, the statute law of England has directed certain persons to act as judges therein. It is therefore impossible that those persons can be made parties to the proceedings in those courts. They are necessarily, as it were, themselves out of the jurisdiction or pale of those courts; and yet the constitution of the Exchequer Chamber is not, even by Mr. Sherwood, thought anomalous or absurd.

I shall avail myself of this opportunity to remark; that in the observations which Mr. Justice Sherwood has made upon that part of my judicial opinion, which relates to the practice of the Courts of Exchequer Chamber, he has fallen into a mistake with regard to which of the courts in the Exchequer Chamber I adverted, by following Mr. Christian's Note on Blackstone's Commentaries, vol. iii. p. 410, without referring to the previous Note, p. 46; and has thus confounded together two separate and independent courts. A reference to my judicial opinion will make this manifest.

That an inconvenience may arise in any of these cases, I am free to admit. That in Upper Canada a suitor might find himself stopped, or interrupted, in his progress to obtain redress, by the impossibility of making a judge a party

to legal proceedings in his own court, is a circumstance by no means unlikely to happen. But when it does happen, I submit, the law affords an easy and obvious mode of surmounting that difficulty, by permitting the Governor and Council to grant leave of absence to the judge who may be thus interested, and to appoint another competent person to try the cause in his absence. By these means the cause of the individual judge as a suitor, may be lawfully heard and determined by the court: while the court itself is maintained in all the integral sufficiency contemplated by the act.

It is evident that no Judge of the Court of King's Bench in Upper Canada can sue and be sued in that court while he is personally discharging his judicial functions, as he would be unlawfully judge in his own cause. The difficulty contemplated by Mr. J. Sherwood, as arising from the act being construed to insist upon the presence of all the three judges, would be increased, rather than obviated by a less strict interpretation of the law, permitting the competency of the bench when composed of less than three members. For example: in the action of ejectment brought by Mr. Justice Sherwood himself for land at Brockville, arising out of the notorious cause of Mr. Solicitor Boulton v. Randal; (see the proceedings of the provincial parliament in this case;) should the action have been tried at the last assizes by Mr. Hagerman, now acting as a Judge of the Court of King's Bench, and for any misdirection or impropriety on his part at the trial at *Nisi Prius*, a new trial be moved for; who is to decide? Surely Mr. Justice Sherwood (*if a judge*) cannot, because he is a party: and Mr. Hagerman ought not, because his own judgment is called in question. In such a case,—a case probably at this moment pending,—the construction of the act contended for by Mr. J. Sherwood would, so far from obviating difficulties, increase them tenfold; and places beyond the possibility of doubt the wisdom of the legislature in providing "that a Chief Justice, together with two puisne justices, should preside in the said court." There always should and must be three judges present, a chief and two puisne judges, to act *legally* in the Court of King's Bench in Upper Canada. If any one of them be a party in a cause, the only inconvenience thereby arising is, that until the obvious course I have mentioned be taken, the court cannot proceed in that cause. But again, supposing that *two* judges only could act, and they be divided in opinion; is the act of one, though it should be evidently erroneous in the sight of all but himself, to impede for ever the fair course of justice, even though his fellow should raise his voice against it? It is impossible that such monstrous doctrine can be supported.

The case of death, alluded to by Mr. J. Sherwood, is provided for by the Statute 22 George III. which has so frequently been referred to.

I now come to those arguments deduced from inferences which have been attempted to be drawn from subsequent Statutes.

In regard to these, it is only necessary for me to remark, that I am at a loss to discover by what process of reasoning, Enactments which enable either one or both of the Puisne Judges to perform *certain* specific acts in the absence of the Chief Justice, can be construed to extend to authorise their performance generally of *all* acts in his absence. In such cases, to my mind the exception proves the rule.

But even admitting for a moment that an inference arising from a subsequent statute is to fix on a preceding one, a construction different from the letter, and the plain and most obvious meaning of the words, (which, however, I deny to be a safe or reasonable rule of interpretation,) I do not think, from the cases mentioned, the inference drawn, viz. that in those subsequent Statutes, the Court of King's Bench is presumed to be sitting without the Chief Justice, or one or both of the Puisne Justices, is necessarily deducible. It is stated, for example, that, by the 57 George III. c. 9, the Court of Oyer and Terminer shall continue its business, notwithstanding the commencement of the Term. It is therefore erroneously inferred, that, whereas the Court of Oyer and Terminer requires one judge, the Court of King's Bench must necessarily be able to perform its functions with *two* only. Now that this is a necessary inference I deny. Cannot the Court meet and adjourn *Ter a time*? Cannot (although in law there is no fraction of a day,) a Judge (as is constantly the case in Westminster Hall,) sit in Court, or in Bank, at one period of the day, and at *Nisi Prius*, or in the Criminal Court at another? How the expression, "all the Judges present," can excuse the absence of each or any of them required, by law to be present, I have yet to discover. Further comment upon this class of arguments, if such they can be called, I feel to be unnecessary; and the respect so justly due to the Head of the Colonial Department prevents me from dwelling longer upon them.

Mr. Powell's Letter, I cannot imagine, will be considered as legal authority as to the necessary constitution of the Court, it being evidently *extrajudicial*, and written to obtain pecuniary remuneration.

With regard to the locality of the Court, I shall merely mention the reasons I had for alluding to it. At this moment there is no place, except by sufferance as it is said, where the Court of King's Bench can be held. It appears by an address of *two* of the Judges, the Chief Justice and Mr. Justice Sherwood, to the Lieutenant Governor, on the 16th of January, 1826, that the Judges had received formal notice from the Magistrates to quit the District Sessions House, where the Judges, had sought refuge, on account of the ruinous state of the Old Court House. (This Address is printed in the Journals of the House of Assembly of Upper Canada for 1825-6, p. 82.) This decayed edifice has, I am informed since been disposed of; and the Court, under protest from the Magistrates, sits in the Sessions' House, though in constant apprehension of ejection. These circumstances alone show the necessity of the statutory direction for the place of holding the court; and as in England, the place is of vital importance to the proceedings, it would, I think, almost have amounted to a dereliction of my duty, had I not alluded to it as I have done.

I now come to the arguments arising from usage and precedent. With reference to which I have to remark in the first place, that the usage or precedent cannot be considered as settled, nor can the arguments from what is termed "contemporaneous exposition," be admitted to have any force, as the point in question has never heretofore directly arisen, or been the subject of judicial discussion and decision. And I would venture to affirm, that if it had arisen, and Mr. Justice Osgoode, or any English Judge, had been called upon to pronounce judicially upon the law, he would have felt himself bound to decide according to the letter of the Act, I would also suggest, that the framers of the statute had in view the case of some of the West India Islands, in which, says Chief Justice Stokes, in his book on the Colonies, (though he disapproves of the undue advantage taken of it by the Judges,) "it is necessary there should be three Judges on the Bench in order to proceed to business."

In the second place, it must be observed, that precedent founded on error, must always be considered as error, and treated as such, if not so long continued as to become inveterate by custom; and even "*malus usus abolendus est.*" In my humble opinion, the sooner error be corrected after its discovery, however inconvenient at the time, the better. This seems to be perfectly in unison with the sentiments expressed in the message of His Excellency Lieutenant Governor Maitland to the Honorable the Legislative Council, on the Alien Question, to which I have adverted; it is as follows: "A large portion of the inhabitants of the Colony, who came to the Province from foreign countries, and more especially at an early period of its settlement, had been citizens of the United States of America; that by a recent decision in England such persons were declared to be Aliens, and affected accordingly in what they

had considered, from an early period of the settlement of the Province until that time, (November 1825) as their civil rights."

These persons had exercised and enjoyed those rights even previously to the time of Mr. Osgoode's arrival in the Province; but they appeared to the local Government, as Mr. Osgoode and his successors appear to me, to have illegally exercised particular privileges under a misconstruction, or misunderstanding, of the real state of the law. The Lieutenant Governor, therefore, in one case, and I in the other felt it a duty to abide by the law as it really stood;—of the law, which in my case I was bound to administer to all men without respect to persons; "and that," to use the words of the Lieutenant Governor, "without regard to inconveniences which might be much regretted." I had, however, such regard to inconveniences, and I regretted them so much, that after long study and mature reflection, being convinced of the erroneous and injurious practice of the Court of King's Bench attempting to sit contrary to the express provisions of the local statute; I took the earliest opportunity of stating my conviction, in a letter addressed to the then Right Hon. Colonial Secretary, accompanied by one detailing the points of law to the learned Counsel for that office: which letters I sent open to the Lieutenant Governor, for his perusal and information, believing this to be the most delicate and least obtrusive method of conveying my sentiments to those who could alone correct much of the evil. I felt, however, and I still feel, that in making any communication on a legal subject, I was greatly deviating from established etiquette; and it was only the vast importance and extreme necessity of the case, that could have induced me as a Judge wholly unconnected with the Councils and Legislation of the Colony, to have taken such a step. I also acquainted Mr. Justice Sherwood, on the 3d of June, with the opinion I entertained. I have since been informed by the senior Barrister in the Province, that, contemplating the inconvenience likely to arise, he had personally applied to the Lieutenant Governor, some months before, to delay the departure of the Chief Justice, at least until after the ensuing Easter Term.

But to return to the more immediate subject. If usage could not sanction the illegality of a very large proportion of the inhabitants of the Province enjoying civil rights, and even holding lands, granted by patent under what is used as the Great Seal of the Province, contrary to statutory provisions; could a shorter or less established usage sanction the illegality of any of the Judges of the Court of King's Bench attempting to hold that Court in direct opposition to the plain and ordinary sense, to the common and natural meaning of an act of the local legislature which alone constituted the Court;—that Court by which the civil rights, the properties, and even the lives, of the inhabitants only can be judged?

WITH RESPECT to the arguments founded upon the statute of limitations, and the modern system of conveyance by lease and release, I must observe the judges have never attempted to decide contrary to the words of the statutes. All the courts have ever done has been to consider a very slight circumstance as amounting to a new agreement, or an acknowledgment, forming an era, from which the time must commence for the statute to run; and even in this respect the present Lord Chief Justice of England has recently declared, that the courts will not go one *iota* further than is strictly warranted by established law, regretting that for any purpose, even for the sake of justice in any particular case, that should have been considered as an agreement or acknowledgment for one purpose, which would not perhaps be so considered for another.—With regard to the system of lease and release, although Mr. Attorney General Noy, in the reign of Charles I. is said (2 Bl. Com. 339.) to have doubted the validity of this species of conveyance, yet he does not seem to have found any of the courts to concur in his opinion, by deciding according to his doctrine. The statute of uses clearly executed the use that is, gave or transferred the possession to the person in whose favour the use was raised. This statute, as to its effect in this respect, has never, I believe, been doubted in any recorded authority. It has indeed been said, by the strict construction put upon the letter of it by the courts of law, almost to have defeated the intention of the legislature; but still the obvious construction is adhered to. The release, by the ordinary principles of law, operated by way of enlargement, and thus the conveyance became absolute; a method of conveying fully established, not more by precedent and custom, than by sound and uncontroversial principles of statutory and common law. The strictness of construction which the law has adopted with regard both to the statute of limitations, and the statute of uses, (on which, though not within the contemplation of the legislature, the modern system of conveyance by lease and release is founded,) tends rather to confirm my view of the necessity of strictly adhering to the words of the provincial statute constituting and establishing a Court of King's Bench in Upper Canada, and expressly directing "that a Chief Justice, together with two Puisne Justices, shall preside therein."

I NOW PROCEED to reply to those arguments which have been advanced against my judicial opinion with respect to the mode of granting leave of absence. I deemed this a question so material to the legal constitution of the court, and the due discharge of the duties entrusted to its officers, that it was utterly impossible, with any degree of honesty, to have evaded it.

In the first place, I must again refer you to my judicial opinion, and also call your particular attention to the statutes of 22 Geo. III. c. 75 and 54 Geo. III. c. 61, by which the former act is amended and extended. Both these statutes, in the discussion of this question, must be regarded as one entire act. I have only to refer to the first section of the last act to show that it is not confined to Patent Offices, and in order that it may be seen what reliance, therefore, is to be placed on the opinion of Mr. Solicitor Boulton.

Before I enter upon the construction of these statutes, it may be well to state, that whatever may have been the previous practice,—whatever may have been done under colour of the exercise of the Royal Prerogative, or under colour of instructions from the Secretary of State, cannot, in any wise, destroy the full operation and effect of these laws.

The Statute 31 Henry VIII. c. 8, which enacted, that "the King's Proclamations should have the force of Acts of Parliament," is said by Sir William Blackstone (1 Com. 271) "to have been calculated to introduce the most despotic tyranny; which must have been fatal to the liberties of this kingdom, had it not been luckily repealed in the minority of his successor." (St. 1 Edward VI. c. 12.)

"The constitutions or edicts of the Executive Magistrate," says the same writer, "which we call proclamations, are binding on the subject, where they do not either contradict the old laws, or tend to establish new ones, but only to enforce the execution of such laws as are already in being in such manner as the King shall judge necessary. Thus the established law is, that the King may prohibit any of his subjects from leaving the realm: a proclamation therefore, forbidding this, by laying an embargo on all shipping in time of war will be equally binding as an Act of Parliament, because founded on a prior law. But a proclamation to lay an embargo on all vessels laden with wheat, though in time of scarcity, being contrary to law, and particularly to Stat. 22 Car. II. c. 13, the advisers of such proclamation, and all persons acting under it, found it necessary to be indemnified by special Act of Parliament, 7 George III. c. 7." (A very recent occurrence of this sort, with regard to Foreign Corn, must be fresh in the recollection of every one.) "A proclamation for disarming papists is also binding, being only in execution of what the Legislature has first ordained; but a proclamation for allowing arms to papists,

or for disarming any Protestant subjects, will not bind; because the first would be to *assume a dispensing power*, the latter a *legislative one*."

Subject to these observations, I shall now proceed to examine the nature and effect of these statutes. Their object evidently is, "not only to prevent the granting patents in England for offices in the colonies, to persons intending to reside in Great Britain;" but also to prevent any who hold such offices illegally absenting themselves from the colony—Absence even for an hour, at a particular period, may be as injurious as absence for years on other occasions. He who takes office in a colony, is as much bound to remain there, (unless he obtain leave of absence according to the statute, which will also enable the necessary provision to be made for the discharge of his office during his absence,) as a felon is obliged to remain in a settlement, and employed at the work to which he is condemned. In the one case, leaving the colony and the business of the office is a forfeiture of the commission; in the other, of the right of existence. The commission and right of existence equally depend on a compliance with the stipulated conditions of residence in the colony. It must be observed, according to Lord Coke, that if the conditions in law annexed to an office be not observed, the office is lost for ever; for these conditions are as strong and binding as if fully expressed. The residence required is not like residence in a particular town or place for the purpose of acquiring or exercising some particular privilege, but it is an *actual* not an *implied* residence, for the full discharge of an imperative duty, and the commission considers the residence so absolutely requisite as strictly to enjoin it, by expressly limiting the existence of the commission to the period of residence within the province. This residence is like that required by the law of England in the case of the clergy, for the performance of their sacred duties, by the statute 21 Henry VIII. c. 13, which subjected persons *wilfully* absenting themselves from their benefices to certain penalties. The actions which were brought under this statute, some time ago, by a common informer,—I think his name was Wright,—show clearly the legal construction of the term "*wilfully*." An absence that is not inevitable, or permitted by law, is *wilful*; and should the party absent himself without reasonable grounds allowed by the Governor and Council, (who by the second section of the statute 22 Geo. III. are empowered to give leave of absence to the officers of colonies as they shall see occasion, and to provide for the duties of the office during his absence,) he then comes within the statutory penalties. Neither the Governor, nor Secretary of State, has, I submit, any legal power to dispense with the provisions of the statutes, by any private orders or instructions. The Governor and Secretary of State are expressly named in, and therefore I conceive, according to the rule of law, bound by these statutes which limit and define their powers. The statutes, I submit, prescribe the particular form of granting leave of absence; and according to Sir Bartholomew Shower, in the *King v. Bishop of London*, (Shower, Rep. 423.) as in the case of redressing error in the Exchequer Chamber, "must be held to exclude all other methods, being introductive of a new law; and though there be peculiar expressions affirmative, yet they imply a general negative too, for both can never take place; and all prescriptions and customs will be foreclosed by a new Act of Parliament, unless expressly saved. A custom cannot be prescribed against an Act of Parliament, because it is matter of record, and the highest record we know." The first Act, viz. that of the 22d Geo. III. c. 75, subjects the party *wilfully* absenting himself, without reasonable cause allowed by the Governor and Council, to amotion, as in the case of misbehaviour; that is, the party is considered as having acted contrary to law, which was to be, or might have been, taken advantage of by the Governor and Council, who were thus armed with a discretionary power. But it seems this Act was not deemed sufficiently restrictive; therefore the statute 54 Geo. III. enacted, that leave of absence must be granted by the *Governor and Council* (as specifically directed by the former Act); and enacts moreover that the Governor, or Deputy Governor, (after leave granted by him, *together with the Council*, with whose concurrence alone he is empowered to grant such leave,) must within a given time report the leave so granted to the Secretary of State, for his approval or confirmation. Should the Governor neglect this, he is subject to a pecuniary fine. The Secretary of State, as it appears to me, has no power to do more than assent to or dissent from such leave, and to report it to the House of Commons, according to the act. If the Secretary of State dissent, then the party must return forthwith, that is, immediately on receiving notice of the disallowance of his leave; but should he not do so, or should he fail to comply with any of the provisions of the Act, he is not only, as by the statute 22 Geo. III. to be considered guilty of misbehaviour, and subject to be removed, if the Governor and Council think fit; but according to the 54th Geo. III. his commission is *ipso facto* forfeited, and the statute puts it out of the power of the Governor or Lieutenant Governor and Council to continue him in office, for, to use the words of the Act, "he is deemed to have vacated his office, and his appointment thereto shall be considered to all intents and purposes void and of none effect." How any one can presume to execute an office, or how a Governor or Lieutenant Governor can legally continue any person in such office, after offending against these statutes, without granting a new commission, I am totally at a loss to imagine. The forfeiture takes place absolutely, and immediately, on the perpetration of the prohibited act.—Thus the very fact of absence without such leave as is required by the statutes, is in itself a forfeiture of the commission. A convict, immediately on his return from transportation before the expiration of his sentence, incurs the guilt of a capital felony. He incurs the guilt, by the act of returning. So in regard to illegal absence, the fact, especially when admitted, is alone sufficient to avoid the commission; for this statute declares, that the very absence itself, if not according to its provisions absolutely vacates the office and annuls the commission. Therefore by making this declaration, the statute obviates the necessity of a *scire facias*, or any instrument of as high a nature as the commission itself, for avoiding the commission; the statute itself being an instrument of the highest nature that the law admits of. If the arguments made use of against my judicial opinion prove any thing, they prove too much, for they amount to this absurdity, viz. that absence from the province without any leave, or with leave not warranted by the statutes, would not

make the parties subject to the penalties of the law; while absence with regular leave granted by the Governor or Deputy Governor and Council according to the provisions of the acts, is indispensably necessary to make the party subject to the penalties of the acts. In my construction of these statutes, however, I by no means wish to be considered as pronouncing an opinion on the course pursued by any of the Secretaries of State, or doing more than expressing most respectfully the impression I am under on this most important subject.

My information respecting the manner in which leave of absence has hitherto been granted in Upper Canada, (that is, by the Lieutenant Governor alone, and not by the Governor and Council,) was obtained not only at the Council Office, but from the highly respectable and venerable Clerk of the Council himself, at his own house. And I conceive there can be no inquiry on which he as a public officer was more obliged to furnish information than this: an inquiry in which I felt myself as much concerned as any other officer in the colony, which therefore can hardly be deemed inquisitorial or impertinent. The question, however, respecting the manner in which leave of absence is to be granted, is now before His Majesty's Government, to whom it more immediately appertains to determine whether the proper and legal course has hitherto been pursued. But I feel that I should not have done my duty, had I not adverted to it, both now and heretofore, as I have done.

"In the consideration of these questions, I have (to use the words of Lord Coke's Epilogue to the 4th institute) dealt clearly and plainly concerning those who without warrant have encroached more jurisdiction than they ought. *Qui non libere veritatem pronuntiat, proditor veritatis est*. Wherein if any of our honourable friends should take offence, our apology shall be, *Amicus Plato, Amicus Socrates, sed magis amica est veritas.*"

It now becomes my duty to demonstrate, as I proposed at the commencement of my reply, that His Excellency the Lieutenant Governor, in removing me from the office of Judge, was not, and could not, have been guided, as officially stated, by the report of the Executive Council.

With reference to which I have to call your attention to this very extraordinary circumstance, that I was actually removed from my office, the commission of amotion having been signed, sealed, and registered, before the report recommending that motion was made: even before my letter to which it adverts, and which it states to be the ground of that recommendation, was received; or probably written. The facts are these. On Wednesday the 25th of June, I received the letter mentioned in the report, and there numbered (24) of that date, signed by J. Baby, as presiding Executive Councillor, which I immediately answered by the letter also mentioned in the report, and numbered (25,) merely stating that I should have much pleasure in affording the utmost explanation in my power at as early a period as the magnitude of the inquiry would permit. On the following day, Thursday the 26th of June, I received from the same presiding councillor the letter also referred to in the report and there numbered (26) of that date, requiring an explicit and early declaration as to what duties I was prepared to discharge. This letter I immediately (on the same day) answered by the letter particularly referred to, as containing an unsatisfactory answer, in the report, and there numbered (27) in which letter, after submitting whether I could be legally required to enter into the subject by the Honorable the Executive Council, I added, "my private wish is to give the fullest explanation on the subject, but regard must be had to my oath, and to established and constitutional law." This latter part of my letter is neither fully nor fairly stated in the report of the Executive Council. This letter, directed to the presiding councillor, I sent forthwith to the Council Office; but when my servant reached the office, the Executive Council had adjourned, and the office was closed: he therefore took the letter to the Government House, by my desire, in order that I might not appear to have been guilty of the slightest inattention or disrespect; and it was left there on the evening of the 26th of June. On the following morning (Friday, the 27th,) the day on which the report bears date, I met Mr. Baby, the presiding councillor: and having asked him if the letter addressed to him as presiding councillor, by me, had been forwarded to him from the Government House, and if in fact he had received it; he then distinctly said that he had not received nor seen it; but supposed he should do so shortly. The report of the Executive Council, from the mention made in it of my letter, must consequently have been drawn up subsequently to this period, viz. the morning of the 27th of June, on which day the report itself bears date.

The commission of amotion, therefore, could not have been grounded on the report of the Executive Council, for the report itself was dated TWENTY-SEVENTH of June, and, by its reference to my letter only then received, could not by possibility have been made before that day; and yet the commission of amotion was signed, sealed and registered on the TWENTY-SIXTH. And thus it is officially declared, that, guided by and acting upon this report of his council, so made on the TWENTY-SEVENTH, the Lt. Governor felt himself compelled to remove me from my office, by a commission of amotion, as it is called, dated on the TWENTY-SIXTH.

This unparalleled proceeding, therefore warrants me in asserting, that condemnation, in my case, preceded trial. The process seems to have been this:—The instrument of amotion was, in the first instance, executed by the Lieutenant Governor. It was then found necessary to seek for some pretext for this illegal step. For this purpose the Executive Council thought proper to communicate with me, insidiously asking for an explanation, but denying me either reasonable time or opportunity for giving it. They then, forsooth, draw up a report recommending my amotion, principally because, as they say, I returned an unsatisfactory answer to their communication. And lastly, it is pathetically announced to me, that, in consequence of a report drawn up with much regret on the twenty-seventh of June, and grounded upon circumstances which occurred on that day, the Lieutenant Governor had been guided in the painful duty of removing me on the TWENTY-SIXTH.

In what terms can I adequately designate the professions of anxiety to discover some mode, by which my amotion might have been rendered unnecessary, when I contrast it with their hasty and intemperate conduct? or how am I to estimate the wisdom, which was at a loss to discover two very obvious methods, by which that amotion might have been avoided.

There are some further observations I have yet to make on the illegality of their measures, over and above the very extraordinary proceedings I have already detailed. The statute of 22 Geo. III. so frequently adverted to, which I contend must be observed in every case that comes within its provisions, permits amotion from office to be carried into effect in no other manner than by the Governor and Council conjunctively.

Now as my amotion took place before the Council made, or could have made, any report to the Lieutenant Governor, I submit, whether on this ground alone it would not have been illegal.

And again: all the Executive Councillors, with the exception, perhaps, of the gentleman who presided, I have every reason to believe, had respectively left the province without having obtained leave, according to the provisions of the statute for that purpose. They, therefore appear to have forfeited their offices, and consequently to have been incapable of acting on this occasion. So that even if the commission of amotion had been grounded on or guided by, their report; which it neither was, nor could be; yet the whole proceedings, under these circumstances, would have been clearly illegal.

I would also venture to submit, (but without presuming to offer any opinion,) whether a British Judge, in a Colony where English law is the rule of decision in all matters respecting civil rights, as strongly instanced in the Alien question, is on any account (except, perhaps, in case of illegal absence) removable from office, unless as in England, his conduct has been previously the subject of enquiry by the Colonial Parliament. The pending Address to the Throne from the Legislature of Upper Canada for a specific declaration of the independence of the Judges; and the official correspondence of Lord Bathurst, when Colonial Secretary, and Lord Dalhousie, as Governor of Lower Canada, a country whose municipal laws are not the same as those of England; render, I would respectfully submit, the propriety of such a step at the present juncture extremely questionable.

It is also stated in the official notification of my amotion, that my letter of the TWENTY-SIXTH of June to the presiding Executive Councillor, which, as I have before shown, was not received till the TWENTY-SEVENTH, was not satisfactory; and it is insinuated, that I professed at one time to be ready to do that, which I refused to do, when called upon at another. I now therefore, (especially referring to that letter, and the whole of the proceedings,) beg again to enquire, whether a Judge is bound, or ought to submit, to answer any question proposed to him, not by the King or Governor in Council, but by the Executive Council alone? My readiness to have offered, as an individual, any suggestion or explanation in my power, my letter, I think sufficiently manifests, but I never could or would submit, unless convinced of the propriety of it, to establish as a precedent, the liability of a Judge, not being an Executive Councillor, to become, in fact, a legal adviser of that body. But I repeat that I always was, and expressed myself desirous as an individual, though not judicially, to make any suggestion, and to give any information in my power. But had I been legally authorised to advise the Executive Council, which I was not, what effect, I may ask, would my advice have had concerning a subject, upon which my opinion had been already treated with contempt, and a deaf ear turned to the suggestions I had made? Or how could the giving or withholding my counsel have affected my amotion, the commission for which had been already executed? It was not within the sphere of my duty to give my advice to the Executive Council, even had it been asked in a different manner, or for less insidious purposes, than it appears to have been required; nor could I have reasonably expected to have furnished such advice, if lawful, in the time specified; nay, even the effort I was actually making to reply to their inquiries, was rendered abortive by the headlong speed with which they rushed to my dismissal.

Is it possible that expediency can be adduced as a legitimate ground for removing from office a Judge whose judicial opinions are not in accordance with those of the officers of the Government? Can any expediency, in any case, sanction the subversion of a positive law? Can they appeal to expediency to remedy an anticipated inconvenience, for the removal of which the plea of expediency has induced them to persevere in measures that must produce confusion and injustice? Yet to expediency alone must I attribute the whole of the severe and arbitrary proceedings against me; for after the explanations I have given I throw by, as contemptible and frivolous, the childish imputation of impropriety of manner, and unfitness of time and place, in the delivery of my judicial opinion. It is formally and officially declared in the letter of Major Hillier, dated at the Government House, June 27th, accompanying my amotion, that that step was advised, "in order to enable the Lieutenant Governor to supply an efficient Court;" that is to say, (according to my view of the business,) my amotion was thought expedient, in order to permit the introduction to the Bench of some person whose construction of the law might rather accord with the wishes of the Provincial Executive, than with what I conceive to be the true ends of justice, and the interests of society.

In the course of the observations I have thus felt it necessary to make, I have demonstrated; and I trust satisfactorily, first, the fallacy of the allegation, that I ought to have withheld my judicial opinion until a plea to the jurisdiction of the Court might arise. I have endeavoured to shew that under the peculiar circumstances of the case, it was impossible for me, without a violation of my oath, to have taken cognizance of any of those regular and preliminary proceedings in Court upon which alone such a plea itself could be brought forward. And I have further shewn that my opinion was not extrajudicial, being delivered, as is admitted in the report of the Executive Council, in rescinding a judicial order of the preceding term: and that it was by no means improper, either in the time, place, or manner of its delivery.

I have next, perhaps unnecessarily, commented upon the arguments advanced in several documents to contravene my judicial opinion, demonstrating, That the words and reasonable construction of the statute, fully justify the view I have taken of it.

I have proved, that inconveniences said to arise from that construction ought justly to be attributed to the violation or neglect of the law, on previous occasions and not in my judicial declaration.

That the law ought to be administered by an honest Judge, without regard to the inconveniences which may happen to arise either to himself or others. In arriving at this conclusion as to inconveniences, I felt myself secured under the authority of Sir P. Maitland, holding only the same principles; and using the same language with his Excellency on the Alien Question.

That these inconveniences, so much complained of, would all have been avoided, had the Local Government, as expressly directed and empowered by law, provided for the functions of the Chief Justice during his absence.

That in order, as far as in me lay, to prevent such inconveniences, I stepped out of the strict bounds of my judicial duty, by apprising Lt. Governor Maitland, so long before as the 3rd of June, of the conclusion at which I had arrived, with regard to the constitution of the Court, when the bench was not full.

That the frightful consequences which may accrue to a Judge who presumes to act, unless as in every respect authorised by law, and the duty incumbent on me carefully to provide, as far as I was concerned, for the due and complete administration of justice, rendered the delivery of my judicial opinion a matter not of option, but of imperative necessity.

I have next proceeded to show, that a mere inference said to arise from subsequent provincial enactments, would not justify a construction contrary to the express words of a preceding statute; and that the several specified deductions are neither necessary nor opposite.

I have shewn that the arguments attempted to be deduced from contemporaneous exposition and usage, are wholly unfounded; first, because neither of them can justly be said to exist; and secondly, because usage (even supposing it to have prevailed in this case) could not justify a departure from statute law; and that the language of Lieutenant Governor Maitland himself, with reference to the Alien Question, establishes conclusively the correctness of my doctrine.

I have further shown, that the statutes of limitation, and the system of lease

and release, as founded on the statute of uses, prove the very reverse of that, for establishing which the learned gentlemen in Upper Canada adduced them.

The objections taken against that part of my opinion which notices the form and manner of regulating leave of absence, I have fully met; and it will plainly appear that the discussion of this subject was inseparable from the matter before me; as the legality of leave of absence to officers forms a prominent and necessary feature in the lawful efficiency of the Court itself.

The expressions actually used by me, and recited in the early part of the Report of the Executive Council, make it manifest that I was far from wishing to prejudge the validity of the commission of any gentleman in the Colony.

I have next pointed out the manifest illegality of the procedure by which I was deprived of my office, and the puerile insufficiency of the causes assigned for my removal.

And lastly I have explained, I trust in a satisfactory manner, that though I could not admit the principle, that a Judge may be required by the Executive Council to give a judicial opinion, yet I was ready and willing to have afforded every information in my power, had I received a disclaimer that such an opinion was demanded *ex-officio*; and could I have had any reasonable expectation that it was desired for a practical purpose.

In the total absence of all legal grounds for removing me, it appears that expediency has been alleged, and not only alleged, but acted upon, as the cause, and the justification of this measure. Many things may be expedient which are not lawful.

Whether the foregoing answers (as previously detailed) to all and each of the charges have or have not been satisfactory, must be left to His Majesty's Government to decide. I might have abstained from replying to all such observations as regard my judicial opinion. I have, however, answered them; as well out of respect to His Majesty's Government, as for my own justification. But had I wholly refused to advance a single argument in my defence, had I rejected all opportunities for explanation, it would have been amply sufficient to give a character to the whole proceeding against me, had I merely pointed out the flagrant and enormous fact, that a high judicial officer, appointed by His Majesty, was removed from the Bench by an instrument signed, sealed, and registered the day before the Report, on which it is professed to be founded, was, or could have been made!!! And that that Report itself assigns reasons for my removal drawn from a letter not received, nor probably even written at the time when the Commission of Amotion was executed!!!

These unheard of practices might well have justified the use of more severe language and reprobation, than respect for my station permits me to employ.

I cannot conclude without calling attention to the conflicting nature of the report of the Executive Council with itself. I should hardly desire a better defence than what the statements at the commencement, contrasted with their distortion towards the conclusion, would afford.

As to the imputation so treacherously insinuated, that I have been aiming at popular applause, I observe, in the language of that great and learned Chief Justice of England, Lord Mansfield: "It has been urged against me as a crime, that I have courted popularity. I never did court it; but I have always studied to deserve it. Popularity will always fly the pursuer; she must follow. I do not mean to say I despise it; on the contrary, I sincerely wish for it, if not purchased at too dear a price,—at the expense of my conscience and my duty. If the faithful discharge of the one, and execution of the other be the means of procuring it, I hope I shall always be a warm candidate for popular fame." I have met promptly such accusations as have been brought against me; I am ready to meet all such other charges as may be hazarded; "and either to cover my adversaries with shame and disgrace, or in the fall, to risque the remnant of life, otherwise not worth preserving."—*Vide Lord Mansfield's Speech in the Parliamentary Debates on British North America.*

PROTESTING, therefore, once more, against the illegality of my removal, as well as against the liability of a Judge to be called in question for the effects or consequences, nay, even for the correctness of his judicial opinions, I have nevertheless submitted the foregoing ample refutation of such charges as have been brought against me; both as respect the soundness of my interpretation of the law, and also the fitness of the time, place and manner of pronouncing it.

I have demonstrated the necessity of putting an immediate end to a course of error, which threatened far worse consequences than any corrupt or time serving acquiescence on my part, in unsound practice, would ever prevent.

I have discharged myself of an imperious duty, which, under my convictions of justice, I was bound, as an honest man and a Christian, to perform.

I have, in the execution of that duty, put out of sight the personal dangers and inconveniences, to which, it was at no time difficult to perceive, I must have been inevitably liable.

In whatever light my conduct may be viewed, I have the satisfaction of knowing that I have been enabled to render to my Gracious Sovereign an essential service; having secured the first step towards the introduction of measures, that must of course ensue, for riveting his royal and paternal authority more completely if possible, than at present, upon the hearts of his Canadian subjects, by ensuring to them a more strict, and consequently more just and impartial administration of the law. And whatever may be my future destiny, I shall carry with me to the grave this heartfelt satisfaction, that I have under Providence, been the humble instrument of thus effecting a mighty and permanent good, for a loyal and devoted people.

I have the honour to remain,

With the greatest respect, Sir,

Your very obedient servant,

JOHN WALPOLE WILLIS.

To the Right Hon. the Secretary of State, }
Colonial Department, Downing-street. }

Extract from the Loyalist Newspaper, of the 28th June, 1828.

"We have authority to state, that the Executive Council, after a long deliberation upon the singular situation in which the administration of justice is placed; by Mr. Willis withdrawing from the Bench, have reported to the Lieutenant Governor the necessity of his removal from office, in order to admit of another appointment being made, until the decision of His Majesty shall be known.

"His Excellency having concurred in this course, a new appointment will be forthwith made."

N.

ROBERT STANTON, Esq. Examined.

Ques. Are you editor of the York Gazette and the Loyalist?—Ans. I am.

Ques. Is the answer of Mr. Justice Sherwood to the Barristers, published in the Loyalist of the 28th June last, correct?—Ans. I have no doubt it is.

Ques. In the same paper you state, as from authority, that the Executive Council had reported to the Governor the necessity of removing Mr. Justice Willis.—Pray sir, will you inform the committee what was your authority?—Ans. Undoubted authority.

Ques. Will you say what that undoubted authority was?—Ans. I would beg leave to decline answering this question; the result proving the correctness of my authority.

Ques. When was the communication made to you?—Ans. On the day of publication.

Ques. When was the report made to the Lieutenant Governor?—Ans. I do not know how long before the paragraph appeared.

Ques. Have you understood, or do you know the reason why Mr. Justice Willis was removed?—Ans. I know not the fact of the cause, but from rumour I learnt it was because he had withdrawn himself from the Court of King's Bench.

O.

UPPER CANADA.

P. MAITLAND

GEORGE the Fourth, by the Grace of God, of the United Kingdom of Great Britain and Ireland, King, Defender of the Faith, &c. &c. &c.

To our trusty and well beloved, Christopher Alexander Hagerman, and to all others to whom these presents shall come.—GREETING:

Know ye, that having taken into our Royal consideration, the loyalty, integrity and ability of you, the said Christopher Alexander Hagerman; we have constituted and appointed, and by these presents do constitute and appoint you, the said Christopher Alexander Hagerman to be one of our Puisne Judges of our Court of King's Bench, constituted by the name of "His Majesty's Court of King's Bench for the Province of Upper Canada," in the room and place of the Honorable John Walpole Willis, lately discharged by our writ under the Great Seal of the said Province, from being one of the Judges of the said Court. To have, hold, execute and enjoy the said office, unto you the said Christopher Alexander Hagerman, for and during your residence within our said Province, and until our pleasure respecting the said office, shall be further made known: Together with all and singular the rights, profits, privileges and emoluments to the said office belonging, in the most full and ample manner, with full power and authority to hold the said Court of King's Bench, at such places and times as the same may and ought to be holden within our said Province.

In testimony whereof we have caused these our letters to be made patent; and the Great Seal of our said Province to be hereunto affixed. Witness our trusty and well beloved Sir Peregrine Maitland, K. C. B. Lieutenant Governor, of our said Province, and Major General, commanding our Forces therein, at York, this twenty-sixth day of June, in the year of our Lord, one thousand, eight hundred and twenty-eight, and in the ninth year of our reign.

P. M.

John B. Robinson, Attorney General.

By command of His Excellency, D. Cameron, Secretary.

I do hereby certify the foregoing to be a true copy of the original commission, appointing Christopher Alexander Hagerman a Puisne Judge of the Court of King's Bench, as recorded in Lib. I. fol. 335.

D. CAMERON, Secretary.

Secretary's Office, 29th January, 1829.

P.

UPPER CANADA.

P. MAITLAND.

GEORGE the Fourth by the Grace of God, of the United Kingdom of Great Britain and Ireland, King, Defender of the Faith, &c. &c. &c.

To the Honorable William Campbell, Esq. and to all to whom these presents shall come.—GREETING:

Know ye that having taken into our Royal consideration the loyalty integrity and ability of you the said William Campbell; we have constituted and appointed, and by these presents do constitute and appoint you the said William Campbell to be our Chief Justice in our said Province, in the room of William Dummer Powell, Esq.; To have, hold, exercise and enjoy the said office, unto you the said William Campbell, for and during our pleasure, and your residence within our said Province: Together with all and singular the rights, profits, privileges and emoluments to the said office belonging, in the most full and ample manner, with full power and authority to hold the Court of King's Bench, at such places and times as the same may and ought to be holden, within our said Province.

In testimony whereof, we have caused these our letters to be made patent, and the Great Seal of our said Province to be hereunto affixed. Witness our trusty and well beloved Sir Peregrine Maitland, K. C. B. Lieutenant Governor, of our said Province, and Major General, commanding our forces therein at York, this eighth day of December, in the year of our Lord one thousand eight hundred and twenty-five, and in the sixth year of our reign.

P. M.

John B. Robinson, Attorney General.

By His Excellency's, command, D. Cameron, Secretary.

I do hereby certify the foregoing to be a true copy of the original commission, appointing the Honorable William Campbell, Chief Justice of the Province of Upper Canada, as per record thereof, Lib. I. folio 143.

D. CAMERON, Register.

Secretary's Office, 31st January, 1829.

Q.

UPPER CANADA.

P. MAITLAND.

GEORGE the Fourth by the Grace of God, of the United Kingdom of Great Britain and Ireland, King, Defender of the Faith, &c. &c. &c.

To the Honorable Levis Peters Sherwood, Esq. and to all to whom these presents shall come—GREETING:

Know ye that having taken into our Royal consideration, the loyalty, integrity and ability of you the said Levis Peters Sherwood:—we have constituted and appointed, and by these presents do constitute and appoint you the said Levis Peters Sherwood, one of the Judges of our Court of King's Bench, within our said Province of Upper Canada. To have, hold, exercise and enjoy the said office or place, unto you the said Levis Peters Sherwood, for and during our pleasure, and your residence within our said Province, together with all and singular, the salary, rights, privileges and emoluments unto the said office or place belonging, in the most full and ample manner, with full power and authority to hold the Court of King's Bench, at such places and times, as the same may and ought to be holden within our said Province.

In testimony whereof, we have caused these our letters to be made patent, and the great seal of our said Province, to be hereunto affixed. Witness our trusty and well beloved Sir Peregrine Maitland, K. C. B. Lieutenant Governor of our said Province, and Major General commanding our forces therein, at York, this eighth day of December in the year of our Lord one thousand eight hundred and twenty-five, and in the sixth year of our reign.

P. M.

John B. Robinson, Attorney General.

By His Excellency's command, D. Cameron, Secretary.

I do hereby certify the foregoing to be a true copy of the Commission to the Honorable Levis Peters Sherwood, appointing him one of the Judges of the Court of King's Bench in the province of Upper Canada, as per Lib. I. folio 144.

D. CAMERON, Register.

Secretary's Office, York, January 31st, 1829.

R.

MR. JOHN CAREY, Examined.

Ques. Were you in court when Judge Willis delivered his opinion on the state of the Court of King's Bench, and can you say any thing of the manner in which he delivered his opinion?—Ans. I was in court when Mr. Justice Willis delivered his opinion, his conduct upon that occasion was dignified and honorable—he explained the law in a cool and temperate manner, expressing deep regret that he was bound by his oath to interrupt the usual course of proceeding. He said that he would be ready to attend to any business at his chambers that the law and the oath he had taken, would allow him to interfere in.

Ques. You have mentioned Mr. Justice Sherwood's manner on the same occasion; will you say what your opinion was as to his manner as compared with Mr. Willis's?—Ans. Upon Mr. Justice Willis' closing his speech Mr. Justice Sherwood ordered the clerk to adjourn the court—Mr. Willis said it was impossible to adjourn the court, that it was no court, it was not legally constituted. Mr. Sherwood, in reply, said, you have given your opinion I have a right to mine, and I shall order the court to be adjourned. He spoke apparently under great irritation. Judge Willis bowed to him and withdrew, and the clerk complied with Judge Sherwood's order.

Ques. Did it strike your observation that Mr. Willis' notice of the conduct of the crown officers, as to prosecutions, was spoken or expressed in any unusual or unbecoming manner—and what was Mr. Robinson's manner on the same occasion?—Ans. I was present when the conduct of the crown officers relating to criminal prosecutions was brought under the notice of Mr. Justice Willis, and saw nothing unusual or unbecoming in the conduct of the Judge, if I except the marked lenity with which he treated the Attorney General, when he, in a most uncourteous and unbecoming manner, told the Judge that he would persist in conducting criminal prosecutions contrary to the rule pursued by His Majesty's Attorney General in England—and that he knew his duty as well as Judge Willis or any Judge on the bench.

S.

EXHIBIT.

"If a preference is felt for the system in use there, (in England) I can only say, I have never heard it expressed by any person, and that it is decidedly my belief, with very good means of observation, that whatever prejudice may in time be excited, any dissatisfaction with the present system of conducting criminal prosecutions in the courts of Oyer and Terminer, is, at present, confined to a very few individuals in the Assembly, whose opposition to every arrangement and institution of the Government, is very indiscriminating."

Extract exhibited to Mr. Robinson.

W. W. BALDWIN.

I hereby certify that the within extract, is truly extracted by me from a letter received from Mr. Justice Willis, in his own hand writing, as copied by him from one of the official communications received by him from the Colonial Office in England, relating to the charges preferred against him upon his removal from the Court of King's Bench in this Province as a Judge thereof.

W. W. BALDWIN.

Committee Room, 28th February, 1829.

John Beverley Robinson, Esq. Attorney General, being called, and having been shewn the annexed paper by putting the same into his hand, he was asked as follows:

Ques. Have you made that communication to the Provincial Executive or His Majesty's Government?—I submit respectfully to the committee, that I ought not to be interrogated as to any such matter. I have no personal objection to any communication of mine to the government being made public, if the government shall so think fit.

Report of the Select Committee appointed to enquire into the Petition of George Ward, of the Township of Mosa, and others.

Your Committee to whom was referred the petition of George Ward and others, having given the subject their best consideration, beg leave to report that the complaint appears to be founded; first; on the bad state of the roads, in that section of the country wherein the petitioners reside; and secondly on the unjust burthen imposed on them in maintaining and keeping in repair the road which passes through an unsettled tract of land of nearly six miles in length, belonging to the Moravian Indians, and upon which those Indians do not consider themselves bound to labour.

Your Committee being fully satisfied of the truth of the allegations set forth in the said petition, conceive the complaint entitled to the serious consideration of your Honourable House.

Your Committee, therefore, respectfully submit that some general provisions should be made for opening and repairing in an effectual manner, that part of the road passing through the tract of land before mentioned, belonging to the Moravian Indians, wherefore, they recommend that an address be sent by your Honourable House to His Excellency the Lieutenant Governor praying, that steps be taken to induce those Indians to sell or lease to actual settlers, so much of their said lands as would form one range of lots on each side of the main road leading through it, the proceeds whereof should be solely appropriated to their use, either for promoting education or otherwise; and upon such arrangement being effected, that direction be given to cause a survey to be made of the lots so to be sold or leased, and the road straightened and laid out anew in such manner, as would be most advantageous, yet so as to deviate as little as possible from the course of the present one.

The whole of which is respectfully submitted.

WILLIAM BERCZY,

Chairman.

The Committee to whom was referred the Petition of Charles Biggar and others, of Trafalgar, Gore District, met in the Committee Room, 24th February, 1829.

PRESENT.—C. HOPKINS, Chairman,
THOMAS HORNOR,
GEORGE ROLPH.

The committee having taken into consideration the petition of Charles Biggar and others of Trafalgar, Gore District, beg leave to report as follows:

It appears to your committee, Dundas Street is the main post road from the eastern extremity of the province to the western, and has become from actual settlement, turnpiked in part and travelled.

That from the extensive improvements lately accomplished at the 12 mile creek in Nelson, and at the river Credit, by cutting down the hills and building bridges across the rivers, the 16 mile hill is now the only barrier in the line of travel on Dundas Street, in that section of the country, it is perilous in the extreme, accidents daily occurring and the traveller's life greatly endangered.

Besides the mail is also very often detained, and there is much reason to apprehend, from the giving way of the bank of the present narrow road, of its becoming altogether impassable in the course of next spring.

Therefore your committee strongly recommend the granting in part of the prayer of the above petition, in as far as to place £1000 at the disposal of commissioners to be appointed by the House, for the proper and judicious expenditure of the same in the completion of the above work, by keeping the straight course of the Dundas Street.

All which is respectfully submitted by your committee.

CALEB HOPKINS,

Chairman.

Committee Room, House of As- }
sembly, February 27, 1829. }

Your Committee to whom was referred the Petition of Ira Scofield and others, and the expediency of opening the Governor's road to the Town plot in London, in the London District, beg leave to report as follows:

It appears to your committee that as early as General Simcoe's time, Dundas Street was established as the main road through the province, leading to Sandwich, and is now opened and partially turnpiked and travelled to Dundas, from which place to the town plot in London there are parts of the street, yet unopened, in consequence of the tract of land in possession of the Mohawk Indians, and lots of land owned by absentees. The late erection of the bridge on the Grand River near Wm. Holme, Esq. on the Dundas Street, now presents to the inhabitants of the townships of London, Blenheim, Burford, Oxford, East and North, Zora and Nissouri, and part of Dumfries, an easy and safe communication with Dundas, and the head waters of the Desjardine's Canal, where they will enjoy the advantages of a depot for all their agricultural produce and bring them in contact with a market; saving them a distance in going and returning of at least twenty miles.

The village of Dundas was originally laid out and established a county town, at a very early period, and the arrangement and reservation of lots of ground necessary to establish one, was made by the government, and was viewed by General Simcoe in the light of being the grand outlet for all the agricultural produce of the country lying west of the head of the lake.

It further appears to your committee that by the opening of the Governors road from the village of Dundas to London, a distance of 70 miles, there will be saved by the inhabitants of London in going and returning 25 miles.

It appears the street from Dundas to Cope Town a distance of about 4 miles is hilly; but the soil sandy and easily reduced to a level. From Cope Town to the Burford Town line passing Gad's on the street, a distance of about 20 miles, the soil is variable, generally good, and will in the whole of the above distance require £350 to complete it.

From the Town line in Burford to the forks of the River Thames, the town plot of Oxford a distance of about 21 miles the road is well settled and generally good, and partially turnpiked. From, and including the Oxford Town plot, to the Town plot in London a distance of about 23 miles, the street is as yet unopened, but the soil favorable and capable at the small expense of £350, of being made good for travelling.

Your Committee strongly impressed with the obvious advantages afforded by the head of the lake to the western sections of the country adjacent to it, recommended the propriety of granting for the purposes of further opening the

Dundas street the sum of £700 to be applied by commissioners appointed by your Honorable House to superintend and direct the expenditure.
All which is respectfully submitted.

THOMAS HORNOR,
Chairman.

Committee Room Feb. 20th, 1829.

To the Honorable the House of Assembly.

Your Committee to whom was referred the Petition of William McKay and others, 12 mile creek in the District of Gore, met in the Committee Room, House of Assembly York, the 2nd March 1829.

PRESENT.—C. HOPKINS Esquire, *Chairman*.
MESSRS. LYONS,
G. ROLPH,
HAMILTON,
TERRY, } Members.

The Committee having taken into consideration the petition of William McKay and others of the Gore District, beg leave to report as follows:

That they have taken the matter referred to them into their consideration and though they would gladly see the petitioners rewarded for the services which they have rendered, still they are restrained by a sense of Justice to state to Your Honorable House their opinion, that the relief prayed for in the first part of the petition cannot be granted without establishing a precedent which might prove inconvenient, inasmuch as it would be opening a door to numerous applications of the same nature, and equally well founded, with which it would be out of the power of the Legislature to comply.

Your Committee in order to prevent the bridge now erected from falling into decay and becoming lost to the public use, recommend the granting the second part of the petitioners prayer, to enable them to lay a stone foundation to that bridge, and that the sum of £75 be placed at the disposal of Commissioners appointed by Your Honorable House, to superintend the erection of the said stone piers.

CALEB HOPKINS,
Chairman.

Committee Room, House of Assembly, }
York, 3rd day of March, 1829. }

The Committee to whom was referred the Petition of Jacob Keefer and others, praying for aid to the proposed Grantham Academy, respectfully submit the following Report.

Your Committee are of opinion that it would be expedient to grant a sum of money not exceeding £ annually for the term of years towards the support of the Grantham Academy.

In a new country where capital is scarce, and the best directed enterprise, inadequate to contend with the difficulties and expenses which press upon such an institution at its commencement, it has often been found beneficial to afford a bounty or temporary aid. There can be few objects more important than the extension of education in this province; and as the District School is provided with only one teacher whose unassisted exertions cannot be expected efficiently to embrace the various branches of learning and knowledge, the utility of such an academy is the more obvious. But the first expense in providing teachers on a more extended scale than hitherto enjoyed in the province, with even moderate salaries, would require assistance, until from being in useful operation, the academy had an opportunity of attracting the attention of the public and receiving a more liberal share of its patronage.

Your Committee however, recommend this pecuniary encouragement to be given only upon satisfactory testimonials being afforded to His Excellency from the public exhibitions in the school, and from a report by disinterested persons appointed by His Excellency from time to time to examine into its state.

WILLIAM WOODRUFF,
Chairman.

To the Honorable the Commons House of Assembly.

The Committee to which were referred the Petition of Roswell Mount and others, and of Julius Morgan, praying for aid towards the expense of the erection of the Bridge at Delaware in the London District, report:—That under the evidence which has been brought before them, they cannot recommend any grant of the public money for that purpose.

J. MATTHEWS,
Chairman.

Committee Room, House of Assembly, }
4th March, 1829. }

Report of the Select Committee to which was referred the Petition of the Indians residing on the river Credit.

To the Honorable the Commons House of Assembly.

The Committee to whom was referred the petition of the Mississagua Indians, living on the river Credit, beg leave to report:

That by contract dated 6th September, 1806, between the Mississagua Chiefs and Warriors embracing a large purchase of eighty-five thousand acres of land, extending from Captain Brant's grant on the west, to the river Etobicoke on the east; this reserve is made by the said Chiefs, for themselves and the Mississagua people, and their posterity for ever.

The sole right of the fisheries in the Twelve Mile Creek, the Sixteen Mile Creek, the river Credit and the river Etobicoke, together with the lands on each side of the said creeks and river Credit, as delineated and laid down on

an annexed plan—the said right of fishery and reserves extending from the Lake Ontario up the said creeks and river Credit, the distance hereinafter mentioned and described, and no further.”

That the reserve of the fishery and lands on the River Credit are thus described in the said deed “The reserve on the River Credit commencing on Lake Ontario at a white oak squared post piled with stones and standing at the distance of one mile north easterly from the centre of the said river, at the first bend thereof—then north 60°—west 196 chains, then south 64°—west one hundred and fifty-five chains, then north 55°—west one hundred and seventy-seven chains, more or less to the rear boundary of the purchase land; thence along said purchase land and crossing the said river south 88°—west two miles or 160 chains to the western boundary line of said reserve, thence south 45°—east 270 chains, thence north 64 degrees east, 191 chains—thence south 69°—east 63 chains, more or less to Lake Ontario, at another white oak squared post standing on the bank of said lake, at the distance of two miles south westerly, from the place of beginning—thence along the waters edge of Lake Ontario, northeasterly to the place of the beginning”—That this reserve was afterwards by a deed bearing date the 28th February 1820, between several other chiefs of the said tribe reduced by sale of a tract containing about 2000 acres on the said River Credit agreeably to the plan annexed to this report—leaving on the Credit reserve 3676 acres or 4000 acres as stated on another plan, whereon the right of fishing thereupon, remains to the said Mississagua people and their posterity, solely and rightfully forever.

That it appears by the evidence of the Rev. Mr. Ryerson that the complaints made by the petitioners are too well founded, and that the conduct of the intruders complained of is not only injurious to the rights of these people by diminishing materially the source of their subsistence, but also to their progress in christian faith and civilization—a wrong more grievous to these unoffending people when it is observed, that while there are now living on this reserve of the river Credit about 230 souls (according to Mr. Ryerson's evidence) there are reserved only 3676 acres, as appears by the plans annexed, affording little more than 15 acres each for these people. Your Committee therefore recommend to Your Honorable House to pass a law whereby the Mississagua people living on the Credit may be more effectually protected from the white fishermen—and also an address to His Excellency recommending it to His humane consideration to preserve the small reserves now in possession of the original inhabitants, on the river Credit untouched; and that in future purchases from the Indians, the reservations to be made, should be such as by their fertility and reasonable extent may give encouragement to the industry and improvement of these people, now commencing and making the most flattering progress, highly worthy his protection.

W. W. BALDWIN,
Chairman.

Government House, 9th February, 1829.

SIR,

A copy of the agreement made between the Government and the Indians, on the river Credit, for the reservation of the land on that river, and also the map required, shall be furnished to the committee as soon as possible.

I have the honor to be,

Sir,

Your most obedient
Humble Servant,

Z. MUDGE.

W. W. BALDWIN, Esq.
Chairman of a Committee,
House of Assembly.

Mr. Mudge has the honor to enclose to Mr. Baldwin copies of two agreements respecting the surrenders by the Mississagua Indians to His Majesty, of certain lands on the river Credit and parts adjacent, accompanied by a sketch showing the present tract owned by these Indians at the mouth of that River.

Government House, 14th February, 1829.

COPY.

This Indenture made the sixth day of September, in the year of our Lord, one thousand eight hundred and six, between Chechalk, Queneponon, Wabuckanyne, Okemapennesse, Wabenose, Kebonecence, Osenego, Acheton, Pateguan, & Wabakegogo, the principal Chiefs, Warriors & people of the Mississagua nation of Indians, of the one part, and His Majesty George the Third, by the Grace of God, of the United Kingdom of Great Britain and Ireland King, defender of the Faith, of the other part, witnesseth; That for and in consideration of the sum of one thousand pounds of lawful money of Upper Canada, to the said Chechalk, Queneponon, Wabuckanyne, Okemapennesse, Wabenose, Kebonecence, Osenego, Acheton, Pateguan and Wabakegogo, in hand, well and truly paid by his said Majesty, at or before the enacting and delivery of these presents, the receipt whereof they the said Chechalk, Queneponon, Wabuckanyne, Okemapennesse, Wabenose, Kebonecence, Osenego, Acheton, Pateguan and Wabakegogo, do hereby acknowledge, and from the same and every part thereof, do severally and respectively acquit, release, and discharge His said Majesty, His Heirs and Successors for ever by these presents.—They the said Chechalk, Queneponon, Wabuckanyne, Okemapennesse, Wabenose, Kebonecence, Osenego, Acheton, Pateguan & Wabakegogo, have, and every of them hath granted, bargained, sold, aliened, released and confirmed, and by these presents do, and every of them doth, grant, bargain, sell, alien, release and confirm unto His said Majesty, (in his actual possession now being by virtue of a bargain and sale to him thereof made by the said Chechalk, Queneponon, Wabuckanyne, Okemapennesse, Wabenose, Kebonecence, Osenego, Acheton, Pateguan and Wabakegogo, in consideration of five shillings a piece by indenture bearing date the day next before the day of the date of these presents for the term of one whole year, commencing from the day next before the day of the date of the same indenture of bargain and sale, and by force of the statute made for transferring uses into possessions,) and to his heirs and successors, all that parcel or tract of land, situate in the Home District of the Province of Upper Canada, containing by admeasurement eighty-five thousand acres, be the same, more or less, together with all the woods and waters thereon lying and being, under the reservations hereinafter expressed; which said eighty-five thousand acres of land are butted & bounded, or may be otherwise known as follows, that is to say: commencing at the Eastern bank of the mouth of the river Etobicoke, being on the limit of the Western boundry line of the town to purchase in the year of our Lord one

thousand seven hundred and eighty seven; then north twenty two degrees, west six miles; then south thirty-eight degrees west, twenty-six miles, more or less, until it intersects a line on a course north forty-five degrees west, produced from the outlet at Burlington Bay, being the north-eastern boundary line of the township of Flamborough East, and of the purchase in the year of our Lord one thousand seven hundred and ninety two; then along the said line south, forty-five degrees east, two hundred and thirty-three chains and fifty-eight links, more or less, to the lands granted to Captain Joseph Brant; then north forty-five degrees east, one hundred and twenty-seven chains to the northerly angle of said lands; then south forty-five degrees east two hundred and ninety-three chains, more or less to Lake Ontario, then north-easterly along the waters edge of said Lake Ontario, to the eastern bank of the river Etobicoke, the place of beginning, and the reversion and reversions, remainder and remainders, yearly and other rents, issues and profits thereof, and also all the estate, right, title, inheritance, use, trust, possession, property, claim and demand whatsoever, of them the said Chechalk, Quenepanon, Wabukanyne, Okemapenesse, Wabenose, Kebonecence, Osenego, Acheton, Pateguan and Wabekegego, and every of them, in, to, or out of the same premises, and every, or any part thereof, except and always reserved out of this present grant, unto the said Chechalk, Quenepanon, Wabukanyne, Okemapenesse, Wabenose, Kebonecence, Osenego, Acheton, Pateguan, and Wabekegego, and the people of the Mississagua nation of Indians, and their posterity forever—the sole right of the fisheries in the Twelve Mile Creek, the Sixteen Mile Creek, the river Credit, and the river Etobicoke, together with the lands on each side of the said creeks, and the river Credit, as delineated and laid down on the annexed plan, the said right of fishery and reserves extending from the Lake Ontario, up the said creeks and river Credit, the distance hereinafter mentioned and described, and no further—and the right of fishery in the river Etobicoke, from the mouth of the said river to the allowance for road between the first and second concessions south side of Dundas Street, and no further. The reserve on the river Credit commencing on Lake Ontario at a white oak squared post, piled with stones, and standing at the distance of one mile northeasterly from the centre of the said river, at the first bend thereof; then north sixty-nine degrees west, one hundred and ninety-six chains; then south sixty-four degrees west, one hundred and fifty-five chains; then north forty-five degrees west, one hundred and seventy-seven chains more or less to the rear boundary of the purchase line; then along said purchase line, and crossing the said river south thirty-eight degrees west two miles, or one hundred and sixty chains, to the western boundary line of said reserve; then south forty-five degrees east, two hundred and seventy chains; then north sixty-four degrees east, one hundred and ninety-one chains; then south sixty-nine degrees east, sixty-three chains more or less, to Lake Ontario, at another white oak squared post, standing on the bank of said Lake, at the distance of two miles southwesterly from the place of beginning; then along the waters edge of Lake Ontario northeasterly to the place of beginning. The reservation on the Sixteen Mile Creek, commencing on the shore of Lake Ontario at an oak post squared & marked "M. I. R. N 45° W," at the distance of forty chains, northeasterly from the centre of said creek; then north forty-five degrees west, one hundred and eighteen chains, more or less, to the allowance for road between the second and third concession south of Dundas street; then south thirty-eight degrees west and crossing the said creek one mile to the western boundary line of said reservation; then south forty-five degrees, east one hundred and twenty-four chains, more or less; to Lake Ontario at a large black Ash tree (two trunks issuing from one root,) marked "M. I. R. N 45° W"; then northeasterly along the waters edge to the place of beginning; and also all the waters and low grounds lying between the high banks on both sides of said creek, extending from the southern boundary of the allowance for road, between the aforesaid second and third concessions to the southern boundary of the allowance for road, between the first and second concessions south of Dundas street, and no further. And the reservation on the Twelve Mile creek, commencing on the shore of Lake Ontario, at a post squared and marked "M. I. R. N. 66° W" at the distance of forty chains northeasterly, from the centre of said creek; then north sixty-six degrees, west one hundred and seven chains; then north thirty-six degrees, west fifty-five chains, more or less, to the southern boundary, of the allowance for road between the second and third concessions, south of Dundas street; then south thirty-eight degrees, west one mile crossing said creek, to the western boundary line of said reservation; then south thirty-six degrees, east fifty-seven chains; then south sixty-six degrees, east one hundred and seventeen chains, more or less, to Lake Ontario; then northeasterly along the waters edge to the place of beginning; and also the waters and low grounds lying between the high banks on each side of the said creek, extending from the southern boundary of the allowance for road between the second and third concessions before mentioned, to the southern boundary of the allowance for road between the first and second concessions, south of Dundas street, and no further: To have and to hold the said parcel or tract of land, and all and singular, other the premises mentioned to be hereby granted and released as aforesaid, with their and every of their appurtenances, unto His said Majesty, His Heirs and Successors to the use of His said Majesty His Heirs and Successors for ever.

In witness whereof the said parties first above named, have to these presents set and put their hands and seals, the day and year first above written.

(Signed) CHECHALK, L. S.
 (Signed) QUENEPANON, L. S.
 (Signed) WABUKANYNE, L. S.
 (Signed) OKEMAPENESSE, L. S.
 (Signed) WABENOSE, L. S.
 (Signed) KEBONECENCE, L. S.
 (Signed) OSENEGO, L. S.
 (Signed) ACHETON, L. S.
 (Signed) PATEGUAN, L. S.
 (Signed) WABAKAGEGO, L. S.

Signed, sealed and delivered in the presence of us.

(Signed) WILLIAM CLAUS, D. S. G. on behalf of the Crown.
 (Signed) D. CAMERON,
 (Signed) DONALD McLEAN, } Com'rs. on behalf of the Province.
 (Signed) GEO. R. FERGUSON, Capt. Canadian Regt.
 (Signed) Wm. CROWTHER, Lt. 41 Regt.
 (Signed) JAMES DAVIDSON, Hos. Staff.
 (Signed) SAMUEL SMITH.
 (Signed) P. SELBY, Assistant Sec'y. I. D.
 (Signed) DAVID PRICE.

(A True Copy.)

part. Witnesseth, that for and in consideration of the sum of fifty pounds province currency of lawful money of Upper Canada, by His said Majesty to the said Acheton, Newoiquequah, Worqueshequoine, Paushetaunoquitoke and Wabakagego, well and truly paid at or before the enrolling and delivery of these presents the receipt whereof the said Acheton, Newoiquequah, Worqueshequoine, Paushetaunoquitoke and Wabakagego, do hereby acknowledge, and of and from the same, and every part thereof do acquit, release and discharge His said Majesty, His heirs and successors, by these presents they the said Acheton, Newoiquequah, Worqueshequoine, Paushetaunoquitoke and Wabakagego, have, and each of them hath, granted, bargained, sold, released, surrendered and forever yielded up, and by these presents do and each of them doth grant, bargain, sell, release, surrender and forever yield up unto His said Majesty, His Heirs and Successors all that parcel or tract of land, situate, lying and being, in the township of Toronto, in the County of York, in the Home District, of the Province of Upper Canada, and marked E, on the plan to this indenture annexed, and being the central part of the Mississagua Indian reserve on the River Credit, in the said Township of Toronto, which said parcel or tract of land is butted and bounded or may be otherwise known as follows: that is to say, commencing in the eastern limit of Dundas Street, in the southern boundary of the said Indian reserve; thence south forty-five degrees, east fifty chains; thence north thirty-eight degrees east parallel to Dundas Street, three hundred chains, more or less, to the northern boundary of the said reserve; thence north sixty-nine degrees, west, twelve chains, to where the said boundary line forms the first angle; thence south sixty-four degrees, west one hundred and fifty-four chains, more or less, to where the said boundary line makes the second angle; thence north forty-five degrees, west, twenty chains, more or less, until it intersects the line north of Dundas Street, and parallel thereto produced on a course north thirty-eight degrees, east at the distance of fifty chains, on a course north forty-five degrees, west, from the western limit of Dundas Street; thence south thirty eight degrees, west parallel to the said street, one hundred and sixty chains, more or less to the southern boundary of the said reserve; thence south forty-five degrees, east, fifty-one chains, more or less, to the place of beginning, containing two thousand acres, more or less, together with all the woods and waters thereon lying and being, and all and singular the rights, privileges and appurtenances thereto belonging. To have and to hold the said parcel and tract of land and premises, with their and every of their appurtenances unto His said Majesty His Heirs and Successors, to the use of His said Majesty His Heirs and Successors for ever.

In witness whereof the said parties first above named have to these presents set and put their hands and seals, the day and year first above written.

ACHETON, L. S.
 NEWOIQUEQUAH, L. S.
 WORQUESHEQUOINE, L. S.
 PAUSHETAUNOQUITOKE, L. S.
 WABAKAGEGO, L. S.

W. CLAUS, Deputy Superintendent General, I. D. } L. S.
 on the behalf of the Crown.

J. GIVINS Superintendent Indian affairs.

ALEX. McDONELL, Assistant Secretary, I. A.

WILLIAM GRUETT, Interpreter, I. D.

Signed Sealed and delivered in the presence of

The words "one hundred and fifty-five chains, more or less" being interlined above the fourteenth line from the top before execution.

D. CAMERON,
 N. COFFIN.

J. P. CATTY, Lieutenant Royal Engineers Commanding.
 D. J. SKENE, Lieutenant 68th Light Regiment.
 ARTHUR MAIR, Ensign 68th Light Regiment.
 J. L. TIGHE, Hospital Assistant and Surgeant to the forces.

I do hereby certify the foregoing to be a true copy of the original release.
 D. CAMERON, Register.

Secretary's Office, York Upper Canada, }
 February 14th, 1829. }

Surveyor General's Office, 25th February, 1829.

SIR:

In compliance with the request contained in your note of this morning, I herewith transmit the description of the tract of land at the mouth of the River Credit; but this office is not aware that any further reservation than the block marked (A) on the accompanying plan, containing two hundred acres, has been made by the Mississagua Indians.

I must here beg to explain that in a former plan sent to the Government Office for the Honorable House, the tract mentioned in possession of the Indians not "reserved," as I perceive you have understood the tract containing 5676 acres.

I have the honor to be,

Sir,

Your most obedient

Humble Servant,

W. CHEWETT,

Acting Surveyor General.

To W. W. BALDWIN, Esq.
 M. P. P.

A. To the above I wrote a note to the Surveyor General, to request his explanation of this passage in his letter, and requesting therein from him information of any authority in his office whereby it appeared that the reserve of three thousand six hundred and seventy-six acres was reduced to two hundred. In answer I received the letter annexed, dated 2nd March, 1829—and as this letter leaves the matter as it was, namely, the reservation made by the Indians in their solemn deed of the sixth September, 1805, reduced only by the deed of their people to His Majesty of the 28th February 1820, which still left the tract mentioned on the plans as containing three thousand six hundred and seventy-six, or four thousand acres—there can be no doubt that this is now their property on the Credit. The evidence also of Pautahseka (or Jacobs) concurs with this—he says the whole 5676 belong to the Indians.

W. W. B.

I did not keep a copy of my letter but its object was as above stated.

This Indenture made the twenty-eighth day of February, in the year of our Lord one thousand eight hundred and twenty, between Acheton, Newoiquequah, Worqueshequoine, Paushetaunoquitoke and Wabakagego, the principal Chiefs, Warriors and people of the Mississagua nation of Indians, of the one part, and His Majesty, George the Third by the grace of God of the United Kingdom of Great Britain and Ireland King defender of the Faith of the other

COPY, 7514 WRITTEN DESCRIPTION.

Description of the tract of land marked D on the plan, being the easterly part of the Mississagua Indian reserve, on the River Credit, in the Township of Toronto.

Commencing in the southern boundary of the said reserve, at a large white oak squared post planted by Mr. Wilnot, deputy surveyor, in the year 1806, standing on the bank of Lake Ontario, one mile Southwesterly from the said river; thence north sixty-nine degrees, west, sixty-three chains, thirty-one links, more or less, to where the said boundary line forms the first angle; thence south sixty-four degrees, west one hundred and ninety-one chains, more or less, to where the said boundary line forms the second angle; thence north forty-five degrees, west twenty chains, more or less, to within the distance of fifty chains of the eastern limit of Dundas Street; thence north thirty-eight degrees, east, parallel to Dundas Street three hundred chains, more or less to the intersection of the said line with the northern boundary line of the said reserve, produced on a course north sixty nine degrees west from a squared white oak post, planted in the year 1866 by the said deputy surveyor, piled with stone, near the bank of Lake Ontario, one mile from the River Credit, at right angles from the general course to the first bend of the said river, which is north sixty nine degrees west; thence along the said northern boundary line on a course south sixty-nine degrees east, one hundred and eighty-five chains, more or less to Lake Ontario, at the last mentioned squared post; thence along the waters edge of the said lake to the place of beginning.

Containing 4,000 acres, more or less, reserving unto the Mississagua Indians in the before described tract 200 acres of land, near the first rapid, that is to say, commencing on the northerly side of the River Credit, at the distance of about one mile and a quarter from the mouth of the said river; thence along the same (reckoning the distance by a straight course) 40 chains; thence north nineteen degrees east fifty-five chains; thence south sixty nine degrees east forty chains; thence south nineteen degrees west to the River Credit, the place of beginning containing 200 acres of land as aforesaid.

(Signed) THOMAS RIDOUT.

Surveyor General's Office, York, 22nd January, 1820.

A true Copy.

W. CHEWETT, Acting Surveyor Gen'l.

Surveyor General's Office, York, 25th February, 1829.

Surveyor General's Office, York, 2nd March, 1820.

SIR:

I have the honor to inform you that your letter of the 26th inst. should have been answered at an earlier date, but it was unfortunately mislaid.

The tract in question having been described on the 22nd January, 1820, (a copy of which has been sent) with other similar tracts reported to contain 4000 acres more or less, reserving unto the Mississagua Indians 200 acres near the foot of the first rapids, but accordingly a calculation by Mr. James Chewett, formerly and by my examination of the same this morning it only contains three thousand six hundred and seventy six acres, being the same tract alluded to in the description thereof by the late Surveyor General, as 4000 acres, and therefore it will stand thus, viz:

Table with 2 columns: Description and Acres. The tract D, containing acres... 3676. Reserved to the Indians thereon... 200. Acres, 3476.

Therefore 3476 acres remain to the Indians upon the supposition that no transfer has taken place which has not as yet come within the knowledge of this office.

I have the honor to be with the greatest respect, Sir, Your most obedient, Humble Servant, W. CHEWETT, Acting Surveyor General.

To W. W. BALDWIN, Esq. M. P. P. Chairman to the Honorable the Committee on the Mississagua Petition, &c. &c. &c.

According to the deeds of surrender, registered, it appears that the tract 3676 acres still remain to the Indians, and that they have not, as yet, sold or disposed of it to government.

PAHTAHSEKA (or Peter Jacobs) an Indian, examined before the committee.

Ques. Have you signed the petition? Ans. I have. Ques. Do the fishermen annoy your people, as the petition sets forth? Ans. They do. Ques. Look at this map. Do you understand the part preserved by your people for their use? Ans. Yes, we have a map like this, and our reservation is the same—about 3676 acres, or more. Ques. How many people are there now in your tribe? Ans. I believe, two hundred and sixty, big and little.

The REV. MR. RYERSON, Examined.

Ques. What extent of land is reserved to the Indians, on the Credit? Ans. I think about three miles and a half up the serpentine course of the river, and one mile at each side of the mouth along the lake shore. The Indians' upper line borders on Mr. Racey's grant as mentioned in the petition.

Ques. What is the number of the Indians now on the Credit? Ans. About two hundred and thirty, men, women and children.

Ques. Do they increase or decrease? There have been as many deaths as births lately. The sickness of last season reduced them; but their numbers are increasing by new comers from the woods.

Ques. Are they all christians? Ans. Yes, all, in the village are.

Ques. Do the strangers from the woods, immediately build houses? Ans. They do—but they rather first become christians, and then they come to the village—and the others give them portions of land to occupy.

Ques. Do they seem to acquire a relish for domestic life? Ans. They do—and this induces the strangers from the woods.

Ques. What are their household furniture generally? Ans. Chairs and tables, bedsteads & beds with curtains—and the same kitchen utensils as are to be found in the cottages of the white people.

Ques. Have they more than one apartment in their houses? Ans. At first they had but one; but now they divide into two apartments with a garret above and sometimes with an addition of a kitchen in the rear, in short gradually imitating the comforts of the whites.

Ques. What is their usual extent of culture? Ans. A garden of half an acre to each house, some have fields of from two to four acres on their own private plots—and they have a field of sixty acres in common.

Ques. What do they raise? Ans. Corn, Potatoes and some wheat—abundance of vegetables.

Ques. Are they sober? Ans. Perfectly so, no ardent spirits are allowed in the village in obedience to a rule of their own council not to permit it—and if any person offends this rule of council he is expelled from the village. The

rule of the council is as a matter of agreement amongst them—and he who offends the rule is held as having broken his agreement and is expelled. I have known this rule so enforced in one instance.

Ques. Are they social together? Ans. They are—they are like one family—uncommonly kind to each other—much more so than white people.

Ques. Are they rude or impatient with white people? Ans. They are particularly hospitable and civil to white people, especially to the religious of the whites.

Ques. Will you say in what way the white people disturb them in the fishery? Ans. The whites come and encamp on the flats immediately under their village and there they burn their fences during the fishing season, they feed at their bay—use their boards—and annoy them in all the manner the petition complains of—several boats, from five to fifteen will during the last of the fishing season watch the entry of the salmon—and just as they pass the shoals, all the boats attack them with spears and light and kill nearly the whole, so that in fact the Indians have not the opportunity of getting even a reasonable supply for themselves.

Ques. Who are those white fishermen? Ans. Not the farmers; but idle unindustrious men—who come from a distance, and remain there the whole fishing season—they do not fish for their family supply—but fish to sell and make money and spend it idly—they bring whiskey, and endeavour to entice the young Indians to fish for them—and injure them much—especially on Sunday nights, when the Indians will not fish, these white fishermen take the opportunity of being most active.

Ques. How could this evil be remedied? Ans. The prohibition must extend along the lake shore as well as up the river. I think indeed that fishing upon the borders of the Indian reserve should be altogether prohibited.

Ques. What schools have they? Ans. Two schools—one male, and one female, about fifty children in both. They are taught reading, writing and arithmetic—there are two Sunday schools where all the children are instructed in the morning, and the adults are instructed in the evening by the teachers, with the aid of the children—one child of about ten or fifteen years old will take two old men or adults—or women, and teach them the letters, spelling and reading. The elders are quite pleased and learn from the children with great success and happiness.

Ques. What books usually? Ans. Principally the hymn book—and some read the English Reader, Catechism and Watt's Divine Songs.

Ques. Who are their teachers? Ans. John Jones teaches the boys—Miss Rolph teaches the girls. I do myself also assist at the schools as well as attend to their religious instruction and divine service amongst them as a missionary.

Ques. Have you any doubt whatever of the progress of civilization amongst them? Ans. None in the world. I see their daily improvement—and their growing happiness with it, they now are appropriating a portion of the hunting profits to the erection of a workshop where to teach the children trades—and they wish to abandon hunting as soon as they can live without it, they feel that it withdraws their children from instruction.

Ques. Would such a prohibition of white fishermen do injury to the upper settlements in respect of the ascent of fish farther up? Ans. Not at all—it would serve them—and the white settlers up the credit would wish that some prohibition should be put to the present plunder by these white people at the mouth of the river—were the Indians protected in the fishery the people above would have some share of the fish—for two nights and one day the fish would have an unmolested passage up if the Indians only were permitted to fish—as it is, the settlers up the stream scarcely ever get a salmon—moreover it is the only way in which the fishing can be preserved. It is well known that this unbounded destruction of the salmon will destroy the fishery altogether—it has done so in the rivers on the south side of the lake, as I am well informed.

Ques. Have you any other suggestion? Ans. None but the Mississagua living on the Credit should be allowed to fish—a penalty on all persons offending against the law, and the forfeiture of their nets, tackle, boats, canoes, &c. The fine is so small that the offenders disregard it, the fish caught enabled them to pay the fine.

Ques. What objection would there be to subject them to imprisonment for offending the law if such be made? Ans. I think it is the only mode of preventing the injury effectually.

Ques. Have you any other suggestion to make? Ans. I think that such a prohibition of the white fishermen and the preservation of the right of fishing to the Indians along all the border of their own reserve absolutely necessary to their moral, religious and domestic improvement. I am really afraid that the dissolute manners, language and life of those white fishermen has necessarily so demoralizing an effect that it must greatly retard the improvement if not altogether obstruct it. The Indian children are unavoidably exposed to see and hear their vicious intercourse and language.

A list of Clergy Reserves in sundry townships in the London District, within two miles of the east and west side of Otter Creek, from Lake Erie to its source.

Table with columns for Con., PAYHAM, Con., and WINDHAM. Lists various lots and numbers for different townships including BURFORD, MALAHIDE, DEREHAM, MIDDLETON, and NORWICH.

Commissioner of Crown Lands Office, York, 2d March, 1820. PETER ROBINSON.

A list of Leased Clergy Reserves in sundry townships in the London District, within two miles of the east and west side of Otter Creek, from Lake Erie to its source, with the names of the Lessees—the rent due upon each Lot, up to the 25th December, 1827—and the number of years that remain on each unexpired Lease.

NORWICH.

| NAMES. | Lot. | Con. | Amount of Rent due | | | Number of years that remain on each unexpired lease. |
|----------------|------|------|--------------------|----|----|--|
| | | | £ | s. | d. | |
| Samuel Moore | 5 | 7 | 12 | 7 | 6 | 9 years and three months. |
| Samuel Moore | 9 | 8 | 12 | 7 | 6 | 9 years and three months. |
| Joseph Ryerson | 12 | 9 | 8 | 5 | 0 | 12 years. |

BAYHAM.

| | | | | | | |
|----------------|----|---|---|----|---|----------------------------|
| Mahlon Burwell | 12 | 1 | 9 | 7 | 6 | 11 years and three months. |
| Asaph Teal, | 12 | 3 | 8 | 12 | 6 | 11 years and nine months. |

Commissioner of Crown Lands Office,
York, 2nd March, 1829.

PETER ROBINSON.

Lots marked L upon the accompanying plan are leased.

Copy, Internal Navigation.

Kingston, 13th February, 1829.

SIR:

I have the honor, herewith, to transmit you a statement of the public monies expended under my direction in the publication of the maps and reports of the commissioners of Internal Navigation, appointed under the authority of an act passed in the second year of His Majesty's reign, entitled an act to make provision for the improvement of the internal navigation of this Province.

I also beg leave, in pursuance of the requisition of a committee of the Honorable the House of Assembly to add to this statement, besides the customary vouchers, a note of the distribution of the maps with the names of the persons to whom I have given copies. An examination of this paper will shew that copies have been distributed among persons to whom the commissioners were indebted for attention or information while they were engaged with their surveys. It will also be observed that I have retained some copies for distribution among my private friends, a gratification which I trust will not be denied me or be objected to on the part of His Excellency the Lieutenant Governor or of either of the Honorable Houses of Parliament, when it is considered that during upwards of seven years I have gratuitously devoted no small portion of my time and attention to the performance of the duties with which I have been charged as one of the commissioners.

The number of impressions charged by the engraver of the maps amounts to 541 i. e. to 41 more than the statute passed at the last session of the Legislature authorised the commissioners to procure. The total number of perfect copies received is only about five hundred.

It is hoped that the style in which the Rideau Canal has been drafted and engraved, will give satisfaction to the Legislature. The delay which necessarily occurred in applying for and obtaining an additional grant of money to complete the work gave an opportunity of making some desirable improvements in the original draft. The expense of publishing the map as well as the reports proved to be considerably greater than the amount of the estimates formed when they were commenced.

I beg to state that the copper plates of the map of the Rideau Canal and also of the map formerly engraved under the direction of the commissioners of the line of their survey between the mouth of the River Ouse and Burlington Bay remain in the hands of the engraver at New York, subject to the disposal of the government.

The unexpended balance of the appropriations shall be immediately returned to His Majesty's Receiver General.

In thus bringing to a close the transactions of the board of commissioners of internal navigation I have to express my great regret that owing to circumstances which it may be needless to particularize, I have been prevented from submitting the present report and the accompanying accounts according to my earnest wishes, at an earlier period.

I have the honor to be,

Sir,

Your obedient

Humble Servant,

(Signed)

JOHN MACAULAY,

Com'r of Internal Navigation.

To Z. MUDGE, Esq.

Private Secretary to His Excellency
the Lieutenant Governor.

INTERNAL NAVIGATION.

Dr. the Government of Upper Canada in account with
the Commissioners of Internal Navigation.

| | | | | | | | | | |
|-----------|--|-----|----|---|----------|--|-----|----|---|
| May 21. | To amount paid J. G. Chewett for compiling & drafting map of the Rideau Canal per voucher. | 50 | 0 | 0 | Sep. 24. | By cash received from the Receiver General.... | 294 | 18 | 6 |
| | | | | | May 29. | By do. do.... | 180 | 0 | 0 |
| Decr. 24. | To amount paid for engraving and printing 541 copies of map including paper &c. per voucher. | 205 | 0 | 0 | | | | | |
| | To amount paid Jas. MacFarlane's account for printing 150 copies of reports of commissioners, per voucher..... | 120 | 0 | 0 | | | | | |
| | To amount of sundry contingent disbursements per statement..... | 26 | 0 | 5 | | | | | |
| | To balance to be returned to His Majesty's Receiver General. | 15 | 18 | 1 | | | | | |
| | £ | 414 | 18 | 6 | | £ | 414 | 18 | 6 |

JOHN MACAULAY, President,
Commissioner of Internal Navigation.

Kingston, 13th February, 1829.

York, 21st May, 1829.

THE COMMISSIONERS FOR INTERNAL NAVIGATION.—To
1825 JAMES CHEWETT, Dr.

August. For compiling and drafting a map of the Rideau Canal route shewing that part of the province from the River Trent to the Point Cascades L. C. on a large scale. £50 0 0 Provincial Currency.
Received from John Macaulay, Esq. the sum of fifty pounds provincial currency in full for the above work, having signed two receipts of the same tenor and date.

J. G. CHEWETT,
Deputy Surveyor and Draftsman.

JOHN MACAULAY, Esq. President of the Hon. Board of Commissioners.

To CHARLES READE, Dr.

For the Rideau Canal Map, Engraving, &c.

| | | | |
|----------|--|----------|---------------|
| In 1828. | For two large copper plates 36 by 51 inches, containing 1836 square inches, a 3 cents per inch at Philadelphia..... | \$55 8 | } say \$57 50 |
| | For case, packing, carting and freight from Philadelphia, and cartage at New York to the Engraver..... | \$2 50 | |
| | For engraving the Rideau Canal map at the lowest estimated tender per contract..... | 420 00 | |
| | For the Rideau Canal map paper, made expressly for this purpose, of exact dimensions, at Gilpins paper mill, Brandywine, near Philadelphia, at the lowest terms for cash, per contract, to wit, 1,004 perfect sheets, for full 500 copies of the Rideau Canal map engraving at 15 cents per sheet..... | \$150 60 | |
| | For 179 sheets retrea, and 90 sheets defective—making 269 sheets for imperfect impressions, & spoiled sheets of the Rideau Canal Map (being more or less allowed an engraver) charged at only 7½ cents per sheet, being half price..... | \$20 18 | } \$174 53 |
| | For box, packing, cartage and freight from Brandywine paper mills and Philadelphia, and for cartage at New York to the Engraver..... | \$3 75 | |
| | | \$652 3 | |

| | | |
|-------------------|---|----------|
| 1828, In Sept. | To the engraver for altering a space on engraved plates of the Rideau Canal map and engraving Bytown &c. thereon—with other alterations and additions marked by James G. Chewett, Esquire draftsman, as amendments and improvements, created since the original drafted map in 1825—and lastly, in Oct. 1828 some small additions taken from Lieutenant William Wallace's sketches, suggested, as necessary to complete the Rideau Canal map engraving..... | 50 00 |
| November | For printing 1082 impressions, or 541 copies of the Rideau Canal map engraving, at \$12 per hundred by special contract, dated New York, September 28th, 1825..... | 64 92 |
| 14 | For box, packing, bills of lading and cartage to steam tow-boat, "Henry Eckford" transportation line, from New York and forward to Kingston, Upper Canada..... | 3 5 |
| | | \$770 00 |

For C. Reade's superintendance from commencement, procuring the lowest estimated tenders from engraver's and managing throughout from first to last, in the best possible manner, all complete—by way of commission, say.....

(Errors and omissions excepted.)

\$820 00

Amount brought over. \$820 00
 Received payment of this account in full from John Macaulay, Esq.
 CHARLES READE,
 New York, 24 Dec. 1828. General Agent, &c.
 Original. 5 William street, New York.

Kingston, 10th February, 1829.

£18 15 0.

Received from John Macaulay, Esquire, eighteen pounds fifteen shillings currency, being the amount of duties payable on a case containing maps of the Rideau Canal imported into this province on the fifth day of December last—having signed triplicate receipts.

THOMAS KIRKPATRICK,
 Collector Port of Kingston.

The Commissioners of Internal Navigation,
 1828. To James MacFarlane, Dr.
 To the undermentioned charges for printing 150 copies of Canal Reports, on fine paper, viz.

| | | | | |
|--------------------------------|---|-----|----|---|
| Composition..... | £ | 97 | 5 | 7 |
| Paper..... | | 12 | 10 | 0 |
| Press Work, Stitching, &c..... | | 7 | 5 | 0 |
| Alterations from copy..... | | 3 | 0 | 0 |
| | £ | 120 | 0 | 7 |

Received payment in full, having signed triplicate receipts.
 JAMES MACFARLANE.

Statement of contingent disbursements made by the Commissioners of Internal Navigation.

| | | | | |
|-------|---|---|----|----|
| 1827. | Jan. 10. Paid for tin case for original draft of the map of the Rideau Canal sent to engraver..... | £ | 5 | 0 |
| 1828. | Aug. 3. Paid for a box for improved copy of map sent engraver..... | | 2 | 0 |
| | Oct. 21. Paid for two copies of reports half bound in Russia and presented to their Excellencies Sir P. Maitland and Sir J. Colborne..... | | 6 | 3 |
| | Paid for four copies of reports, half bound, for use of the commissioners..... | | 12 | 0 |
| | Nov. 25. Paid for box containing reports sent to the Government Office at York..... | | 2 | 0 |
| | Paid freight of ditto to York..... | | 1 | 2 |
| | Dec. 5. Paid freight of a box containing maps from New York to Kingston..... | | 1 | 2 |
| | Paid premium of exchange on £205 remitted to New York in payment of charges for engraving map, a 2 per cent..... | | 4 | 2 |
| 1829. | Feb. 10. Paid Collector of Kingston, duties on importation of maps, per voucher..... | | 18 | 15 |
| | Paid for cases for maps sent to York and to Lower Canada..... | | 7 | 6 |
| | Paid for stationary used in making up maps in packages..... | | 5 | 0 |
| | | | 26 | 0 |

JOHN MACAULAY, President.
 Commissioners of Internal Navigation.
 Kingston, 13th February, 1829.

Statement relating to the distribution of the Maps of the Rideau Canal and of the Reports of the Commissioners of Internal Navigation.

| NAMES OF PERSONS TO WHOM GIVEN. | Rep'ts. | Maps. |
|---|---------|-------|
| His Excellency Sir Peregrine Maitland..... | 1 | 5 |
| His Excellency Sir John Colborne..... | 1 | 1 |
| Captain Basil Hall..... | 1 | 1 |
| Major Wallace, Royal Artillery..... | 1 | 1 |
| Hugh C. Thomson, Esquire..... | 1 | 6 |
| William Morris, Esquire..... | 4 | 9 |
| Charles Jones, Esq. (Commissioner)..... | 1 | 1 |
| John Marks, Esq. (Secretary to Commodore Barry, C. B.)..... | 1 | 1 |
| S. Yarwood, Esq..... | 1 | 1 |
| John Cumming, Esquire..... | 1 | 3 |
| Lieutenant Briscoe, Royal Engineers..... | 1 | 1 |
| James Atkinson, Esq..... | 1 | 3 |
| Marshall Bidwell, Esquire..... | 1 | 5 |
| Thomas Dalton, Esquire..... | 1 | 5 |
| C. A. Hagerman, Esquire..... | 1 | 1 |
| Guy Wood, Esquire, (Commissioner)..... | 4 | 6 |
| Donald Bethune, Esquire..... | 1 | 6 |
| James Macfarlane, Esquire..... | 1 | 1 |
| J. P. Bower, Esquire, Secretary of Commissioners..... | 1 | 1 |
| Captain Northrup, in lieu of freight..... | 1 | 1 |
| Lieutenant Colonel Roberts, R. A..... | 1 | 1 |
| Mr. James Clowes, Engineer..... | 1 | 1 |
| Doctor Bartlet, Editor of the Albion..... | 1 | 1 |
| James Buchanan, Esq. British Consul New York..... | 1 | 1 |
| James Nickalls, Esquire..... | 1 | 1 |
| Mr. David Edgar..... | 1 | 1 |
| Z. Burnham, Esquire..... | 3 | 3 |
| His Excellency Sir James Kempt..... | 1 | 1 |
| The Honorable John Richardson..... | 1 | 1 |
| The Honorable Matthew Bell..... | 1 | 1 |

| | |
|--|-----|
| The Post Master General..... | 1 |
| The Surveyor General of Lower Canada..... | 1 |
| Impressions sent to York in 1826..... | 11 |
| Do. do. 1827..... | 5 |
| Proof impressions for correction..... | 15 |
| The Honorable James Gordon..... | 1 |
| Reserved by J. Macaulay, for distribution among his own friends..... | 7 |
| Sent to the Lieutenant Governor's Office*..... | 108 |
| Total..... | 150 |

Kingston, 13th February, 1829.

JOHN MACAULAY, President.
 Commissioners of Internal Navigation.

* NOTE —It appears upon counting over the Maps which were received at the Government Office, in three separate parcels and at different times, that 697 sheets, or 348½ Maps, including 3 odd sheets, were actually delivered at the said office.

E. MACMAHON.

Report of the Select Committee to enquire into the distribution of the Maps of the Rideau Canal.

To the Honorable the Commons House of Assembly.

The committee appointed to enquire into the distribution of the maps of the Rideau Canal, beg leave to report as follows:

From the evidence of John Macaulay, Esquire, one of the commissioners of internal navigation, it appears that he considered the maps public property, entirely at the disposal of the legislature; and should the manner in which they have been distributed not meet the approbation of the assembly, Mr. Macaulay is quite willing to pay for the number he has disposed of.

Your committee are not disposed to find fault with the manner in which Mr. Macaulay has distributed a portion of the maps; and recommend that the two hundred now in possession of the House be divided among those members of the assembly who have not been already supplied, which will give four to each, and leave twenty eight in the clerks office for future distribution.

PETER PERRY,
 Chairman.

Committee Room, House of Assembly, 6th March, 1829.

Report on increase of Contingencies.

The Select Committee appointed to examine and report to the House the causes which have of late years so greatly increased the contingent expenses of the legislature, and to suggest the best means of diminishing the same: Beg leave respectfully to report that in order to gain all the necessary information connected with this most important subject, they have examined the accounts in detail of the clerk and sergeant at arms, as well as the journals of such sessions as are preserved, and have drawn such conclusions therefrom as appeared just and proper. The following statement of the expenses of the several sessions of the last parliament, compared with the first session of that preceding, shows how materially the same have increased. It is worthy of remark that in the sessions of 1821 and 1825, about an equal portion of time was consumed in trying controverted elections, and new furniture provided for both Houses of the legislature. Yet under circumstances so nearly similar in respect of the duration of these sessions, the printing of the journals, the trial of elections and furnishing of the apartments—the contingencies of 1821 amounted only to one thousand pounds seventeen shillings and one penny, while in 1825 they amount to almost three times that sum, viz. £2809 19 3½. The printing of the journals in 1821, cost for four hundred copies, one hundred and fifty pounds—in 1828, two hundred copies, cost £746 13 3, although in the latter year the labour is obviously much greater, still when the number of copies and the extraordinary difference in cost are considered, your committee acknowledge themselves at a loss to discover all the reasons thereof; at the same time they admit that the printing of one thousand copies of the report on the petitions of christians of all denominations, forms a large item of the expense. It will also be recollected that within the last eight years, pensions have been granted to the late sergeant at arms and chaplain to the assembly, as also an extra allowance to the door-keeper and messengers.

Contingencies of 1821—74 days.

| | | | | | | |
|--------------------------|---|-----|----|----|------|------|
| House of Assembly..... | £ | 757 | 5 | 9½ | | |
| Legislative Council..... | | 243 | 11 | 3½ | 1000 | 17 1 |

1825—93 days.

| | | | | | | |
|--------------------------|--|------|----|-----|------|-------|
| House of Assembly..... | | 2190 | 14 | 10½ | | |
| Legislative Council..... | | 619 | 4 | 5 | 2809 | 19 3½ |

1826—85 days

| | | | | | | |
|--------------------------|--|------|----|----|------|-------|
| House of Assembly..... | | 1752 | 3 | 4½ | | |
| Legislative Council..... | | 695 | 13 | 10 | 2447 | 17 2½ |

1827—75 days.

| | | | | | | |
|--------------------------|--|------|---|---|------|------|
| House of Assembly..... | | 1794 | 8 | 2 | | |
| Legislative Council..... | | 1153 | 9 | 4 | 2927 | 18 0 |

1828—71 days.

| | | | | | | |
|--------------------------|--|------|----|----|------|-------|
| House of Assembly..... | | 3528 | 17 | 4 | | |
| Legislative Council..... | | 976 | 14 | 4½ | 4499 | 11 8½ |

By the above table it will be seen that in eight years the contingencies of the legislature have risen from one thousand to four thousand five hundred pounds per session; and although your committee find it much easier to discover the gradual increase of this most extravagant branch of the public expenditure, than to suggest a plan by which an equitable retrenchment can be effected, yet

they deem it a duty incumbent on them to submit that a material saving may be effected, by printing the Journals according to the mode pursued in Lower Canada, and Nova Scotia; and by leaving out the detailed accounts of the Crown Lawyers, as well as many other matters which may be kept in manuscript by the Clerk, not only a material saving would be effected in the cost of printing, by careful attention in this respect, but the necessity of employing a number of copying clerks, during the recess, would be in part obviated, the expense of which service, after the close of the last session amounted to the sum of four hundred and twenty-three pounds, one shilling and six pence. The Committee are also of opinion, that an important saving may be made in the article of stationary, and they cannot approve of furnishing for the use of the Assembly, many articles which were provided at the commencement of the present session. With respect to the contingent expenses of the Legislative Council, your committee are unable, as no account in detail is furnished by the Clerk of that House, to perceive the cause of an augmented expenditure in eight years, of nearly £900. The session of 1821 having cost the province £248—while that of 1827, amounted to £1133.

It is for your Honorable House to consider how far it is correct to address His Excellency for the payment of accounts to so great an amount, without seeing a detail of the items which compose the total amount.

All which is respectfully submitted.

W. MORRIS,
Chairman.

Committee Room, House of
Assembly, 7th March, 1829. }

Report of the Select Committee to which was referred the petition of William Forsyth of Niagara Falls.

To the Honorable the House of Assembly.

The Select Committee to which was referred the petition of William Forsyth, of Niagara Falls, praying for an opportunity to disprove certain allegations made against his conduct and character, contained in the evidence given before a select committee of Your Honorable House during the last session of last parliament, by the Attorney General, the Honorable William Dickson and the Honorable Thomas Clark, respectfully report, that they have examined Mr. McMicking of Chippawa, and also Mr. Forsyth, and have hereto annexed a copy of the evidence given by these gentlemen.

THOMAS HONOR,
Chairman.

House of Assembly, March 3rd, 1829.

Select Committee on the petition of William Forsyth, complaining of the encroachments of the Military at Niagara Falls.

Committee Room, House of Assembly, }
Monday, February 23rd, 1829. }

Present—Messrs. Leftery, Hornor and Mackenzie.

Mr. Hornor was called to the chair.

The petition was read and is as follows:

To the Honorable the Knights, Citizens and Burgesses representing the Commons of the Province of Upper Canada, in Parliament Assembled.

The petition of William Forsyth of the Niagara Falls, yeoman.

HUMBLY SHEWETH—

That your petitioner presented to Your Honorable House, last session, a petition complaining of injustice, remonstrating against the conduct of the King's Attorney General in a particular case therein set forth; and praying the powerful interference of Your Honorable House.

That after the Select Committee had reported to Your Honorable House, the report was sent back to them with instructions to receive such testimony as the Attorney General should offer in his exculpation; that this was done while your petitioner was absent from York, and without his knowledge, and so near the close of the session, that your petitioner could not have brought over testimony in proof of his charges, in time to have still more fully substantiated them.

That by this means, not only the journals of Your House, but, also the newspapers of the colony have contained, during the recess, several long details of an official nature, injurious to your petitioners reputation, and wholly unmerited by him, but proceeding from the unfinished investigations of said committee.

May it therefore please Your Honorable House, to grant to your petitioner the same indulgence as was last year granted to the King's Attorney General, so that your petitioner may have opportunity afforded to prove the truths he stated, and to substantiate by highly creditable witnesses the allegations set forth in his former petition.

And your petitioner as in duty bound will ever pray.

WILLIAM FORSYTH.

York, 19th January, 1829.

GILBERT McMICKING, Esq. Merchant, Chippawa, examined.

The evidence given by the Honorable Thomas Clark and William Dickson, and the Attorney General, last session, before the select committee on Mr. Forsyth's petition, having been read to Mr. McMicking, he was then interrogated as follows:

1st. Please to relate to the committee what you know concerning the matters stated in Mr. Forsyth's petition?

I intended at one time to have purchased the property which was afterwards sold by Mr. Dickson to Mr. Forsyth, and had frequent conversations with Mr. Dickson on the subject. I told him that I had frequently heard from Doctor Leftery that the Stewart family had a deed for the south part of the property—the part next to the Ontario House; his reply was that he had shewn all his papers and titles to the best law officer (meaning the Attorney General) in the Province, and that he had assured him (Mr. Dickson,) that the titles he held to the whole farm were good, and that he (Mr. Dickson) had offered him (Mr. Robinson) or promised him one acre or some small portion of the land for his guarantee of the title; my distinct understanding of the conversation with Mr. Dickson, was, that in consequence of receiving or being about to receive this acre or other small portion of the farm, the Attorney General had agreed and promised to make good his opinion and defend the title to the remainder, should it ever be disputed.

I gave up the idea of purchasing and found soon after that Mr. Forsyth had bought the farm. I have since seen about four acres or thereabouts under fence, which is said to belong to the Attorney General.

2nd. Had you purchased the property in question, you would no doubt have looked upon Mr. Robinson as retained to defend the title had it been disputed thereafter?—In consequence of the conversation I had with the Honorable William Dickson, already mentioned, I certainly should have considered Mr. Robinson as so retained.

3d. You will have seen that the Attorney General states in his examination, that some years ago he requested the Honorable William Dickson to sell him an acre in front, and that Mr. D. at once assented to his request; you have also heard in Mr. Dickson's evidence that Mr. Robinson expressed a wish to have an acre, many years ago. How do these statements agree with yours?—There is a difference to be sure—Mr. Dickson as I understood him, told me that the Attorney General had a promise from him of the spot of land to defend the title—and he (Mr. Dickson) appears to have told the committee that he (the Attorney General) had got it for past services.

4th. Had you any conversation with Mr. Forsyth relative to this plot of ground after he purchased the farm?—I had, shortly after the sale, perhaps eight years ago. He (Mr. Forsyth) then told me he had the best law officer (meaning the Attorney General) secured to him to defend the title—that he was to give him (the Attorney General) one acre of land to defend the title as a permanent retainer.

5th. Had you any conversation with the Attorney General on this subject? No, never, not to my recollection.

6th. Then you do not think Mr. Forsyth deserving the character given him by Messrs. Clark and Dickson, in their evidence relative to this transaction? I certainly do not.

7th. Had you bought the farm, would you have expected to enjoy the right of the property to within one chain of the waters edge?—Most assuredly.

8th. How long have you known the farm in question?—Since I was a child—I remember it for thirty years and upwards.

9th. What reservation was there made by government?—One chain from the waters edge, the same as above and below Chippawa. I have read and carefully examined the title.

10th. Did the Honorable William Dickson ever tell you that he was under obligations to the Attorney General for many kindnesses shewn him, which money could not properly repay?—Not to my recollection.

Mr. WILLIAM FORSYTH, examined.

1st. The Attorney General stated, in his evidence before the committee last year, that you had given a bond to Mr. Dickson, or to him obliging yourself to convey to him (the Attorney General) one acre of the farm sold you by Mr. Dickson, is it so?—I deny it—it is not so—I never gave any bond; let him produce it—let him or Mr. Dickson name the witnesses to the bond. They cannot—no such bond was ever given. They had nothing but my word, until I had been, perhaps, a year or two in possession of the farm, when I conveyed the four acres to Mr. Robinson.

2nd. Like Mr. McMicking, you considered the Attorney General retained to defend that farm, its title, if disputed, in consequence of the plot of ground conveyed to that officer?—I had no doubt whatever—Mr. Dickson told me, as it appears he told Mr. McMicking, that he had submitted the titles to Mr. Robinson who declared them genuine and valid in law, and also that the plot of ground was a permanent retainer for that farm, by which Mr. Robinson would be bound to defend the title, if at any future time it should be disputed.

3d. Who made the proposal to give four acres in the rear of the farm instead of one in front?—I did. I think I did.

4th. Had you given the acre in front of the south side the farm, would it have been part of the ground now disputed?—It most probably would, I am sorry I did not give it to him there, I should have had no trouble about my fences in that case.

5th. Was the conveyance of four acres made through Messrs. Clark and Nichol as agents to Mr. Robinson?—The deed was delivered to them as his agents. I had had no conversation on the subject with Mr. Attorney General.

Evidence taken by the select committee to which was referred the message from His Excellency accompanying the statements concerning the Receiver General.

Committee Room, House of Assembly, }
March 3rd, 1829. }

Members Present—Mr. Dalton, Mr. Malcolm and Mr. Mackenzie.

Mr. Mackenzie was called to the chair.

The Honorable JOHN HENRY DUNN, Receiver General, examined.

1. By Your Commission, from England, are you authorised to receive the monies arising under the British Statute 14th Geo. 3rd, the casual and territorial revenues?—Ans. I am.

2. Are you authorised by that commission to receive the Provincial revenue?—Ans. I conceive I am.

3. You receive a salary of £200 sterling from the British Government, paid out of the funds of the Canada Company. Is that salary paid you as receiver of the Crown revenues?—Ans. I believe it is.

4. Are the duties collected under the 14th Geo 3rd ch. 33, part of the Crown revenues?—Ans. Yes.

5. Why then do you charge poundage on duties so received?—Ans. Because there is an act of the province instituting a civil list passed in 1822 or 1823, and the money transferred from the Crown fund into that fund becomes provincial money, and at the disposal of the provincial parliament.

6. Are you aware that the Government have requested no supplies this year? Ans. I know it by the accounts laid before the Legislature, which accounts are not made up by myself, but by the Inspector General.

7. Are you aware that there was a balance unexpended of the monies appropriated by the provincial act 9th Geo. 4th ch. 14 for the service of 1823; and do you consider that balance at the disposal of the Provincial Legislature? Ans. I believe there is a balance, but as regards the appropriation I beg leave to refer you to the act you mention.

8. Are you aware that the Receiver General of Lower Canada receives £500 sterling; salary, as Receiver of the Crown Revenues?—Ans. I have heard so.

9. Under what authority do you act as Receiver General of the Provincial revenue?—Ans. Under the Royal letters patent, and under every money bill of the provincial parliament.

10. Do you keep a general cash book of all receipts and payments from whatever fund derived, so that you can at a short notice ascertain the actual balance of all public money in your hands?—Ans. I do. I keep it myself, and can give the balance in ten minutes.

11. Do you pass your account before the Executive Council each half year? Ans. Yes.

K

12. Did the Executive ever look into your chest, and count over the public money therein?—Ans. No. They are not so authorized.

13. Who has authority to ascertain if the money stated as a balance due to the public, be actually on hand?—Ans. Nobody.

14. Do the Canada Company's payments pass through your hands, and do you get a poundage thereon?—Ans. The Canada Company pay me the instalments due on the 20th June and the 20th of December, and it is expended on the first of the ensuing month—I derive from the same no emolument whatever.

15. Is there any law authorising you to receive customs, crown duties, under 14 Geo. 3rd ch. 38? Ans. Refer to answer No. 1.

16. Did not a bill pass both branches of the legislature almost unanimously to give you £500 sterling per annum, salary, in lieu of all poundages? Ans. Yes.

17. Did not that act go to England and receive the royal assent? Ans. It did go to England; but I believe it did not get the royal assent.

18. Do you account to the Lords commissioners of the treasury for all the monies you receive, as well provincial as crown revenues? Ans. I do. I am under a very heavy penalty for neglect of so doing.

19. Have you given two good and sufficient securities in Upper Canada for ten thousand pounds or do you conceive that your commission requires you to do so? Ans. My commission requires me to give security for ten thousand pounds sterling, in England, and my own bond or bonds for ten thousand pounds more in this country. This has been complied with.

20. Who is your security in England? Ans. My father is my sole security in England, with whom, after the most minute enquiry, the Lords of the Treasury were fully satisfied.

21. Did the bank of Upper Canada, make you the offer of keeping the public money, and give you security, and pay you interest for the same?—Ans. No.

22. Do the public accounts show in what manner the monies alluded to in question, five, are transferred so as to be under provincial control? Ans. It is transferred from the crown fund arising from 14 Geo. 3, ch. 38.

23. Have you invested any part of the provincial balances in bank stock.—Ans. No never. Let warrants come to-morrow and the whole balances in my hands shall be paid.

24. Are you aware that the whole of the appropriations of the duties accruing under the act 14 Geo. 3rd chap. 38. are annually laid before the legislature of Lower Canada? Ans. I do not know.

25. Do you know why they are not laid before this legislature? Ans. I do not know.

26. The casual and territorial revenue of Lower Canada, and the appropriations are annually exhibited to the legislature of that colony, why is not so here? Ans. I do not know.

27. It appears that between nine and ten thousand pounds were received by you the last year from Lower Canada as the proportion due this province under the act of the 14 Geo. 3, ch. 38. besides the duties under the same act in Upper Canada, and that of the total sum only six thousand pounds are accounted for—what became of the remainder, as also the balances of former years?—Ans. They have been paid by me on warrants of the Lieutenant Governor.

27. Do you consider yourself bound to answer any warrant the Lieutenant Governor thinks at any time proper to issue upon you? Ans. By no means; such warrant must refer to provincial acts or be in consequence of authority from England.

29. Do you keep in your possession all the bonds for monies due to the province? Ans. Yes.

30. Do you ever give bonds for public monies to the Attorney General for collection? Ans. When it is necessary.

31. Are you the judge of that necessity? Ans. The Inspector General reports when there is a defalcation, and then it is my duty to send the bond to the Attorney General, with instructions to sue.

32. Do you receive any fees on public instruments or make any charge for stationary out of the crown revenues? Ans. No.

33. Have you many bonds at present in your possession? Ans. Yes. I have all the sub-accountants.

34. What is the average balance of public monies in your hands, derived from all sources? Ans. About twenty thousand pounds, sometimes more—and sometimes less.

35. What becomes of the marriage licence money? Ans. It is not paid to me.

36. Do you know of any other items of revenue which are not paid to you? Ans. I do not recollect.

37. How many bonds for money due to the province have you now in your possession? Ans. I do not know. I have a great many bonds, but I cannot now speak to their number, nature, or amount.

38. Why is not an account of these bonds laid annually before the legislature? Ans. I suppose because they have not been required.

39. By whom are the warrants of the Lieutenant Governor countersigned? Ans. By his Secretary and the Inspector General.

40. Do you receive fines levied by the Justices of the Peace in General Quarter Sessions, or otherwise? Ans. I ought to do so but there is great irregularity in their transmission.

41. Why are the particulars of the fines not laid before the legislature?—Ans. I do not know.

42. Do you know their average amount and to what they are applied?—Ans. I do not recollect their average amount—fines, rents and profits belong to the King.

43. Are not the Clerks of the Peace obliged, like the collectors of customs, to make you a return of the fines under oath? Ans. All public accountants make their returns to the Inspector General, and I suppose the Clerks of the Peace do also.

44. There are a great many mistakes, in the public accounts, as laid before the legislature; for instance, the sums credited for licences in Nos. 2 & 4 amount to £4148 16 7½, while in the table of returns they are made to amount to £4154 5 4½; the duties on imports are stated in one account at £5654 4 4½ and in another at £5760 13 1½. The hawkers and pedlars revenue is stated in one account at £349 15—and in another at £279. The auction licence money is stated in one account at £325 2 3 and its corresponding statement at only £164 10 3½; the tonnage light house duty is credited in one place at £103 15 2½—and in another at £125 2 6. Are these extraordinary differences occasioned by errors in calculation in your office, or can you explain in what way they occur? Ans. It is impossible that they can occur in my office.—The accounts that are laid before you are made up in the Inspector General's Office.

45. The clerks in your office are all paid by the province, out of the provincial revenue: are they not employed as much in what you call the management of the crown revenue, as of the provincial revenue? Ans. Yes, they are.

46. There is a heavy charge made on the public for clerk hire; do you not consider that it might be curtailed without disadvantage to the business of the office. Would not a first clerk at £150 currency, & a second clerk at £100 be amply sufficient? Ans. If a progressive scale of advancement were laid down as in England; an arrangement of that kind would be less exceptionable.

47. Is not your postage account, in part, on crown revenue business?—Ans. Some part.

48. Have you the power of appointing or dismissing your own clerks?—Ans. Only by reference to His Excellency the Lieutenant Governor.

49. Do you derive an income from any public source other than as Receiver General? Ans. None.

50. What additional security would you think reasonable to be given to the province for the monies that are in, or may come into your hands as Receiver General? Ans. Thirty thousand pounds, either here or in England; two or four securities.

Report of the Executive Council, on the case of Henry Weeks.

Executive Council Chamber, at York, } Friday, 13th March, 1829. }

PRESENT.

- The Hon. JAMES BABY, Presiding Councillor.
- " " PETER ROBINSON.
- " " GEORGE H. MARLAND.
- " " JAMES B. MACAULAY.

To His Excellency Sir John Colborne, K. C. B. Lieutenant Governor of the Province of Upper Canada, and Major General Commanding His Majesty's Forces therein, &c. &c. &c.

May it please Your Excellency, The Council having resumed the consideration of the Petition of Henry Weeks, with Mr. Wilmot's report of his examination of the fifth concession of the township of Yonge.

Respectfully submit as follows: It appears that in the original survey of the fifth concession of the township of Yonge, an error occurred in the numbering and placing of the posts, intended to determine the width of the respective Lots. That the post planted between Lots No. 14 and 15 on the ground, was marked No. 13 and 14; no monument being actually posted between 13 and 14, and that the erroneous numbering was continued from No. 13 to Nos. 25 & 26.

Lot No. 19 as ascertained by accurate survey but No. 18 according to the numbers on the posts, was granted to Jame McNish, as No. 19, and sold by him to petitioner, who appears to have made extensive improvements on the premises. Lot No. 18 on the ground, but No. 17 by the false numbering, was granted to Edward Murphy as No. 18, and the Surveyors plans and other information in the Surveyor General Office, show satisfactorily the actual Lots intended to have been respectively granted.

But Murphy, under the sanction of the Provincial Statute 59 Geo. 3. ch. 14. on the subject of boundary lines, instituted an ejectment against Weeks, claiming No. 19 to be regarded in law as No. 18, and so covered by his grant upon the principle that the numbering of the original posts actually planted at the front angles of the lots must govern. The Court of Nisi Prius, as well as the Court of Kings's Bench in Term, have conceived the act to be conclusive in his favour, and in the opinion of the Judges, Murphy has in strict law a right to the possession of Week's Lot. Murphy accordingly recovered by course of law the possession he now enjoys.

It appears to the Council that Weeks should be confirmed in No. 19, on which he erected improvements, and that Murphy should be required to accept No. 18 according to the plan or No. 17 by the posts, as being the Lot really intended for him. Owing to the foregoing judicial decision, the Council perceive no just mode of relief, except through the intervention of the Legislature: and as an error prevails with respect to the principal part of the concession, the board suggests the expediency of Your Excellency's calling the attention of the Legislature to the subject, with a view to such enactment as may either prevent the application of the 59th Geo. 3rd ch. 14. or provide for a rectification of the error committed in the original survey.

They see no objection to this course, as each individual will be confirmed in his intended location, and no difficulty is presented by any actual settlement under the erroneous numbering, as is shown by Mr. Wilmot's report.

All which is respectfully submitted.

J. C. BABY, Presiding Councillor.

Report to His Excellency the Lieutenant Governor by the acting Surveyor on Weeks' case.

Surveyor General's Office, } 9th March, 1829. }

SIR: In obedience to the commands of His Excellency the Lieutenant Governor, bearing date the 5th February, for carrying into execution a minute in council of the 2nd, relative to the case of Henry Weeks. I have the honor to transmit to you for the information of His Excellency, in Council, Mr. Wilmot's report, together with his field notes and plans relative to the inspection of the same.

I have the honor to be, Sir,

Your most obedient Humble Servant, W. CHEWETT, Acting Surveyor General.

To Z. MUDGE, Esquire, Secretary } to His Excellency, &c. &c. &c. }

W.

Report from Samuel Wilmot, Esq. Deputy Surveyor, on the survey of the fifth concession line of the township of Yonge, 28th February, 1829.

York, 28th February, 1829.

SIR: In obedience to instructions, from the late Surveyor General, dated the 5th instant, by command of His Excellency the Lieutenant Governor, to me directed, to carry into effect without delay the inspection of the whole of the fifth concession line in the township of Yonge in the Johnstown District.

I have the honor to report that having the above instructions on the fifteenth instant at Salmon River, and the morning of the 16th, I set out for the township of Yonge, where I arrived, upon the 18th, and, having hired four men, I proceeded to a post No. 1, in the 5th concession from where I commenced chaining and laid off lots of nineteen chains each, leaving an allowance for a road of sixty-three links between every 6 and 7 lots to No. 23, at the termination of this line which line was run by Mr. Reuben Sherwood Deputy Surveyor, many years ago, and before the township was surveyed, and being informed by the old inhabitants that the correct fifth concession line was to the North, I from thence made an offset to the North 9 chains 20 links to the fifth concession as reported to me and 2 chains fifty links East of an old post marked Nos. 21 and 22, which proved there was an error or misnumbering of the lots. I then returned to Nos. 14 and 15 West side of Grahams Lake on the false line and made a right angled offset to the North three chains fifty links to the reported correct fifth concession line and claimed this line to the western boundary of Yonge where I found an old post on the south side of the allowance for road marked No. 26 and 4th concession R and found the lots overrun about 21 links each, from this point, I commenced chaining and allowed No. 26 23 chains 30 links as per plan of guidance, and the other lots 19 chains 21 links and planted numbered posts at the corners of each lot to number 19 upon which Mr. Weeks' improvement is made, of about 30 acres, with a saw mill, framed barn, and dwelling house, granted to Joseph McNish, and sold by him to Weeks, and claimed by Edward Murphy for lot No. 18, in consequence of the lots being misnumbered from Nos. 14 and 15, West side of Grahams Lake. I then continued chaining and planting posts to No. 3 where the old post became correct.

There are only seven lots occupied and improved and but very few original posts, one between Nos. 3 and 4, and the others between Nos. 20 and 21, and 21 and 22, which ought to have been Nos. 21 and 22 and 22 and 23, which error in numbering the lots West of Grahams lake, was the cause of the law suit, Murphy vs. Weeks, and Weeks ejected off from his own land, and ought to be put in possession again; which is most humbly submitted, and have the honour to be,

Sir,
Your obedient humble servant,
SAMUEL S. WILMOT,
Deputy Surveyor.

To WILLIAM CHEWETT, Esq., }
Acting Surveyor General. }

Estimate of the charges for defraying the civil establishment of the Government of the province of Upper Canada, annually appropriated by the act of the British Parliament and paid in England.

| | Sterling. | |
|---|--------------|------------|
| Salary of the Lieutenant Governor,..... | 2000 | 0 0 |
| “ Chief Justice,..... | 1100 | 0 0 |
| “ Attorney General,..... | 300 | 0 0 |
| “ Solicitor General,..... | 100 | 0 0 |
| Two Judges of the Court of King's Bench, £750 per annum each,..... | 1500 | 0 0 |
| Clerk of the Crown and Pleas,..... | 100 | 0 0 |
| Two Sheriffs' at £100 per annum each,..... | 200 | 0 0 |
| Surveyor General of Lands,..... | 300 | 0 0 |
| Naval officer,..... | 100 | 0 0 |
| Salary of the Bishops Commissary,..... | 150 | 0 0 |
| Allowance to the widow of the late Colonel Campbell, Governor of the Bermudas in reward of his firm and judicious conduct and able services at the Miamis, and in consideration of her straightened circumstances,..... | 250 | 0 0 |
| Allowance to Mr. Smith, Surveyor General of lands, in consequence of his long services and infirm state of health,..... | 200 | 0 0 |
| Secretary and Register,..... | 300 | 0 0 |
| Clerk of the Council,..... | 100 | 0 0 |
| Receiver General of the Revenues,..... | 200 | 0 0 |
| Five Executive Councillors at £100 each,..... | 500 | 0 0 |
| Allowance to the widow of the late Major General Shaw, recommended by the Lieutenant Governor for some provision on account of the services of her late husband in different situations, Agent,..... | 100 | 0 0 |
| To the society for the propagation of the gospel, in aid of the expenses of the society in Canada,..... | 2300 | 0 0 |
| On account of fees for receipts and audit,..... | 325 | 0 0 |
| Total £ | 10825 | 0 0 |

JOHN H. DUNN,
H. M. R. G.

Receiver General's Office, York, Upper Canada, }
11th March, 1829. }

Statement of monies received under the Imperial Act of 14th Geo. IIIrd, Chap. 88, in Upper and Lower Canada, and paid by the Receiver General under the authority of the Lieutenant Governor's warrants, from the 1st January to the 30th of June, 1828, inclusive.

| PAYMENTS TO WHOM MADE. | Sterling Dollars | | |
|---|------------------|---|---|
| | £ | s | d |
| To cash paid the Hon. William Allan, one of the Executors of the late Hon. Samuel Smith, being half a years pension to the children of the deceased, from 1st July to 31st December, 1827, inclusive,..... | 90 | | |
| The Revd. George O'Kill Stewart, being his half years salary as one of the established clergymen of this Province, from the first July to the 31st December, 1827,..... | 50 | 0 | 0 |
| The Hon. D'Arcy Boulton, being his half years pension, upon his retirement from the office of Judge of His Majesty's Court of King's Bench, from the first July to the 31st December, 1827, inclusive,..... | 250 | 0 | 0 |

| To Cash | £ | s | d |
|--|-----|----|----|
| The Hon. Levius P. Sherwood, Judge of the court of King's Bench, being his half years increase of salary from 1st July to 31st December, 1827, inclusive, at £150 sterling per annum,..... | 75 | 0 | 0 |
| The Hon. William Campbell, Chief Justice of the Court of King's Bench, being his half years increase of salary from 1st July to 31st December, 1827, inclusive, at £400 sterling per annum,..... | 200 | 0 | 0 |
| The Rev. William Bell, being a Presbyterian Clergyman, at the Rideau settlement, from 1st July to 31st December, 1827, as his half years salary for that period,..... | 50 | 0 | 0 |
| Major Titus G. Simons, being his half years pension from 1st July to 31st December, 1827, inclusive, at £250 army pay per annum, being disabled in action with the enemy during the late war,..... | 129 | 16 | 13 |
| Capt. Wm. Jarvie, late incorporated militia, being his half years' pension from 1st July to 31st Dec. 1827, inclusive, at £100 army pay per annum, having been disabled in action with the enemy during the late war,..... | 51 | 18 | 5½ |
| Capt. John McDonell, late incorporated militia, being his half years pension from the 1st July to 31st December, 1827, inclusive, a £100 army pay per annum, having been disabled in action with the enemy during the late war,..... | 51 | 18 | 5½ |
| Lieutenant Daniel McDougall, late incorporated militia, his half years pension, from the 1st July to 31st December, 1827, inclusive, a £70 army pay per annum, having been disabled in action with the enemy during the late war,..... | 36 | 6 | 11 |
| Lieutenant James McGregor, late independent Company of Kent Volunteer militia, being his half year's pension, from 1st July to 31st December, 1827, inclusive, a £70 army pay per annum, having been disabled in action with the enemy during the late war,..... | 36 | 6 | 11 |
| Philip P. Empey, Lieutenant of the late Stormont militia, being his half year's pension, from 1st July to 31st December, 1827, inclusive, a £70 army pay per annum, having been disabled in action with the enemy during the late war,..... | 36 | 6 | 11 |
| The Honorable John Walpole Willis, being his half year's increase of salary as a Judge of His Majesty's Court of King's Bench, from 1st July to 31st December, 1827, inclusive, at the rate of £150 sterling per annum,..... | 75 | 0 | 0 |
| The Honorable Thomas Ridout, Surveyor General, to enable him to carry on a survey of a certain tract of land lately purchased from the Indians, in the rear parts of the London and Western Districts, which is to be transferred to the Canada Company, in pursuance of the agreement between His Majesty's Government and the said Company,..... | 126 | 0 | 0 |
| John Radenburst, Esq. to remunerate him for his services, including travelling expenses, as a commissioner appointed to proceed to Guelph, in the Canada Company's Settlement, to enquire respecting certain emigrants arrived at that place from LaGuayra, and to report thereon for the information of Government, between the 1st and 7th January, 1826, inclusive,..... | 22 | 1 | 0 |
| James FitzGibbon, Esq. to remunerate him for his services, including travelling expenses, as a commissioner appointed to proceed to Guelph, in the Canada Company's settlement, to enquire respecting the aforementioned emigrants and to report thereon, &c. between 1st and 7th January, inclusive,..... | 22 | 1 | 0 |
| The Honorable John Henry Dunn, His Majesty's Receiver General, being the usual allowance of one half per cent paid to his agent at Quebec for receiving the sum of £6549 12 7 stealing, on account of duties due this Province upon imports at Quebec, under 14th Geo. 3rd,..... | 31 | 14 | 11 |
| Mr. William Knott, Sergeant Major, late 3rd Regt. York Militia, being a compensation to him at the rate of five per cent on the sum of £621 cur'y collected by him from militia defaulters of the said regiment, as fines imposed upon them and paid over to his commanding officer during the late war with the United States of America, as recommended in Council on the 8th March, 1823,..... | 27 | 18 | 11 |
| Mr. Thomas Rogers, Architect, being a compensation to him for his professional attendance and advice on the subject of certain public buildings intended to be raised for the several departments of the Provincial Government at York, including his travelling expenses (£4 10 0 sterling) coming from and returning to Kingston and twelve days absence therefrom, at £1 1 0 sterling per day,..... | 17 | 2 | 0 |
| The Honorable Thomas Ridout, Surveyor General, being the amount of his account allowed in council against government for surveying and laying out sundry lots on Burlington Beach at the head of Lake Ontario, in the District of Gore,..... | 52 | 19 | 10 |
| The Honorable Thomas Ridout, Surveyor General, being the amount of his account against government, allowed in council for surveying and laying out into lots a tract of land lately purchased from the Mississagua Indians, situate in the township of Toronto, in the Home District,..... | 28 | 18 | 5 |
| The Honorable Thomas Ridout, Surveyor General, being the amount, together with that of warrant No. 215 for £90 sterling, of his account, audited in council on the 3rd June 1828 for the survey of the northern boundary of the purchase lately made by government from the Chippawa Indians in the London and Western Districts,..... | 199 | 9 | 6½ |

The Honorable Thomas Ridout, Surveyor General, being the amount of his account against government for surveying a line for a road through the southern block of clergy reserves adjoining

the Guelph block in the District of Gore, audited in council, 3rd June 1828.....

| | | |
|--------------------|------|-------|
| 81 | 4 | 10 |
| Carried down, .. £ | 1611 | 18 14 |

Statement of monies received under the Imperial Act of 14 Geo. 3, ch. 88, in Upper and Lower Canada and paid by the Receiver General under the authority of the Lieutenant Governor's warrants issued from the 1st January to the 30th June, 1828, inclusive.

| Dr. | PAYMENTS, &c. | Sterl'g Dol's at 4s 6d. each. | RECEIPTS FROM WHOM &c. | Cr. | Sterl'g Dol's at 4s 6d. each. |
|-----|--|-------------------------------|--|----------------------|-------------------------------|
| | Brought down..... | 1611 18 14 | By balance in the Receiver General's hands on 31st December, 1827..... | \$ | 4814 16 34 2-10 |
| | To balance in the Receiver General's hands on the 30th June, 1828..... | 9797 9 8 | By cash received from the Receiver General of Lower Canada, as this province's proportion of import duties for the quarters ending 5th July and 10th October, 1827, £6548 18 5 1/2 Currency, equal to..... | | 5894 0 74 4-10 |
| | | | By cash received from James Gordon, Esquire, late Paymaster, Militia, Western District, being a balance remaining unclaimed of funds furnished to him £17 7 8 currency, equal to..... | | 15 12 10 3 7-10 |
| | | | By cash received from Inspectors of districts between the 1st January and 30th June, 1828, inclusive, on account of duties received by them on shop and tavern licences, under the authority of an act of the British Parliament, viz: | | |
| | | | STERLING. | | |
| | | | From the Inspector of the Home District..... | 150 18 24 6-10 | |
| | | | " the do. of the Western do..... | 59 18 9 4-10 | |
| | | | " the do. of the Midland do..... | 9 10 9 4 5-10 | |
| | | | " the do. of the Eastern do..... | 45 0 | |
| | | | " the do. of the Johnstown do..... | 109 5 24 6-10 | |
| | | | " the do. of the Niagara do..... | 94 10 | |
| | | | " the do. of the Gore do..... | 45 0 | |
| | | | " the do. of the Ottawa do..... | 27 0 | |
| | | | " the do. of the London do..... | 45 0 | |
| | | | " the do. of the Bathurst do..... | 99 0 | |
| | | | | 684 17 | 113 1-10 |
| | Total, £ | 11409 7 9 1/2 | Total, £ | 11409 7 9 1/2 | |

Amounting to the sum of eleven thousand four hundred and nine pounds seven shillings and nine pence half-penny sterling, dollars at 4s 6d. each. Errors excepted.

JOHN H. DUNN.
H. M. R. G.

Receiver General's Office, York, Upper }
Canada, 5th March, 1829. }

Statement of Monies received under the Imperial Act of 14th Geo. 3rd. ch. 88, in Upper and Lower Canada, and paid by the Receiver General under the authority of the Lieutenant Governor's warrants, from the 1st July to the 31st December, 1828, inclusive.

| PAYMENTS TO WHOM MADE. | Sterling Dollars at 4s 6d. each. | | |
|--|----------------------------------|---|---|
| | £ | s | d |
| To cash paid the Honorable D'Arcy Boulton, being his half year's pension upon his retirement from the office of Judge of His Majesty's Court of King's Bench in this Province, from 1st January to 30th June, 1828, inclusive..... | 250 | 0 | 0 |
| The Honorable Levis Peter Sherwood, Judge of His Majesty's Court of King's Bench in Upper Canada, being his half year's increase of salary, from 1st January to 30th June, 1828, inclusive.. | 75 | 0 | 0 |
| The Honorable John Walpole Willis, Judge of His Majesty's Court of King's Bench in Upper Canada, being his half year's increase of salary, from 1st January to 28th June, 1828, inclusive; at £150 sterling per annum..... | 75 | 7 | 2 |
| The Honorable William Campbell, Chief Justice of His Majesty's Court of King's Bench, being his half year's increase of salary, from 1st January to 30th June, 1828, inclusive..... | 200 | 0 | 0 |
| The Honorable William Allan, one of the executors of the late Honorable Samuel Smith, being one half year's pension to the children of the deceased from 1st January to 30th June, 1828, inclusive.. | 90 | 0 | 0 |
| The Venerable George O'Kill Stuart, being his half year's salary, from 1st January to 30th June, 1828 inclusive; as one of the established clergymen of this Province..... | 50 | 0 | 0 |
| The Reverend William Bell, being his half year's salary as Presbyterian clergyman at the Rideau settlement, from 1st January to 30th June, 1828, inclusive..... | 50 | 0 | 0 |

| | | | |
|---|-------------|----------|---------------|
| Major Titus G. Simons, being his half years pension from 1st. January to 30th. June 1828, inclusive, having been disabled in action with the enemy at Lundy's Lane 25th July 1814, at the rate of £250 army pay per annum..... | 129 | 16 | 13 |
| Captain William Jarvie, being his half years pension as Captain in the late Battalion of incorporated Militia, from 1st. January to 30th June, 1828, inclusive, having been disabled in action with the enemy during the late war..... | 51 | 18 | 5 1/2 |
| Captain John McDonell, being his half years pension as Captain in the late battalion of incorporated militia, from 1st. January to 30th June, 1828, inclusive, having been disabled in action with the enemy during the late war..... | 51 | 18 | 5 1/2 |
| Lieutenant Daniel McDougall, being his half years pension as Lieutenant of the late battalion of incorporated militia, from 1st. January to 30th. June, 1828, inclusive, having been disabled by several wounds in action with the enemy during the late war..... | 36 | 6 | 11 |
| Lieutenant James McGregor, being his half years pension as a Lieutenant in the late independent company of volunteer militia, from 1st. January to 30th. June, 1828, inclusive, having been disabled in action with the enemy during the late war..... | 36 | 6 | 11 |
| Lieutenant Philip P. Empey, being his half years pension as a Lieutenant of the late Stormont militia, from 1st. January to 30th June, 1828, inclusive, having been disabled in action with the enemy during the late war..... | 36 | 6 | 11 |
| The Hon. Thos. Ridout, Surveyor General, being to enable him to carry on the surveys ordered by government..... | 90 | 0 | 0 |
| Cash transferred from this fund to fund H. being in aid of the sum appropriated by the Provincial Legislature for the administration of justice and in support of the civil government for 1828, by act of the 9th Geo. 4th. chap. 14..... | 6000 | 0 | 0 |
| To payments carried over £ | 7221 | 0 | 11 1/2 |

Statement of monies received under the Imperial Act 14 Geo. 3, ch. 88, in Upper and Lower Canada and paid by the Receiver General under the authority of the Lieutenant Governor's warrants from the 1st July to the 31st December, 1828, inclusive.

| Dr. | PAYMENTS, &c. | Sterl'g Dol's at 4s 6d. each. | RECEIPTS, &c. | CR. | Sterl'g Dol's at 4s 6d. each. |
|--|---------------|-------------------------------|---|--------------|-------------------------------|
| To payments brought over..... | 7221 | 0 11 3/4 | By balance remaining in the Receiver General's hands on 30th June, 1828..... | 9707 | 9 8 |
| To balance remaining in the Receiver General's hands on the 31st December, 1828..... | 3791 | 9 6 3/4 8-10 | By cash received from the Receiver General of Lower Canada, as this province's proportion of import duties under 14th Geo. 3, ch. 88, for the quarters ending 5th January, 5th July and up to 1st May, 1828. £1008 16 9 3/4 Currency, equal to..... | 907 | 19 1 3/4 8-10 |
| | | | By cash received from Inspectors of districts between the 1st July and 31st December, 1828, on account of duties received by them on shop and tavern licences, under the authority of an act of the British Parliament, viz: | | |
| | | | From the Inspector of the Home District..... | 21 | 1 2 1/2 6-10 |
| | | | “ the do. of the Western do..... | 21 | 7 6 |
| | | | “ the do. of the London do..... | 61 | 4 0 |
| | | | “ the do. of Drummond Island..... | 9 | 0 0 |
| | | | “ the do. of the Newcastle dis't..... | 45 | 0 0 |
| | | | “ the do. of the Midland do..... | 90 | 0 0 |
| | | | “ the do. of the Gore do..... | 6 | 16 9 1/4 4-10 |
| | | | “ the do. of the Ottawa do..... | 18 | 7 2 1/2 8-10 |
| | | | “ the do. of the Bathurst do..... | 34 | 5 0 1/2 4-10 |
| | | | Total, £ | 307 | 1 9 1/2 8-10 |
| Total, £ | 11012 | 10 6 1/2 8-10 | Total, £ | 11012 | 10 6 1/2 8-10 |

Amounting to the sum of eleven thousand and twelve pounds ten shillings and six pence half-penny & three tenths of a farthing, sterling, dollars at 4s 6d. each. Errors excepted.

JOHN H. DUNN.
H. M. R. G.

Receiver General's Office, York, Upper }
Canada, 5th March, 1829. }

Report of the Select Committee on the Petition for a Harbour at the mouth of the River Lynn.

To the Honorable the Commons' House of Assembly.

Your Committee to whom were referred the several petitions from the county of Norfolk, requesting the appropriation of a sum of money for the formation of a harbour at the River Lynn.

Beg leave to report :

That having entered upon the examination of the matters of the said petitions, your committee respectfully recommend to your Honorable House to appropriate a sum of money not exceeding two thousand five hundred pounds, for the purpose of forming the harbour prayed for—to be raised by way of loan on debentures, bearing interest, the principal monies and interest to be repaid the province by the tolls and dues collected at such harbour.

W. W. BALDWIN,
Chairman.

Committee Room, House of As- }
sembly, March, 1829. }

Second Report on Post Office Department.

To the Honorable the Knights, Citizens and Burgesses, representing the Commons of Upper Canada, in Provincial Parliament Assembled :

The Select Committee appointed to enquire into the state of the Post Office department, and to which was referred the petition of Doyle McKenny and others, has examined Mr. McKenny and hereto annex his testimony;—several questions were put to Mr. Norton of Prescott, stage contractor, a copy of which, with his answers, is appended.

A letter addressed to the Chairman, from Mr. Hamilton of Queenston, enclosing another from Mr. Barton of Lewiston, U. S., affords further confirmation to the statements made by your committee in its last report, in relation to the transportation of the mails between New York and York.

Your Committee, at this late period of the session, has no specific measure to recommend, in addition to its former report on the state of the Post Office Department.

All which is respectfully submitted,

W. L. MACKENZIE,
Chairman

Committee Room, House of }
Assembly, March, 15th 1829. }

Post Office, Queenston, }
20th Feb'y, 1829. }

Report on the Petition of Robert Charles Horne, Esq.

The Select Committee to whom was referred the petition of Robert Charles Horne, Esquire, praying for recompense for printing the statutes of this province from the years 1816 to 1821 inclusive, the annual allowance provided for those years, by law, being an inadequate remuneration for the labour and expense, have examined the matter referred to them, and agreed to the following report :

It appears that in the year 1816, the first year in which the petitioner held the situation of King's Printer, the laws were much more voluminous than they had been before, and that from that period to the present time, the laws passed in each session, have been generally so numerous, and the number of copies required for distribution has been so much increased, to meet the increasing population of the province, that the annual appropriation of £80 which had been made by law to defray the charge of printing the laws became manifestly insufficient.

The petitioner applied to the executive government for indemnity but the remuneration being limited by statute, his application was unsuccessful.

In 1821, Mr. Fothergill, who succeeded the petitioner, as King's Printer, applied to the legislature for relief, and thereupon the act was passed which has since given to the person holding that office a remuneration regularly proportioned to the quantity of labour required in printing the acts of this province, and preparing them for distribution.

It appears that the petitioner, during the several years that he held the office, performed services in printing the statutes, which, under the act passed in 1821, and the rate of charge, since allowed, would entitle him to..... £725 7 6

The allowance of £80 per annum under the former act during that period, amounted to..... 480 0 0

Leaving a difference of..... £245 7 6 to which it seems to your committee, the petitioner has an equitable claim.

The committee observes that the petitioner prefers also an application for interest, which they do not recommend.

All which is respectfully submitted.

JOHN B. ROBINSON,
Chairman.

Committee Room, Commons' House }
of Assembly, 9th March, 1829. }

SIR:

I enclose a copy of a letter from Mr. Barton of Lewiston, received on my return from York, which, although not so favorable as I had hoped, yet, shows that in future the mail will always reach Lewiston about the same time it does Buffalo by which we gain a distance of 19 or 20 miles, which I trust will put the controversy between these two routes at rest.

I have the honour to be,
Sir,

Your obedient servant,
ALEXANDER HAMILTON. P. M.

To the Chairman of the Committee, of the }
Commons on the Post Office Department. }

P. S. I have ascertained from Mr. Stephenson that he would be willing to contract, for the delivery of the mail six times per week at York and Queenston at all seasons within the 24 hours to be carried in a close mail stage, with not more than six passengers, unless in very bad roads and weather, when Mr. S. will have to employ a lighter carriage or other conveyance.

The present expense, if I am rightly informed, is £5 per week
or..... £260 0 0

Per annum going twice per week.
Mr. Stephenson will carry it six times per week, for £12 10s. or 650 0 0

Difference..... £390 0 0

Which the nett revenue to the General Post Office from British postage on letters to and from the United States at this Office alone will nearly cover, amounting for the year ending 5th October last, as per document No. 1, in your hands, to £382; and which the very rapid increase of letters (see document No. 2) will, I have no doubt, soon render a source of great profit to the General Post Office.

Mr. Cook informed us, on Sunday last, that during the preceding week not a single mail had been received by the way of Niagara; whereas, at this place, the ferry has been stopped but one day this winter.

Lewiston, February 9th, 1829.

Alexander Hamilton, Esq.

DEAR SIR :

When I wrote you last, I informed you we were to have a meeting, with the mail contractors from Albany, West, at Rochester—we had a meeting last week and the proprietors of the Telegraph line have come to the conclusion that as Government do not pay them a fair equivalent for carrying the mail in that stage they have agreed to take that line off the road. They put that line on the road as an experiment, and have ascertained that they cannot support it without the aid of Government. In consequence of this conclusion, the mail on the Buffalo road will be carried in the Pilot and Diligence lines, and will make but little difference in the arrival of the mail at Buffalo or this place.

The manner of carrying the mail from Canandagua to this place will be the same as heretofore, unless new arrangements are made with the Post Master General for carrying the Telegraph, and that will depend on being paid a fair equivalent; in case this is done, the mails on this road will be expedited.

Respectfully yours &c.

(Signed)

SAMUEL BARTON.

Committee Room, Feb'y 23, 1829.

The petition of Doyle McKenny and others of the London District, was read.

MR. DOYLE McKENNY, examined.

Witness lives at Big Otter Creek, twenty miles from Saint Thomas', and thirty-four miles from Vittoria. The population of the townships of Bayham and Malahide may be about two thousand. There is a regiment of militia in these two townships. There is no Post Office in either township—would recommend a post route to be established from Waterford to Saint Thomas', passing through Middlesex, Houghton, Bayham, Malahide and Yarmouth; with offices at Mr. Sovereigns, in Middlesex, Mr. John Moore's, at Bayham, and Mr. William Teeples, at Catfish, Malahide: this would be a great accommodation to this section of country. From Waterford to Saint Thomas' this route is 54 miles—would refer the Committee to Messrs. Rolph and Matthews, members for the county, and to Messrs. Hornor and McCall, members for other parts of the London District.

Monday, March 2nd, 1829.

HIRAM NORTON, Esq. of the firm of H. Norton & Co. mailstage contractors, examined.

How often is the Montreal mail carried between that city and Kingston?—Ans. Twice a week.

In stages or on horseback?—Ans. In the spring and fall, when the roads are so bad that stages can not get along, and the steam boats making no regular trips or altogether stopped, the mail is conveyed on horse back, in winter by sleighs or stages, and in summer by a line of stages and steam boats.

During what period of the year do you run a line of stages, on that route, oftener than twice?—Ans. From 1st. May to 1st November, we run five times a week, after that, twice a week for the remainder of the year between Prescott and Montreal.

Why not continue the line from Prescott to Kingston, in the winter?—Ans. It is continued in the winter, but not very regularly during the spring and fall.

What is the expense of conveying the mails, per annum, on the route between Kingston and Montreal?—Ans. Six hundred Pounds.

Does that include the side mails to Perth, Hawkesbury, Lanark, &c.?—Ans. It does not.

What sort of roads have they on the post route between Hawkesbury and Cornwall, and between Perth and Brockville?—Ans. These roads are very bad indeed.

What is the present condition of the road between the Province line and Prescott?—Ans. The nature of the soil is favourable for a road, but improvements are neglected, consequently the roads are bad, and the bridges indifferent.

What is the condition of the road between Prescott and Kingston?—Ans. From Brockville to Kingston it is very bad.

Does not the state of the roads greatly increase your expenses in tear and wear of harness, delay the mails and fatigue the horses?—Ans. It does—very much.

What sum judiciously expended, on the line of road from Kingston to the Province Line would put it in tolerable repair?—Ans. One thousand pounds judiciously expended, would materially improve it.

Would your firm object to toll bars at long intervals on this road, the toll money to be expended on the road, under the direction of trustees appointed by the legislature?—Ans. If the road were first improved, we would advise toll bars to be then erected to keep it good, as it is fair that those who travel most should pay most; but we should not like to pay tolls on the road as it is now. It would be paying for leave to travel on a bad road—the tolls together with the statute labour would keep the road in very good repair, if under proper management.

What would be the probable expense of a daily mail between Montreal and Kingston, say seven times a week?—Ans. Perhaps £1500.

Has not the Post Master General an intention of increasing the trips between Niagara and Montreal to thrice a week?—Ans. I believe he has.

When is this improvement intended to take effect?—Ans. Within two months.

What do you suppose will be the extra expense to the department beyond the present charges?—Ans. From three hundred and fifty to four hundred pounds.

Is it intended to increase the speed of the mails?—Ans. It is intended that the mails will occupy four days between York and Montreal twice a week and five days the third trip.

What will be the delay at York, and at Kingston?—Ans. When the roads are good the mail will be delayed at Kingston from nine o'clock at night, till three in the morning—Sundays excepted, on which days the mail will remain at Kingston and York. When the roads are bad the mails will not stop longer than at any intermediate Post office.

What improvements are most wanted on the line of road between Kingston and York, in order to ensure regularity in the arrival of the mail stages?—Ans. The Don Bridge, the Rouge, and road adjoining for five miles, and indeed almost the whole line of road between York and Port Hope, also the road from beyond Cramahe to the River Trent—a bridge across the Trent, then the Indian woods and road immediately beyond them for ten miles, and repairs to the bridges from thence to Kingston.

What sum judiciously laid out on this line would put the road in a tolerable state of repair?—Ans. Three thousand pounds.

What is the general effect produced in the minds of the travellers, conveyed in your line of stages, by the present state of the roads and bridges, so far as you have ascertained their opinion?—Ans. Strangers travelling by stage are generally much pleased with the soil of the country, but carry with them unfavorable impressions of the enterprise and industry of the inhabitants, from the bad state of the main road, and, in my opinion, this unfavorable effect, so produced, operates as a barrier to prevent men of enterprise from settling in the country. A traveller approaching the capital of the province by such a road as the present, must imbibe very unfavorable impressions of a people, who with great natural advantages of soil and situation, make so very few improvements.

What is your opinion of the present deputy Post Master General, from the business you have done with him, and from your observations of his public conduct?—Ans. I think that no man could be appointed to the office better qualified, or more desirous to do justice to the trust reposed in him; but I am apprehensive that his powers to effect improvements are circumscribed within two narrow limits.

Extract of a letter from the Post Master of Youngs Town (United States) addressed to the Chairman of the Select Committee on the Post Office Department, and by him laid before the committee.

" Youngs Town U. S. January 23th, 1829.

" There will be more attempts than one to convince the committee that some other route than this is preferable; but I think when the arrangements are completed, the route determined upon by the Deputy Post Master General, viz. via Niagara, and this office, will be found, all things considered, to be preferable to that of Fort Erie & Buffalo, or Queenston and Lewiston; and here I would remark that there is to be a telegraph mail in the spring, from Canandaigua to Lewiston, by contract, which will be extended to this place as a matter of course, by the Post Master General, both on account of the letters from Fort Niagara and the Canada mail, and in that case Lewiston can have no advantage worth naming, over this office, and the mail from Albany will arrive here nearly in the same time, as at Buffalo, perhaps two or three hours difference.

" The mail from York will probably come direct from Saint Catharines to Niagara, cross over and go up the same evening, so that no time may be lost. From this place we can send the mail that arrives the night previous, by the Canada, and receive your mail in return in time to go up the same evening and this regular and speedy means of conveyance can be enjoyed for at least, one half the year, another reason is, the importance of Niagara, as a military post would seem to make it necessary to have the mails both from your capital and the States, arrive there in the most direct and expeditious manner; and if it should appear that this point unites all the advantages of the others, and some very considerable ones over and above, I should suppose there would be no doubt of the preference of Mr. Stayner being sanctioned."

First Report of the Select Committee on Education. To the Honorable the House of Assembly.

Your Committee to whom was referred the present state of education in this province, to report what changes may be expedient in the present system of district and common schools, and to consider and report upon the best and most practical means of opening to the youth of this province the means of receiving a liberal and extensive course of education, respectfully submit:

That they have taken as extensive a view of the subject as circumstances would permit. From the inspection of the returns of the several district schools, as stated below, connected with observation and information derived from various quarters, it appears to your committee that those schools are for the most part very inefficient, and the advantages derived from them much inferior to what might have been expected from the amount of funds appropriated to their support. The causes of their inutility are principally these. The improper appointment of many of their trustees; (they being selected, as would seem, more from a desire to favor particular religious views, than to promote that generous liberality of feeling which is so essential to the well being and peace of the inhabitants of a colony constituted as ours is;) the improper selection of teachers resulting from boards constituted of such trustees, many of the schools being apparently converted into stepping stones to the episcopal church;—the neglect of the trustees to inspect and report conscientiously on the state of the schools; and in some instances the high sums charged for tuition has operated as a barrier to the instruction of children of respectable individuals whose means were not equal to the payment of such charges. But the cause which operates most against these schools is to be found in the state of the country, where there are comparatively few persons possessed of the means of sending their sons abroad for their education, from the difficulty of procuring cash to pay the charges, who could very well board them at home, and afford a moderate compensation to a teacher. Owing to this cause, the district schools, when properly conducted, have been, with a few exceptions only, beneficial to those who reside in their immediate neighbourhoods. The difference of accommodation between placing our youths at the district schools, or sending them a greater distance where a more extensive course of instruction may be had, being so small, that no protection is afforded them other than is to be derived from their own merits. Many young persons have in consequence, received their education in the United States, where the charges for living and tuition are, for the most part, cheaper than in this province.

The following is the state of the District Schools, so far as returns have been submitted to the committee.

| DISTRICTS. | No. of Pupils. | In the Languages. | Eng. Gram. & Mathematics. | Reading, Spelling &c. | REMARKS. |
|------------------|----------------|-------------------|---------------------------|-----------------------|---|
| Eastern, . . . | 34 | 10 | 8 | 7 | The general average for different branches of education is taken in the Home & Gore Districts as the Nos. are not particularized in these schools. —Part of the Gore School as well as that of London is composed of Females. |
| Ottawa, . . . | 20 | 0 | 7 | 13 | |
| Johnstown, . . . | 17 | 11 | 6 | 0 | |
| Midland, . . . | 44 | 25 | 10 | 9 | |
| Newcastle, . . . | 20 | 5 | 13 | 2 | |
| Home, . . . | 31 | 15 | 16 | 0 | |
| Gore, . . . | 33 | 10 | 12 | 11 | |
| Niagara, . . . | 20 | 19 | 10 | 0 | |
| London, . . . | 29 | 2 | 18 | 9 | |
| Western, . . . | 24 | 2 | 12 | 10 | |
| Total, | 281 | 103 | 112 | 61 | |

From the above it appears that there are altogether, in 10 Districts, 281 pupils receiving instruction; of whom 103 are in the languages, 112 in English

Grammar and Mathematics, and 61 in reading, spelling, &c. of these about 25 are females. In one instance only, the Gore school, does it appear that any attention has been paid to the provisions of the act of 59th Geo. 3rd, for the education of 10 pupils in each District, gratis.

Part of the exercises in the Home District school are of a religious nature, and confined to the doctrines of the Episcopal Church.

From these reports, which no doubt bear the most favorable construction which could be put on them by the teachers, who are personally interested in swelling the numbers of their pupils, it appears, that 108 only are instructed in the branches of education which could not be taught in the common schools, at an expence to the Province of £1,000, besides the sums paid for tuition by the parents and guardians of the pupils.

In noticing the Reports, your committee would observe, that there is a general return made up by the Hon. and Rev. Archdeacon Strachan, as President of the Board of Education, and transmitted to the assembly with the District returns. As your committee know of no law of the Province authorising such an office, they are at a loss to account for such an assumption, as well as the authority by which some of the District reports are directed to that honorable gentleman, in contradiction to the word of the statute, which provides that they shall be made to the Lieutenant Governor: and your committee cannot but consider the appropriation of £300 to a President of a General Board of Education, through whose hands have passed those returns which ought, by law, to be furnished directly from the Boards to His Excellency, and under whose management an undue prejudice in favor of a church establishment is prominent, as the custom of a surplus office, and as a needless and wasteful application of the public money; and they recommend its future appropriation to the increase of the general school fund.

In making enquiry into the state of the common schools, your Committee have for the most part found them more efficient in proportion to the funds expended on them, than the District Schools: yet they are not so useful as could be wished, owing to the want of a sufficient number of proper and capable teachers. This evil seems to originate in the lack of encouragement to well qualified men, arising from the sums received by the teachers in many parts of the Province; the provincial allowance being in some instances reduced to a mere pittance—Add to this, the use which is generally made of it; to reduce the wages of the teacher in proportion, rather than allow it to operate as a bounty to encourage such as are properly qualified to offer. For it is manifest that no person will engage in school teaching, who can place his talents and education to better advantage in other pursuits. These remarks are however not intended to apply in all cases; as your committee are happy to find that there are very valuable teachers in some of the schools which have been erected in neighborhoods where the employers were disposed, and felt the necessity of having such men among them, and consequently have made an adequate provision by adding to the provincial bounty such further inducements, as rendered it an object for good teachers to make a tender of their services.

The following is a summary statement of the Common Schools:

| DISTRICTS. | No. of Schools. | No. of Pupils. | Average sum paid Teachers per annum. | REMARKS. |
|---------------|-----------------|----------------|--------------------------------------|---------------|
| Western | 25 | 597 | £ 10 0 0 | |
| London | 40 | 1188 | 6 5 0 | |
| Niagara | 22 | 854 | 7 16 5 | |
| Home | 53 | 1076 | 6 11 6 | |
| Newcastle | 22 | 600 | 11 7 0 | |
| Johnstown | 50 | 750 | 8 6 8 | |
| Bathurst | 40 | 999 | 5 19 0 | |
| Ottawa | 11 | 292 | 12 10 0 | |
| Eastern | 53 | 1395 | 4 10 5 | |
| Gore | | | | Not returned. |
| Midland | | | | Not returned. |
| <i>Total.</i> | 291 | 7731 | | |

Agreeable to this statement there are 291 schools, in which 7731 pupils are taught at an expence to the Province of £2,250, besides private allowance to the teachers.

The difficulties of procuring proper school books, likewise operate against the advancement of education in this province. The encouragement not being sufficient to induce men of capital to embark in the printing and publishing of elementary books on reasonable terms. The country is therefore, necessarily, in a great measure dependent on the parent state, or the United States, for a supply, in either of which cases such barriers interpose as necessarily prevent persons living in remote parts, from procuring them on terms adequate to their means.

Your committee therefore suggest, that a permanent institution should be provided in some healthy and central situation; founded on liberal and proper principles, where the youths of the country could resort for instruction in the higher branches of literature, free from sectarian influence, on terms equally low and advantageous with those offered by our neighbors.

That the District schools be abolished, and the monies now appropriated to the support of each school be divided, and given to four schools in each District, to operate as encouragement to superior teachers, whose qualifications should be specified: the schools to be placed in the most central situations and under proper regulations, that the funds may not be misapplied.

That the common schools be limited in each District with a fixed allowance to the teachers, which allowance should only be given where a corresponding sum should be made up by the persons interested, as should also be the case with the four superior schools. The whole to be under the superintendance of a board of trustees, of whom not more than one should be selected from any one Township, who should have power to appoint the places where the schools shall be taught, examine the teachers, and transact all necessary business pertaining to the schools.

That encouragement be given to the publishing and circulating of elementary books in the Province, and in all the branches of manufacture connected therewith.

All which is respectfully submitted.

WILLIAM BUELL, Jun'r.
Chairman.

Committee Room, March 10, 1829.

Report of the Select Committee on the petition of Dennis FitzGerald, Esq.

To the Honorable the Commons House of Assembly, of the Province of Upper Canada.

The Select Committee appointed to take into consideration and report upon the petition of Dennis FitzGerald, adjutant of the late battalion of incorporated militia.

RESPECTFULLY REPORT,

That the petitioner was attached to the late incorporated militia, as adjutant, in the month of March 1814, and in that capacity rendered essential service in organizing and disciplining the corps. He served as adjutant during the campaign of 1814 on the Niagara Frontier, and would unquestionably have continued with the regiment till its reduction had his attendance not been called for as a witness at the General Court Martial assembled at Montreal for the trial of Major General Proctor.

During the absence of the petitioner, Lieutenant Miles of the 89th Regiment was appointed to act as adjutant, and in that capacity received the allowance of six months pay, graciously bestowed upon the corps by the Legislature of the Province, amounting to about £32 0 0, which sum the petitioner would have received had he not been called away from the regiment by other duty requiring his attendance in Lower Canada.

The petitioner having had all the labor of adjutant at the formation of the corps, feels entitled to some consideration, and being reduced in circumstances and burthened with a large family, the committee beg leave to recommend his case to the favorable consideration of the house.

ARCHIBALD McLEAN,

Chairman.

March 9th, 1829.

Final report of the Select Committee to which was referred the matters of the outrage committed at Hamilton and the alledged threatened release of Francis Collins by force.

To the Honorable the House of Assembly.

The Select Committee to whom was referred the enquiry into the Hamilton Outrage and the threatened release of Francis Collins, beg leave to report, finally:

That after the examination of very many witnesses it appears the circumstance called the Hamilton Outrage was altogether unworthy the public notice which has been drawn to it by the exaggerated representations in the Gore Gazette.

That the persons who committed the offence have been so few in number as still to elude detection; which is satisfactory evidence that they could not dare to have made known their intentions to any others beyond those few who presumed to do the deed.

Your Committee are happy to be enabled most satisfactorily to report (and this was a point to which they especially directed this enquiry) that the outrage was not committed (as had been hastily presumed) with intention of bringing into contempt the person of His Majesty's representative, or to throw odium upon his administration; on the contrary, it appears that the most universal feelings of respect prevail in favor of His Excellency.

It appears that Mr. Gurnett, the editor of the Gore Gazette, on the evening preceding the above outrage, was at the same place hung in effigy, apparently to express indignation at certain gross misrepresentations in his paper against a petition signed by about eleven hundred persons praying His Excellency for the pardon of Francis Collins.

That the report, in the Gore Gazette of the intention of fifty men coming from that part of the country to liberate Francis Collins by force originated in the hasty expression of one man, who, in the highway, without design or reflection, on hearing that Collins was not liberated on the address of the assembly, said, "it would be a good thing if fifty good fellows would go down and release him."—that this expression was not followed by any act whatsoever towards concerting such a design, much less towards carrying it into effect—and that this report in the Gore Gazette was in like manner unworthy of public notice.

Your Committee understanding that the magistrates in that district are making an enquiry, which possibly may lead to judicial proceedings, forbear to report the evidence.

W. W. BALDWIN,

Chairman.

Committee Room, House of Assembly, }
16th March, 1829. }

Report of the Select Committee to which was referred the petition of Capt. John Putman.

The Committee to whom was referred the petition of Captain John Putman, of the third regiment of Lincoln Militia, having investigated the merits of the petitioner's appeal to the House of Assembly, find,

That the representations made by the petitioner, are confirmed by the documentary evidence submitted for the consideration of the committee, and they ascertain from other sources, that the petitioner is an individual entitled to the consideration of the House for his services rendered to his Majesty in the Commissariat Department, during the late war.

That he suffered much by being made prisoner in the enemy's territory, and in consequence of his capture, lost valuable property, a claim of which he never submitted to the board of Commissioners for compensation, nor has he been otherwise remunerated.

The Committee consider Mr. Putman an individual who has some claim on the government, and if the provincial revenues will admit of it, the committee would recommend a compensation for the services and loss of property which, however small, would relieve a loyal and honest subject of His Majesty.

JOHN J. LEFFERTY,

Chairman.

Committee Room, House of }
Assembly, March 14, 1829. }

Report on the Petition of John Gough.

To the Honorable the House of Assembly.

The select committee to which was referred the petition of John Gough, an English emigrant, some time ago, a hat manufacturer of the town of York, and now of the county of Simcoe, farmer, has enquired into the matters alleged in the said petition, and examined evidence thereon, and respectfully submit the following report:

By the testimony of the Hon. William Allan formerly collector of the customs, of the Port of York, your committee ascertained that the petitioner had purchased certain articles of trade in the United States, most of which were

necessary to carry on his business as a hat manufacturer; that when the vessel arrived with the above mentioned goods, he went to the custom house and exhibited the invoices or memorandum to the said collector, and offered to pay the duties thereon—he was told by the collector his goods were inadmissible or contraband, and he afterwards seized them in consequence thereof, believing, as he states, that the petitioner was aware that they were such. Mr. Allan allowed that he saw no disposition on the part of the petitioner to avoid paying the duties thereon, and acknowledged that he attended the sale of the property of the petitioner, and purchased a shawl and other articles thereat.

Your Committee put a question to Mr. Chisholm, collector of the customs at Burlington, and learnt from his reply, that about the same time, another English settler, a Mr. Wilkes, of Branford, being ignorant of the illegality of importing goods, at that time, not of the growth, produce or manufacture of the United States of America, did import such from thence, and particularly one chest of tea—that Mr. Wilkes presented his invoice to Mr. Chisholm in like manner as petitioner did to Mr. Allan—that Mr. Chisholm seized all the goods that he (Wilkes) then imported, but that on application to the provincial government, had liberty to send the chest of tea back to the United States, and that his other goods were restored to him.

Your Committee see no good grounds for Mr. Allan's inference, that the petitioner knew the goods could not be imported, on the contrary, Mr. Allan's admission that it was after petitioner called upon him at the custom house with the invoice or memorandum that they went down to the wharf and seized the goods, affords a strong proof that petitioner wished to act fairly and honestly in the whole transaction, but was as an emigrant, ignorant of our ever varying revenue laws, which now allows the admission of most of the articles, declared then, inadmissible. The articles were appraised at £42 11 2, the net proceeds at the custom house sale amounted to.....£ 56 11 9
The costs of sale and other charges to.....£ 10 16 4

Leaving a balance of.....£ 25 15 5

Your Committee have ascertained that by this unfortunate seizure, petitioner was rendered unable to carry on his business as a hat manufacturer—that his plans were deranged and his business ruined. That after selling out the apparatus, which he had at much pains and expense erected, he located a lot on the Penetanguishine road, and turned farmer, and has since been so unfortunate as to lose the use of an arm, which renders him incapable of labouring to support his family, or to pay the fees for the lot on which he lives, and is dependent on the charity of his poor neighbours, who are ill able to help him—and is entirely in a state of destitution.

From the evidence of Mr. Mackenzie, a member of your Honorable House, your committee learn that at the time petitioner's property was seized, it was generally considered a case of great hardship, and that petitioner was a respectable and deserving mechanic, esteemed by his neighbours as an industrious honest man.

Your Committee recommend that a statement of petitioner's case be laid before His Excellency the Lieutenant Governor, with the evidence herewith submitted, in order that such relief may be extended, as His Excellency, acting as the representative of our beneficent Sovereign, may be pleased to direct.

THOMAS HORNOR,
Chairman,

Committee Room, March, 17th, 1829.

EVIDENCE.

Committee Room, 16th Feb'y, 1829.

Present—Messrs. Cawthra, Hornor and Perry.

Colonel Hornor was called to the chair.

JOHN CHISHOLM, Esq. Collector of Customs, Port of Burlington, examined.

Ques. What do you know of the seizure and restoration of the goods, imported by Mr. John A. Wilkes, some years ago? Ans. He, John A. Wilkes, an Englishman came to the Port of Burlington, from the United States, in an American vessel, and the vessel was entered with me. Mr. Wilkes brought the bill of his property, among which was a chest of tea. I told him it was contraband, and I should be obliged to seize it, which I did. The tea and all his property together Mr. Wilkes protested that he had brought the tea in ignorance, and thought it a hard case, whereupon, I advised him to state the same to the Government, which he did, and got his goods restored, but the tea was bonded and returned to the United States. This must be six or seven or more years ago. All the goods, belonging to Mr. Wilkes, that were dutiable, he paid the duty upon.

MR. MACKENZIE, a member of the House of Assembly, examined.

Ques. Have you any knowledge of the petitioner's, John Gough's character, or of the circumstances which attended the seizure of his goods by the collector of the Port of York in 1820? Ans. I have not seen Mr. Gough for these seven years past; but in 1820, when he was a hatter, in York, I recollect he was considered as an industrious, pains taking, mechanic. He rented the shop now occupied by Mr. Roddy, at, I think £30 a year, from the late Mr. Drear, and built a hatters' shop behind it. I have often heard him complain bitterly of the seizure of his goods under the circumstances, and he said it helped greatly to break up his business. He was at last obliged to sell his hatters' shop, I believe to Peter McDougall, and retire to the bush. His case was considered one of peculiar hardship and I saw no feature in his character that could induce me to think he intended any thing unfair to government. Had his goods not been seized, I think it not impedible but that at this day he might have been in prosperous business as a hatter.

THE HONORABLE WILLIAM ALLAN, examined.

Ques. When you seized the goods of John Gough, did you see any disposition on his part to avoid paying the duty? Ans. No. They were goods that were contraband, and no duty could be paid on them.

Ques. Do you think that he knew that the articles were contraband?—
Ans. I do not think that he could avoid knowing that they were contraband. I am fully persuaded that he was aware that the articles were contraband, but that they were very scarce, and could not be got but from the United States, and he wanted them to carry on his business.

Ques. Were the goods landed in your presence, or before you went down to the wharf? Ans. They were standing on the wharf when I went down, the vessel had a permit to discharge before I saw the goods in question.

Ques. Did you seize upon the vessel? Ans. No, nor did I seize any other articles belonging to the man, other than those that were contraband.

Ques. Was it not your duty to seize upon the vessel when the Captain broke bulk without your permission? Ans. The Captain had permission to unload.

Ques. Why did you not seize upon the vessel? Ans. Because I had no right, he had a permit to discharge.

Ques. Did you not attend the sale of John Gough's goods, so seized?—did you purchase a shawl or other articles, belonging to his wife? Ans. I did purchase a shawl and some handkerchiefs.

Ques. Did he present his invoice of goods to you, before you seized them? Ans. He did.

Report on the petition against Joseph Defields, Esq.

The Committee to which was referred the petition against Joseph Defields, Esq. submit the following report:

The Committee report the evidence they have taken on the subject, and place that confidence in the information afforded by the Solicitor General Boulton, as to report an address to His Excellency, wholly founded on it.

It appears that Mr. Defields had notice of the petition, before its transmission to York; and your committee sent a letter by a private hand acquainting him with the complaint and inviting him to attend and offer any thing in answer to the matters alleged against him—with which invitation he has not complied, although your committee are informed by letter, that the communication from the committee was read by him.

J. MATTHEWS,
Chairman.

March 19, 1829.

Report of the Select Committee to whom was referred the petition of Samuel Swan.

To the Honorable the Commons House of Assembly.

The Committee to whom was referred the petition of Samuel Swan, respectfully submit the following report.

It appears that the land for which the action of ejectment was brought, was improved by Mr. Adams, under a belief that he was the real and equitable holder—and altho' a patent has issued giving a title to Mr. Swan, yet as he made none of the extensive improvements which have so greatly increased the value of the property in dispute, your committee are not prepared to recommend the House to facilitate a legal claim, the rigid exercise of which is of questionable propriety—at the same time your committee cannot forbear the remark, that the cause of justice in this case has been protracted seven years without even now any apparent prospect or assurance of a final decision.

It appears that Mr. Swan, has under similar disappointments, from errors in which he had no share, improved two parcels of land, to neither of which has he received a title.

The committee report an address to His Excellency on the subject, submitting the case to his consideration.

THOMAS DALTON,
Chairman.

Committee Room, March 19th, 1829.

Petition of Samuel Swan.

To the Honorable the Commons of the Province of Upper Canada in Parliament assembled.

THE PETITION OF SAMUEL SWAN, OF KINGSTON.

HUMBLY SHEWETH:

That your petitioner having been formerly a warrant officer of the Field-Train department, became, like many others, at the close of the war, an object of His Majesty's bounty, and in 1816 was located on the west half of lot No. 20, fourth concession of Bathurst, in the Perth settlement, on which he cleared five acres of land, and built a house; but was afterwards pre-emptorily turned off the same by Mr. Daniel Daverne, then superintendent of the military depot at Perth, and located on the east half of the same lot; on which your petitioner cleared twenty-five acres of land, built another house and a barn; after which he was sent for to receive his deed, when, to his great astonishment, and utter dismay, he was presented with a deed for half of lot No. twenty in the second concession.

Your petitioner vehemently remonstrated against this extraordinary proceeding, and refused to accept the deed, but being told by Mr. Pitt, the clerk in Mr. Daverne's office, in the most decided manner, to take it or leave it, there being no other: your petitioner was fain to receive it; and thus, will Your Honorable House perceive, was he wronged of the improvements he had effected at great labour and expense on both of the lots, on which he had been previously located. On enquiry your petitioner discovered the lot for which he had received the crown deed, was in the occupancy of one Adams, who had cleared thereon, six or seven acres of land, and erected a saw mill.

Your petitioner far from wishing to deprive the said Adams of the fruits of his hard industry, offered to relinquish his claim upon the said land if he (Adams) would procure for your petitioner a crown deed for either of the lots on which he (your petitioner) had himself made improvements, but the said Adams refused. Whereupon, your petitioner, by his attorney, C. A. Hagerman, Esq. brought an action of ejectment against the said Adams, in the court of King's Bench, and obtained a verdict; notwithstanding which, through the opposition of the Attorney General and others in power, he has never been able to get possession of his land.

Thus has your unhappy petitioner, although possessing His Sovereign's title deed, been mercifully deprived of his Sovereign's gracious bounty, the kindly intended recompense for services of fatigue and danger through the peninsular war, driven from the settlement, in which, by patient and persevering industry, he had fondly hoped to enjoy a peaceful reward for his toil, to seek a precarious subsistence for himself and family, through the world; and after suffering an unspeakable variety of misfortunes he is finally lodged on the limits of the Kingston gaol, to weep out a miserable existence, penniless and friendless.

Your petitioner humbly implores, that your honorable House may be pleased to take his case into consideration, and so represent it to His Majesty's Government, that he may obtain compensation for the grievous and oppressive wrongs he has sustained; and as in duty bound, he will ever pray, &c. &c. &c.

SAMUEL SWAN.

Kingston, 26th December, 1828.

Committee on the petition of Samuel Swan, met in committee room 30th January, 1829.

Present—John Rolph, Thomas Hornor, Peter Perry, Thomas Dalton, John Matthews.

Thomas Dalton elected Chairman.

Witnesses Examined.

SAMUEL SWAN.

Ques. How did you obtain the land in question, and the deed for it? Ans. I was in the Field Train Department in this Province during the war, having served in the peninsular and continental war five years and two months. I was in seventeen different engagements, and was wounded at Banossa, in Spain.

I was disbanded after the peace of 1815, and became entitled to three hundred acres of land as a warrant officer. I settled in Perth, under the superintendance of Col. McDonell. I was ordered by the superintendant to settle on the west half of Lot No. 20, 4th Concession of Bathurst. I resided on it about nine months, cleared five acres and built a house. Col. McDonell left the superintendency and Capt. Fowler took his place, who also left soon after, and was succeeded by Mr. Daniel Daverne; by whom I was told that I had settled on the wrong half. I enquired if the lot I had settled on was vacant. He told me it was, but that I should not have it. I then memorialised His Excellency for permission to keep that lot, and the answer was sent to Mr. Daverne, who would not shew it to me, but merely stated that the matter was left to his discretion, and he would not allow me to have it. He said he would drive me out of the settlement. There used to be implements of husbandry and provisions given out, and notice of days for application given by Mr. Daverne, and, from his non-attendance at such times, myself and hundreds of others were troubled and disappointed. I remonstrated against it, and I think it was the cause of his dislike to me; there was no other cause for it.

He was very much disliked in the settlement, and was burnt in effigy. He afterwards absconded, taking the books with him, and his accounts greatly in arrears, as generally reported, and as I believe. Being turned off, I went on the north east half of the same lot. I remained on it nearly three years—cleared and fenced between twenty-five and thirty acres, built another house and a barn; I then went to Kingston to earn the means of buying a yoke of cattle, and upon my return I found the present deed for my land, which is not any part of the lot I had settled on, the deed was at the Perth office for me. I refused it at first but was told by Mr. Pitt, the clerk to the present superintendant, that there was no other for me. I took the deed which he threw towards me. I then applied to Captain Adams, who was in possession of the land covered by the deed, and who had cleared about seven acres, and built a small saw mill. I proposed to him that he should get a deed for the land I had improved, upon which I would exchange with him. He refused; but said if I would undertake it, he would pay half the expense. I objected to pay any, as I had the deed, and had already suffered enough. I then employed Mr. Hagerman to bring an action of ejectment. He did so, and obtained a verdict. I was then served with a writ to answer before the King in Chancery, in York. Mr. Hagerman told me that there was no such court in the Province. From that time to the present I have heard nothing about it, except a proposition from Mr. Attorney General Robinson, who proposed to have it left to himself and Mr. Hagerman as Arbitrators: this I refused, expressing a willingness to leave it to any two honest, disinterested men.

Ques. Are you now in possession of either of those lots? Ans. I am not: I have been out of possession of both ever since. Mr. Adams is in possession of the one, and I was afraid to go on with any further improvement on the other.

Ques. Have you received any thing for either of the improvements you made? Ans. I have not received a farthing.

Ques. What amount of injury have you sustained? Ans. I cleared and fenced as near as could be estimated. Thirty-five acres, which cost me four pounds an acre, built two houses, worth about fifteen pounds each, and a barn which cost me about ten pounds. I have spent in law about sixty pounds, and in travelling expenses upwards of twenty pounds, altogether about two hundred and sixty pounds, which has caused me a great deal of distress; besides which I have been kept eight years out of possession, which I consider to be a further loss of at least twenty pounds a year; which makes my total loss between four and five hundred pounds.

Ques. Were you ever applied to to relinquish or surrender the deed in your possession? Ans. I was applied to by a Major Powell, as will appear by his letter to me, under date of the ninth November 1820, inclosing a form of surrender for me to sign, which paper of surrender purported to guarantee to me the North East half of Lot No. 20 in the fourth concession of Bathurst; but it being within my own knowledge that the said North East half of Lot No. 20 in the fourth concession, was actually in the possession of one James McIntosh, I considered the whole as a trick to defraud me of my land altogether, and so regard it to this moment. I consequently refused to sign the surrender. McIntosh has since sold the said land and has left the country. Major Powell's letter and the instrument of surrender I now deliver to the committee.

Ques. When did you take your papers from Mr. Hagerman? Ans. After John Cunningham was returned member for Kingston.

Ques. When was your verdict against Adams obtained? Ans. I do not recollect the day, but it was the day after O'Connor and Murdoch were hung at Brockville.

Ques. What caused you to take your papers out of Mr. Hagerman's hands? Ans. He told me that unless I got another counsel to co-operate with him, he would proceed no further, as I was dissatisfied.

Ques. Do you know any reason for Mr. Hagerman's not proceeding to obtain possession for you after the verdict? Ans. I do not, further than that I was told by another lawyer, that although my cause was so clear, I should be sure to lose it, because Mr. Hagerman durst not oppose the Attorney General.

Ques. Did you wish him to proceed to execution immediately? Ans. Certainly. I expected him to put me in possession immediately.

Ques. Did you make enquiry of Mr. Hagerman as to the progress of the suit, after obtaining the verdict, and if so, what was his answer? Ans. I did make such enquiry, more than a year after obtaining the verdict, and Mr. Hagerman told me that the suit was proceeding very well, and that the Scire Facias was only a trick, there being no Court of Chancery in the province, and afterwards upon a fresh inquiry being made by me, Mr. Hagerman told me that the Attorney General had taken the cause to England.

HYACINTH L. ST. GERMAIN, examined.

Ques. Tell the committee what you know of the business before us?—
Ans. In 1820, in the fall, I went from Kingston to Perth with Mr. Swan. Mr. Swan went to the superintendant's office to get his deed. He came to his lodgings and told me he had received a deed, which did not cover the land he had cleared upon. He told me that he had refused to receive it, but Mr. Pitt, the clerk in the office, having told him, if he did not take that he would get none at all, he had been obliged to take it. On this Mr. Swan asked me to accompany him to Mr. Adams, wishing as he said to make him a proposal. Mr. Adams however was not at home. A day or two afterwards, Mr. Swan asked myself and Mr. Richie to accompany him to see Mr. Adams. We accordingly went to the mill and found Mr. Adams. Mr. Swan then shewed Mr. Adams, that he had the deed for that lot. Mr. Swan then proposed to Mr. Adams that he (Adams) should procure for him (Swan) a deed of the Lot on which he had been located, and made a clearance, and that he (Swan) would then transfer the one for the other. Mr. Adams refused, but said if he (Swan) would go to York and procure said deed, that he (Adams) would bear half the expense, which Swan refused, and then demanded possession of the property covered by the deed, which Adams refused to give. Swan then forbade him to make any further improvement or trespass on the premises in any respect.

SAMUEL SWAN, examined again.

Ques. Did Mr. Hagerman deliver to you any law papers, at the time of your

obtaining your papers from him as you have stated or at any other time?—
Ans. He did not.

Ques. Have you paid Mr. Hagerman, as your lawyer for conducting the action? Ans. I paid Mr. Hagerman a guinea at the Assizes, I have an account against him of upwards of forty pounds (including a side-saddle, value ten guineas which I gave him at the commencement as a fee) which he refused to pay me, alleging the costs of this action as an excuse. Mr. Hagerman had previously stated to me in the presence of Mr. Atkinson and Mr. Evans the beef contractors at Kingston, that he had not charged, and did not mean to charge me, any thing for conducting the suit, as it was a curious case, and he was anxious to see the end of it.

UPPER CANADA.

SAMUEL SWAN,

TO WIT.

THE KING. } Before the King Himself, in Chancery. And the said Samuel Swan, comes in his proper person, and saving to himself all advantages in his favour, and not confessing but protesting and denying the several matters alleged in the writ of Scire facias, aforesaid of our Lord the now King, says, that the said Lord the King, ought not to have any further cognizance of this action, because he says that by virtue of a statute of the British Parliament in that case made and provided, entitled, "An Act to repeal certain parts of an Act, passed in the fourteenth year of His Majesty's reign, entitled, 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America,' and to make further provision for the government of the said Province," this His Majesty's Province of Upper Canada is and ought to be governed by the proper laws of the said Province and subject to the exclusive jurisdiction of the Courts thereof—and there is no Court of Chancery of the said Lord the King constituted and established by law in the said Province, having jurisdiction of such causes; but the constitution and establishing of such a Court, with competent jurisdiction to take cognizance of such causes, belongs to his said Majesty, by and with the advice and consent of the Legislative Council and House of Assembly of the said Province, in Provincial Parliament assembled, according to the form and effect of the statute aforesaid, and this he is ready to verify; wherefore he prays judgment, if the said Lord the King will have further cognizance of this action &c.

SAMUEL SWAN.

MR. JUSTICE HAGERMAN to THOMAS DALTON, ESQ.

York, 24th February, 1829.

SIR:

With reference to the matter of the petition of Samuel Swan, I beg to state for the information of the committee of the Honorable the House of Assembly, that in the year 1821 or 1822, I was requested by Mr. Swan to institute an action of ejectment for the recovery of the east half of lot No. 20 in the second concession of the township of Bathurst, for which he held the King's patent—the person represented to be in adverse possession of the lot, was one Joshua Adams. This action I accordingly brought, and while it was pending a writ of *sci. fa.* was sued out of chancery, to repeal Mr. Swan's deed; as having been issued to him improvidently and by error.

Notwithstanding this proceeding I continued the suit, and obtained a verdict in Mr. Swan's favor, and subsequently put in a plea to the *sci. fa.* denying that any court of chancery existed in this province. This plea was demurred to, and the demurrer was argued before His Excellency Sir Peregrine Maitland, Lieutenant Governor of the province, as chancellor, assisted by the Honorable William D. Powell, then Chief Justice of Upper Canada. No judgment was then given, and, as I have been informed, the subject was referred for the consideration of His Majesty's Government in England. In the mean time proceedings in the ejectment were suspended. Not long after this Mr. Swan called at my office and took away his title deeds, being as I understood, dissatisfied with the manner in which his claim had been prosecuted. The particular cause of his dissatisfaction, I never was informed of; neither did I enquire; but I informed Mr. Swan that if he wished any further measures to be taken in his suit, by me, he must engage some other counsel to act with me.

As respects the present state of Mr. Swan's case, I can only observe, that, so far as I have any knowledge of it, there is no obstruction to its being pursued without the aid of legislative interference. The pleadings and state of the proceedings as well in the ejectment as in the *sci. fa.* can readily be ascertained by any person making the enquiry at the offices of the secretary of the province, and clerk of the crown.

I am Sir,

Your obedient servant,

CHRISTOPHER A. HAGERMAN.

THOMAS DALTON, ESQ., M. P. P., Chairman }
of Committee—Samuel Swan's petition. }

York, 9th March, 1829.

SIR:

Upon examining the books in this office after you left it, I found that a scire facias, under the great seal had issued for the repeal of the letters patent to Samuel Swan for the east half 20 in the second concession of township of Bathurst which instrument bears date the 2nd August, in the 2nd year of the reign of Geo. the 4th.

Yours &c.

—DALTON, ESQ. M. P.

SAMUEL P. JARVIS.

Crown Office, 9th March, 1829.

SIR:

It appears that a declaration was filed on the 4th April, 1821 in the cause George Peaceable ex. dem. Samuel Swan against Samuel Troublesome, that Joshua Adams filed his plea to the said declaration, the 11th July, 1821, and on the 4th August the record was passed—since then no proceedings have been had in my office.

I have the honour to be,

Sir,

Your obedient/humble servant,

CHARLES C. SMALL.

THOMAS DALTON, ESQ. TO MR. JUSTICE HAGERMAN.

House of Assembly. March 11, 1829.

SIR:

There seems a discrepancy in the evidence, as to the time of your giving up Swan's papers. Will you be good enough to state to the committee as particularly as you can as to that fact? Swan positively states it to have been after Mr. Cumming's election, which was in 1824, three years after the verdict was obtained, which was at Brockville assizes in 1821. Your speedy compliance will much oblige the committee.

I have the honor to be,

Sir,

Your obedient servant,
THOMAS DALTON,
Chairman.

MR. JUSTICE HAGERMAN.

MR. JUSTICE HAGERMAN TO THOMAS DALTON, ESQ.

York, 11th March, 1829.

SIR:

The decided impression of my mind is that Mr. Swan obtained his papers at my office in 1822. The year after the plea to the sci: fa: was argued before His Excellency the Lieutenant Governor, as chancellor. I feel perfectly justified in asserting that he obtained them before the year 1824.

I am Sir,

Your obedient servant,

CHRISTOPHER A. HAGERMAN.

THOMAS DALTON, Esq., M. P. P., Chairman, }
Committee, House of Assembly, &c. &c. }

York, 10th March, 1829.

SIR:

Upon referring to my clerk of assize book for the year 1821, I find that at the Johnstown District assizes of that year a cause was tried entitled John Doe. ex. dem. Samuel Swan vs. Joshua Adams, in which a verdict was rendered for the plaintiff.

In my book is the following minute:

"Verdict for the plaintiff, and one shilling damages by consent, but judgment to be staid 'till a decision is obtained upon a proceeding instituted by sci: fa: to repeal the letters patent under which the lessee of the plaintiff claims title, provided there be no delay in conducting the proceedings in said sci: fa: and if by such proceedings the said letters patent shall be repealed, then judgment to be finally staid."

I should suppose there is a similar memorandum endorsed on the record.

In the list of receipts for Nisi Prius records delivered by me to the Clerk of the Crown in November 1821, signed by John Small, Esq., as Clerk of the Crown. No. 21 is the case of Peaceable ex. dem. Swan vs. J. Adams. This is the record above mentioned, and as far as my information goes, it should be in the Crown Office still.

I have the honor to be,

Sir,

Your most obedient servant,
J. B. MACAULAY.

THOMAS DALTON, ESQUIRE.

Petition of Joshua Adams.

To the Honorable the House of Assembly in Provincial Parliament now Assembled, &c &c &c.

The petition of Joshua Adams of the township of Bathurst, in the district of Bathurst, Gentleman,

MOST HUMBLY SHEWETH:

That your petitioner lately learned with surprize, that a petition from Samuel Swan, of the town of Kingston, saddler, has been presented to your honorable house, complaining of certain grievances therein set forth.—Your petitioner, in order to furnish your honorable house with a true statement of the case, and with a view of protecting and guarding, if possible, petitioner's property and lawful rights, most humbly and respectfully craves the liberty of stating, for the information of your honorable house the following facts, corroborated and supported by the inclosed affidavits:

On the thirtieth day of April 1816, Abraham Parsall, private in the late Canadian Regiment of fencibles, was located by the Quarter Master Generals Department for the east half of Lot No. twenty in the second concession of the township of Bathurst.

This man was very old, and lived with petitioner, as one of his family, from the time of his coming to the settlement until he died; previous to which he made a will, by which he bequeathed and devised to your petitioner and his heirs and assigns forever, the before mentioned half lot of Land. Your petitioner prior to Parsall's death, had erected a saw mill on the said half lot, and performed the necessary settlement duty to insure the issuing of the government patent. Soon after the death of the said Parsall, your petitioner removed himself and family from the town of Perth, to the said half Lot, and commenced making large improvements—on which your petitioner has now three dwelling houses, a large framed barn, a grist and saw mill, a distillery, pot ash works, and a number of other buildings.

Your petitioner would apprise your honorable house that the greatest surprize was given, not only to your petitioner but to the late settling department, and likewise to every individual in this place and its vicinity, when it was known that a deed had erroneously issued to Mr. Swan for the before mentioned half Lot, instead of a deed for the east half Lot number 20 in the fourth concession of Bathurst, aforesaid, for which he was located.

Your petitioner begs leave to refer your honorable house to the several affidavits herewith transmitted, where your honorable house will clearly perceive that although Mr. Swan retained, and would not surrender the deed which had issued to him in error; yet he Swan, was well aware of the wrong he did in retaining it, and repeatedly expressed himself to others "that he had no right or title to the same, that it was an error or mistake which had originated in some of the government offices, and that he would take no advantage of it, or put your petitioner to any trouble"—likewise he (Swan) made the most solemn protestations and promises to your petitioner that he would surrender the said deed, when he returned again from Kingston, and added petitioner might rest assured of the same.—However, his subsequent conduct and proceedings has been quite the reverse of all his fair promises, for he put your pe-

itioner to the trouble and heavy expense of defending a suit which he instituted against petitioner in the Court of King's Bench, and resorted to every quirk he could possibly devise to dispossess your petitioner of his lawful property. Your petitioner would likewise most respectfully point out the following fact to your honorable house: that Parsall was located for his land on the 30th April 1816, as already stated, and Mr. Swan on the 6th day of June of the same year, and which location of his, Mr. Swan knows very well, and every one in this place was never altered: from this very circumstance it is most surprising how Mr. Swan could pretend to have any right whatever to the same—indeed he has none, but the right which he supposes the retaining of the deed in error gives him.

Your petitioner would also impress upon your honorable house that an offer to guarantee, free from all expenses, to Mr. Swan, the issuing of his own proper deed, but which he refused.

Your petitioner anticipates with confidence that your honorable house will plainly perceive that any claim which Mr. Swan supposes he has, or grievance to complain of, is entirely without the shadow of a foundation.

May it therefore please your honorable house, in your wisdom, to give such a decision to this peculiar case as will confirm your petitioner in his proper and lawful rights: and as bound by duty, petitioner shall ever pray.

JOSHUA ADAMS.

Perth, 13th February, 1829.

District of Bathurst. } PRINCE SHEARMAN of the township of Bathurst, District of Bathurst, yeoman, maketh oath and saith that Samuel Swan, immediately after receiving the patent from the superintendant's office, came to Captain Adams' house, where deponent then resided, and stated that he had received the deed of Mr. Adam's Lot, thro' error—wished much to see Capt. Adams, who was then from home.—Swan stated, then, that he was most willing to surrender this erroneous deed if he received a patent for his own Lot, as he did not want another man's property.

In the winter following, deponent was at work at the mill, on Captain Adams' lot, when Swan and Mr. Saint Germain came there; enquired from deponent how much the saw mill cost Captain Adams, to which he replied, between seven and eight hundred dollars. Swan replied he did not doubt it—deponent on this evening, had business in Perth, and met Swan at Captain Adams' house agreeable to what he Swan before stated to him at the mill, viz: that he, Swan, would go down to Captain Adams and make some arrangement with him.—Deponent heard Captain Adams offer Swan any security, to the amount of ten thousand pounds, if he would surrender the erroneous deed—and that Captain Adams would procure his Swans, proper deed, free of all expenses. Swan declined this offer until he would consult his counsel.

his

PRINCE X SHEARMAN.

mark.

Sworn before at Perth this eleventh day of Feby. 1829.

Being first read and duly explained to this deponent who made his mark in my presence.

C. H. SACHE, J. P.

District of Bathurst, } JOHN JACKSON of the Town of Perth, in the TO WIT: } said District, builder, personally appeared before me, one of His Majesty's Justices of the Peace, for the district of Bathurst aforesaid, and made oath, that he accidentally met Mr. Samuel Swan, of the town of Kingston, saddler, a few yards from the superintendant's office, in this place. He was coming from thence and told him, this deponent, that he had just received a government deed for the east half of lot No. twenty, in the second concession of the township of Bathurst. He added, that the deed he had just received did not belong to him, but was occupied by Joshua Adams. That his lot was the same number but in another concession of the same township—and further said, that as Mr. Adams was not at home, he would leave the deed in Perth, as he had no right whatever to the lot—as he considered it was a mistake made in some of the Government Offices. Deponent further saith that he was in company with Mr. Swan, the winter following, when Swan said he would never give Adams the least trouble or inconvenience about said Lot; and they both shook hands, and said he only wanted his own lot. Mr. Adams said he would give him any security he required, that his proper deed, should issue to him free of expence, provided he would surrender the deed he held in his possession—he then replied he would take no step in the matter until he had the advice of Mr. Hagerman.

JOHN JACKSON.

Sworn before me at Perth, Upper Canada, this eleventh day of February, 1829.

C. H. SACHE, J. P.

District of Bathurst. } JAMES H. POWELL, of the town of Perth, in the district of Bathurst, Esquire, late superintendent of the Perth military settlement department, maketh oath and saith, that shortly after Samuel Swan, Saddler, Field Train, received a deed from his office, he (Swan) called at the House of this deponent, and stated that the deed had erroneously issued for the North East half of Lot No. twenty, in the second concession of Bathurst instead of the north east half of No. 20 in the fourth concession, and appeared to regret the circumstance, saying at the same time, he would surrender the deed in error, in order that a new one might issue for his own proper lot; this he promised of his own accord; but when deponent afterwards spoke to him on the subject (during the same day or following morning) there appeared to be a change of feeling, and he said he would think of it on his return to Kingston; but, at any rate, would give up the deed in error as soon as he received his own deed.

This deponent further saith, that to the best of his knowledge Swans' own location never was regranted, and remains on the books of the department as Swans property, and at present no person is residing on the lot.

J. H. POWELL,

Late Superintendent Perth Military Settlement.

Sworn before me at Perth, this eleventh day of February, 1829.

JOSIAS TAYLOR, J. P.

for Bathurst District.

STATEMENT MADE TO THE COMMITTEE BY MR. ATTORNEY GENERAL ROBINSON.

I have no reason to doubt that the statements made by Captain Joshua Adams, in his petition, are true.

Within the district of Bathurst, military and other settlers had their lands, in the first instance assigned to them by the military superintendent residing in

the district, who was subject to the control and direction of the Quarter Master General's Department. By this officer tickets of location were given to the several settlers, specifying the particular lots assigned to them. Certain duties of settlement were required to be done before the person located could claim his patent from the government, and schedules have been, from time to time forwarded by the military superintendent to the Council Office at York, containing the names of all those who since the last return had performed the settlement duties and entitled themselves to their patents. In these lists, the names of the parties are set down in one column, and the lots or half lots on which they were located in the opposite column.

In transmitting one of these lists in 1821 or 2, it happened that by a transposition of two names, arising from a mere clerical error, the name of Samuel Swan was placed opposite a wrong lot—whether the error occurred in the Superintendents Office below, or in the transcribing that list in the Council Office, I do not recollect. In consequence of it, however, there being no check as to these locations in the land granting offices, the patent was completed in Mr. Swan's name for a lot, to which he had no claim; and upon which no settlement duty had ever been performed by him—but on the contrary he had performed the settlement duty upon the lot which had been located to him, and Mr. Joshua Adams had made considerable improvements, and built a mill upon the lot in question. Similar errors had occurred before and I believe have occurred since; but a sense of justice in the parties, led them voluntarily to surrender the erroneous patents, and the government were thus enabled speedily and without difficulty to correct the error.

Mr. Swan (although it seems that his first impulse prompted him to pursue the same course) determined ultimately to keep the erroneous patent, and if possible to deprive Captain Adams of his land, with all the improvements he had made upon it. Adams, being threatened with an ejectment, applied to the government to protect him. The case was in this stage referred to me as Attorney General, previous to which I had no knowledge of the circumstances, or of any particular fact attending Swans location.

It was my duty, under the instruction of the government to take any legal means in my power to defeat Swans attempt, and to protect Adams. It became a question whether our system of Jurisprudence was so defective, that a mere clerical error could thus effect the ruin of an individual by depriving him of his estate. I did not conceive it was, and under the instructions of the government, I adopted such measures as appeared to me proper for procuring redress. I sued out a writ of scire facias, to repeal the patent which had thus been erroneously made, alleging that it had issued improvidently, and setting forth the circumstances; and this writ was made returnable before the Governor as Chancellor, upon the principle that a common law jurisdiction, of this nature, is, by the law of England, inseparable from the custody of the great seal—and that for such a purpose the Governor must be regarded as having the powers of Chancellor, though he cannot in that capacity exercise any equitable jurisdiction. Judgement in the ejectment was staid until the decision upon this proceeding should be had.

The jurisdiction of the Governor, as keeper of the great seal, was questioned upon the pleadings, the Chief Justice of the King's Bench sitting with the Lieutenant Governor as assessor—and after being fully argued, was, as I understood, decided in favour of the proceeding—If, instead of questioning the jurisdiction, or raising any other legal objection, Mr. Swan had desired to deny the facts, he might have done so, and an issue would then have gone down to be tried by a jury. By the pleading however, the facts were admitted and the single question to be decided was the jurisdiction of the court. The decision upon that question which certainly was signified to both parties, and, I think, formally pronounced, was not acted upon by me, as Attorney General, for this reason. The question as to the jurisdiction was a new and important one. I had, some years before, for my own satisfaction, obtained an opinion of an eminent counsel in England, Sergeant Bosanquet, upon that point, knowing that cases had arisen, and were likely to arise, in which the exercise of such a jurisdiction only could prevent very great injustice; but as I still thought there was room for doubt, I did not press the cancelling the patent from a desire that the legal opinion of the Crown officers in England should first be obtained, and upon this understanding Mr. Swan's Counsel and myself agreed to let both the action of ejectment, and the proceedings on the scire facias rest until an answer to that reference could be obtained. Accordingly in 1822 or 3, a case was submitted to the Attorney General (Sir R. Gifford). It was not answered during the time he held that office, it was brought before his successor, Sir John Copley, but it was not answered, before another change took place in the appointment of Attorney General, and, so far as I know, it has not yet been answered. The defendant's counsel Mr. Hagerman several times spoke to me on the subject expressing his impatience at the delay, and declaring that he should be compelled to enter judgment in the ejectment, and take out a writ of possession.

On such occasions I could only urge my constant expectation that an answer would be received to the reference which had been made, and that it would be hard and unjust to enforce a change of possession, under such circumstances. I can only add, that I think the vexation to which Joshua Adams has been subjected by the attempt made to dispossess him, has been great, that at the request of Mr. Adams I made, nearly two years ago, what I thought, was a very reasonable offer on his part to Mr. Swan, and that I could not but feel it to be most strongly my duty to resist, as much as possible, the effort made to deprive Mr. Adams of a property made very valuable by his expenditure and labor.

District of Bathurst, } FRANCIS SMITH, of the town of Perth, in
to wit: } the said district, Shoemaker, maketh oath and
saith, he was present and heard Joshua Adams offer to find good security, under a penalty of ten thousand pounds, to Samuel Swan of the town of Kingston, Saddler, that he would procure the government patent for the lot of land, for which the said Swan was located, free from expense, provided he would surrender the deed, which had erroneously been issued to him. That he heard the said Swan refuse to accept the above offer, without the approbation of Mr. Hagerman, Barrister at Law, in Kingston. This deponent further saith, that the above took place at Perth aforesaid, in the beginning of the ensuing winter after Mr. Swan had received the said deed.

his
FRANCIS X SMITH.
mark.

Sworn before me at Perth, Upper Canada, this 11th day of February, 1829.
J. McKAY, J. P.
Bathurst District.

District of Bathurst, } SAMUEL SWAN of the township of Bathurst,
to wit: } in the said district, yeoman, came before me, one
of His Majesty's Justices of the Peace, for the district of Bathurst aforesaid; and made oath, that he this deponent, had occasion to go to Kingston, where, he met with Mr. Samuel Swan, of that place, saddler, who gave him an authority in writing, to take possession of and occupy his land; being the east half of Lot No. 20, in the 4th concession of Bathurst. This deponent also saith,

that he received the said authority of occupation, about four years after Mr. Swan had received an erroneous deed for the east half of Lot No. 20, in the 2nd concession of the same township. This deponent further saith, that he still holds possession of the said half lot, in the fourth concession, under Mr. Swan.

SAMUEL SWAN.

Sworn before me at Perth, Upper Canada, this 12th day of February, 1829.
JOSIAS TAYLER, J. P.
for Bathurst District.

District of Bathurst. } Personally appeared before me, Alexander McMillan, one of His Majesty's Justices of the Peace, in and for the said district, Josias Tayler, Esquire, and maketh oath and saith, that he heard Mr. Sam'l. Swan say, a short time after having obtained a deed in error, for the lot now in the occupation of Mr. Joshua Adams, that he wanted to take no advantage of the mistake, but he would take good care to keep that deed until he received one for his own lot, and that sometime afterwards he met the said Swan at Prescott, when, he repeated words much to the same effect.

JOSIAS TAYLER.

Sworn before me at Perth, Upper Canada, this 15th day of February, 1829.
ALEXANDER McMILLAN, J. P.

District of Bathurst. } ALEXANDER MATHESON of the township of Bathurst, district of Bathurst, gentleman, late clerk Settling Department, maketh oath and saith, that Samuel Swan, Field Train, was located for the north east half Lot No. 20, in the 4th concession Bathurst, about a month previous to deponent's joining the department at Perth. Deponent returned Samuel Swan for his deed, he having made the necessary improvements thereon, although Swan had for some time previous left the settlement. Swan received from Mr. William Pitt, a deed for Abraham Parsall, Canadian Fencibles' lot, in his name, through error, at York. This lot, Parsall willed to Mr. Joshua Adams, who made very valuable improvements thereon. Deponent at the time Swan received this erroneous deed, was entirely ignorant of the law, and fully conceived that the government would not permit any man to take land he never was located for, or in any shape improved, and in consequence of this opinion, the patent was marked error, &c. in the superintendants' office.

Swan made some improvement, willfully, in deponents opinion, on the south half of Lot No. 20, in the 4th concession, located to John Hawes, 57th Reg't. Haws did not reside on the lot, and it was regranted to James McIntosh, Sergeant Coldstream Guards; and to the best of deponent's recollection, McIntosh paid Swan, who resided and improved on the NE. half Lot No. 20, in the 4th concession, township of Bathurst, for which he was located and for no other. Swan's lot, the aforesaid north east half of 20, in the 4th concession is yet in his possession, and no person resides on it, what improvement he (Swan) made is over-run with bushes, and in common.

ALEXANDER MATHESON,

Late Clerk Settling Department.

Sworn before me at Perth, this eleventh day of February, 1829.

C. H. SACHE, J. P.

SCHEDULE showing the names of the members of the Executive Council of the Province of Upper Canada, the dates of their mandamuses, and of their being sworn in.

| NAMES. | Dates of mandamuses. | When sworn in. |
|--------------------------------|----------------------|-----------------|
| James Baby,..... | 5th May 1794..... | 9th July 1792. |
| John Strachan,..... | 25th July 1817..... | 12th Feb. 1818. |
| William Campbell,..... | + | 26th Oct. 1825. |
| James Buchanan Macaulay,..... | 5th May 1825..... | 27th June 1826. |
| Peter Robinson,..... | 5th July 1827..... | 6th Feb. 1828. |
| George Herchmer Markland,..... | 6th July 1827..... | 6th Feb. 1828. |

JOHN SMALL, C. E. C.

Report of the Select Committee to whom was referred the Petition of Hen. Hamilton and others.

Your Committee to whom was referred the petition of Henry Hamilton and others, of the town of York, praying that the old parliament buildings may be repaired and rebuilt: beg leave to report as follows:

They find the walls of the former house good and substantial, and are decidedly of opinion that in the present embarrassed state of the public treasury, it will be advisable to repair it leaving to a future day and an overflowing treasury the task of completing a grand and splendid structure, for the accommodation of Parliament, and which shall be commensurate with the then improved condition and resources of the colony.

It is probable, that according to the plan approved by the present commissioners of parliament buildings, not less than fifteen thousand pounds might be required for its completion, but your committee would consider the difference between that sum and eighteen hundred and sixty pounds or two thousand one hundred and thirty-six pounds, better disposed of, if voted to the different districts to repair the roads and bridges, or in the redemption of some part of the provincial debt.

Your Committee strongly recommend the passage of a bill to repeal the act of the 7th George 4th, chap. 28, and that the old parliament house be repaired forthwith. The whole expense, by the estimate A, would be only one thousand eight hundred and sixty pounds, and by the estimate B, two thousand one hundred and thirty-six pounds, and at either of these estimates, a better and more commodious building would be completed than the one burnt down, together with additional committee rooms—a roof two feet higher than before, and many conveniences. These estimates do not include the stabling and out houses that were behind the house, at a distance from it; but a very small sum will serve to complete them as formerly.

The size of the assembly's chamber appears to your committee objectionable; they think it ought to be extended in the rear, at least twelve feet, and that not less than twelve feet should be taken off the hall and added to its width—making the dimensions fifty-two by thirty-four.

The respectable individuals who tender their estimates for the consideration of your Honourable House, are, themselves ready to contract to do the work, at the prices proposed, and fully prepared with good and sufficient securities to

guarantee the faithful fulfilment of any contract they may enter into with such commissioners as may be appointed by parliament to superintend the repairs. All which is respectfully submitted.

JOHN CAWTHRA, Chairman.

Commons' House of Assembly, } January 28th, 1829.

Report on the petition of Archibald Fletcher.

To the Honorable the Commons House of Assembly.

Your Committee to whom was referred the petition of Archibald Fletcher, beg leave to report:

That they have taken the matters referred to them into consideration, upon which it appears that the petitioner contracted for the erection of a bridge across the 12 mile creek in Nelson, Gore District, and the excavation of the northern bank of the said creek for the sum of £740. But from the nature of the excavation proving different from his expectations, (it having been mostly of solid rock instead of clay,) he has incurred a further expense of £394 5 2 over and above the sum contracted for.

That although your committee are aware that such a precedent would leave the door open to numerous applications of a similar nature, besides leading persons in future to contract for undertakings at a hazard, or at a sum less than its value, with the hopes of future remuneration they nevertheless can not but feel, that where every assiduity, attention and skill, with economy, has been employed for the public benefit, that the house might, in such instances, take the same into their consideration, and grant such relief as they may deem meet.

CALEB HOPKINS, Chairman.

Committee Room, 3rd March, 1829.

Report on the petition of certain Jurors of the Home District.

The Select Committee to which was referred the petition of certain jurors of the Home District, submit the following report.

Your Committee examined several of the petitioners, jurors of the District Court, who concur in substantiating the facts alleged; with this difference, that the petition should have stated that it was the District Court, instead of the Quarter Sessions, in which the case occurred. It would appear, that both courts sit not only on the same day, but also in the same place, and that the one adjourns from time to time, to make way for the other.

A member of your committee in conversation with Judge Powell, informed him of the facts charged against him in the petition, but did not understand that it was his wish to offer any explanation.

Under these circumstances, and as the session is now very near at its close, your committee are not prepared to recommend any specific measure, in relation to the extraordinary complaints made against Judge Powell.

These charges, so proved, appear but to afford additional evidence, had it been wanting of the impropriety of appointing one and the same person to preside in a court of justice, and officiate as clerk in a Legislative body—imposing thereby duties, which it is impossible any one man can perform to the satisfaction of the public; seeing he may be required at the same hour to preside in his court, and officiate as clerk at the table of a deliberative assembly.

All which is respectfully submitted.

W. L. MACKENZIE, Chairman.

Committee Room, House of Assembly, } 19th March, 1829.

Select Committee on the petition of Charles McIntosh, and other Jurors, Quarter Sessions. Home District.

Committee Room, House of Assembly, } Thursday, 19th March, 1829.

Members present—Mr. Ketchum, Mr. Cawthra, and Mr. Mackenzie.

Mr. Mackenzie was called to the chair.

The petition was read and is as follows:

Petition of certain Jurors.

To the Honorable the Knights, Citizens and Burgesses representing the Commons of Upper Canada, in Provincial Parliament, assembled.

The petition of the undersigned jurors attending at the late Court of Quarter Sessions for the Home District:

HUMELY SHEWETH,

That on the last Friday on which the Quarter Sessions of the Peace sat at the Court House in the Town of York, and between the hours of twelve and one, a jury, consisting of Charles McIntosh, Michael Whitmore, James McIntosh, William Maxwell, Jonathan Hale, Thomas Ross, John Polly, Edward Henderson, Henry Ernest, James Vollar, and others, jurors trying a plea of debt, left their box and went into the jury room to consider their verdict.

They had been in the jury room, probably a quarter of an hour, when a message came from the court, (Grant Powell, Esq. sat alone as chairman) by the constable in waiting, informing them, that if they did not agree immediately, he, (Dr. Powell) would lock them up till 3 o'clock, P. M. The jurors replied: that they had not agreed, that they were not ready, and that they conceived it to be the judges duty to wait, in reasonable hours, till they had agreed and were ready. When they had agreed, (in three quarters of an hour by their watches,) they knocked at the door of their room to give notice they were ready to give in their verdict. The reply from the constable was, "The Judge has left the court, and you must stay till 3 o'clock." The jurors then demanded to go to the judge's house, and were told he had not gone there. On enquiry further where he was, they were told he was gone to the Parliament House.—" Carry us there (said the jurors) for we are determined not to be prisoners"—but this request was also refused, and the jury were kept locked up till 3 o'clock. In the interim several jurors asked leave to go below, one, two, or three at a time. This was refused, and an old pail was shoved into the room. When the judge came back at three, or after three, the jurors were let out; and they then requested to know the reason of their being detained. Dr. Powell's reply was in words or substance as follows:—"I do not conceive that I am bound to give the jury any satisfaction, as they sent me out an impertinent answer."

Your petitioners, who were of the jury thus illegally confined, humbly, yet confidently, lay their extraordinary case before your Honorable House, not doubting but that you will in this, as in every other instance, where the honor

and dignity of British subjects, in this province, are concerned, and where the rights of English Jurors are trampled upon, carefully enquire into the grounds of complaint, and take speedy and effectual means to guard the privileges of your constituents from aggression.

And your petitioners as in duty bound will every pray.

CHARLES McINTOSH, EDWARD HENDERSON, HENRY ERNEST, WILLIAM MAXWELL, JOHN POLLEY, JAMES VOLLAR, THOMAS ROSS,

York 31st January, 1829.

MR. CHARLES McINTOSH, Mariner, York, examined.

Ques. You have heard the Petition read; are you satisfied that it contains a correct statement of what took place in the Court and Jury Room at the time mentioned? Ans. It is substantially correct; the only error is, in Doctor Powell's reply, he said "impertinent message" instead of "impertinent answer."

Ques. Have you served on juries often? Ans. Never before; this was the first time I was a prisoner.

Ques. Of what country are you a native? Ans. Canada.

Ques. How long have you been a resident in York? Ans. For about twenty-four years.

MR. WILLIAM MAXWELL, Cabinet Marker, York, examined.

Ques. You have heard the petition of the jurors of the late Quarter Sessions read—are you satisfied that it is a correct and candid statement of what occurred that day? Ans. I am—except that the word "answer" in Mr. Powell's reply should have been "message."

Ques. Have you any additional evidence to offer?—Ans. None.

Ques. What countryman are you?—Ans. A Londoner.

Ques. Have you served on Juries in England? Ans. No, not in England, but have attended a great many trials in London in my younger days.

Ques. Did you ever witness a similar occurrence to the above in a British Court of Justice? Ans. I never have.

MR. JOHN POLLY, Carpenter and Joiner, examined.

Ques. You have heard the Petition read—are you satisfied that it contains a correct and fair account of what took place at the Sessions? Ans. It does as far as I can recollect.

Ques. Are you a native of Canada? Ans. No—of New Brunswick.

Ques. Have you attended Courts and witnessed their proceedings from time to time?—Ans. Yes; both in New Brunswick and the Canadas.

Ques. How long have you resided in this town? Ans. Sixteen years.

MR. MAXWELL called again and examined.

Ques. Have you your summons as a Juror with you? Ans. I produce the same.

"Home District, } To William Maxwell of the town of York, Cabinet maker.

You are hereby summoned and required to attend in your proper person, as a Petit Juror, at a Home District Court, to be holden for this District, at the Court House, in the Town of York, on Tuesday the thirteenth day of January next ensuing, at ten o'clock in the forenoon of the same day. Herein fail not, as you will answer at your peril."

"W. B. JARVIS, Sheriff."

"Sheriff's Office, York, } 31st December, 1828."

Ques. This is a summons to attend the district court not the sessions? Ans. They are held in the same place and at the same time. Civil cases only are tried in the district court, but they appear to have no regular system. While we were confined, Mr. McDonell was on the bench a part of the time, but refused to receive the verdict.

Ques. Then there is an error in your petition? Ans. Yes, if you make difference between the two courts.

MR. EDWARD HENDERSON, of York, Tailor,—examined.

Ques. You have heard the petition respecting which you were summoned to attend here, read. Is it a fair and candid statement to the best of your recollection? Ans. It is.

Ques. Of what country are you a native? Ans. Of Northumberland in England—but have resided five and twenty years in London.

Ques. It is probable that you have, in the course of that long residence, attended courts of justice and served on juries? Ans. I have been three times a juror in the court of King's Bench, Westminster,—and served once as a juror at the Old Bailey; and have often attended courts of justice in England, as a witness, and sometimes from curiosity.

Ques. Did you ever witness occurrences similar to the facts stated in the petition, in an English court? Ans. No. In all cases the judge waited for the verdict, in proper hours, except once, in a case where Lord Ellenborough was presiding. It was between ten and eleven at night, and, I think the last time his lordship sat on the bench. He was very infirm, and felt indisposed, and requested of us to carry our verdict to his own house,—as soon as we should have agreed,—and we did so. I never witnessed any such proceeding as took place in the district court in the present case. In England, pen, ink and paper are allowed the jurors in their box when they desire it. In the above case, before Dr. Powell, the officer went to the judge, and stated the request of the jurors:—the reply was, that pen, ink and paper could not be allowed, or in words to that effect.

Report of the Western District School, for 1828.

Table with columns: NAMES OF BOYS, NAMES OF GIRLS, Greek, Latin, Geography and use of Globes, History, English Grammar, Arithmetic, Writing, Reading and Spelling. Rows include Felix Hands, Robert Woods, Robert Elliot, James Elliot, Arthur Rankin.

Report of the Western District School, for 1828, continued.

| NAMES OF BOYS. | NAMES OF GIRLS. | Book. | Latin. | Geography and use of Globes. | History. | English Grammar. | Arithmetic. | Writing. | Reading and Spelling. |
|-----------------|-----------------|-------|--------|------------------------------|----------|------------------|-------------|----------|-----------------------|
| J. E. Johnson | | | | 1 | | 1 | | 1 | 1 |
| Chas. Guillotte | | | | 1 | | 1 | 1 | 1 | 1 |
| | Violet Woods | 1 | | | | | | 1 | 1 |
| | M. Watson | 1 | | | | | | 1 | 1 |
| Wm. Mears | | | | 1 | | 1 | 1 | 1 | 1 |
| J. C. Askin | | | | 1 | | 1 | 1 | 1 | 1 |
| Thomas Gentle | | | | 1 | | 1 | 1 | 1 | 1 |
| Thomas Pajot | | | | 1 | | 1 | 1 | 1 | 1 |
| C. D. Askin | | | | 1 | | 1 | 1 | 1 | 1 |
| John Mears | | | | 1 | | 1 | 1 | 1 | 1 |
| | M. C. Wilkinson | 1 | | | | 1 | 1 | 1 | 1 |
| | F. Wilkinson | 1 | | | | 1 | 1 | 1 | 1 |
| Wm. Baby | | | 1 | 1 | | 1 | 1 | 1 | 1 |
| | Julia Baby | 1 | | | | 1 | 1 | 1 | 1 |
| Henry Baby | | | | 1 | 1 | 1 | 1 | 1 | 1 |
| Raymond Baby | | | | 1 | 1 | 1 | 1 | 1 | 1 |
| Sam'l. Lewis | | | | 1 | 1 | 1 | 1 | 1 | 1 |
| Ja's. Reaume | | | | 1 | 1 | 1 | 1 | 1 | 1 |
| Rob't. Watson | | | | 1 | 1 | 1 | 1 | 1 | 1 |
| James Lisee | | | | 1 | 1 | 1 | 1 | 1 | 1 |
| Dasmask Pajot | | | | 1 | 1 | 1 | 1 | 1 | 1 |
| | S. J. Johnson | 1 | | | | 1 | 1 | 1 | 1 |
| Thomas Baby | | | | | | 1 | 1 | 1 | 1 |
| Alfred Baby | | | | | | 1 | 1 | 1 | 1 |
| | Arch Askin | 1 | | | | 1 | 1 | 1 | 1 |
| | Mary Askin | 1 | | | | 1 | 1 | 1 | 1 |
| Wm. Gentle | | | 1 | 1 | | | | | |
| Niel Pajot | | | | | | | | | 1 |
| | Louisa Lisee | 1 | | | | | | | 1 |
| C. Lagrave | | | | | | | | | |
| Mat. Sterling | | | | | | | | | |
| Miles Millar | | | | | | | | | |
| | H. Johnson | 1 | | | | 1 | 1 | 1 | 1 |
| | J. Johnson | 1 | | | | 1 | 1 | 1 | 1 |
| Totals. | 26 | 11 | 1 | 5 | 18 | 32 | 17 | 24 | 31 |

The trustees in transmitting this report, think it but justice to the teacher, to express their approbation of his conduct and capacity, during the short time he has had the management of the school; but they regret that his talents are in a great measure rendered unavailable from the unfortunate collocation of the school, which must ever, in their opinion, prevail against its usefulness as a classical seminary: first, because the people in its vicinity is principally composed of worthy but illiterate farmers, who are unable to appreciate the advantages of a liberal education, and consequently unwilling to have their children taught any thing more than the first elements of learning; and secondly, the unhealthiness of the town of Sandwich, where it is situated, which is now nearly depopulated from that cause, must ever prevent children being sent there, from the more distant parts of the country. The present school is composed principally of very young children, learning the first rudiments of the English language: and among the five classical scholars, there is but one at all advanced, the rest have only commenced within six or eight months.

CHARLES ELIOT, } Trustees of
W. BERCZY, } the
JAMES GORDON, } District School.

Report on the Petition of Thomas McMahon.

The Committee to whom was referred the petition of Thomas McMahon, of Grantham, complaining of mal-practice of Charles Richardson, Esquire, Barrister and Attorney at law, and others connected with the court of King's Bench of this province, have, after investigating the merits of petitioner's appeal to the House of Assembly, substantiated by the annexed documents, come to the conclusion, that the petition involves complaint and grievances, not cognizable by a select committee. Nevertheless they deem it necessary to say, that the petitioner's cause of complaint has been sufficiently established against Mr. Richardson and others to warrant the committee in recommending the petitioner to submit the matter to the law society for investigation; whose peculiar duty the committee think it is to scrutinize the conduct of those complained of, and redress the wrongs the petitioner has in this case sustained.

HUGH C. THOMSON, Chairman.

Committee Room, House of Assembly, 20th March, 1829.

Committee on the Petition of Thomas McMahon.

Met in Committee Room, March 3rd, 1829.

PRESENT—Messrs. H. C. THOMSON, Chairman.
RADENHURST.
PERRY.

THOMAS McMAHON, examined.

Was sued on a note of hand in favor of John Callaghan, for £6 3 5. On being served with process, offered to give a confession of judgment for the amount of the note, which the counsel Mr. Richardson refused to accept, unless defendant would pay the costs then incurred £2 15 6.

Refusing the confession did not enable plaintiff to take out execution sooner than he otherwise might have done. Believes Mr. Richardson's demand was greater than he was entitled to at the time the confession was tendered—there was no endorsement on the note, which had not been due more than two days when the suit was commenced. No notice received by defendant before he was sued.

Execution issued, and witness was obliged to sell his farm, and mortgage his house for two years.

MR. KING, examined.

Was not at Niagara, at the last assizes.

Ques. Did you receive a counsel fee in the case of Callaghan vs. McMahon, from Mr. Richardson? Ans. I am not aware of having received any.

Statement delivered to the Committee by Robert Dickson, Esquire, Barrister at Law, the Defendant's Attorney.

The Committee appointed to investigate and report upon the petition of Thomas McMahon, of the township of Grantham, having requested me to submit for the information of the committee, what I may know respecting the merits or other matter contained in the petition, and connected with the complaint of the petitioner.

I beg leave to state, for the information of the committee, that some time on or about the 29th or 30th of April last past, the petitioner came to my office and handed me the copy of a writ of *capias ad respondendum*, issued out of the Court of King's Bench, and served on him, as he informed me, the day before (I think). He stated his case to me; and when he informed me that the cause of action was a note of hand for six pounds and three shillings, currency, I told him, if able, he had better settle it; and if not, I would advise him to go to Mr. Richardson the plaintiff's attorney, and after ascertaining the demand, offer to give a confession for the amount, with stay of execution and judgment to the then ensuing Michaelmas Term, which was the first week in November following. The petitioner left me, and returned some short time afterwards, saying, that the amount of debt and costs claimed by Mr. Richardson, was £8 7, exclusive of sheriff's fees, and that Mr. Richardson refused accepting petitioner's confession. I then directed one of my young men to draw up a confession for the debt, with stay of execution and entry of judgment to Michaelmas, as before stated. It was done, and I told Mr. Campbell, the young gentleman, whom I desired to draw the confession, to present it to Mr. R. & by the memorandum entered in the handwriting of Mr. Campbell on the back of the confession which is hereunto annexed, marked —, I am inclined to think he did so. Mr. Richardson having positively refused acceptance of the cognovit, I told the defendant I would enter appearance to the suit, and defend it to trial—that I was sure no judge of assize would grant a certificate to an action brought for so trifling an amount. I did so,—but in Trinity Term which intervened between the service of the writ and the trial, I prepared affidavits to support a motion to compel Mr. R. to accept the confession. I waited at the court with the necessary papers, and was given to understand that at a preceding term the court had refused a similar motion, so I abandoned mine. At the trial, I defended the suit; and when Mr. R. moved for the certificate on the record, that it was a fit cause "to be withdrawn from the district court and brought in the King's Bench," I opposed it. Nevertheless, Mr. Justice Hagerman overruled me, and permitted me to move, as he said, in term, to have it rescinded. I moved in Michaelmas Term accordingly, and the motion was discountenanced by the court, without hearing a syllable from the plaintiff's counsel. Judgment was entered up subsequently and execution issued—and the property of the defendant all seized by the sheriff, as the said sheriff and the petitioner have both informed me. Some time after, and when the petitioner had paid up the execution, he applied to me to know what redress he could get and where he should apply. He told me intended to bring it before the House of Assembly, and wished to know, if he went to York during the sitting of the legislature, whether I would present a petition. I told him it he thought proper to adopt that course, and he asked me to bring in the petition that I would do so, but that I would not intermeddle with the merits any further than as a witness when called on, I would give my testimony. He requested me on my going to York, to ascertain at the crown office, whether the bill was taxed, and to send him a copy of it. On coming to York, I did so; and on looking over the bill, I discovered a charge for counsel in the case. I asked Mr. Gaudin the deputy clerk of the crown, how that came charged, and who the counsel was,—as none was present at the trial and the charge was error.—He replied, I think that Mr. King had entered the judgment, and that he had produced his receipt for the fee. I communicated these latter facts to Mr. McMahon, who, in consequence, has, I presume been induced to submit his petition to the House.

I omitted to state in part of this statement, that after I returned from York, where I went to make the application to rescind the certificate, Mr. Richardson informed me, that if McMahon would pay the debt and D. C. costs, he would accept it. I told McMahon, and he said he could not, and therefore, in consequence, went to trial as stated.

IN THE KING'S BENCH.

John Callaghan, } I hereby confess this action and that the Plaintiff hath
vs. } sustained damage to the amount of thirteen pounds be-
Thos. McMahon, } sides his costs and charges—to be taxed by the master;
and I agree that in default of payment of the sum of six pounds three shillings and five pence of lawful money of Upper Canada on the first day of Michaelmas Term next with interest from date, the Plaintiff shall be at liberty to enter up his judgment and issue execution for the said sum of six pounds three shillings and five pence, and interest as aforesaid, together with costs, sheriff's fees and all other incidental expenses; and I agree and undertake not to bring any writ of error, or file any bill in equity, nor do any other matter or thing to prevent the recovery of the debt as aforesaid, or the Plaintiff from entering up his judgment and issuing execution as aforesaid.

Witness my hand this thirtieth day of April, 1825.
THOMAS McMAHON.

In presence of EDWARD C. CAMPBELL.
Endorsed as follows:
In B. R.
John Callaghan,
vs.
Thomas McMahon.

Cognovit actionem.
Refused to take a cognovit on the 30th of April.
CHARLES RICHARDSON,
Atty. for Plaintiff.
ROBERT DICKSON,
Atty. for Defendant.

IN THE KING'S BENCH.

John Callaghan, } THOMAS McMAHON of the township of Grantham
vs. } in the Niagara District, inkeeper, maketh oath and saith,
Thomas McMahon, } that on or about the twenty ninth day of April last past,
he, this deponent was served with the annexed copy of *capias ad respondendum* issued against him by the said John Callaghan—that on the thirtieth day

of the same month April, he this deponent called upon Charles Richardson, Esquire, Barrister at Law, and required of him as attorney for the plaintiff what was the demand, that the said Richardson gave to the said deponent, the memorandum or minute of the amount of debt and costs hereunto annexed. Deponent saith also, that the amount claimed by the said plaintiff was secured to him by a promissory note, and that the sum did not exceed six pounds and five shillings.—That the said Charles Richardson the attorney for the said plaintiff told the said deponent, that if he the said Thomas McMahon paid the costs, as he the attorney could not lie out of it, he the said Richardson would take a confession for the debt. Deponent saith, that he then left the office of the plaintiff's attorney. Deponent farther maketh oath and saith, that not finding it convenient to discharge the amount claimed for debt and costs, nor costs alone, at the time Mr. Richardson gave him the deponent the annexed statement, he the deponent and defendant in the above suit, on the thirtieth day of April last past, in the presence of Mr. Edward Clark Campbell, offered to Mr. Richardson, then present, to execute a confession for debt and costs, if the said Richardson would draw it—which the said Charles Richardson the plaintiff's attorney refused positively to do. Deponent then executed the annexed confession in the presence of Mr. E. C. Campbell on the thirtieth day of April last, and left the same with him for the acceptance of the said Richardson, and employed Robert Dickson, Esquire, Barrister at Law to defend the suit for him the deponent, or oppose the further progress of the suit, if it was coming on.

THOMAS McMAHON.

Sworn before me at Niagara, in the Niagara District, this eleventh day of June, 1828.

J. MUIRHEAD.

Commissioner for taking affidavits in the Court of King's Bench in said District.

STATEMENT GIVEN BY MR. RICHARDSON TO T. McMAHON,
Referred to above.

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| John Callaghan, } vs. Thomas McMahon. } | £ 6 3 0 |
| | Debt and Costs, 2 7 0 Cur'y. Besides Sheriff's charges. |

RECEIPT.

Received of Thomas McMahon, the sum of twelve pounds and ten shillings currency, and also an accepted draft on James Black, Esq. as Secretary to the Welland Canal Company, which when paid will be in full of my demand against the said Thomas McMahon up to this date. The amount of the two executions placed by me in the sheriff's hands are satisfied by the above arrangement, less the sheriff's charges of three pounds and four pence, which the said Thomas McMahon must satisfy himself.

CHARLES RICHARDSON.

Niagara, Feby. 4th, 1829.

The above receipt endorsed as follows :

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| John Callaghan, vs. Thomas McMahon. | £ 26 9 8 |
| Coulter & Mundy, at McMahon. | £ 11 16 4 |

Petition of Joseph Cawthra and one thousand six hundred and twenty-eight others.

To the Honorable, the Commons of Upper Canada, in Parliament Assembled.

We His Majesty's dutiful and loyal subjects inhabitants of the Home District, are constrained by the most painful necessity to appeal to your Honorable House against the misrule of the provincial administration, and humbly to point out to your Honorable House the alarming increase of our grievances, and the necessity of their redress, as they become more and more inveterate from the patience with which we have hitherto endured them.

Although we entertain the fullest confidence in His Majesty's desire to promote the happiness and protect the rights of British subjects throughout his ample and glorious dominions, yet our hopes of speedy redress are not a little discouraged by a knowledge that while we on our part, have opened to His Majesty the abuses and oppressions growing upon us, the very persons we accuse are pressing through other channels, affording a more favorable access to his royal belief, those interested misrepresentations which are designed both to promote misrule and protect the authors of it; for it cannot be forgotten that misrepresentations from such sources have already recently endangered our civil and religious liberties and cruelly vilified and traduced the fair characters of the dissenting denominations of christians in this province.

Notwithstanding defects in the law defining our constitution, we are, nevertheless, warmly attached to it; and view with just fear every attempt to amend it, without the intervention of our provincial legislature, which is the constituted guardian of our rights and liberties; and which, considering the great distance of the imperial legislature can best understand our necessities, and apply the proper remedies. It has long been the source of many grievances and of their continuance, that the legislative council is formed not of an independent gentry, taken from the country at large, but of executive councillors and place men, the great majority of whom are under the immediate, active and undue influence of the person administering His Majesty's provincial government, holding their offices at his mere will and pleasure; hence arises, in a great measure, the practical irresponsibility of executive councillors and other official advisers of His Majesty's representative, who have hitherto with impunity both disregarded the laws of the land and despised the opinions of the public. From the impunity with which the greatest abuses have hitherto existed and the difficulty in such a state of things, of applying an efficient remedy, most of our grievances have taken their origin and growth.

First—The rejection, by the legislative council, of the most salutary measures passed by large majorities in the House of Assembly, and much desired by the people.

Secondly—The frequent want of a casting voice in the court of King's Bench in this province, owing to the illegal absence of the judges, especially of the Chief Justices, as well on distant journeys, out of the province, as on attendance in the legislative and executive councils.

Thirdly—The undue influence which the mingled duties of legislative and executive advice have on the judicial function.

Fourthly—The assumption of a power, by the executive, to appropriate a large portion of the revenue, and other monies, raised from the sale of land and large otherwise in the province, independent of the will or sanction of your Honorable House.

Fifthly—The extravagant augmentation of salaries, offices and public expenses, quite disproportioned to the state and circumstances of the colony.

Sixthly—The confinement of public prosecutions of offences to the sole conduct of the law officers of the crown, in the colony, embarrassing private prosecutors in this small community, where the influence of politics and family connexions is so injuriously felt.

Seventhly—The retaining in public offices, and the introduction into the same of persons who notoriously ought to be excluded.

Eighthly—The want of carrying into effect that rational and constitutional control over public functionaries, especially the advisers of His Majesty's representative, which our fellow subjects in England, enjoy in that happy country.

Ninthly—Our present imperfect jury system.

Tenthly—That Sheriffs, Coroners and other public officers, hold their offices during pleasure, and not during good behaviour, or otherwise, as in England.

Eleventhly—That the supreme judges of the land hold their offices during pleasure, and are subjected to the ignominy of an arbitrary removal.

Wherefore we humbly entreat for the interference of your Honorable House, to procure redress for the grievances under which we labour.

We humbly suggest that the legislative council should be increased in number, of whom a small proportion only, strictly limited by law, to be permitted to hold or enjoy any place of emolument or profit, under the government, or to be members of the executive council.

Secondly—That the Judges of the Court of King's Bench, be not legislative councillors, nor executive councillors, nor privy councillors, in any respect, in the colony.

Thirdly—That the Judges shall not be permitted to absent themselves from the province, but on the most reasonable cause, and with leave obtained as proscribed in British acts relative to colonial officers.

Fourthly—That the judges be made independent as in England, holding their offices, not as at present, in this province, but during good behaviour, to be inquirable into, by impeachment alone, in the provincial parliament, before the legislative council, when that body is so modified as to become an independent branch of the legislature.

Fifthly—That for some time, at least 'till the province afford an adequate source of legal and constitutional education, the judges be appointed from the bar in England.

Sixthly—That a Legislative act be made in the Provincial Parliament, to facilitate the mode in which the present constitutional responsibility of the advisers of the local government may be carried practically into effect, not only by the removal of these advisers from office, when they lose the confidence of the people, but also by impeachment for the heavier offences chargeable against them.

Seventhly—That our present jury system be amended by a new law, whereby the jurors to be impaneled may be more equally selected from the country and less at the mere nomination of the sheriff or his officers; such new law to extend both to grand and petit jurors.

Having thus, under the pressure of the present crisis, hastily concentrated our most pressing grievances, and humbly prayed for the aid of Your Honorable House in providing appropriate remedies— we cannot omit to bring under the serious notice of Your Honorable House, as indicative of the necessity of a change of men and measures, the recent violent and unconstitutional removal from office, of the Honorable John Walpole Willis, a public wrong calling more and more loudly for our most earnest remonstrance, and strongly elucidating the injurious character of the policy pursued by the present provincial administration.

Such was the apprehension of the practical bad consequences of the King's Bench being without a casting voice, that previous to Easter Term last, a memorial was addressed to His Excellency, pointing out, in some respects, the failure of Justice in such a state of things, and requesting His Excellency to suspend his leave of absence to the Chief Justice, whose departure from the province was, at that time, publicly spoken of, even until after the approaching term. His Excellency however, did not think proper so to do, and the evil consequences anticipated have been realised. During the terms of Michaelmas and Hilary last past, with a full bench, there were not fewer than ten cases wherein differences in opinion arose amongst the Judges, on important points, and in Easter term, during which the Chief Justice was absent, the two puisne judges were divided in opinion, in six several cases.

In such a state of things, substantial justice cannot be said to be administered. The provincial law wisely enacts that His Majesty's Chief Justice of this Province, together with two Puisne Justices shall preside in the Court of King's Bench; and as a diversity of opinion has, in many important points, unhappily prevailed among the Judges of that Court, which is the only one of superior jurisdiction, and from which in the vast majority of cases, there can be no appeal, the importance of maintaining that court as organized by law becomes the more urgent, and the violation of that law productive of the greatest evils.

Under these circumstances, we feel that the Honorable Mr. Justice Willis deserves the approbation and confidence of all good men, for withdrawing from the Court House, under a conscientious conviction, in his own breast, that he could not administer justice, according to law, while the court was not constituted as that law required.

Sensible as we are, that the appointment of Judges, esteemed by the people for their learning and beloved by them for their virtues, is in every country so blessed, the most conclusive evidence of the health of the great body politic, so do we feel that this deliberate, violent and unconstitutional removal of Mr. Justice Willis, depriving us of the benefit of his honorable and conscientious services, is a grievance of such magnitude as requires the immediate and effectual interference of Your Honorable House; and this evil we feel to be the more serious because it furnishes the present provincial administration with an opportunity of placing upon the judgment seat, men, labouring under those very prejudices of family connexions and party feeling from which Mr. Justice Willis was necessarily and happily free; persons withal, very inferior to that gentleman in education, in talent and in legal knowledge. While strongly feeling this injury, Your Honorable House will we trust readily listen to our complaint of the conduct of the Honorable Mr. Justice Sherwood, who, in the absence of the Chief Justice, and of Mr. Justice Willis, proceeded alone to execute all the powers of His Majesty's Court of King's Bench, and yet abstained from offering any justification for such assumption, for the satisfaction of the public, although requested to give to the bar his legal reasons for such a course, and that at a time when he had vacated his office by absenting himself from the province without the leave prescribed by law.

We should omit a matter of the first importance to the happy conduct of our civil affairs, did we forbear to bring under the consideration of Your Honorable House, among the other means by which the administration endeavor to maintain their power, the charge of disloyalty against those who question the policy of the present administration, a system of espionage spreading from the seat of government, over the face of the country---a threatened degeneracy in the state of society, endangering by the insidious operation of those morbid causes that public feeling, truly British, and yet happily alive in this colony; the undue influence over elections in many ways, but especially by the issuing of patents, granting land, sent into the country in profusion to be distributed by candidates acceptable to the present provincial administration---the acceptance of office by members of Your Honorable House without vacating their seats as is the necessary consequence in England, and the almost mortal violence offered to the constitution by the exercise of worse than military rule, in the intimidation of the more dependent members of the Legislative Council into the views of the administration, at the peril of their offices, as was exposed in the testimony of the Honorable William Dickson and the Honorable Thomas Clark in their evidence before a committee of the House of Assembly during the last session of the Provincial Parliament. Wherein, we His Majesty's faithful and loyal subjects, being greatly aggrieved, most humbly, most earnestly and confidently pray for redress.

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

(Signed) JOSEPH CAWTHRA,
and one thousand six hundred and twenty-eight others.

Petition of S. Cutler and 172 others, Freeholders of the County of Stormont.

To the Honorable the House of Assembly of Upper Canada, in Parliament assembled..

The petition of the undersigned, Freeholders of the County of Stormont, in the Eastern District.

HUMBLY SHEWETH:

1st. That your petitioners beg leave to call the attention of your honorable House to the necessity of liberally extending the jurisdiction of the District Court, and the impropriety of allowing the Judges to receive fees; and recommend a certain salary in lieu thereof, as more compatible with the dignity of the office and independence of the officer; and at the same time beg leave to state, that great inconvenience arises from the Judge residing out of the District.

2nd. Your petitioners also beg leave to represent that the fees and allowances to the attorneys and clerk of that court, are unprecedented for extravagance and extortion in any country. It frequently happens that the cost of collection of small debts, is from six to eight pounds currency, and the charges of the Court of King's Bench, though not so much felt or known, will bear to be reduced one half.

3rd. Your petitioners would also beg leave to represent to your honorable House, that a late act passed for facilitating the collection of small debts, is found greatly defective, and recommend to the consideration of your honorable House in lieu thereof, an act authorising a single justice to try a cause to the amount of £12 10s. currency---that a jury of six be impanelled (if required by either party)---that the court be of record, and subject to appeal to the District Court.

4th. Your petitioners also beg leave to represent, that the present fees and allowances to the Clerk of the Peace, are paid with a profusion, greater by far than is necessary for any uncommon talent or ability needful in its faithful discharge.

5th. And your petitioners also beg leave to represent, to your Honorable House, in an especial manner the support and encouragement of a Provincial Agricultural Society. Your petitioners are aware that it would be more desirable that Agricultural Societies should be formed throughout the province ere the legislature is called to take them under its protection, but of the various attempts made to effect so desirable an object, they have proved altogether abortive, or are very confined in their benefits: there must be a general and elastic spring pervading the whole province, to be efficient, and that can only be effected by your Honorable House. It is Agricultural Societies that have made England little less than a well cultivated garden; and it is similar societies, that enable our American neighbors to undersell us in our own markets; to supply our American Colonies with those very articles we should furnish ourselves; and nothing have we to give in exchange, but our ill-fated dollars.

6th. And your petitioners also beg leave to represent to your Honorable House, the constant drain of our specie for the article of whiskey; which is now smuggled from the United States; and which ever will be the case until it can be distilled in the province as cheap as it can be there purchased.

7th. And your petitioners would also further beg leave to represent, that the actual origin of nearly all disputes and litigations among neighbors, (notwithstanding whatever shape they may assume in the end) arise from the want of line fences---and your petitioners are not aware of any sufficient law now in force respecting the same. They therefore humbly beg leave to request, that your Honorable House would take into consideration the propriety of a law, the proceedings of which may be both summary and unexpensive; providing relief for such persons as have heretofore or may hereafter be compelled to build more than their proportion of such fences.

8th. And your petitioners further beg leave to represent to your Honorable House that in their humble opinion, it would be greatly to the advantage of the Province, to allow horses, neat cattle, and all kinds of live stock, brought into the province for the purpose of improving the different breeds, to be admitted free of any charge or duty whatever.

9th. Your petitioners have endeavored to state to your Honorable House, the above different subjects in as concise a manner as possible confident that that talent and love of country which gained you at the late election, the suffrages of a free people, will now be exerted for their good.

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

(Signed) S. CUTLER,
and one hundred and seventy-two others: