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JOURNAL,
OF THE
LEGISLATIVE COUNCIL

OF
UPPER CANADA.

THIRD SESSION OF THE THIRTEENTH PROVINCIAL PARLIAMENT.



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

LIEUTENANT GOVERNOR.

BY ORDER OF THE HONORABLE THE LEGISLATIVE COUNCIL.

TORONTO:

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

1838.

JOURNAL, &c.

SIR FRANCIS BOND HEAD, BARONET, K. C. H. LIEUTENANT GOVERNOR.

PROCLAMATION.

UPPER CANADA.

F. B. HEAD.

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

Proclamation of the
Demise of His late Majesty
King William the Fourth.

To all to whom these Presents shall come—

GREETING.

WHEREAS it hath pleased Almighty God, to call to His mercy His late Majesty King William the Fourth, of blessed memory, by whose decease the Imperial Crown of the United Kingdom of Great Britain and Ireland is solely and rightfully come to Us, by the style and title of "Victoria, by the Grace of God, of the United Kingdom of Great Britain and Ireland, Queen, Defender of the Faith": saving the rights of any issue of His late Majesty King William the Fourth, which may be born of His late Majesty's Consort; We do therefore, by these Presents, make known and proclaim the same, and do require and command all persons within our Province of Upper Canada, to acknowledge all faith and constant obedience to Us, according to their allegiance: saving the rights aforesaid of any issue of His late Majesty, that may be born of His late Majesty's Consort; And We do hereby further command and ordain, that all Magistrates and Officers, Civil and Military, within our said Province, shall, in our name, continue to exercise the duties of their respective offices, until our Royal Pleasure therein be further made known.

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 FRANCIS BOND HEAD, BARONET, K. C. H. &c. &c. &c. Lieutenant Governor of our said Province, at Toronto, this second day of August, in the year of our Lord one thousand eight hundred and thirty-seven, and in the first year of our reign.

F. B. H.

By command of His Excellency.

C. A. HAGERMAN,
Attorney General.

D. CAMERON,
Secretary.

PROCLAMATION.

UPPER CANADA.

F. B. HEAD.

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

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

Proclamation for Pro-
roguing the Parliament
to Saturday, the 23rd
September, 1837.

GREETING.

WHEREAS our Provincial Parliament stands prorogued to Tuesday, the fifteenth day of the present month of August, at which time, at our City of Toronto, you were held and constrained to appear.

NOW KNOW YE, that We, taking into our Royal consideration the ease and convenience of our loving Subjects, have thought fit, by and with the advice of our Executive Council, to relieve you and each of you of your attendance at the time aforesaid, hereby convoking, and by

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

these presents enjoining you, and each of you, that on Saturday, the twenty-third day of September, now next ensuing, you meet us in our Provincial Parliament, at our City of Toronto, there to take into consideration the state and welfare of our said Province of Upper Canada, and therein to do as may seem necessary; and herein fail not.

IN TESTIMONY WHEREOF, We have caused these our Letters to be made Patent, and the Great Seal of our said Province to be herunto affixed: WITNESS our trusty and well-beloved SIR FRANCIS BOND HEAD, BARONET, K. C. H. &c. &c. &c. Lieutenant Governor of our said Province, at Toronto, this ninth day of August, in the year of our Lord one thousand eight hundred and thirty-seven, and in the first year of our reign.

F. B. H.

By Command of His Excellency in Council.

C. A. HAGERMAN,
Attorney General.

D. CAMERON,
Secretary.

Proclamation for Pro-
roguing the Parliament to
Thursday the 2nd Novem-
ber, 1837.

By a further Proclamation of His Excellency SIR FRANCIS BOND HEAD, Baronet, K. C. H. &c. &c. &c. Lieutenant Governor of the Province of Upper Canada, dated the Twentieth day of September, in the year of our Lord one thousand eight hundred and thirty-seven, the meeting of the Legislative Council and House of Assembly, stands further prorogued to Thursday, the Second day of November, then next ensuing.

Proclamation for Pro-
roguing the Parliament to
Tuesday the 12th Decem-
ber, 1837.

By a further Proclamation of His Excellency SIR FRANCIS BOND HEAD, Baronet, K. C. H. &c. &c. &c. Lieutenant Governor of the Province of Upper Canada, dated the Twenty-sixth day of October, in the year of our Lord one thousand eight hundred and thirty-seven, the meeting of the Legislative Council and House of Assembly, stands further prorogued, to Tuesday, the Twelfth day of December, then next ensuing.

PROCLAMATION.

UPPER CANADA.

F. B. HEAD.

Proclamation for calling
the Parliament together
on Thursday the 21st
December, 1837, for the
actual despatch of public
business.

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

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

GREETING.

WHEREAS by our Proclamation bearing date the Twenty-sixth day of October, last, we thought fit to prorogue our Provincial Parliament to Tuesday, the Twelfth day of December, instant, at which time, at our City of Toronto, you were held and constrained to appear.

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

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

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 FRANCIS BOND HEAD, Baronet, K. C. H. &c. &c. &c. Lieutenant Governor of our said Province, at Toronto, this Eleventh day of December, in the year of our Lord one thousand eight hundred and thirty-seven, and in the first year of our Reign.

F. B. H.

By Command of His Excellency in Council.

C. A. HAGERMAN,
Attorney General.

D. CAMERON,
Secretary.

PROCLAMATION.

UPPER CANADA.

F. B. HEAD.

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

Proclamation appointing
Thursday the 25th Decem-
ber 1837, for the actual
meeting of the Legislature.

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

GREETING.

WHEREAS by our Proclamation bearing date the Eleventh day of December, instant, we thought fit to prorogue our Provincial Parliament to Thursday, the Twenty-first day of December, instant, at which time, at our City of Toronto, you were held and constrained to appear.

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

IN TESTIMONY WHEREOF, We have caused these our Letters to be made Patent, and the Great Seal of our said Province to be hereunto affixed: WITNESS our trusty and well-beloved SIR FRANCIS BOND HEAD, BARONET, K. C. H. &c. &c. &c. Lieutenant Governor of our said Province, at Toronto, this Nineteenth day of December, in the year of our Lord one thousand eight hundred and thirty-seven, and in the first year of our reign.

F. B. H.

By Command of His Excellency in Council.

C. A. HAGERMAN,
Attorney General.

D. CAMERON,
Secretary.



LEGISLATIVE COUNCIL.

UPPER CANADA.

THURSDAY 28th DECEMBER, 1837.

This being the day appointed for the meeting of the Provincial Legislature, at eleven of the clock, A. M.

The House met.

House meets.

The oath prescribed by the Statute, 31 Geo. 3. Chap. 31. was taken and subscribed at the table, in the presence of Grant Powell, Esquire, one of the Commissioners named for that purpose, by the following Members, who took their Seats, viz.:

Oath prescribed by law administered to certain Members present.

<p><i>The Honorable</i> JOHN B. ROBINSON, SPEAKER. <i>The Honorable Messrs.</i> DICKSON, " " CROOKSHANK, <i>The Hon. & Ven. The</i> ARCHDEACON OF YORK, <i>The Honorable Messrs.</i> WELLS, " " CAMERON, " " MARKLAND, " " DUNN,</p>	<p><i>The Honorable Messrs.</i> ALLAN, " " GORDON, " " McDONELL, " " ELMSLEY, " " BALDWIN, " " JOHN KIRBY, " " MACAULAY.</p>
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Then the House formed.

House forms.

His Excellency the Lieutenant Governor being seated on the Throne, His Honor the Speaker of the Legislative Council commanded the Gentleman Usher of the Black Rod to inform the Members of the Assembly, that it was His Excellency's pleasure that they do forthwith attend at the Bar of this House:

Lieutenant Governor comes to the House and commands the attendance of the Assembly.

Who being come thereto, the Speaker of this House said,

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

I am commanded by His Excellency the Lieutenant Governor, to acquaint you, that in consequence of a peculiar exigency, the Honorable Allan MacNab, Speaker of the House of Assembly, is unavoidably absent on public duty, in defence of the Province, and that His Excellency will defer declaring the causes for which he has summoned this meeting of the Provincial Parliament, until another Speaker shall be chosen by the House of Assembly: it is therefore His Excellency's pleasure that you, Gentlemen of the Assembly, do forthwith return to your Chamber, and do there choose a proper person to be your Speaker, to serve during the absence of Mr. MacNab, and that you do present him whom you shall have so chosen to His Excellency the Lieutenant Governor, at this place, immediately after your choice shall be made.

Causes for summoning the Parliament withheld until a Speaker of the Assembly be chosen, to serve during the absence of the Hon. Allan N. MacNab.

Whereupon the Members of the Assembly retired to their own Chamber, and having returned to the Bar of this House:

The Members of the Assembly retire to their Chamber. They return to the Bar of this House.

MR. RUTTAN said:

MAY IT PLEASE YOUR EXCELLENCY:

The Members of the House of Assembly, in obedience to your command, have proceeded to elect a Speaker; their choice has fallen upon me.

Mr. Ruttan informs His Excellency that the choice of the Assembly has fallen upon him.

Then the Speaker of this House said:

MR. RUTTAN;

His Excellency the Lieutenant Governor commands me to declare to you, that in full assurance of your integrity, ability and zeal, he entirely approves of the choice which the Assembly has made, and does approve and allow you to be their Speaker.

His Excellency, through the Speaker of this House, confirms Mr. Ruttan in his office of Speaker of the Assembly.

Then the Speaker of the Assembly said:

MAY IT PLEASE YOUR EXCELLENCY:

Having been pleased to approve of the choice which the Members of the House of Assembly have made of me to be their Speaker, your Excellency will receive my most grateful thanks.

Reply of the Speaker of the Assembly thereto.

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THIRD SESSION THIRTEENTH PROVINCIAL PARLIAMENT, 1st VICTORIA.

Parliament convened. After which his Excellency the Lieutenant Governor was pleased to open the Session by a gracious Speech to both Houses.

His Excellency retires. The House of Assembly having withdrawn, his Excellency was pleased to retire. Then Prayers were read.

Speaker reports a copy of His Excellency's Speech. Same read. The Honorable the Speaker informed the House, that he was in possession of a copy of his Excellency's Speech, which he read, and it was again read (*pro forma*) by the Clerk, and is as follows :

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

The Speech. I have deemed it necessary to convene the Legislature of Upper Canada a few days earlier than has been customary, for the purpose of communicating with you on the present state of the Province; but before I draw your attention to this important subject, I cannot refrain from condoling with you on the loss, which since our last meeting, we have sustained in the demise of His late Gracious Majesty, King William the Fourth, of blessed memory, whose parental attachment to the Canadas will, I feel confident, long be remembered by its inhabitants, with filial gratitude and respect.

The Throne of the British Empire is now adorned by Her Majesty Queen Victoria; whose youth, education, virtues and sex, endearing her to her Subjects, claim their loyal protection and support.

Notwithstanding the prosperity and happiness of this Province, it is with pain I inform you, that I have suddenly been called upon to suppress a rebellion, which must have appeared to the Province at large of so extraordinary a character, that it is proper I should advert to its origin and progress.

With every disinclination to revive political differences of opinion, which must exist in every free country, and which no liberal man would ever be desirous to suppress, I will merely remind you, that shortly after I arrived in this Province, with instructions from His late Majesty to correct whatever grievances might exist, it unavoidably became necessary that I should constitutionally appeal to the sense of the people—I did so, and they unequivocally supported me.

A few individuals, disappointed at the result, did not scruple to declare, that the people of Upper Canada had been mistaken in their verdict, which, it was asserted, had been obtained by improper means.

This second subject of discussion I deemed it advisable to bring plainly before the public—it was accordingly submitted to the consideration of His late Majesty and the Imperial Government, the House of Commons, and the House of Assembly of Upper Canada; and by all these tribunals the question was decided against those who, with groundless slander, had assailed their Government, and who being rapidly deserted by their original supporters, were now reduced to a very few individuals.

Finding that against cool argument they could advance nothing, they desperately determined to try an appeal to physical strength, the avowed object of which was to force Her Majesty's Subjects from their allegiance, and to subvert the British Constitution, under the pretext of reform.

As soon as this conspiracy became known to me, I determined, that for the public good, I would allow it to work its own cure, but as I felt convinced that that cure would never be admitted to be perfect if Her Majesty's troops were required to take any part in the contest, I cheerfully approved of their leaving the Province, in order that the people of Upper Canada, in a state of uncontrolled independence, might be allowed another opportunity of unequivocally demonstrating whether they would support me or desert me in the determination I had evinced, "to maintain for them the British Constitution inviolate."

Besides parting with the troops, I further resolved to place in the hands of the Civil portion of the community all the muskets, (about 4000) which the Government had in store, and I accordingly delivered them over to the custody of the Mayor, Aldermen and Commonalty, of the City of Toronto.

Without either soldiers or weapons to enforce my cause, I allowed the leader of the intended Insurrection a full opportunity to make his intended experiment—I freely allowed him to *write* what he chose—*say* what he chose, and *do* what he chose—I allowed him to

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

assemble his deluded adherents for the purpose of drill—I even allowed them unopposed to assemble with loaded Fire-arms, and in spite of the remonstrances which, from almost every District in the Province, I received from the peaceable portion of the Community, I allowed him to make deliberate preparations for revolt; for I freely confess that I did underrate the degree of audacity and cruelty which these armed insulters of the Law were prepared, as events have proved, to exhibit. It did not seem to me credible, that in the bosom of this peaceful Country, where every one was enjoying the protection of equal Laws, and reaping the fruit of his labours almost undiminished by taxes, any number of persons could be found willing to assail the lives, plunder the property of their unoffending fellow Subjects, and to attempt the destruction of a Government from which they had received nothing but good.

The ultimate object of the conspiracy was veiled under a mysterious secrecy which I had no desire to penetrate; and relying implicitly on the people, so little did I inquire into it, or impede it, that I was actually in bed, and asleep, when I was awakened by a messenger, who abruptly informed me that a numerous body of armed rebels had been congregated by their leader—that the murder of a veteran Officer of distinction, a settler in the Province, had already been committed—and that the assailants were within an hour's march of Toronto.

The long looked for crisis had now evidently arrived, and accordingly defenceless and unarmed, I called upon the Militia of Upper Canada to defend their Government, and then confidently awaited the result.

With an enthusiasm which it is impossible for me to describe, they instantly obeyed the summons.

Upwards of 10,000 men immediately marched towards the Capital, and in the depth of a Canadian winter, with no clothes but those they stood in, without food, and generally speaking without arms, Reformers as well as Constitutionals nobly rushed forward to defend the revered Constitution of their ancestors, although the rebel who had dared to attack it was offering to his adherents three hundred acres of our land, and the plunder of our Banks!

As soon as the people had organized themselves, I saw it would be necessary to make an attack; however, feeling the greatest possible reluctance at the prospect of a sanguinary conflict with the deluded Subjects of Her Majesty who were opposed to me, I despatched to them two of their own party, to tell them that before any collision should take place, I parentally called upon them as their Governor, to avoid the effusion of human blood.

The answer I received from the rebel leader was, that he would only consent that his demands should be settled by a National convention, and that he would wait till two o'clock for my answer.

Having now, to the best of my ability, performed the religious as well as moral duty which I owed to the Province, I issued a Proclamation calling upon those who had been seduced to join in the unnatural rebellion, to return to their duty, in which case, I informed them, that they would find the Government of their Queen as indulgent as it was just; and having given them this last opportunity to disperse, I allowed the brave Militia of Upper Canada to advance; and the result of this "trial by battle" was the public verdict which I had always anticipated.

The rebels dispersed in all directions, surrendered every where at discretion; those of their leaders who were not taken prisoners absconded to the United States; and before sun-set the whole conspiracy exploded.

In the London District a similar proof of public opinion was practically evinced. To the Militia, nobly commanded by Colonel MacNab, Speaker of the House of Assembly, upwards of three hundred misguided men laid down their arms—craving pardon for their guilt—asking permission to assist the loyal Militia in capturing the fugitive leaders, who they declared, had not only deceived but deserted them—and the affair being thus concluded, there remained not a rebel throughout the whole Province in arms!—indeed, so complete was their defeat, that general orders were immediately issued by me, announcing that there was "no further occasion for the resort of Militia to Toronto"—and that the Militia of the Bathurst, Johnstown, Ottawa and Eastern Districts, might march to Lower Canada, in aid of the Queen's Forces.

In all the civil contests which History has been compelled to record, I conceive that there has never been a question more fairly submitted to the judgment of a free people, than that which in Upper Canada has just ended in the total defeat, moral as well as physical, of the opponents of the British Constitution.

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The triumph has been that of reason over force—of good laws over anarchy—of bravery, fidelity and generosity, on the part of the Militia, over murder, arson and robbery, by the rebels.

Tranquillity had returned to the land—angry passions had subsided—the political atmosphere of the Province was becoming health after the storm which had passed over it, when, I regret to inform you, that the peace of the Province was suddenly invaded from a quarter from which Her Majesty's Subjects in this Province had certainly never calculated upon receiving an attack.

I need not, on this Continent, declare that the Americans are a people with whom the British Empire, for many years, has assiduously cultivated the most friendly connection. Our Government has looked upon them as its allies—our people have intimately connected themselves with their commerce—our capital has irrigated their land—unlimited credit has been fraternally extended to them, with that unsuspecting confidence which in the civilized world is reposed in men of character and truth—we have rejoiced in their success, and we have done all that a generous Nation could do, to save them from the expense and misery of war. It is true, we were once opponents, but the hatchet of war has long been buried, and I must own I had hoped that the spirits of our mutual ancestors were sacredly guarding its tomb!!

Such are the feelings of the British people towards the Americans, and yet I regret to inform you, that in a moment of profound peace and of professed friendship, a considerable number of Americans, regardless of the crimes committed, as well as of the degraded character of the man, have sympathized with the principal rebel, who has lately absconded as a criminal from our land. I regret to inform you, that American Citizens of influence and great wealth have come forward to coerce the brave and independent people of Upper Canada, to change Laws and Institutions which they have lately, by open and almost universal suffrage, publicly declared that they prefer.

The American Press has, to my astonishment, in many instances advocated this flagrant act of injustice; and such has been the popular excitement, that not only has a body of Americans, headed by American leaders, within a few days, taken possession of Navy Island, (which belongs to the British Empire) but a proclamation has just been issued from this spot, declaring that the standard of liberty is planted in Canada—that a Provisional Government is established there—that a reward of five hundred pounds is offered for my apprehension—that three hundred acres of Her Majesty's lands will be freely bestowed by this Provisional Government upon any volunteer who shall personally assist in invading our freedom; and it is added, that "ten millions of these lands, fair and fertile, will speedily be at their disposal, with the other "vast resources of a country more extensive and rich in natural treasures than the United "Kingdom, or old France."

I am informed that Americans from various quarters are hastening from the interior to join this standard of avowed plunder and revolt—that cannon and arms are publicly proceeding there—and under these circumstances, it becomes my painful duty to inform you, that without having offered to the United States the smallest provocation, without having entertained the slightest previous doubt of the sincerity of American alliance, the inhabitants of this Province may, in a few days, be called upon by me to defend their lives, their properties and their liberties, from an attack by American Citizens, which, with no desire to offend, I must pronounce to be unparalleled in the history of the world.

Upon the courage and resolution of the Canadian people I place the firmest reliance; and if this unwarrantable invasion should proceed, I know I shall not in vain require every British Subject coolly to perform that duty to his country which his own pride, spirit and feelings, will spontaneously suggest.

The interference of Foreigners in the domestic policy of a free Country, is an aggression which no Nation of character can ever submit to endure, (especially where a band of people, violating their own laws, our laws, as well as the sacred obligations of national amity, intrude themselves upon peaceable inhabitants, lawlessly to advocate by force of arms the practical blessings and advantages of Republican Institutions, which, by their own showing, have at least ended with them in anarchy and plunder,) and as every country is a natural fortress to its inhabitants—as every village is a strong Military position—and as every bridge and ravine can be advantageously defended, I must own, that deeply as I should lament a conflict of this nature,

Thursday, 28th December, 1837.

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

I entertain no feeling of anxiety for the result. The peaceful inhabitants of Upper Canada will not be left to defend their country alone, for they belong to an Empire which does not suffer its Subjects to be injured with impunity: and if a national war, which it rests with the American Government to avert, should be the unhappy consequence of an intolerant invasion of our freedom, the civilized world, while it sympathises with our just cause, will view with feelings of astonishment and abhorrence this attempt of a body of American Citizens treacherously to attack and plunder, in a moment of profound peace, their oldest—their most intimate—and their most natural ally.

A few days will, I trust, demonstrate that the American Government wants neither the will nor the power to control its people. If otherwise, the defensive course which the inhabitants of Upper Canada must be called upon to adopt is plain and clear.

In the mean while, however, it is but justice to the American Nation to allow them, notwithstanding our territory has been already invaded by their citizens, the opportunity of nobly vindicating, as I firmly believe they will, the integrity of their Government and Institutions; and I have to inform you that with this peaceful object in view, I have communicated with the Governor of the State of New York, with whom I have hitherto been on the most friendly terms, as also with Her Majesty's Minister at Washington; and awaiting their replies, I have re-inforced the gallant Militia of the frontier, by a strong Corps of Observation, and have made arrangements for a general call upon the Militia, in case their services should unfortunately be required.

Gentlemen of the House of Assembly:

I shall direct the public accounts, and the estimate for the ensuing year, to be laid before you.

The ordinary supplies necessary for the public service will, I have no doubt, be granted; and it cannot but be expected that the late rash attempt to produce confusion in the Province, will give rise to an increase in the public expenditure, and create some new claims upon the justice and bounty of the Legislature.

You will, I doubt not, consider the propriety of indemnifying any of the inhabitants of this Province, who have sustained serious losses from the outrageous acts of the insurgents, and of providing pensions for the very few Subjects of Her Majesty, who may have been disabled by wounds received in the defence of their laws.

Honorable Gentlemen, and Gentlemen:

If you were assembled under ordinary circumstances, there would be several matters relating to the improvement of the Province, to the general welfare of its inhabitants, and to the encouragement of immigration, which I should desire to submit to your consideration; but you will probably agree with me in thinking, that it may be prudent to admit of your speedy return to your several Districts, by forbearing, as much as possible, to enter at this time upon the discussion of business which can be properly postponed.

Nothing, perhaps, presses so earnestly for immediate consideration, as the adoption of such measures as may most effectually secure the inhabitants of this Province against the recurrence of the danger to which they have lately been exposed.

Every one must feel that the people, who at this inclement season forsook their families, and rushed in thousands to the defence of their independence and their laws, deserve that every exertion should be made by their Legislature for their future protection; and having seen the misery which the late violent insurrection against the laws has inflicted upon many hundreds of people and their families, we must feel that humanity requires every reasonable precaution to be taken, for enabling the Government in future to suppress such guilty proceedings in their earliest stages.

You are intimately acquainted with the character, the wishes and the interests of your fellow Subjects, for whom it is your privilege to legislate: you are well able to judge of the causes of those evils which we deplore, and I can leave it with confidence to your discretion to devise whatever measures may appear best suited for maintaining the public tranquillity, and for protecting the lives and properties of Her Majesty's Subjects.

You will not fail also to devote your most serious consideration to the means of preventing or repelling such hostile aggressions upon our territory, by the people of a friendly power, as our frontier at this moment exhibits, for we owe it to our honor, and to the British name, to be vigilant and firm at such a crisis.

29th & 30th December, 1837.

THIRD SESSION THIRTEENTH PROVINCIAL PARLIAMENT, 1st VICTORIA.

On motion made and seconded, it was,

Committee appointed to draft an Address in answer thereto.

Ordered, that a Select Committee be appointed to draft an Address to the Lieutenant Governor, in answer to His Excellency's Speech from the Throne; and,

Members composing same.

Ordered, that the Honourable Messieurs Markland, Gordon and Macaulay, do compose the same for that purpose.

House Adjourns.

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

FRIDAY 29th DECEMBER, 1837.

House meets.

The House met, pursuant to adjournment.

PRESENT:

Members present.

The Honourable JOHN B. ROBINSON, SPEAKER.

The Honourable Messrs. ALLAN,

The Honourable Messrs. DICKSON,

" " GORDON,

" " CROOKSHANK,

" " McDONELL,

The Hon. & Ven. The ARCHDEACON OF YORK,

" " BALDWIN,

The Honourable Messrs. WELLS,

" " JOHN KIRBY,

" " MARKLAND,

" " MACAULAY.

Prayers were read.

Oath prescribed by law administered to the Hon. Peter Adamson.

The Honourable Peter Adamson came to the table, and took and subscribed the Oath prescribed by the Statute of the 31st George III. chapter 31st, in the presence of Grant Powell, Esquire, one of the Commissioners named for that purpose.

The Minutes of yesterday were read.

Notice of moving an Address to His Excellency, praying for certain information, with reference to the defence of the City, on the breaking out of the Insurrection.

The Honourable Mr. Macaulay gave notice, that he will, on to-morrow, move that an Address be presented to His Excellency the Lieutenant Governor, requesting that he would be pleased to lay before this House a nominal list of the persons who came forward on the 5th, 6th and 7th instant, and voluntarily took up arms in defence of the City of Toronto, and in support of the Queen's Government; and also a nominal list of all persons above the age of sixteen years, resident within the City of Toronto, and the Liberties thereof.

House adjourns.

On motion made and seconded, the House adjourned until to-morrow, at the hour of twelve of the o'clock, at noon.

SATURDAY, 30th DECEMBER, 1837.

House meets.

The House met, pursuant to adjournment.

PRESENT:

Members present.

The Honourable JOHN B. ROBINSON, SPEAKER.

The Honourable Messrs. GORDON,

The Honourable Mr. DICKSON,

" " McDONELL,

The Hon. & Ven. The ARCHDEACON OF YORK,

" " BALDWIN,

The Honourable Messrs. WELLS,

" " ADAMSON,

" " CAMERON,

" " JOHN KIRBY,

" " MARKLAND,

" " MACAULAY.

" " ALLAN,

Prayers were read.

The Minutes of yesterday were read.

A Committee appointed to inquire into the state of the Province.

The Honourable and Venerable the Archdeacon of York, moved that the Honourable Messieurs Dickson, Gordon and Macaulay, be appointed a Select Committee, to inquire into the state of the Province, with power to send for persons and papers, and to report thereon;

Which being seconded, the question of concurrence was put; and it was carried in the affirmative; and,

Ordered accordingly.

Report of the Select Committee appointed to draft an Address in answer to His Excellency's Speech from the Throne, presented.

The Honourable Mr. Markland, from the Select Committee appointed to draft an Address to the Lieutenant Governor, in answer to His Excellency's Speech from the Throne, presented their Report.

Ordered, that it be received; and,

Read.

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

Monday, 1st January, 1838.

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

The Committee to whom was referred the Speech of His Excellency the Lieutenant Governor, at the opening of the present Session, have taken the same into consideration, and prepared an Address of thanks to His Excellency, which they beg to present herewith, for the consideration of your Honourable House.

GEORGE H. MARKLAND,
CHAIRMAN.

30th December, 1837.

On motion made and seconded, it was,

Ordered, that the House be put into a Committee of the whole presently, to take the said Address into consideration; and,

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

The Address committed.

The Honourable Mr. Markland took the Chair.

After some time the House resumed.

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

Reported.

Ordered, that the Report be received; and,

Adopted.

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

Pursuant to notice, the Honourable Mr. Macaulay moved, as amended, that an Address be presented to His Excellency the Lieutenant Governor, requesting that he would be pleased to cause to be laid before this House, a nominal list of the persons resident within the City of Toronto, and Liberties thereof, who came forward on the fifth, sixth and seventh instant, and voluntarily took up arms for the defence of the City of Toronto, and in support of the Queen's Government, on each of the said days; and also a nominal list of all male persons, from the age of sixteen years to sixty, resident within the said City, and the liberties thereof; which being seconded,

Address to his Excellency moved (as amended) praying for certain information with reference to the defence of the City on the breaking out of the insurrection.

The question of concurrence was put, and it was carried in the affirmative; and it was,

Question put and carried.

Ordered, that the Honourable Messieurs Gordon and McDonell, be appointed a Committee to draft and present the said Address to His Excellency.

Committee appointed to draft the same.

The Honourable Mr. Gordon gave notice, that on Monday next he would move, that the Address to the Lieutenant Governor, in answer to His Excellency's Speech from the Throne, be read a third time that day, and that the order of this day for a third reading of the said Address on "Tuesday next" be rescinded.

Notice of moving that the order for reading the Address in answer to His Excellency's Speech from the Throne a third time on Tuesday next, be rescinded, and that the same be read a third time on Monday next.

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

House Adjourns.

MONDAY, 1st JANUARY, 1838.

The House met pursuant to adjournment.

House meets.

PRESENT:

The Honourable JOHN B. ROBINSON, SPEAKER.

The Honourable Messrs. ALLAN,

The Honourable Mr. DICKSON,

" " GORDON,

The Hon. & Ven. The ARCHDEACON OF YORK,

" " McDONELL,

The Honourable Messrs. WELLS,

" " BALDWIN,

" " CAMERON,

" " ADAMSON,

" " MARKLAND,

" " MACAULAY.

Members present.

Prayers were read.

The Minutes of Saturday last were read.

Pursuant to notice, it was moved, that the Address to the Lieutenant Governor, in answer to His Excellency's Speech from the Throne, be read a third time this day, and that the order of Saturday last for a third reading of the said Address on "Tuesday next" be rescinded; which being seconded,

Motion for reading the Address in answer to His Excellency's Speech from the Throne a third time this day, and for rescinding the order for a third reading of the same on Tuesday next.

The question of concurrence was put, and it was carried in the affirmative:

Question put and carried.

Whereupon the said Address was read a third time accordingly, and passed, and is as follows:

Address read third time and passed.

D

Monday, 1st January, 1838.

THIRD SESSION THIRTEENTH PROVINCIAL PARLIAMENT, 1st VICTORIA.

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

The Address.

MAY IT PLEASE YOUR EXCELLENCY :

We, Her Majesty's dutiful and loyal Subjects, the Legislative Council of Upper Canada, in Provincial Parliament assembled, beg leave to return our respectful thanks for your Excellency's Speech from the Throne.

On this first occasion of our assembling since the demise of His late Majesty, of blessed memory, we cannot forbear expressing our participation in those feelings with which the recollection of His reign will long be cherished from the mild benignity of His disposition and His earnest desire to secure the peace and promote the happiness of His Subjects. We unite with Your Excellency in offering our humble but hearty congratulations upon the accession of Her present Majesty QUEEN VICTORIA, to whom, we earnestly pray, that the blessing of Divine favour may be extended, through a long, glorious, and happy reign.

It may seem an inauspicious commencement of Her Majesty's rule over Her Provinces of Canada, that the standard of rebellion has been recently, for the first time, unfurled in them; but we humbly trust, that a wise over-ruling Providence, which orders all things for good, will make even the miseries of these unnatural and hopeless contests productive of lasting advantage to these Colonies, by increasing the security of our free institutions.

The promptness with which an apparently formidable insurrection in Lower Canada has been suppressed by Lieutenant General Sir John Colborne, with the gallant Troops and Volunteers under his command, and the instant and complete dispersion of the insurgents in this Province, by Your Excellency and the gallant Militia, cannot but afford to the Queen's loyal Subjects in the Colonies the most encouraging hope, that tranquillity is about to succeed to a long period of unreasonable and injurious agitation.

If there were Countries on the Globe in which rational liberty was enjoyed in its fullest extent—in which the laws were impartially administered—property protected—and the fruits of industry, almost undiminished by public burdens, reaped in security—the Provinces of Canada contained a population which, before these unhappy tumults, possessed those blessings.

But in all communities there are individuals who labour only to produce disorder; and it is not extraordinary that there have been found in both these Colonies some few men of bad passions, or perverted understandings, who, instead of enjoying with grateful hearts the good so bountifully spread before them, have made it the base employment of their lives to alienate the affections of a happy people from a just and indulgent Government, and to produce jealousies, discord and violence, where nothing but peace, contentment and thankfulness, should have reigned.

But it is, nevertheless, extraordinary that in either Colony any considerable impression should have been made upon the people by efforts so manifestly wicked and unjust; and it seems as if the dispensations of Divine Providence required that the miserable consequences of an unnatural, causeless and desperate rebellion, against a powerful and just Government, should be actually felt by the people of these favoured Provinces, in order that those who had been so long deluded might at length see their own folly, and the wickedness and ingratitude of their leaders, in their strongest light.

We earnestly trust that the afflicting lessons which have been thus afforded may lead to lasting good. To the number of misguided persons who have submitted themselves to the laws, and acknowledged their crime, it must be evident how grossly they have been deceived; they find their leaders flying from the just vengeance of insulted laws, and leaving their infatuated followers to the mercy of a Government which they had ungratefully endeavoured to destroy; and when they consider for what object they have exposed themselves and their families to ruin—guiltily assailed the lives of their fellow Subjects—and violated their oaths of fidelity to a just and mild Government, they cannot but perceive, that having no wrongs to complain of, they have, without excuse, allowed themselves to be made the instruments of gratifying the malice, or promoting the ambition of a few unprincipled men.

We cannot allude to the late wicked insurrection in this Province, of which Your Excellency has described the origin and progress, without expressing our fervent gratitude to

Monday, 1st January, 1838.

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

Almighty Providence for having preserved Your Excellency, and our loyal fellow Subjects who surrounded you, from the dangers with which you were threatened; nor can we forbear most devoutly to acknowledge the signal interposition, displayed by a succession of circumstances, in favour of the inhabitants of this City, which combined to defeat the atrocious designs of the insurgents, and to give effect to the spirited exertions made in its defence.

We feel a just pride in being inhabitants of a Country, whose Governor could unreservedly throw himself, as Your Excellency did, upon the loyalty and spirit of the people, as the only defence necessary to protect him from danger, and as a sufficient support for the Laws and Constitution, against the open violence of their declared enemies. Such an example, and so glorious a result, cannot fail to raise the character of Upper Canada in the estimation of her Sovereign and the British Empire.

This extraordinary attempt to subvert our Government has been attended with many beneficial results. It has exposed the gross falsehoods and deceptions to which the leaders of the insurrection had recourse, in order to delude their followers.—It has shewn plainly and undeniably that the agitation, which for many years past has disturbed the Province and impeded its welfare, had for its object to separate us from the Parent State, to gratify private malice and lawless rapacity, by cruel acts of revenge, and by the plunder of public and private property.—It has shewn that the free inhabitants of this Province are loyal, faithful, generous and brave; for nothing could be more animating and affecting than the ardour and courage with which the several Districts of Upper Canada, in the depth of winter, poured forth their thousands, at a moment's warning, to rally round their Government in the hour of danger, and to extend their protection to their fellow Subjects, whose lives and liberties were threatened.—It has taught the abettors of treason, that those who really value their freedom, and are prepared like men to defend it, infinitely out-number those who falsely pretend to be the advocates of liberty, but who abuse that sacred name for the purposes of faction and guilty ambition.

These lessons, we lament to say, have not been unattended with affliction, but we are confident in the hope, that Your Excellency, and all who are entrusted with authority, and those even against whose lives and property the arm of violence has been raised, will distinguish, so far as may be just, between such as have been the instigators and willing actors in this unnatural rebellion, and those who, by falsehoods and importunity, have been seduced unhappily to take part in it—of the latter, we are persuaded, the greater number already look with shame and abhorrence upon that guilty conduct which has roused the indignation of their countrymen, and exposed themselves to the punishment of the offended laws.

We have learnt from Your Excellency, with concern and astonishment, that the tranquillity which had been so immediately restored to all parts of this Province, has been interrupted, and the services of our gallant and faithful Militia prolonged at this inclement season, in consequence of a most extraordinary and unjustifiable invasion of our Niagara frontier, by a band of armed citizens of the United States.

If in a moment of civil commotion any thing had been wanting to animate the loyal Subjects of this Province in the discharge of their duty to their Government, the most powerful motive would be supplied by the attempt of a foreign people to intrude themselves upon our soil, and by their insulting threat to appropriate our lands as a booty to their lawless soldiers. But we are convinced the Government of the United States will do justice to their national character, by affording ample reparation for this flagrant violation of existing treaties; and when the time of reflection has arrived, and a knowledge of the truth has found its way to our neighbours, they will look back, not without some degree of shame, at the credulity with which they believed the most palpable falsehoods, to the prejudice of the Government and free people of a friendly power, and at the forgetfulness of their obvious duties as men and Christians, which has marked their conduct on this occasion: and while remembering these efforts to blow the flame of civil discord in a remote portion of Her Majesty's dominions, they will not fail to recall to mind the very different course which Great Britain pursued when she earnestly offered and exercised her powerful influence, to avert from them the miseries of a threatened war with a mighty nation, then in close alliance with herself, without her having any immediate interest in the contest.

We beg to be allowed to assure Your Excellency of our entire approbation of the measures so promptly taken for calling the attention of the American Government to the unprovoked

Tuesday, 2nd January, 1838.

THIRD SESSION THIRTEENTH PROVINCIAL PARLIAMENT, 1st VICTORIA.

aggressions of a portion of their people, and for placing on the Niagara frontier a strong defensive force, under the command of Colonel MacNab, the Speaker of the Assembly, whose services there, and in the District of London, at the head of a gallant band of Militia Volunteers, have been most zealous and efficient.

As we have not been assembled under ordinary circumstances, but at a period of much anxiety, we concur in opinion with Your Excellency, that a return to our several Districts, as soon as the necessary business can be disposed of, would be prudent and satisfactory.

We shall not fail, however, to take into our consideration the adoption of such measures as will most effectually secure the inhabitants of this Province against the recurrence of the danger to which they have lately been exposed. Besides the sympathy which we feel for our fellow Subjects, who have incurred so many dangers and privations in defence of their independence and laws—whose noble ardour claims the highest admiration, and demands for them protection, through the Legislature, from similar evils, we feel that we owe it to the honour of the British name, to be vigilant and firm in adopting measures for repelling all hostile aggressions upon our territory from any Foreign Power, as well as for preventing internal dissensions and changes, which would only introduce anarchy and confusion in this happy Colony.

Committee appointed to know when the House would be received with same.

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

Members composing it.

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

Draft of an Address to his Excellency, praying for certain information with reference to the defence of the City on the breaking out of the insurrection, reported.

The Honourable Mr. Gordon, reported the draft of an Address to His Excellency the Lieutenant Governor, in pursuance of the resolution of Saturday.

Ordered, that the Report be received.

On motion made and seconded, it was,

Ordered, that the same be now referred to a Committee of the whole House; and,

Committed.

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

The Honourable Mr. Markland took the Chair.

House resumes.

After some time the House resumed.

Report of the Select Committee appointed to know when the House would be received with their Address in answer to his Excellency's Speech from the Throne.

The Honourable Mr. Baldwin, from the Select Committee appointed to wait upon the Lieutenant Governor, to know when His Excellency would be pleased to receive this House with their Address, in answer to His Excellency's Speech from the Throne at the opening of the present Session, reported that they had done so, and that His Excellency had appointed a quarter past twelve of the clock this day for that purpose.

Same presented.

At the hour appointed, the House proceeded to the Government House with their Address; and having returned,

Speaker reports his Excellency's reply thereto.

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

Same read.

Honourable Gentlemen:

The Reply.

I have listened with great pleasure to the loyal sentiments which are contained in your Address; and in the name of Her Majesty, I thank you for your cordial co-operation and support.

House adjourns.

On motion made and seconded, the House adjourned.

TUESDAY, 2nd JANUARY, 1838.

House meets.

The House met, pursuant to adjournment.

PRESENT :

Members present.

The Honourable JOHN B. ROBINSON, SPEAKER.
The Honourable Messrs. CROOKSHANK,
 " " MARKLAND,
 " " ALLAN,
 " " GORDON,

The Honourable Messrs. McDONELL,
 " " BALDWIN,
 " " ADAMSON,
 " " MACAULAY.

Prayers were read.

The Minutes of yesterday were read.

Wednesday, 3rd January, 1838.

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

The Honourable Mr. Allan brought up the petition of E. C. Taylor, and others, inhabitants of the County of Huron; and also the petition of the Huron Fishery Company; which were laid on the table.

Petitions of E.C. Taylor, and others; And of the Huron Fishery Company, brought up.

On motion made and seconded, it was,

Ordered, that the nineteenth Rule of this House be dispensed with, as far as it regards moving the following Resolutions:

Nineteenth Rule of the House dispensed with;

Resolved—That the thanks of the Legislative Council be presented to the Militia of Upper Canada, for their unshaken fidelity to their Sovereign, and for the courage and alacrity with which they have pressed forward to defend their Constitution, and to guard their Country from invasion.

And certain Resolutions of thanks to the Militia of this Province, and to Col. FitzGibbon, and the Hon. Colonel MacNab, moved.

Resolved—That the thanks of the Legislative Council be presented to Colonel FitzGibbon, late Adjutant General of Militia, and to the Honourable Colonel MacNab, Speaker of the House of Assembly, for their distinguished services in defence of the Province.

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

Same adopted.

Ordered, that a copy of these Resolutions be transmitted by His Honour the Speaker, through His Excellency the Lieutenant Governor, to the Adjutant General of Militia in this Province.

And a copy thereof ordered to be transmitted to the Adjutant General of Militia.

On motion made and seconded, the House adjourned.

House adjourns.

WEDNESDAY, 3rd JANUARY, 1838.

The House met, pursuant to adjournment.

House meets.

PRESENT:

The Honourable JOHN B. ROBINSON, SPEAKER.

The Honourable Messrs. GORDON,

The Honourable Mr. CROOKSHANK,

“ “ McDONELL,

The Hon. & Ven. The ARCHDEACON OF YORK,

“ “ BALDWIN,

The Honourable Messrs. MARKLAND,

“ “ ADAMSON,

“ “ ALLAN,

“ “ MACAULAY.

Members present.

Prayers were read.

The Minutes of yesterday were read.

A Deputation from the Commons House of Assembly, brought up a bill entitled, “An Act to authorise the apprehending and detention of persons suspected of High Treason, Misprision of Treason and Treasonable Practices”—and also a bill entitled, “An Act to repeal part of and amend an Act passed in the seventh year of His late Majesty’s reign entitled, ‘An Act to appoint the time and place for holding the Court of General Quarter Sessions of the Peace in each of the several Districts of this Province, and to repeal the several laws now in force for that purpose’—to which they requested the concurrence of this House, and then withdrew.

High Treason apprehension bill;

Quarter Sessions time and place appointment partial repeal bill, brought up from the Assembly.

The said bills were then read; and it was,

Read first time.

Ordered, that the bill, entitled “An Act to repeal part of and amend an Act passed in the seventh year of His late Majesty’s reign, entitled ‘An Act to appoint the time and place for holding the Court of General Quarter Sessions of the Peace in each of the several Districts of this Province, and to repeal the several laws now in force for that purpose,’ be read a second time to-morrow.

On motion made and seconded, it was,

Ordered, that the forty-fourth Rule of this House be dispensed with in so far as it regards the bill entitled, “An Act to authorise the apprehending and detention of persons suspected of High Treason, Misprision of Treason and Treasonable Practices”; and,

Forty-fourth Rule dispensed with as relates to High Treason apprehension bill.

Ordered, that the said bill be read a second time presently.

The same was then read a second time accordingly; and it was,

Same read second time.

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

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

Committed.

The Honourable Mr. Gordon took the Chair.

After some time the House resumed.

4th & 5th January, 1838.

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Reported, and leave asked to sit again.	The Chairman reported, that the Committee had taken the said bill into consideration, had made some progress therein, and asked leave to sit again to-morrow.
Leave granted.	Ordered, that the Report be received, and leave granted accordingly.
A Member enters.	The Honourable Mr. Wells enters.
Address in answer to His Excellency's Speech from the Throne ordered to be Printed.	On motion made and seconded, it was, Ordered, that three hundred copies of the Address of this House to the Lieutenant Governor, in answer to His Excellency's Speech at the opening of the present Session, be printed for the use of Members.
Petition of T. Butler, and others, brought up.	The Honourable Mr. Allan brought up the petition of T. Butler, and others, freeholders of the Counties of Lincoln and Haldimand; which was laid on the table.
House adjourns.	On motion made and seconded, the House adjourned.

THURSDAY, 4th JANUARY, 1838.

House meets. The House met, pursuant to adjournment.

PRESENT :

Members present.	<i>The Honourable</i> JOHN B. ROBINSON, SPEAKER.	<i>The Honourable Messrs.</i> McDONELL,
	<i>The Honourable Messrs.</i> DICKSON,	" " BALDWIN,
	" " CAMERON,	" " ADAMSON,
	" " MARKLAND,	" " MACAULAY.
	" " GORDON,	

Prayers were read.

The Minutes of yesterday were read.

High Treason apprehension bill, re-committed. Pursuant to the order of the day, the House was again put into a Committee of the whole upon the bill entitled, "An Act to authorise the apprehending and detention of persons suspected of High Treason, Misprision of Treason and Treasonable Practices."

The Honourable Mr. Gordon took the Chair.

After some time the House resumed.

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

A Member enters. The Honourable Mr. Crookshank enters.

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

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

Quarter Sessions time and place appointment partial repeal bill, read second time. Pursuant to the order of the day, the bill entitled, "An Act to repeal part of and amend an Act passed in the seventh year of His late Majesty's reign, entitled 'An Act to appoint the time and place for holding the Court of General Quarter Sessions of the Peace in each of the several Districts of this Province, and to repeal the several laws now in force for that purpose,'" was read a second time; and it was,

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

Petitions of E. C. Taylor, and others; Pursuant to the order of the day, the petition of E. C. Taylor, and others, inhabitants of the County of Huron, praying that salt may be imported from the United States into this Province, free of duty; and also the petition of the Huron Fishery Company, praying for an Act of incorporation, and a grant of certain Islands, together with protection against intruders in the use of their Fishery, were severally read.

And of the Huron Fishery Company, read. On motion made and seconded, the House adjourned.

House Adjourns.

FRIDAY, 5th JANUARY, 1838.

House meets. The House met pursuant to adjournment.

PRESENT :

Members present.	<i>The Honourable</i> JOHN B. ROBINSON, SPEAKER.	<i>The Honourable Messrs.</i> GORDON,
	<i>The Honourable Messrs.</i> DICKSON,	" " BALDWIN,
	" " CAMERON,	" " ADAMSON,
	" " MARKLAND,	" " JOHN KIRBY,
	" " ALLAN,	" " MACAULAY.

Prayers were read.

The Minutes of yesterday were read.

Friday, 5th January, 1838.

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

Pursuant to the order of the day, the bill entitled, "An Act to authorise the apprehending and detention of persons suspected of High Treason, Misprision of Treason and Treasonable Practices," was read a third time; and it was,

High Treason apprehension bill, read third time, but not passed.

Ordered, that the bill do not now pass; and,

Ordered, that the same be amended as follows:

An amendment to the same ordered.

Press 3—After the fourth clause insert, "And be it further enacted by the authority aforesaid,

The amendment.

That for and during the continuance of this Act, in all and every case in which application shall be made for Her Majesty's Writ of Habeas Corpus, to any Court or Courts, Judge or Judges within this Province, by any person or persons who are or shall be in prison within this Province, at or upon the day on which this Act shall receive the Royal Assent, or afterwards, charged by any public authority with High Treason, Misprision of High Treason, or Treasonable Practices, such Writ of Habeas Corpus, if allowed, shall not be made returnable in less than thirty days from the time of its being allowed; and in all and every such case and cases, it shall be the duty of such Court, or Judge or Judges, and of each and every of them, and they are hereby required, when and so soon as such application for such writ of Habeas Corpus shall to them be respectively made, to give notice and information thereof in writing, together with copies of such application, and of the affidavit or affidavits, or other paper writings, on which such application shall be founded, to the Governor, Lieutenant Governor, or Person Administering the Government of this Province for the time being."

On motion made and seconded, it was,

Ordered, that the forty-fourth rule of this House be dispensed with as far as it regards this bill, and that the said amendment be engrossed, and the bill, as amended, read a third time this day.

Forty-fourth rule dispensed with as regards same.

Pursuant to the order of the day, the House was put into a Committee of the whole upon the bill entitled, "An Act to repeal part of and amend an Act passed in the seventh year of His late Majesty's reign, entitled, 'An Act to appoint the time and place for holding the Court of General Quarter Sessions of the Peace in each of the several Districts of this Province, and to repeal the several laws now in force for that purpose.'"

Quarter Sessions time and place appointment partial repeal bill, committed.

The Honourable Mr. Baldwin took the Chair.

After some time the House resumed.

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

Reported.

Ordered, that the Report be received; and,

Adopted.

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

Pursuant to the order of the day, the petition of F. Butler, and others, freeholders of the Counties of Lincoln and Haldimand, praying for a grant of money for the purpose of turnpiking the road leading from the Falls of Niagara to Simcoe, on the same terms as the grant made for the road from Queenston to Grimsby," was read.

Petition of T. Butler, and others, read.

The Honourable Mr. Crookshank enters.

A Member enters.

A Deputation from the Commons House of Assembly, brought up a bill entitled, "An Act to repeal and amend the Registry Laws of this Province, and for other purposes therein-mentioned"; and also a bill entitled, "An Act to authorise the erection of the County of Huron and certain other territory adjacent thereto, into a separate District"—to which they requested the concurrence of this House, and then withdrew.

Registry law amendment bill;

And District of Huron erection bill, brought up from the Assembly.

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

Read first time.

Ordered, that the bill entitled, "An Act to repeal and amend the Registry Laws of this Province, and for other purposes therein-mentioned," be read a second time on Monday next.

Ordered, that the bill entitled, "An Act to authorise the erection of the County of Huron, and certain other territory adjacent thereto, into a separate District," be read a second time to-morrow.

Pursuant to the fifth standing order, the House was called.

House called.

Saturday, 6th January, 1838.

THIRD SESSION THIRTEENTH PROVINCIAL PARLIAMENT, 1st VICTORIA.

PRESENT:

	<i>The Honourable</i> JOHN B. ROBINSON, SPEAKER.	<i>The Honourable Messrs.</i> GORDON,
	<i>The Honourable Messrs.</i> DICKSON,	" " BALDWIN,
Members present.	" " CROOKSHANK,	" " ADAMSON,
	" " CAMERON,	" " JOHN KIRBY,
	" " MARKLAND,	" " MACAULAY.
	" " ALLAN,	

ABSENT:

	THE HON. & VEN. THE ARCHDEACON OF YORK, (Absent.)
	THE HONOURABLE MESSIEURS. WELLS, (Sick.)
Members absent.	" " DUNN, (Absent.)
	" " P. ROBINSON, (Sick.)
	" " JONES, (Absent.)
	" " McDONELL, (Absent.)
	" " BURNHAM, (Absent.)
	" " ELMSLEY, (On duty.)
	" " HAMILTON, (Excused.)
	" " JAMES KERBY, (On duty.)
	" " CROOKS, (Absent.)
	THE HON. & RIGHT REV. BISHOP McDONELL, (Absent.)
	THE HONOURABLE MESSIEURS GRANT, (Excused—{ On account of } ill health. })
	" " NELLES, (Do. do.)
	" " STEWART, (Absent.)
	" " MORRIS, (On duty.)
	" " VANKOUGHNET, (Absent.)

Militia Court Martial bill, brought in. The Honourable the Speaker brought in a bill for authorising the trying of certain offenders by a Militia General Court Martial.

Read first time. The said bill was then read; and it was, Ordered, that the same be read a second time to-morrow.

A Member enters. The Honourable and Venerable the Archdeacon of York enters.

High Treason apprehension bill, as amended, read third time and passed. Pursuant to order, the bill entitled, "An Act to authorise the apprehending and detention of persons suspected of High Treason, Misprision of Treason and Treasonable Practices," was, as amended, read a third time; and,

The question being put whether this bill, as amended, should pass, it was carried in the affirmative;

Amendment signed; Whereupon the Speaker signed the amendment; and it was,

And sent to the Assembly for concurrence. Ordered, that the Master in Chancery do go down to the Assembly, and acquaint that House, that the Legislative Council has passed this bill with an amendment, to which they desire the concurrence of the Commons House of Assembly.

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

SATURDAY, 6th JANUARY, 1838.

House meets.

The House met, pursuant to adjournment.

PRESENT:

	<i>The Honourable</i> JOHN B. ROBINSON, SPEAKER.	<i>The Honourable Messrs.</i> ALLAN,
Members present.	<i>The Honourable Messrs.</i> DICKSON,	" " GORDON,
	" " CROOKSHANK,	" " ADAMSON,
	" " CAMERON,	" " JOHN KIRBY,
	" " MARKLAND,	" " MACAULAY.

Prayers were read.

The Minutes of yesterday were read.

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

Pursuant to the order of the day, the bill entitled, "An Act to repeal part of and amend an Act passed in the seventh year of His late Majesty's reign, entitled, 'An Act to appoint the time and place for holding the Court of General Quarter Sessions of the Peace in each of the several Districts of this Province, and to repeal the several Laws now in force for that purpose,'" was read a third time and passed:

Monday, 8th January, 1838.

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

Whereupon the Speaker signed the same; and it was,

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

Pursuant to the order of the day, the bill entitled, "An Act to authorise the erection of the County of Huron, and certain other territory adjacent thereto, into a separate District," was read a second time; and it was,

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

Pursuant to the order of the day, the bill for authorising the trying of certain offenders by a Militia General Court Martial, was read a second time; and it was,

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

The Honourable Mr. Baldwin enters.

The Honourable Mr. Baldwin brought up the petition of George Baker, and others, inhabitants of certain Townships in the Bathurst and Ottawa Districts; which was laid on the table.

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

MONDAY, 8th JANUARY, 1838.

The House met, pursuant to adjournment.

PRESENT:

The Honourable JOHN B. ROBINSON, SPEAKER.

The Honourable Messrs. DICKSON,

" " CROOKSHANK,

" " CAMERON,

" " ALLAN,

The Honourable Messrs. GORDON,

" " BALDWIN,

" " ADAMSON,

" " JOHN KIRBY,

" " MACAULAY.

Prayers were read.

The Minutes of Saturday last were read.

Pursuant to the order of the day, the House was put into a Committee of the whole upon the bill entitled, "An Act to authorise the erection of the County of Huron, and certain other territory adjacent thereto, into a separate District."

The Honourable Mr. Gordon took the Chair.

A message being announced, the Chairman left the Chair, and the House formed.

A Deputation from the Commons House of Assembly brought up several bills, to which they requested the concurrence of this House; and they returned the bill entitled, "An Act to authorise the apprehending and detention of persons suspected of High Treason, Misprision of Treason, and Treasonable Practices," and acquainted this House, that the Commons House of Assembly had acceded to the amendment made by the Legislative Council in and to the same; and then withdrew.

The House was then again put into a Committee of the whole upon the bill entitled; "An Act to authorise the erection of the County of Huron, and certain other territory adjacent thereto, into a separate District."

The Honourable Mr. Gordon took the Chair.

After some time the House resumed.

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

Ordered, that the report be received; and,

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

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

The Honourable Mr. Markland enters.

The Honourable the Speaker reported to the House, that a Deputation from the Commons House of Assembly had brought up a bill entitled, "An Act to regulate the future erection of Gaols in this Province"; also a bill entitled, "An Act to amend the law with respect to the liabi-

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Same signed;

And the Assembly acquainted thereof.

District of Huron erection bill, read second time.

Militia Court Martial bill, read second time.

A Member enters.

Petition of Geo. Baker, and others, brought up.

House adjourns.

House meets.

Members present.

District of Huron erection bill, committed.

Bills brought up from the Assembly.

Amendment to High Treason apprehension bill, acceded to by the Assembly.

District of Huron erection bill, re-committed.

Reported, and referred to a Select Committee.

Members composing same.

A Member enters.

Speaker reports the receipt of Gaols erection regulation bill;

Joint Contractors' law amendment bill;

Tuesday, 9th January, 1838.

THIRD SESSION THIRTEENTH PROVINCIAL PARLIAMENT, 1st VICTORIA.

<p>Members' Wages payment alteration bill; High Treason offences trial bill; and</p> <p>Expiring laws continuation bill, from the Assembly.</p> <p>Same read first time.</p> <p>Militia Court Martial bill, committed.</p> <p>Reported.</p> <p>Adopted.</p> <p>Registry law amendment bill, read second time;</p> <p>And referred to a Select Committee.</p> <p>Members composing same.</p> <p>Petition of Geo. Baker, and others, read.</p> <p>Petitions of The Mayor, &c. of the City of Toronto;</p> <p>Of J. Counter, and others;</p> <p>And of George Manners and others, brought up.</p> <p>House adjourns.</p>	<p>lity of the legal representatives of Joint Contractors, and of Defendants on Joint Judgments"; also a bill entitled, "An Act to alter the mode of paying the wages of Members of the House of Assembly"; also a bill entitled, "An Act to provide for the more effectual and impartial trial of persons charged with Treason and Treasonable Practices committed in this Province"; and also a bill entitled, "An Act to continue the expiring Laws"; to which they requested the concurrence of this House.</p> <p>The said bills were then severally read; and it was, Ordered, that the same be read a second time to-morrow.</p> <p>Pursuant to the order of the day, the House was put into a Committee of the whole upon the bill for authorising the trying of certain Offenders by a Militia General Court Martial. The Honourable Mr. Baldwin took the Chair. After some time the House resumed.</p> <p>The Chairman reported, that the Committee had gone through the bill, and recommended the same, to the adoption of the House.</p> <p>Ordered, that the Report be received; and, Ordered, that the said bill be engrossed, and the same read a third time to-morrow.</p> <p>Pursuant to the order of the day, the bill entitled, "An Act to repeal and amend the Registry Laws of this Province, and for other purposes therein mentioned," was read a second time; and it was, Ordered, that the same be referred to a Select Committee, with power to send for persons and papers, and to report thereon by amendment or otherwise; and, Ordered, that the Honourable Messieurs Dickson, Cameron, and Markland, do compose the same for that purpose.</p> <p>Pursuant to the order of the day, the petition of George Baker, and others, inhabitants of certain Townships in the Bathurst and Ottawa Districts, praying to be formed into a new District, with Bytown as its capital, was read.</p> <p>The Honourable Mr. Allan brought up the petition of the Mayor, and certain Aldermen and Common Councilmen of the City of Toronto; which was laid on the table.</p> <p>The Honourable Mr. Macaulay brought up the petition of J. Counter, and others, residents of the Town of Kingston; and also the petition of George Manners, and others, inhabitants of the District of Newcastle; which were laid on the table.</p> <p>On motion made and seconded, the House adjourned.</p>
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TUESDAY, 9th JANUARY, 1838.

House meets. The House met, pursuant to adjournment.

PRESENT :

<p>Members present.</p>	<p><i>The Honourable</i> JOHN B. ROBINSON, SPEAKER. <i>The Honourable Messrs.</i> DICKSON, " " CROOKSHANK, <i>The Hon. & Ven. The</i> ARCHDEACON OF YORK, <i>The Honourable Mr.</i> MARKLAND,</p>	<p><i>The Honourable Messrs.</i> ALLAN, " " GORDON, " " BALDWIN, " " JOHN KIRBY, " " MACAULAY.</p>
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Prayers were read.

The Minutes of yesterday were read.

<p>Militia Court Martial bill, read third time, and passed;</p> <p>Title ordered;</p> <p>Bill signed; and</p> <p>Sent to the Assembly for concurrence.</p> <p>High Treason imprisonment indemnification bill; and</p> <p>Fire-arms training prevention bill, brought up from the Assembly.</p>	<p>Pursuant to the order of the day, the bill for authorising the trying of certain Offenders by a Militia General Court Martial, was read a third time and passed; and it was, Ordered, that the title be, "An Act to protect the Inhabitants of this Province against lawless aggressions from the Subjects of Foreign Countries at peace with Her Majesty." Whereupon the Speaker signed the bill; and it was, Ordered, that the same be sent to the Commons House of Assembly, by the Master in Chancery, for the concurrence of that House.</p> <p>A Deputation from the Commons House of Assembly, brought up a bill entitled, "An Act for indemnifying persons who since the Second of December, 1837, have acted in apprehending, imprisoning, or detaining in custody, persons suspected of High Treason, or Treasonable Practices, and in the suppression of unlawful assemblies, and for other purposes therein mentioned"; and also a bill entitled, "An Act to prevent the training of persons to the use of Arms, and to the practice of Military evolutions and exercises, and to authorise Justices of the Peace to</p>
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Tuesday, 9th January, 1838.

SIR FRANCIS BOND HEAD, BARONET, K.G.H. *Lieutenant Governor.*

seize and detain Arms, collected or kept for purposes dangerous to the public peace"; to which they requested the concurrence of this House, and then withdrew.

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

Ordered, that the forty-fourth Rule of this House be dispensed with, as far as it relates to the bill entitled, "An Act for indemnifying persons who since the Second of December, 1837, have acted in apprehending, imprisoning, or detaining in custody, persons suspected of High Treason, or Treasonable Practices, and in the suppression of unlawful assemblies, and for other purposes therein mentioned," and that the same be read a second time this day.

Ordered, that the bill entitled, "An Act to prevent the training of persons to the use of Arms, and to the practice of Military evolutions and exercises, and to authorise Justices of the Peace to seize and detain Arms collected or kept for purposes dangerous to the public peace," be read a second time to-morrow.

Pursuant to the order of the day, the bill entitled, "An Act to regulate the future erection of Gaols in this Province"; also the bill entitled, "An Act to amend the Law with respect to the liability of the legal representatives of Joint Contractors, and of Defendants on Joint Judgments"; also the bill entitled, "An Act to alter the mode of paying the wages of Members of the House of Assembly"; also the bill entitled, "An Act to provide for the more effectual and impartial trial of persons charged with Treason and Treasonable Practices committed in this Province"; and also the bill entitled, "An Act to continue the expiring Laws," were severally read a second time; and it was,

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

Pursuant to order, the bill entitled, "An Act for indemnifying persons who since the Second of December, 1837, have acted in apprehending, imprisoning, or detaining in custody, persons suspected of High Treason, or Treasonable Practices, and in the suppression of unlawful assemblies, and for other purposes therein mentioned," was read a second time; and it was,

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

The Honourable Mr. Baldwin, from the Select Committee to whom was referred the bill entitled, "An Act to authorise the erection of the County of Huron, and certain other territory adjacent thereto, into a separate District," presented their report.

Ordered, that it be received; and,

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

The Select Committee to which was referred the bill entitled, "An Act to authorise the erection of the County of Huron, and certain other territory adjacent thereto, into a separate District," beg leave to Report;

That the forms of the House have been in all respects complied with, in respect to this bill.

Your Committee however observe, that it is intended to include within the new District certain portions of the unsurveyed territory of the Crown, lying to the northward of the County of Huron, and also a township contiguous to Colborne, called Ashfield; but as it is understood that no township of that name has yet been opened for settlement, by order of the Government, and the limits of the intended township of Ashfield have not yet been finally decided on, your Committee have deemed it advisable to submit the propriety of restricting the present extent of the new District to the County of Huron, and of leaving the addition of a range of townships along its northern boundary to be made hereafter, on the survey and settlement thereof.

With this view your Committee have prepared certain amendments, which accompany this Report.

On a comparison of this bill with Acts of a similar description, passed at a recent Session, your Committee discover no material difference between them.

All which is respectfully submitted.

A. BALDWIN,
CHAIRMAN.

Committee Room, Legislative Council,

9th January, 1838.

Read first time.

Forty-fourth rule dispensed with, as regards High Treason imprisonment indemnification bill;

Gaols erection regulation bill;

Joint Contractors law amendment bill;

Members' wages payment alteration bill;

High Treason offences trial bill; and

Expiring Laws continuation bill, read second time.

High Treason imprisonment indemnification bill, read second time.

Report of the Select Committee upon District of Huron erection bill, presented.

Read.

The Report.

Tuesday, 9th January, 1838.

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- Press 1, Line 6.—After "Huron" expunge to "should" in line 7.
 " " " 19.—Expunge "and township aforesaid."
 " " " 22.—After "Huron" expunge the whole to the word "into" in press 2, line 3.
 " 2, " 8.—After "county" expunge to "shall be" in line 9.
 " " " 11.—After "county" expunge "or township."
 " " " 12.—Expunge "aforesaid."
 " " " 19.—After "Court" insert "Surrogate Court."
 " 3, " 20.—After "Huron" expunge to "a" in line 21.
 " 4, " 9.—After "Huron" expunge "and township of Ashfield aforesaid"; after "time" insert "it."
 " " " 16.—After "Huron" expunge to "shall" in line 17.
 " 5, " 5.—After "Huron" expunge to "for" in line 6.
 " " " 6.—After "county" expunge to "shall" in line 7.
 " " " 14.—After "county" expunge to "when" in line 15.
 " " " 18.—After "county" expunge "and township."
 " 6, " 8.—Expunge "and township."
 " 7, " 5.—Expunge "and township aforesaid."
 " " " 11.—Expunge "and township."
 " 8, " 19.—Expunge "and township of Ashfield."
 " 9, " 6.—Expunge "and township"; expunge "are" and insert "is."
 " " " 11.—After "Huron" expunge "together with the aforesaid township of Ashfield."
 " " " 12.—Expunge "and township as aforesaid."
 " " " 16.—After "county" expunge "and township."
 " " " 21.—Expunge "and township of Ashfield."
 " 10, " 1.—Expunge "and township of Ashfield."
 " " " 4.—After "county" expunge "and township."
 " 11, " 3.—After "county" expunge "and."
 " " " 4.—Expunge "township."
 " 12, " 14.—Expunge "and township," in two places.
 " 13, " 10.—Expunge "and township."

On motion made and seconded, it was,

Ordered, that the House be again put into a Committee of the whole presently, to take the last mentioned bill into further consideration, as also the report of the Select Committee thereon.

The bill recommitted.

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

The Honourable Mr. Gordon took the Chair.

A message being announced the Chairman left the Chair, and the House formed.

Militia Court Martial bill, passed by the Assembly.

A Deputation from the Commons House of Assembly, returned the bill sent down from this House, entitled, "An Act to protect the Inhabitants of this Province against lawless aggressions from the Subjects of Foreign Countries at peace with Her Majesty," and acquainted the Legislative Council, that the Commons House of Assembly had passed the same without any amendment.

A Member enters.

The Honourable Mr. Wells enters.

District of Huron erection bill, recommitted.

The House was then again put into a Committee of the whole upon the bill entitled, "An Act to authorise the erection of the County of Huron, and certain other territory adjacent thereto, into a separate District," as also the report of the Select Committee thereon.

The Honourable Mr. Gordon took the Chair.

After some time the House resumed.

Amendments reported

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

Ordered, that the Report be received; and,

Read first time.

The said amendments were then read by the Clerk as follows:

The amendments.

- Press 1, Line 6.—After "Huron," expunge to "should" in line 7.
 " " " 19.—Expunge "and township aforesaid."
 " " " 22.—After "Huron" expunge the whole to the word "into," in press 2, line 3.
 " 2, " 8.—After "county" expunge to "shall be" in line 9.
 " " " 11.—After "county" expunge "or township."
 " " " 12.—Expunge "aforesaid."

Wednesday, 10th January, 1838.

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

- Press 2 Line. 19.—After "Court" insert "Surrogate Court."
 " 3, " 20.—After "Huron" expunge to "a" in line 21.
 " 4, " 9.—After "Huron" expunge "and township of Ashfield aforesaid"; after "time" insert "it."
 " " 16.—After "Huron" expunge to "shall" in line 17.
 " 5, " 5.—After "Huron" expunge to "for" in line 6.
 " " 6.—After "county" expunge to "shall" in line 7.
 " " 14.—After "county" expunge to "when" in line 15.
 " " 18.—After "county" expunge "and township."
 " 6, " 8.—Expunge "and township."
 " 7, " 5.—Expunge "and township aforesaid."
 " " 11.—Expunge "and township."
 " 8, " 19.—Expunge "and township of Ashfield."
 " 9, " 6.—Expunge "and township"; expunge "are" and insert "is."
 " " 11.—After "Huron" expunge "together with the aforesaid township of Ashfield."
 " " 12.—Expunge "and township as aforesaid."
 " " 16.—After "county" expunge "and township."
 " " 21.—Expunge "and township of Ashfield."
 " 10, " 1.—Expunge "and township of Ashfield."
 " " 4.—After "county" expunge "and township."
 " 11, " 3.—After "county" expunge "and."
 " " 4.—Expunge "township."
 " 12, " 14.—Expunge "and township," in two places.
 " 13, " 10.—Expunge "and township."

Add to the Bill.—23. And be it further enacted by the authority aforesaid, That on any future survey of the Territory lying to the northward of the said county of Huron, one range of townships lying immediately contiguous to the northerly Boundary of the said county, shall be attached to, and become part of the said intended new District; and that at any convenient time subsequent to the survey of the said range of townships as aforesaid, it shall and may be lawful to and for the Governor, Lieutenant Governor, or Person Administering the Government of this Province, by and with the advice and consent of Her Majesty's Executive Council for the affairs thereof, to divide the said new District into two counties, under such names and with such limits as may be expedient.

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

Ordered, that they be engrossed, and the said bill as amended read a third time to-morrow.

The Honourable Mr Macaulay brought up the petition of the Constitutional Association of the City of Montreal; which was laid on the table. Petition of the Constitutional Association of the City of Montreal, brought up.

On motion made and seconded, the House adjourned until to-morrow, at the hour of eleven of the clock, A. M. House adjourns.

WEDNESDAY, 10th JANUARY, 1838.

The House met, pursuant to adjournment. House meets.

PRESENT:

The Honourable JOHN B. ROBINSON, SPEAKER.

The Honourable Messrs. McDONELL,

The Honourable Messrs. DICKSON,

" " BALDWIN,

" " CROOKSHANK,

" " ADAMSON,

" " ALLAN,

" " JOHN KIRBY,

" " GORDON,

Members present.

Prayers were read.

The Minutes of yesterday were read.

Pursuant to the order of the day, the bill entitled, "An Act to authorise the erection of the County of Huron, and certain other territory adjacent thereto, into a separate District," was, as amended, read a third time; and it was, District of Huron erection bill, as amended, read third time, but not passed.

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And referred back to the same Select Committee.

Gaols erection regulation bill, committed.

Ordered, that the same be referred back to the Select Committee to report further thereon.

Pursuant to the order of the day, the House was put into a Committee of the whole upon the bill entitled, "An Act to regulate the future erection of Gaols in this Province."

The Honourable Mr. Crookshank took the Chair.

After some time the House resumed.

Reported.

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

Adopted.

Ordered, that the report be received; and,

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

Joint Contractors law amendment bill, committed.

Pursuant to the order of the day, the House was put into a Committee of the whole, upon the bill entitled, "An Act to amend the Law with respect to the liability of the legal representatives of Joint Contractors, and of Defendants on Joint Judgments."

The Honourable Mr. Allan took the Chair.

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

A bill brought up from the Assembly.

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

Joint Contractors' law amendment bill, re-committed.

The House was then again put into a Committee of the whole upon the bill entitled, "An Act to amend the Law with respect to the liability of the legal representatives of Joint Contractors, and of Defendants on Joint Judgments."

The Honourable Mr. Allan took the Chair.

After some time the House resumed.

Reported.

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

Adopted.

Ordered, that the report be received; and,

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

Speaker reports the receipt of Brockville Roads Macadamization amendment bill, from the Assembly.

The Honourable the Speaker reported to the House, that a Deputation from the Commons House of Assembly had brought up a bill entitled, "An Act to amend an Act passed in the seventh year of the reign of His late Majesty King William the Fourth, entitled, 'An Act to raise a sum of money to Macadamize the Roads leading from Brockville to Saint Francis, Charleston, Lyndhurst, Beverly and Portland, in the District of Johnstown, and to authorise the erection of Toll-gates on the said Roads,'" to which they requested the concurrence of this House.

Read first time.

The said bill was then read; and it was,

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

Members' Wages payment alteration bill, committed.

Pursuant to the order of the day, the House was put into a Committee of the whole, upon the bill entitled, "An Act to alter the mode of paying the wages of Members of the House of Assembly."

The Honourable Mr. Baldwin took the Chair.

After some time the House resumed.

Reported, and leave asked to sit again.

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

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

A Member enters.

The Honourable Mr. Macaulay enters.

High Treason offences trial bill, committed.

Pursuant to the order of the day, the House was put into a Committee of the whole, upon the bill entitled, "An Act to provide for the more effectual and impartial trial of persons charged with Treason and Treasonable Practices committed in this Province."

The Honourable Mr. Macaulay took the Chair.

After some time the House resumed.

Amendments reported.

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

Ordered, that the report be received; and,

Read first time.

The said amendments were then read by the Clerk as follows:

The amendments.

Press 3, line 8—Expunge "July," and insert "January"—After "next," insert "and from thence until the end of the then next ensuing Session of Parliament."

Read second time, and adopted.

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

Ordered, that they be engrossed, and the said bill, as amended, read a third time to-morrow.

Wednesday, 10th January, 1838.

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

A Deputation from the Commons House of Assembly, brought up a bill entitled, "An Act to extend the provisions of an Act passed in the fifty-ninth year of the reign of His late Majesty King George the Third, entitled, "An Act to repeal an Ordinance of the Province of Quebec, passed in the twenty-fifth year of His Majesty's reign, entitled, 'An Ordinance concerning Land Surveyors, and the admeasurement of Lands,' and also to extend the provisions of an Act passed in the thirty-eighth year of His Majesty's reign, entitled, 'An Act to ascertain and establish, on a permanent footing, the Boundary Lines of the different Townships in this Province, and further to regulate the manner in which lands are hereafter to be surveyed," to which they requested the concurrence of this House, and then withdrew.

Land Surveyors' Law extension bill, brought up from the Assembly.

The said bill was then read.

Read first time.

A Deputation from the Commons House of Assembly, brought up a bill entitled, "An Act to regulate the costs of levying distresses for small rents and penalties"; and also a bill entitled, "An Act to erect certain Townships now forming parts of the Districts of Bathurst, Johnstown and Ottawa, into a separate District, to be called the District of Dalhousie, and also to form within the same the Counties of Lothian and Carleton, and for other purposes therein-mentioned," to which they requested the concurrence of this House, and then withdrew.

Distress levying regulation bill; and,

District of Dalhousie erection bill, brought up from the Assembly.

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

Read first time.

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

The Honourable Messieurs Wells and Cameron, enter.

Members enter.

Pursuant to the order of the day, the House was put into a Committee of the whole, upon the bill entitled, "An Act to continue the expiring Laws."

Expiring laws continuation bill, committed.

The Honourable Mr. Gordon took the Chair.

After some time the House resumed.

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

Reported.

Ordered, that the report be received; and,

Adopted.

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

Pursuant to the order of the day, the House was put into a Committee of the whole, upon the bill entitled, "An Act for indemnifying persons who since the second of December, 1837, have acted in apprehending, imprisoning, or detaining in custody, persons suspected of High Treason, or Treasonable Practices, and in the suppression of unlawful assemblies, and for other purposes therein-mentioned."

High Treason imprisonment indemnification bill, committed.

The Honourable Mr. Adamson took the Chair.

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

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

A bill brought up from the Assembly.

The House was then again put into a Committee of the whole, upon the bill entitled, "An Act for indemnifying persons who since the second of December, 1837, have acted in apprehending, imprisoning, or detaining in custody, persons suspected of High Treason, or Treasonable Practices, and in the suppression of unlawful assemblies, and for other purposes therein-mentioned."

High Treason imprisonment indemnification bill, re-committed.

The Honourable Mr. Adamson took the Chair.

After some time the House resumed.

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

Reported, and leave asked to sit again.

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

Leave granted.

The Honourable the Speaker reported to the House, that a Deputation from the Commons House of Assembly had brought up a bill entitled, "An Act to authorise the establishment of Boards of Boundary Line Commissioners, within the several Districts of this Province," to which they requested the concurrence of this House.

Speaker reports the receipt of Boundary Line Commissioners' establishment bill, from the Assembly.

The said bill was then read; and it was,

Read first time.

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

Pursuant to the order of the day, the bill entitled, "An Act to prevent the training of persons to the use of Fire-arms, and to the practice of Military evolutions and exercises, and to authorise Justices of the Peace to seize and detain Arms collected and kept for purposes dangerous to the public peace," was read a second time; and it was,

Fire-arms training prevention bill, read second time.

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

Thursday, 11th January, 1838.

THIRD SESSION THIRTEENTH PROVINCIAL PARLIAMENT, 1st VICTORIA.

Petitions of the Mayor, &c.
of the City of Toronto;

Of J. Counter, and others;

And of George Manners
and others, read.

House adjourns.

Pursuant to the order of the day, the petition of the Mayor and certain Aldermen and Common Council-men of the City of Toronto, praying for an Act declaring the validity of the ensuing Municipal Elections"; also, the petition of J. Counter and others, residents of the Town of Kingston, praying for an Act of Incorporation, as a Marine Railway Company; and also, the petition of George Manners and others, inhabitants of the District of Newcastle, praying for an Act of Incorporation, for the purpose of erecting a Harbour in the Township of Clarke, to be called the Bond Head Harbour Company; were severally read.

On motion made and seconded, the House adjourned.

THURSDAY, 11th JANUARY, 1838.

House meets.

The House met, pursuant to adjournment.

PRESENT :

Members present.

The Honourable JOHN B. ROBINSON, SPEAKER.

The Honourable Messrs. DICKSON,

" " CAMERON,

" " GORDON,

The Honourable Messrs. ADAMSON,

" " JOHN KIRBY,

" " MACAULAY.

Prayers were read.

The Minutes of yesterday were read.

Expiring Laws continu-
ation bill;

Gaols erection regulation
bill; and,

Joint Contractors Law
amendment bill, read third
time and passed.

Pursuant to the order of the day, the bill entitled "An Act to continue the expiring laws"; also, the bill entitled "An Act to regulate the future erection of Gaols in this Province"; and also, the bill entitled "An Act to amend the law with respect to the liability of the legal representatives of Joint Contractors, and of Defendants on Joint Judgments," were severally read a third time and passed.

Same signed;

Whereupon the Speaker signed the same; and it was,

And the Assembly
acquainted thereof.

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

High Treason offences
trial bill, as amended, read
third time and passed.

Pursuant to the order of the day, the bill entitled "An Act to provide for the more effectual and impartial trial of persons charged with Treason, and Treasonable Practices, committed in this Province," was, as amended, read a third time; and,

The question being put whether this bill, as amended, should pass, it was carried in the affirmative;

Amendments signed;

Whereupon the Speaker signed the amendments; and it was,

And sent to the Assembly
for concurrence.

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

High Treason imprison-
ment indemnification bill,
recommitted.

Pursuant to the order of the day, the House was again put into a Committee of the whole, upon the bill, entitled, "An Act for indemnifying persons who since the second of December, 1837, have acted in apprehending, imprisoning, or detaining in custody, persons suspected of High Treason, or Treasonable Practices, and in the suppression of unlawful assemblies, and for other purposes therein-mentioned."

The Honourable Mr. Adamson took the Chair.

After some time the House resumed.

Amendments reported.

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

Ordered, that the report be received; and,

Read first time.

The said amendments were then read by the Clerk, as follows:

The amendments.

Press. 1, line 1.—After "whereas," expunge the remainder of the Preamble, and insert, "a late armed Insurrection of certain Subjects of Her Majesty in this Province, with intent to subvert the Government, and to plunder and destroy the property of the loyal inhabitants, has been happily subdued, but not until the Insurgents had committed acts of murder, robbery and arson, and had occasioned much alarm for the peace and security of the Province: And whereas immediately before, and during the said Insurrection, and in consequence thereof, it became necessary for Justices of the Peace, Officers of the Militia, and other persons in authority in this Province, and for divers loyal Subjects of Her Majesty, to take all possible measures for appre-

Thursday, 11th January, 1838.

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

hending, securing, detaining and bringing to justice, persons charged or suspected of joining in the said Insurrection, or of aiding or abetting the same, or of other Treasonable practices, dangerous to the peace of this Province, and the security of its Government, and also for the purpose of defeating and putting down the said Insurrection, and for maintaining the peace of this Province, and securing the lives and properties of the inhabitants thereof: And whereas some of such acts may not have been strictly legal and formal, but it is nevertheless just and necessary that the persons doing or advising the same should be kept harmless and indemnified against actions at law, or other proceedings with which they might otherwise be harrassed."

Press 3, line 8.—After "Insurrection," expunge to "shall," in line 12, and insert "and discovering and guarding against any other the treasonable proceedings aforesaid; or for the discovering and bringing to justice the persons concerned therein; or for maintaining the public peace, and the security of Her Majesty's Subjects in their persons and property; or for supporting the Government and Constitution of this Province against the treasonable practices and proceedings aforesaid."

" " " 15.—After "against," expunge the remainder of the clause, and insert "all and every other person and persons."

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

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

The Honourable Mr. Wells enters.

A Member enters.

Pursuant to the order of the day, the House was put into a Committee of the whole, upon the bill entitled, "An Act to prevent the training of persons to the use of Arms, and to the practice of Military evolutions and exercises, and to authorise Justices of the Peace to seize and detain Arms collected and kept for purposes dangerous to the public peace."

Fire-arms training prevention bill, committed.

The Honourable Mr. Wells took the Chair.

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

A Deputation from the Commons House of Assembly brought up several bills, to which they requested the concurrence of this House; and they returned the bill entitled, "An Act to provide for the more effectual and impartial trial of persons charged with Treason, and Treasonable practices, committed in this Province," and acquainted this House that the Commons House of Assembly had acceded to the amendments made by the Legislative Council in and to the same; and then withdrew.

Bills brought up from the Assembly.

Amendments to High Treason offences trial bill, acceded to by the Assembly.

The House was then again put into a Committee of the whole, upon the bill entitled, "An Act to prevent the training of persons to the use of Arms, and to the practice of Military evolutions and exercises, and to authorise Justices of the Peace to seize and detain Arms collected or kept for purposes dangerous to the public peace."

Fire-arms training prevention bill, re-committed.

The Honourable Mr. Wells took the Chair.

After some time the House resumed.

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

Amendments reported.

Ordered, that the report be received; and,

The said amendments were then read by the Clerk as follows:

Read first time.

In the title—After "the" insert "unlawful"

The amendments.

In the bill—Expunge the eleventh clause.

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

Read second time, and adopted.

Ordered, that the 44th rule of this House be dispensed with as far as it regards this bill, and that the said amendments be engrossed, and the said bill, as amended, read a third time this day.

Forty-fourth rule dispensed with, as regards the bill.

The Honourable the Speaker reported to the House, that a Deputation from the Commons House of Assembly had brought up a bill entitled, "An Act to postpone the sale of Lands in arrear for Taxes, and to amend the Law relative to the sale of such Lands"; also a bill

Speaker reports the receipt of Land Tax Sale postponement bill;

Friday, 12th January, 1838.

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City Council Elections validity bill; and Machinery Safeguard bill, from the Assembly.

entitled, "An Act to remove doubts respecting the validity of the late elections for the Aldermen and Council-men of the City of Toronto"; and also a bill entitled, "An Act to protect the public against injury from Mills, Machinery, &c. and for other purposes therein-mentioned"—to which they requested the concurrence of this House.

Read first time.

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

Brockville Roads Macadamization amendment bill;

Pursuant to the order of the day, the bill entitled, "An Act to amend an Act passed in the seventh year of the reign of His late Majesty King William the Fourth, entitled, 'An Act to raise a sum of money to Macadamize the Roads leading from Brockville to Saint Francis, Charleston, Lyndhurst, Beverley and Portland, in the District of Johnstown, and to authorise the erection of Toll-gates on the said Roads"; also the bill entitled, "An Act to regulate the costs of levying distresses for small rents and penalties"; also the bill entitled, "An Act to erect certain Townships now forming parts of the Districts of Bathurst, Johnstown and Ottawa, into a separate District, to be called the District of Dalhousie, and also to form within the same the Counties of Lothian and Carleton, and for other purposes therein-mentioned"; and also the bill, entitled, "An Act to authorise the establishment of Boards of Boundary Line Commissioners, within the several Districts of this Province,"—were severally read a second time; and it was,

Distress levying regulation bill;

District of Dalhousie erection bill; and

Boundary Line Commissioners' establishment bill, read second time.

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

Members enter.

The Honourable Messieurs Allan and Baldwin enter.

Petition of the Constitutional Association of the City of Montreal, read;

Pursuant to the order of the day, the petition of the Constitutional Association of the City of Montreal, praying for a re-union of the Provinces of Upper and Lower Canada, was read; and it was,

And referred to the Select Committee on the state of the Province.

Ordered, that the same be referred to the Select Committee appointed to report upon the state of the Province.

Fire-arms training prevention bill, as amended, read third time and passed.

Pursuant to order, the bill entitled "An Act to prevent the training of persons to the use of Arms, and to the practice of Military evolutions and exercises, and to authorise Justices of the Peace to seize and detain Arms collected or kept for purposes dangerous to the public peace," was, as amended, read a third time; and,

The question being put whether this bill, as amended, should pass, it was carried in the affirmative;

Amendments signed;

Whereupon the Speaker signed the amendments; and it was,

And sent to the Assembly for concurrence.

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

Petitions of Wm. Oliver and others; Of John B. Croan, and others; and

The Honourable Mr. Dickson brought up the petition of William Oliver and others, inhabitants of the Township of Beverley; and also, the petition of John B. Croan and others, inhabitants of the District of Talbot; which were laid on the table.

Of Henry Smith, and others, brought up.

The Honourable Mr. Macaulay brought up the petition of Henry Smith, Warden of the Provincial Penitentiary; which was laid on the table.

House Adjourns

On motion made and seconded, the House adjourned.

FRIDAY, 12th JANUARY, 1838.

House meets.

The House met pursuant to adjournment.

PRESENT:

Members present.

The Honourable JOHN B. ROBINSON, SPEAKER.

The Honourable Messrs. McDONELL,

The Honourable Messrs. DICKSON,

" " BALDWIN,

" " CAMERON,

" " ADAMSON,

" " ALLAN,

" " JOHN KIRBY,

" " GORDON,

" " MACAULAY.

Prayers were read.

The Minutes of yesterday were read.

A further amendment to District of Huron erection bill, reported by the Select Committee.

The Honourable Mr. Baldwin, from the Select Committee to whom was again referred the bill entitled, "An Act to authorise the erection of the County of Huron, and certain other territory adjacent thereto, into a separate District," presented a further amendment in and to the same.

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Ordered, that the report be received; and,

The said further amendment was then read by the Clerk, as follows:

Read first time.

Press. 3, line 24.—Expunge “days and months already provided for by law in the other Districts of this Province,” and insert “on the first Tuesday in January, April, July and October.”

The further amendment.

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

Read second time, and adopted.

Ordered, that it be engrossed, and the said bill, as further amended, read a third time to-morrow.

A Deputation from the Commons House of Assembly, brought up a bill, entitled, “An Act to incorporate sundry persons under the name of the Kingston Marine Railway Company”; and also a bill entitled, “An Act to amend an Act, entitled “An Act to incorporate the Villages of Hallowell and Picton, by the name of the Town of Picton, and establish a Police therein,” to which they requested the concurrence of this House, and then withdrew.

Kingston Marine Railway Company's Incorporation bill; and Picton Police Law amendment bill, brought up from the Assembly.

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

Read first time.

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

Pursuant to the order of the day, the bill entitled, “An Act for indemnifying persons who since the second of December, 1837, have acted in apprehending, imprisoning, or detaining in custody, persons suspected of High Treason, or Treasonable Practices, and in the suppression of unlawful assemblies, and for other purposes therein-mentioned,” was, as amended, read a third time; and,

High Treason imprisonment indemnification bill, as amended, read third time and passed.

The question being put whether this bill, as amended, should pass, it was carried in the affirmative:

Whereupon the Speaker signed the amendments; and it was,

Amendments signed;

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

And sent to the Assembly for concurrence.

The Honourable Mr. Crookshank enters.

A Member enters.

Pursuant to the order of the day, the House was put into a Committee of the whole, upon the bill entitled, “An Act to amend an Act passed in the seventh year of the reign of His late Majesty King William the Fourth, entitled, ‘An Act to raise a sum of money to Macadamize the Roads leading from Brockville to Saint Francis, Charleston, Lyndhurst, Beverley and Portland, in the District of Johnstown, and to authorise the erection of Toll-gates on the said Roads.”

Brockville Roads Macadamization amendment bill, committed.

The Honourable Mr. Crookshank took the Chair.

After some time the House resumed.

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

Reported, and referred to a Select Committee.

Ordered, that the report be received; and,

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

Ordered, that the Honourable Messieurs Crookshank and Adamson do compose the Committee for that purpose.

Members composing same.

Pursuant to the order of the day, the House was put into a Committee of the whole, upon the bill entitled, “An Act to regulate the costs of levying distresses for small rents and penalties.”

Distresses levying regulation bill, committed.

The Honourable Mr. Dickson took the Chair.

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

A Deputation from the Commons House of Assembly, returned the bill entitled, “An Act for indemnifying persons who since the second of December, 1837, have acted in apprehending, imprisoning, or detaining in custody, persons suspected of High Treason, or Treasonable Practices, and in the suppression of unlawful assemblies, and for other purposes therein mentioned,” and acquainted this House, that the Commons House of Assembly had acceded to the amendments made by the Legislative Council in and to the same; and they returned the bill entitled, “An Act to prevent the training of persons to the use of Arms, and to the practice of Military evolutions and exercises, and to authorise Justices of the Peace to seize and detain arms collected or kept for purposes dangerous to the public peace,” and acquainted this House, that the Commons House of Assembly had made an amendment to the amendments

Amendments to High Treason imprisonment indemnification bill, acceded to by the Assembly.

Amendments of the Legislative Council, to Fire-arms training prevention bill, amended by the Assembly.

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of the Legislative Council, to which they desired the concurrence of this House, and then withdrew.

Distress levying regulation bill, re-committed.

The House was then again put into a Committee of the whole, upon the bill entitled, "An Act to regulate the costs of levying distresses for small rents and penalties."

The Honourable Mr. Dickson took the Chair.

After some time the House resumed.

Reported.

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

Adopted.

Ordered, that the Report be received; and,

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

Amendment of the Assembly to the amendments of the Legislative Council, to Fire-arms training prevention bill, read first time.

The amendment of the Commons House of Assembly, made to the amendments of the Legislative Council, in and to the bill entitled "An Act to prevent the training of persons to the use of Arms, and to the practise of Military evolutions and exercises, and to authorise Justices of the Peace to seize and detain Arms collected or kept for purposes dangerous to the public peace," was then read by the Clerk, as follows :

Amendments made by the Commons House of Assembly, to the amendments made by the Honourable the Legislative Council, in and to the bill entitled, "An Act to prevent the training of persons to the use of Arms, and to the practise of Military evolutions and exercises, and to authorise Justices of the Peace to seize and detain Arms collected or kept for purposes dangerous to the public peace."

The amendment of the Assembly.

Add to the amendments—"And be it further enacted by the authority aforesaid, That this Act shall continue in force during the present Parliament, and to the end of the first Session of the next Parliament, and no longer."

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

District of Dalhousie erection bill, committed.

Pursuant to the order of the day, the House was put into a Committee of the whole, upon the bill entitled, "An Act to erect certain Townships now forming parts of the Districts of Bathurst, Johnstown and Ottawa, into a separate District, to be called the District of Dalhousie, and also to form within the same the Counties of Lothian and Carleton, and for other purposes therein-mentioned."

The Honourable Mr. Baldwin took the Chair.

After some time the House resumed.

Reported, and referred to a Select Committee.

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

Ordered, that the report be received; and,

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

Members composing same.

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

Boundary Line Commissioners establishment bill, committed.

Pursuant to the order of the day, the House was put into a Committee of the whole, upon the bill entitled, "An Act to authorise the establishment of Boards of Boundary Line Commissioners within the several Districts of this Province."

The Honourable Mr. Macaulay took the Chair.

After some time the House resumed.

Reported, and referred to a Select Committee.

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

Ordered, that the report be received; and,

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

Members composing same.

Ordered, That the Honourable Messieurs Baldwin and Macaulay, do compose the same for that purpose; and,

Bill ordered to be printed.

Land Tax Sale postponement bill; and Machinery safeguard bill, read second time.

Ordered, that the said bill be printed for the use of Members.

Pursuant to the order of the day, the bill entitled, "An Act to postpone the sale of Lands in arrear for Taxes, and to amend the Law relative to the sale of such lands"; and also the bill entitled, "An Act to protect the public against injury from Mills, Machinery, &c. and for other purposes therein-mentioned," were severally read a second time; and it was,

Friday, 12th January, 1838.

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

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

Pursuant to the order of the day, the bill entitled, "An Act to remove doubts respecting the validity of the late elections for the Aldermen and Council-men of the City of Toronto," was read a second time; and it was,

City Council Elections validity bill, read second time.

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

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

Committed.

The Honourable Mr. Adamson took the Chair.

After some time the House resumed.

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

Reported.

Ordered, that the report be received; and,

Adopted.

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

A Message from His Excellency the Lieutenant Governor, was delivered by Mr. Secretary Joseph, who being retired, the Speaker read the same, and it was again read by the Clerk as follows:

Message from the Lieutenant Governor.

F. B. HEAD.

The Lieutenant Governor transmits to the Legislative Council, the reports, and other information, which he is possessed of respecting the capture and destruction of a Piratical Steam-boat, called the *Caroline*, while engaged in the service of a lawless band, avowedly associated for the purpose of plunder, together with a copy of a communication which he has recently made upon the subject to His Excellency the Minister of Her Britannic Majesty at Washington; and also copies of the correspondence respecting the occupation of Navy Island, and respecting artillery and arms belonging to the Government of the State of New York, and in possession of a Piratical force assembled on Navy Island.

Transmitting certain reports, &c. respecting the capture of the Steam-boat Caroline.

The Lieutenant Governor also transmits to the Legislative Council, a copy of another communication made by him to Her Britannic Majesty's Minister at Washington, immediately upon the occupation of Navy Island, to which he has not yet received an answer; and he has satisfaction in adding, that no reason has been given him to doubt that the intentions and inclinations of the Government of the United States towards the United Kingdom of Great Britain and Ireland, are perfectly pacific; and it is of course out of the question, that any Government can countenance, in its Subjects, such conduct as has been recently pursued by some of the citizens of the United States towards the people of this Province.

(For the Reports, &c. see Appendix A.)

On motion made and seconded, it was,

Ordered, that an Address be presented to the Lieutenant Governor, respectfully thanking His Excellency for the foregoing Message, and acquainting him that this House will not fail to give the subject matter thereof their serious consideration; and,

An address of thanks ordered to be presented to His Excellency, for the foregoing message.

Ordered, that the Honourable Messieurs Gordon and Baldwin, do present the same; and,

Members appointed for that purpose.

Ordered, that two hundred copies of the said Message, together with the document accompanying the same, be printed for the use of Members.

The last-mentioned message and documents ordered to be printed.

The Honourable and Venerable the Archdeacon of York, and the Honourable Mr. Wells, enter.

Members enter.

At four of the clock, P. M. His Excellency the Lieutenant Governor, having come to the Legislative Council Chamber, and being seated on the Throne, the Gentleman Usher of the Black Rod was ordered to direct the immediate attendance of the House of Assembly; who being come,

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

His Excellency was pleased, in Her Majesty's name, to assent to the following bills, viz:

- 1.—An Act to authorise the apprehending and detention of persons suspected of High Treason, Misprision of Treason, and Treasonable Practices.
- 2.—An Act to repeal part of and amend an Act passed in the seventh year of His late Majesty's reign, entitled, "An Act to appoint the time and place for holding the Court of General Quarter Sessions of the Peace in each of the several Districts of this Province, and to repeal the several laws now in force for that purpose."

Royal Assent given to High treason apprehension bill.

Quarter Sessions time and place appointment partial repeal bill.

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- Militia Court Martial bill; 3.—An Act to protect the inhabitants of this Province against lawless aggressions from the Subjects of Foreign Countries, at peace with Her Majesty.
- Gaols erection regulation bill; 4.—An Act to regulate the future erection of Gaols in this Province.
- Expiring Laws continuation bill; 5.—An Act to continue the expiring Laws.
- Joint Contractors' law amendment bill; and 6.—An Act to amend the law with respect to the liability of the legal representatives of Joint Contractors, and of defendants on joint judgments.
- High Treason offences trial bill; 7.—An Act to provide for the more effectual and impartial trial of persons charged with Treason, and Treasonable practices, committed in this Province.
- His Excellency retires. Then the House of Assembly retired, and His Excellency and suite withdrew.
- House forms. After which the House formed.
- House adjourns. On motion made and seconded, the House adjourned until Monday next, at the hour of two of the clock, P. M.

MONDAY, 15th JANUARY, 1838.

House meets. The House met, pursuant to adjournment.

PRESENT:

Members present.	<i>The Honourable</i> JOHN B. ROBINSON, SPEAKER.	<i>The Honourable Messrs.</i> GORDON,
	<i>The Honourable Messrs.</i> DICKSON,	" " McDONELL,
	" " CROOKSHANK,	" " ADAMSON,
	" " WELLS,	" " JOHN KIRBY,
	" " MARKLAND,	" " MACAULAY.

Prayers were read.

Oath prescribed by law administered to the Hon. Mr. Morris. The Honourable William Morris came to the table, and took and subscribed the Oath prescribed by the Statute of the 31st George III. chapter 31st, in the presence of Grant Powell, Esquire, one of the Commissioners appointed to administer the oath to the Members of the Legislative Council.

The Minutes of Friday last were read.

District of Huron erection bill, as amended, read third time, but not passed. Pursuant to the order of the day, the bill entitled, "An Act to authorise the erection of the County of Huron, and certain other territory adjacent thereto, into a separate District," was, as amended, read a third time; and it was,

Ordered, that the same do not now pass, but that it be again referred to a Committee of the whole House to-morrow.

Message from His Excellency the Lieut. Governor. A Message from His Excellency the Lieutenant Governor, was delivered by Mr. Secretary Joseph, who being retired, the Speaker read the same, and it was again read by the Clerk, as follows:

F. B. HEAD.

Acquainting the Legislative Council of his resignation of the Government of this Province. The Lieutenant Governor informs the Legislative Council, that in consequence of this Province being invaded and assailed by a foreign enemy, and being the scene of actual Military operations, Colonel Foster, the Officer in command of Her Majesty's Land Forces, has assumed the entire Military authority and command over the Troops: that he is also in command of the Militia: and that the Commissary General at Quebec, has communicated to the Officer in charge of the Commissariat here, that, consistently with the rules of the service, no expenses can be allowed, unless sanctioned by the authority of the Military Commander, upon whom the protection of the Province has thus necessarily devolved.

The Lieutenant Governor takes this opportunity to communicate to the Legislative Council, that having had the misfortune to differ from Her Majesty's Government, on one or two points of Colonial policy, he felt it his duty, on the 10th of September last, respectfully to tender to Her Majesty's Principal Secretary of State for the Colonies, the resignation of the important station which, for a short time, he has had the honour to hold in this Province.

His resignation having been graciously accepted, the Lieutenant Governor has to inform the Legislative Council, that he yesterday received official information, that Her Majesty has been pleased to appoint Colonel Sir George Arthur, to be Lieutenant Governor of Upper Canada, and that His Excellency may be expected to arrive here in a few days.

Under the peculiar circumstances in which the Province is at present placed, the Lieutenant Governor feels confident, that the Legislative Council will rejoice with him at the

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approaching arrival of an Officer of high character and considerable experience, whose rank in the Army will enable him to combine the Military command with the Civil Government of this Province.

Government House,
15th January, 1838.

On motion made and seconded, it was,

Ordered, that a Select Committee be appointed to draft an Address to the Lieutenant Governor, on the subject of His Excellency's Message just received; and,

Ordered, that the Honourable Messieurs Gordon and Macaulay, do compose the same for that purpose.

Pursuant to the order of the day, the bill entitled, "An Act to remove doubts respecting the validity of the late elections for the Aldermen and Council-men of the City of Toronto"; and also the bill entitled, "An Act to regulate the costs of levying distresses for small rents and penalties," were severally read a third time and passed;

Whereupon the Speaker signed the same; and it was,

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

Pursuant to the order of the day, the House was again put into a Committee of the whole, upon the bill entitled, "An Act to alter the mode of paying the wages of Members of the House of Assembly."

The Honourable Mr. Morris took the Chair.

After some time the House resumed.

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

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

Pursuant to the order of the day, the House was put into a Committee of the whole, upon the bill entitled, "An Act to postpone the sale of Lands in arrear for Taxes, and to amend the Law relative to the sale of such lands."

The Honourable Mr. Macaulay took the Chair.

After some time the House resumed.

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

Ordered, that the report be received; and,

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

Ordered, That the Honourable Messieurs John Kirby and Morris, do compose the same for that purpose.

Pursuant to the order of the day, the House was put into a Committee of the whole, upon the bill entitled, "An Act to protect the public against injury from Mills, Machinery, &c. and for other purposes therein-mentioned."

The Honourable Mr. Wells took the Chair.

After some time the House resumed.

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

Ordered, that the report be received; and,

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

Pursuant to the order of the day, the bill entitled, "An Act to incorporate sundry persons under the name of the Kingston Marine Railway Company"; and also the bill entitled, "An Act to amend an Act, entitled, 'An Act to incorporate the Villages of Hallowell and Picton, by the name of the Town of Picton, and establish a Police therein'"—were severally read a second time; and it was,

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

Pursuant to the order of the day, the amendment of the Assembly, made to the amendments of the Legislative Council, in and to the bill entitled, "An Act to prevent the training of

A Select Committee appointed to draft an Address to His Excellency, on the subject of the foregoing Message. Members composing same.

City Council Elections validity bill; and

Distress levying regulation bill, read third time, and passed.

Same signed;

And the Assembly acquainted thereof.

Members' wages payment alteration bill, re-committed.

Reported, and leave asked to sit again.

Leave granted.

Land Tax Sale postponement bill, committed.

Reported, and referred to a Select Committee.

Members composing same.

Machinery safeguard bill, committed.

Reported.

Adopted.

Kingston Marine Railway Company's Incorporation bill; and Picton Police Law amendment bill, read second time.

Amendment of the Assembly to the Amendments of the Legislative Council, made to Fire-arms training bill, read second time.

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persons to the use of Arms, and to the practise of Military evolutions and exercises, and to authorise Justices of the Peace to seize and detain Arms collected or kept for purposes dangerous to the public peace," was read a second time; and it was,

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

Petitions of Wm. Oliver and others;

Pursuant to the order of the day, the petition of William Oliver, and others, inhabitants of the Township of Beverley, praying against carrying into effect the Survey of James Kilpatrick; and also, the petition of John B. Croan, and others, inhabitants of the District of Talbot, praying for an Act authorising the Magistrates in the said District to impose a tax upon the inhabitants, until the expenses incurred in erecting a Gaol and Court House therein be paid, and for authorising the sale of the old site; and also the petition of Henry Smith, Warden of the Provincial Penitentiary, praying for an increase of salary, were severally read.

Of John B. Croan, and others; and

Of Henry Smith, read.

On motion made and seconded, it was,

A Member added to the Select Committee upon District of Dalhousie erection bill.

Ordered, that the Honourable Mr. Morris be added to the Select Committee, to whom was referred the bill entitled, "An Act to erect certain Townships now forming parts of the Districts of Bathurst, Johnstown and Ottawa, into a separate District, to be called the District of Dalhousie, and also to form within the same the Counties of Lothian and Carleton, and for other purposes therein-mentioned."

Petitions of T. Butler, and others;

The Honourable Mr. Gordon brought up the petition of T. Butler, and others, inhabitants of the District of Niagara; which was laid on the table.

Of David Barker, and others; and Of the Committee of the House of Industry, brought up.

The Honourable Mr. Macaulay brought up the petition of David Barker, and others, inhabitants of the Town of Picton; and also the petition of the Select Committee, appointed by the General Committee of the House of Industry; which were laid on the table.

House adjourns.

On motion made and seconded, the House adjourned.

TUESDAY, 16th JANUARY, 1838.

House meets.

The House met, pursuant to adjournment.

PRESENT :

Members present.

The Honourable JOHN B. ROBINSON, SPEAKER.

The Honourable Messrs. BALDWIN.

The Honourable Mr. DICKSON,

" " ADAMSON,

The Hon. & Ven. The ARCHDEACON OF YORK,

" " JOHN KIRBY,

The Honourable Messrs. GORDON,

" " MORRIS,

" " McDONELL,

" " MACAULAY.

Prayers were read.

The Minutes of yesterday were read.

Order of the day for third reading of Machinery Safeguard bill, discharged.

The order of the day being read for reading the bill entitled, "An Act to protect the public against injury from Mills, Machinery, &c. and for other purposes therein-mentioned," a third time; it was,

Ordered to be discharged, and that the said bill be again referred to a Committee of the whole House this day.

Kingston Marine Railway Company's Incorporation bill, committed.

Pursuant to the order of the day, the House was put into a Committee of the whole, upon the bill entitled, "An Act to incorporate sundry persons under the name of the Kingston Marine Railway Company."

The Honourable Mr. Dickson took the Chair.

After some time the House resumed.

Members enter.

The Honourable Messieurs Crookshank and Wells, enter.

Last-mentioned bill reported.

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

Adopted.

Ordered, that the report be received; and,

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

Picton Police law amendment bill, committed.

Pursuant to the order of the day, the House was put into a Committee of the whole, upon the bill entitled, "An Act to amend an Act, entitled, 'An Act to incorporate the Villages of Hallowell and Picton, by the name of the Town of Picton, and establish a Police therein.'"

The Honourable Mr. Gordon took the Chair.

After some time the House resumed.

House resumes.

Waterloo Bridge Company's Incorporation bill;

A Deputation from the Commons House of Assembly, brought up a bill, entitled, "An Act to incorporate certain persons under the style and title of the Waterloo Bridge Company"; also

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a bill entitled, "An Act to authorise the Justices of the Peace of the District of Talbot to levy an additional assessment to liquidate the cost of the erection of the Gaol and Court House for that District, and other purposes therein-mentioned"; and also a bill entitled, "An Act to naturalize Abraham Van Vleck Pruyn, and to give him the privileges of a British Subject"—to which they requested the concurrence of this House, and then withdrew.

District of Talbot Gaol and Court House erection bill; and

Pruyn's Naturalization bill, brought up from the Assembly.

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

Read first time.

Ordered, that the bill entitled, "An Act to incorporate certain persons under the style and title of the Waterloo Bridge Company"; and also the bill entitled, "An Act to authorize the Justices of the Peace of the District of Talbot to levy an additional assessment, to liquidate the cost of the erection of the Gaol and Court House for that District, and other purposes therein-mentioned," be severally read a second time to-morrow.

Pursuant to the order of the day, the House was put into a Committee of the whole, upon the amendment of the Assembly, made to the amendments of the Legislative Council, in and to the bill entitled, "An Act to prevent the training of persons to the use of Arms, and to the practise of Military evolutions and exercises, and to authorise Justices of the Peace to seize and detain Arms collected or kept for purposes dangerous to the public peace."

Amendment of the Assembly to the amendments of the Legislative Council, made to Fire-arms training prevention bill, committed.

The Honourable Mr. Baldwin took the Chair.

After some time the House resumed.

The Chairman reported, that the Committee had taken the amendment of the Assembly into consideration, had made some progress therein, and asked leave to sit again to-morrow.

Reported, and leave asked to sit again.

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

Leave granted.

Pursuant to order, the House was again put into a Committee of the whole, upon the bill entitled, "An Act to protect the public against injury from Mills, Machinery, &c. and for other purposes therein-mentioned."

Machinery safe-guard bill, re-committed.

The Honourable Mr. Crookshank took the Chair.

After some time the House resumed.

The Chairman reported, that the Committee had gone through the said bill, and had made an amendment thereto, which they recommended to the adoption of the House.

Amendment reported.

Ordered, that the report be received; and,

The said amendment was then read by the Clerk, as follows:

Read first time.

In the title—After "against" expunge the remainder, and insert "accidental injury from Machinery used in Mills, and for other purposes."

The amendment.

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

Read second time, and adopted.

Ordered, that the said amendment be engrossed, and the bill, as amended, read a third time to-morrow.

The Honourable Mr. Gordon, from the Select Committee appointed to draft an Address to His Excellency, on the subject of his Message received yesterday, reported a draft, which he read in his place; and it was,

Report of the Select Committee appointed to draft an Address to His Excellency, on the subject of the Message announcing his resignation of the Government of this Province, presented and read.

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

Ordered, that the Members in Town be summoned to attend in their places on that day.

Members summoned.

The Honourable Mr. Wells brought up the petition of the Honourable John Henry Dunn, Receiver General of this Province; which was laid on the table.

Petition of the Hon. John Henry Dunn, brought up.

The Honourable Mr. Dickson, from the Select Committee to whom was referred the bill entitled, "An Act to repeal and amend the Registry Laws of this Province, and for other purposes therein mentioned," presented their report.

Report of the Select Committee upon Registry law amendment bill, presented.

Ordered, that it be received; and,

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

Read.

The Committee to whom was referred the bill entitled, "An Act to repeal and amend the Registry Laws of this Province, and for other purposes therein-mentioned," beg leave respectfully to report:

That owing to existing circumstances in the present state of the Province, they cannot devote adequate time and attention to so important a bill, as to the repeal of the several Statutes therein-mentioned, and a new system proposed to be adopted. The preamble states merely, that it is expedient to revise the several laws now in force; your Committee have to remark, that

The Report.

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great consideration and much legal knowledge was required in first maturing the present system, and are not aware, after a period of forty years, that any doubts or difficulties have arisen in the continuing of these Statutes, either by the Bench or the Bar. Another feature of this bill is to introduce a new principle—that of registering judgments of the Courts of Law: lands and tenements are here goods and chattels.

It is questionable whether the adopting such a principle would be beneficial or otherwise, although in some of the English Counties it may work well, where registers are established, but in this Country the policy of such a measure may be doubtful, where there are so many owners of small tracts of land, who may be affected thereby, in a manner not at present contemplated.

Another material change is introduced in the sixth clause: that is, the recording at full length the deed, conveyance, will or probate, thereof. Your Committee do not foresee any advantage that can arise from this aberration from the English Register Acts; when a deed, &c. is destroyed or lost, a Court of Law, with the facts submitted to a Jury, should in the first place be submitted, and in the investigation reference may be had to the register of the memorial in the Office. Your Committee are of opinion, that the affidavit of the execution of a power of attorney, made in a foreign country, ought not to be evidence of the execution, as it might lead to fraud and perjury, and swearing falsely—the crime could not be punished.

The nineteenth clause seems to be a good provision, for the erection of an office for the safe keeping of the records. In the twenty-third clause no distinction is made between a mortgage for years, and one in fee.

The twenty-fifth clause makes it not compulsory in the Register to register any instrument unless the fees are first paid. This may, from experience, be useful to the Registers; but an *indebitatus assumpsit* is resorted to, in case of refusal of his fees. Innovations are not always improvements.

All which is respectfully submitted.

(Signed) WILLIAM DICKSON,
CHAIRMAN.

Committee Room of the Legislative Council,
Sixteenth day of January, 1838.

On motion made and seconded, it was,

Ordered, that the House be put into a Committee of the whole to-morrow, to take the last mentioned bill into consideration, as also the report of the Select Committee thereon.

The Honourable Mr. Dickson brought up the petition of Jacob C. Snider, and others, inhabitants of the Township of Waterloo; which was laid on the table.

On motion made and seconded, the House adjourned.

WEDNESDAY, 17th JANUARY, 1838.

The House met, pursuant to adjournment.

PRESENT:

The Honourable JOHN B. ROBINSON, SPEAKER.

The Honourable Messrs. DICKSON,

" " CROOKSHANK,

The Hon. & Ven. The ARCHDEACON OF YORK,

The Honourable Messrs. CAMERON,

" " GORDON,

The Honourable Messrs. McDONELL,

" " ADAMSON,

" " JOHN KIRBY,

" " MORRIS,

" " MACAULAY.

Prayers were read.

The Minutes of yesterday were read.

Pursuant to the order of the day, the bill entitled, "An Act to incorporate sundry persons under the name of the Kingston Marine Railway Company," was read a third time and passed:

Whereupon the Speaker signed the same; and it was,

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

Pursuant to the order of the day, the bill entitled, "An Act to protect the public against injury from Mills, Machinery, &c. and for other purposes therein-mentioned," was, as amended, read a third time; and,

Petition of Jacob C. Snider, and others, brought up.

House adjourns.

House meets.

Members present.

Kingston Marine Railway Company's Incorporation bill, read third time, and passed.

Same signed;

And the Assembly acquainted thereof.

Machinery Safeguard bill, as amended, read third time and passed.

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The question being put, whether this bill, as amended, should pass, it was carried in the affirmative :

Whereupon the Speaker signed the amendment; and it was,

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

Pursuant to the order of the day, the House was put into a Committee of the whole, upon the amendment of the Assembly, in and to the amendments of the Legislative Council, in and to the bill entitled, "An Act to prevent the training of persons to the use of Arms, and to the practise of Military evolutions and exercises, and to authorise Justices of the Peace to seize and detain Arms collected or kept for purposes dangerous to the public peace."

The Honourable Mr. Gordon took the Chair.

After some time the House resumed.

The Chairman reported, that the Committee had gone through the said amendment of the Assembly, and had made an amendment thereto, which they recommended to the adoption of the House.

Ordered, that the report be received; and,

The said amendment was then read by the Clerk, as follows:

In the amendment of the Assembly, after the word "that" insert "the fourth, fifth and sixth clauses of"

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

Ordered, that the forty-fourth rule of this House be dispensed with as far as it regards this bill, and that the said amendment of the Legislative Council be engrossed, and the amendment of the Assembly, as amended, read a third time this day.

A Deputation from the Commons House of Assembly, brought up a bill, entitled, "An Act to establish a Life Assurance and Loan Company, at Brockville, in the District of Johnstown"; and also a bill entitled, "An Act to incorporate certain persons under the style and title of the Bond Head Harbour Company"—to which they requested the concurrence of this House, and then withdrew.

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

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

Pursuant to the order of the day, the House was put into a Committee of the whole, upon the Address of this House to His Excellency, on the subject of his Message, received on Monday last.

The Honourable Mr. John Kirby took the Chair.

After some time the House resumed.

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

Ordered, that the report be received; and,

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

The order of the day being read, for the House to be put into a Committee of the whole, upon the bill entitled, "An Act to repeal and amend the Registry Laws of this Province, and for other purposes therein-mentioned," and the report of the Select Committee thereon; it was,

Ordered, that the same be discharged.

Pursuant to the order of the day, the bill entitled, "An Act to incorporate certain persons under the style and title of the Waterloo Bridge Company"; and also the bill entitled, "An Act to authorise the Justices of the Peace of the District of Talbot to levy an additional assessment, to liquidate the cost of the erection of the Gaol and Court House for that District, and other purposes therein-mentioned," were severally read a second time; and it was,

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

Pursuant to the order of the day, the petition of T. Butler, and others, inhabitants of the District of Niagara, praying for an Act authorising a loan of money, for the purpose of Macadamizing the road along Queen Street, in the Town of Niagara, and from thence along the Black Swamp road, to the Ten-mile Creek; also the petition of David Barker, and others, of the Town of Picton, praying for aid in the improvement of the Harbour, known

Amendment signed;

And sent to the Assembly for concurrence.

Amendment of the Assembly to the Amendments of the Council, in and to Fire-arms training prevention bill, committed.

Amendment to the amendment of the Assembly, reported.

Read first time.

The amendment.

Read second time, and adopted.

Forty-fourth Rule dispensed with as relates to the last-mentioned bill.

Brockville Loan Company's establishment bill;

And Bond Head Harbour Company's incorporation bill, brought up from the Assembly.

Read first time.

Address of the Council to His Excellency, on the subject of a Message, announcing his resignation of the Government of this Province, committed.

Reported.

Adopted.

Registry law amendment bill discharged from the order of the day.

Waterloo Bridge Company's Incorporation bill; and

District of Talbot Gaol and Court House erection bill, read second time.

Petitions of T. Butler, and others;

Of David Barker, and others; and

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Of the Select Committee of the House of Industry, read.

Address of the Council to His Excellency, on the subject of a Message, announcing his resignation of the Government of this Province, read third time, and passed. Same signed.

as the Hallowell Bay; and also the petition of the Select Committee, appointed by the General Committee of the House of Industry, praying for further aid; were severally read.

Pursuant to order, the Address of this House to His Excellency, on the subject of his Message received on Monday last, was read a third time and passed:

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

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

MAY IT PLEASE YOUR EXCELLENCY:

The Address.

WE, Her Majesty's dutiful and loyal Subjects, the Legislative Council of Upper Canada, in Provincial Parliament assembled, beg to return our respectful thanks to Your Excellency, for communicating to us the fact, which is at this crisis particularly important, that by the regulations of Her Majesty's Service, the command of the Troops, and of the Militia employed in defence of this Province, cannot be united in Your Excellency's person, with the administration of the Civil Government.

If Your Excellency were to continue to represent Her Majesty in this Colony, we are persuaded, that under present circumstances, such a separation of the Civil power from the Military command, would be likely to lead to very unfortunate results: since Military rank and experience—although they are by no means incompatible with the peculiar qualifications which are requisite to give confidence, animation and effect, to the Military Force—are not always to be found united with them.

We beg to assure Your Excellency, that we learn with extreme regret, that the Civil Government of this Province is to continue for so short a time in Your Excellency's charge. It is not known to us upon what particular points Your Excellency's views have differed so essentially from those of Her Majesty's Government, that Your Excellency was induced to tender your resignation; but we know, that at no period in the history of Upper Canada, has its political condition been such as ought to be more satisfactory to the Ministers of the Crown—and we feel that not Upper Canada only, but the Empire, owes to Your Excellency a large debt of gratitude, for your firm and manly avowal, upon all occasions, of those sentiments which became the Representative of a British Monarch, and for the unwavering support which Your Excellency has never failed to give to the established principles of the Constitution.

It is this fearless adherence to right principles, rather than to expediency, which has enabled Your Excellency to rally round the Government, in a moment of danger, the arms of an united people—and to exhibit this Province to our Sovereign, and to the world, in a posture which must command for its brave and loyal inhabitants the highest admiration and respect.

If the result of Your Excellency's firm and uncompromising policy shall impress upon Her Majesty's Government the conviction, that they need not fear to support in Upper Canada the principles of the British Constitution, it will have produced an effect of infinite value to this Colony—and will have supplied what we believe has been chiefly wanting to insure its permanent tranquillity.

But the Legislative Council cannot refrain from expressing the regret with which they have observed, in the case of Your Excellency, and of your respected and gallant Predecessor, that your connection with the Government of this Colony, has seemed incapable of being protracted with satisfaction to yourselves, beyond the period when it became evident, that no submission would be made by you to a spirit of factious discontent, which nothing can appease but the destruction of British rule.

We beg Your Excellency to believe, that the Legislative Council will ever entertain a grateful recollection of the justice and condescension which they have always had occasion to acknowledge in their intercourse with Your Excellency; and that they participate deeply in the feeling of general regret at Your Excellency's approaching departure from this Province.

Amendment of the Assembly to the amendments of the Council, in and to Fire-arms training prevention bill, as amended, read third time and passed.

Pursuant to order, the amendment of the Commons House of Assembly, in and to the amendments of the Legislative Council, made in and to the bill entitled, "An Act to prevent the training of persons to the use of Arms, and to the practice of Military evolutions and

Thursday, 18th January, 1838.

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

exercises, and to authorise Justices of the Peace to seize and detain arms collected or kept for purposes dangerous to the public peace," was, as amended by this House, read a third time; and,

The question being put, whether the amendment of the Assembly, as amended, should pass, it was carried in the affirmative:

Whereupon the Speaker signed the amendment of the Legislative Council; and it was,

Amendment of the Council, to the amendment of the Assembly, signed;

Ordered, that the Master in Chancery do go down to the Assembly, and acquaint that House, that the Legislative Council has made an amendment to the amendment of the Assembly, in and to the amendments of this House, made in and to the said bill, to which they desire the concurrence of the Commons House of Assembly.

And sent to that House for concurrence.

The Honourable Mr. Morris brought up the petition of James T. Sommerville, and others, inhabitants of the Township of Whitby, and its vicinity; and also the petition of James T. Sommerville, and others, inhabitants of the Townships of Whitby, Darlington, Pickering and their rear Townships; which were laid on the table.

Two petitions of James T. Sommerville, and others, brought up.

On motion made and seconded, the House adjourned.

House adjourns.

THURSDAY, 18th JANUARY, 1838.

The House met, pursuant to adjournment.

House meets.

PRESENT :

The Honourable JOHN B. ROBINSON, SPEAKER.

The Honourable Messrs. McDONELL,

The Honourable Messrs. DICKSON,

" " BALDWIN,

" " CROOKSHANK,

" " ADAMSON,

The Hon. & Ven. The ARCHDEACON OF YORK,

" " JOHN KIRBY,

The Honourable Messrs. CAMERON,

" " MORRIS,

" " ALLAN,

" " MACAULAY.

" " GORDON,

Members present.

Prayers were read.

The Minutes of yesterday were read.

Pursuant to the order of the day, the House was put into a Committee of the whole, upon the bill entitled, "An Act to incorporate certain persons under the style and title of the Waterloo Bridge Company."

Waterloo Bridge Company's Incorporation bill, committed.

The Honourable Mr. Gordon took the Chair.

After some time the House resumed.

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

Reported.

Ordered, that the report be received; and,

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

Adopted.

On motion made and seconded, it was,

Ordered, that a Select Committee be appointed to wait upon His Excellency the Lieutenant Governor, to know when he would be pleased to receive this House with their Address, on the subject of His Excellency's Message, received on Monday last; and,

A Select Committee appointed to know when His Excellency would receive the House with their Address to him, on the subject of a Message, announcing his resignation of the Government of this Province.

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

Members composing same.

Pursuant to the order of the day, the House was put into a Committee of the whole, upon the bill entitled, "An Act to authorize the Justices of the Peace of the District of Talbot to levy an additional assessment, to liquidate the cost of the erection of the Gaol and Court House for that District, and other purposes therein-mentioned."

District of Talbot Gaol and Court House erection bill, committed.

The Honourable Mr. Macaulay took the Chair.

After some time the House resumed.

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

Reported.

Ordered, that the report be received; and,

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

Adopted.

Pursuant to the order of the day, the bill entitled, "An Act to establish a Life Assurance and Loan Company, at Brockville, in the District of Johnstown"; and also the bill entitled, "An Act to incorporate certain persons under the style and title of the Bond Head Harbour Company," were severally read a second time; and it was,

Brockville Loan Company's establishment bill; And Bond Head Harbour Company's incorporation bill, read second time.

Thursday, 18th January, 1838.

THIRD SESSION THIRTEENTH PROVINCIAL PARLIAMENT, 1st VICTORIA.

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

District of Huron erection bill, re-committed.

Pursuant to the order of the day, the House was again put into a Committee of the whole, upon the bill entitled, "An Act to authorise the erection of the County of Huron, and certain other territory adjacent thereto, into a separate District."

The Honourable Mr. Gordon took the Chair.

After some time the House resumed.

Reported, and leave asked to sit again.

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

Leave granted.

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

Message from the Assembly:

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

MR. SPEAKER,

Requesting that the Hon. John Macaulay may be permitted to attend a Select Committee of that House.

The Commons House of Assembly request the Honourable the Legislative Council, to grant permission to the Honourable John Macaulay, Member of your Honourable House, to attend a Committee of this House, and give evidence on the subject of the petition of H. Smith, Warden of the Provincial Penitentiary, referred to them to report thereon.

H. RUTTAN,
SPEAKER.

Commons House of Assembly,
Eighteenth January, 1838.

On motion made and seconded, it was,

Leave granted:

Ordered, that the Honourable John Macaulay do have leave to attend a Select Committee of the Commons House of Assembly, as desired by that House, in their Message received this day, if he thinks fit; and,

And the Assembly acquainted of same.

Ordered, that the Master in Chancery do go down to the Assembly, and acquaint that House, that the Honourable John Macaulay has leave to attend a Select Committee of the Commons House of Assembly, as desired by that House in their Message received this day, if he thinks fit.

Petitions of the Hon. John Henry Dunn; and,

Of Jacob C. Snider, and others, read.

Pursuant to the order of the day, the petition of the Honourable John Henry Dunn, Receiver General of Upper Canada, praying for an Act prescribing a limit for contesting War Loss claims; and also the petition of Jacob C. Snider, and others, inhabitants of the Township of Waterloo, praying for an Act of Incorporation for the erection of a Toll-bridge over the Grand River; were severally read.

Report of the Select Committee upon Brockville Roads Macadamization amendment bill, presented.

The Honourable Mr. Crookshank, from the Select Committee to whom was referred the bill entitled, "An Act to amend an Act passed in the seventh year of the reign of His late Majesty King William the Fourth, entitled, 'An Act to raise a sum of money to Macadamize the Roads leading from Brockville to Saint Francis, Charleston, Lyndhurst, Beverley and Portland, in the District of Johnstown, and to authorise the erection of Toll-gates on the said Roads,'" presented their report.

Ordered, that it be received; and,

Read.

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

The Report.

The Select Committee to whom was referred the bill entitled, "An Act to amend an Act passed in the seventh year of the reign of His late Majesty, King William the Fourth, entitled, 'An Act to raise a sum of money to Macadamize the Roads leading from Brockville to Saint Francis, Charleston, Lyndhurst, Beverley and Portland, in the District of Johnstown, and to authorise the erection of Toll-gates on the said Roads,'" beg leave to report:

That they find the clauses of the said bill so different from those contained in other Acts of a similar nature, that they do not recommend it to the adoption of your Honourable House.

All which is respectfully submitted.

(Signed) GEORGE CROOKSHANK,
CHAIRMAN.

Legislative Council, Committee Room,
Seventeenth day of January, 1838.

Friday, 19th January, 1838.

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

On motion made and seconded, it was,

Ordered, that on to-morrow, the House be again put into a Committee of the whole, upon the last-mentioned bill, as also the report of the Select Committee thereon.

A Deputation from the Commons House of Assembly brought up a bill, entitled, "An Act to authorise the erection of a Gaol and Court House at Brockville, in the District of Johnstown"; and also a bill entitled, "An Act to secure the Independence of the Commons House of Assembly of this Province, and for other purposes therein-mentioned"—to which they requested the concurrence of this House, and then withdrew.

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

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

The Honourable Mr. Baldwin, from the Select Committee appointed to wait upon His Excellency the Lieutenant Governor, to know when he would be pleased to receive this House, with their Address, on the subject of His Excellency's Message, received on Monday last, reported that they had done so, and that His Excellency had named the hour of twelve of the clock, at noon, to-morrow, for that purpose.

The Honourable Mr. Gordon gave notice, that he will, on to-morrow, move, that an humble Address be presented to His Excellency the Lieutenant Governor, praying that he will be pleased to transmit to this House, copies of so much of his correspondence with the Right Honourable the Secretary of State for the Colonies, as relates to His Excellency's resignation of the Government of this Province, embracing the matters of policy upon which His Excellency had the misfortune to differ from Her Majesty's Government, so far as the same may, in His Excellency's opinion, be with propriety communicated.

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

FRIDAY, 19th JANUARY, 1838.

The House met pursuant to adjournment.

PRESENT:

The Honourable JOHN B. ROBINSON, SPEAKER.

The Honourable Mr. DICKSON,

The Hon. & Ven. The ARCHDEACON OF YORK,

The Honourable Messrs. CAMERON,

" " ALLAN,

" " GORDON,

The Honourable Messrs. McDONELL,

" " BALDWIN,

" " JOHN KIRBY,

" " MORRIS,

" " MACAULAY.

Prayers were read.

The Minutes of yesterday were read.

Pursuant to the order of the day, the bill entitled, "An Act to incorporate certain persons under the style and title of the Waterloo Bridge Company"; and also the bill entitled, "An Act to authorise the Justices of the Peace of the District of Talbot to levy an additional assessment, to liquidate the cost of the erection of the Gaol and Court House for that District, and other purposes therein-mentioned," were severally read a third time and passed:

Whereupon the Speaker signed the same; and it was,

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

Pursuant to notice, it was moved and seconded, that an humble Address be presented to His Excellency the Lieutenant Governor, praying that he will be pleased to transmit to this House, copies of so much of his correspondence with the Right Honourable the Secretary of State for the Colonies, as relates to His Excellency's resignation of the Government of this Province, embracing the matters of policy upon which His Excellency had the misfortune to differ from Her Majesty's Government, so far as the same may, in His Excellency's opinion, be with propriety communicated.

Whereupon the question of concurrence was put, and carried in the affirmative; and it was,

Ordered, that a Committee be appointed to present an Address to His Excellency the Lieutenant Governor, founded on the above motion; and,

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

Brockville Gaol and Court House erection bill; and,

Assembly's independence security bill, brought up from the Assembly.

Read first time.

Report of the Select Committee, appointed to know when the Lieutenant Governor would receive the House with their Address to him on the subject of a Message announcing his resignation of the Government of this Province.

Notice of moving an Address to the Lieutenant Governor, praying for certain information with respect to His Excellency's resignation.

House adjourns.

House meets.

Members present.

Waterloo Bridge Company's incorporation bill; and District of Talbot Gaol and Court House erection bill, read third time, and passed.

Same signed.

And the Assembly acquainted thereof.

An Address to the Lieutenant Governor, praying for certain information with respect to His Excellency's resignation of the Government, moved.

Question put and carried.

And a Committee appointed to present the same.

Members composing it.

Friday, 19th January, 1838.

THIRD SESSION THIRTEENTH PROVINCIAL PARLIAMENT, 1st VICTORIA.

Brockville Loan Com-
pany's establishment bill,
committed.

Pursuant to the order of the day, the House was put into a Committee of the whole, upon the bill, entitled, "An Act to establish a Life Assurance and Loan Company at Brockville, in the District of Johnstown."

The Honourable Mr. Macaulay took the Chair.

After some time the House resumed.

Reported, and leave
asked to sit again.

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

Leave granted.

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

Address to the Lieutenant
Governor, on the subject
of a Message, announcing
His Excellency's resignation
of the Government
of this Province,
presented by this House.

At the hour appointed, the Legislative Council proceeded to the Government House, with their Address to the Lieutenant Governor, on the subject of His Excellency's Message, received on Monday last; and having returned,

The Speaker reports His
Excellency's receipt of
same.

The Honourable the Speaker reported to the House, that His Excellency the Lieutenant Governor, had been graciously pleased to receive the same.

Brockville Loan Com-
pany's establishment bill,
re-committed.

Pursuant to order, the House was again put into a Committee of the whole, upon the bill entitled, "An Act to establish a Life Assurance and Loan Company at Brockville, in the District of Johnstown."

The Honourable Mr. Macaulay took the Chair.

After some time the House resumed.

House resumes.

Bond Head Harbour
Company's incorporation
bill, committed.

Pursuant to the order of the day, the House was put into a Committee of the whole, upon the bill entitled, "An Act to incorporate certain persons under the style and title of the Bond Head Harbour Company."

The Honourable Mr. Gordon took the Chair.

After some time the House resumed.

Reported, and leave
asked to sit again.

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

Leave granted.

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

District of Huron erection
bill, re-committed.

Pursuant to the order of the day, the House was again put into a Committee of the whole, upon the bill entitled, "An Act to authorise the erection of the County of Huron, and certain other territory adjacent thereto, into a separate District."

The Honourable Mr. Gordon took the Chair.

After some time the House resumed.

Further amendments
reported.

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

A Member enters.

The Honourable Mr. Wells enters.

Ordered, that the report be received; and,

The said further amendments were then read by the Clerk, as follows:

The last-mentioned
Amendments read first
time.

The further amendments.

Press 1, line 16—After "that" expunge to "it" in line 20, and insert "so soon as it shall be made to appear, to the satisfaction of the Lieutenant Governor, and the Executive Council of this Province, that a good and sufficient Gaol has been erected therein, for the accommodation of prisoners, and a suitable Court House, for the accommodation of Courts of Justice; and also that the amount of assessments raised within the said County is sufficient to defray the necessary charges attending a separate District, then"

" 7 " 13—After "proper" expunge the remainder of the clause, and insert "estimates and proposals for the building of a Gaol and Court House, subject, nevertheless, as respects the Gaol, to the provisions of a certain Act of the Parliament of this Province, passed during the present Session, entitled, "An Act to regulate the future erection of Gaols in this Province."

" 7—After the word "of" in the last line, expunge "as aforesaid," and insert "agreeably to the Statute passed during the present Session, as aforesaid."

Read second time, and
adopted.

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

Ordered, that they be engrossed, and the said bill, as amended, read a third time to-morrow.

Brockville Roads
Macadamization amend-
ment bill, re-committed.

Pursuant to the order of the day, the House was again put into a Committee of the whole, upon the bill entitled, "An Act to amend an Act passed in the seventh year of the reign of

Saturday, 20th January, 1838.

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

His late Majesty King William the Fourth, entitled, 'An Act to raise a sum of money to Macadamize the Roads leading from Brockville to Saint Francis, Charleston, Lyndhurst, Beverley and Portland, in the District of Johnstown, and to authorise the erection of Toll-gates on the said Roads,' and the report of the Select Committee thereon.

The Honourable Mr. Wells took the Chair.

After some time the House resumed.

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

Ordered, that the report be received; and,

The said amendments were then read by the Clerk, as follows:

After clause 1, insert—"Provided always, that compensation for any stone, or other materials, taken under the authority of this Act, shall be assessed and paid in the same manner as compensation for other damage done to the owners of lands, under the provisions of the Act first herein recited."

After clause 2, insert—"Provided, that before any such old line of road shall be stopped up, sold, disposed of or surrendered, under this Act, a notice of an application for that purpose to the Court of General Quarter Sessions for the District of Johnstown, shall be first published, for two calendar months, in some newspaper printed in the said District; and it shall not be lawful to stop up, sell or surrender such road, unless the Court of Quarter Sessions shall, after hearing any parties interested in the same, who may attend for that purpose, make an order allowing the said road, or any part thereof, to be stopped up, sold and surrendered."

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

Ordered, that they be engrossed, and the said bill, as amended, read a third time to-morrow.

Pursuant to the order of the day, the bill entitled, "An Act to authorise the erection of a Gaol and Court House at Brockville, in the District of Johnstown"; and also the bill entitled, "An Act to secure the Independence of the Commons House of Assembly of this Province, and for other purposes therein-mentioned," were severally read a second time; and it was,

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

Pursuant to the order of the day, the petition of James T. Sommerville, and others, inhabitants of the Township of Whitby, and its vicinity, praying for an Act of Incorporation for the construction of a Macadamized or Rail-road, or both, from Windsor Harbour, in the said Township, to the main York or Stage Road; also the petition of James T. Sommerville, and others, inhabitants of the Townships of Whitby, Darlington, Pickering, and their rear Townships, praying to be erected into a new District; were severally read.

On motion made and seconded, it was,

Ordered, that five hundred copies of the Message of His Excellency the Lieutenant Governor, received on Monday last, and the Address of this House in reply thereto, be printed for the use of Members.

On motion made and seconded, the House adjourned.

SATURDAY, 20th JANUARY, 1838.

The House met, pursuant to adjournment.

PRESENT:

The Honourable JOHN B. ROBINSON, SPEAKER.
The Honourable Messrs. DICKSON,
" " ALLAN,
" " GORDON,
" " McDONELL.

The Honourable Messrs. BALDWIN,
" " JOHN KIRBY,
" " MORRIS,
" " MACAULAY.

Prayers were read.

The Minutes of yesterday were read.

M

Amendments reported.

Read first time.

The Amendments.

Read second time, and adopted.

Brockville Gaol and Court House erection bill; and, Assembly's independence security bill, read second time.

Two petitions of James T. Sommerville, and others, read.

The Message of the Lieutenant Governor, announcing His Excellency's resignation of the Government of this Province, and the Address of the House in reply thereto, ordered to be printed.

House adjourns.

House meets.

Members present.

Saturday, 20th January, 1838.

THIRD SESSION THIRTEENTH PROVINCIAL PARLIAMENT, 1st VICTORIA.

District of Huron erection bill; and

Brockville Roads Macadamization amendment bill, as amended, read third time and passed.

Pursuant to the order of the day, the bill entitled, "An Act to authorise the erection of the County of Huron, and certain other territory adjacent thereto, into a separate District"; and also the bill entitled, "An Act to amend an Act passed in the seventh year of the reign of His late Majesty, King William the Fourth, entitled, 'An Act to raise a sum of money to Macadamize the Roads leading from Brockville to Saint Francis, Charleston, Lyndhurst, Beverley and Portland, in the District of Johnstown, and to authorise the erection of Toll-gates on the said Roads," were, as amended, severally read a third time; and,

The question being put, whether these bills, as amended, should pass, it was carried in the affirmative:

Amendments signed;

Whereupon the Speaker signed the amendments; and it was,

And sent to the Assembly for concurrence.

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

Bond Head Harbour Company's incorporation bill, re-committed.

Pursuant to the order of the day, the House was again put into a Committee of the whole, upon the bill entitled, "An Act to incorporate certain persons under the style and title of the Bond Head Harbour Company."

The Honourable Mr. Allan took the Chair.

After some time the House resumed.

Reported.

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

Adopted.

Ordered, that the report be received.

A Member enters.

The Honourable Mr. Wells enters.

Ordered, that the last-mentioned bill be read a third time on Monday next.

Amendment to Machinery safe-guard bill, acceded to by the Assembly.

A Deputation from the Commons House of Assembly, returned the bill entitled, "An Act to protect the public against injury from Mills, Machinery, &c. and for other purposes therein-mentioned," and acquainted this House that the Commons House of Assembly had acceded to the amendments made in and to the same by the Legislative Council; the same Deputation returned the bill entitled, "An Act to prevent the training of persons to the use of Arms, and to the practise of Military evolutions and exercises, and to authorise Justices of the Peace to seize and detain Arms collected or kept for purposes dangerous to the public peace," and acquainted this House, that the Commons House of Assembly had acceded to the amendment of the Legislative Council, in and to the amendment of the Commons House of Assembly, in and to the amendments of the Legislative Council, made in and to the last-mentioned bill; the same Deputation brought up a bill entitled, "An Act to alter and amend sundry Acts regulating the appointment and duties of Township Officers"—to which they requested the concurrence of this House, and then withdrew.

Amendment of the Council, to the amendment of the Assembly, in and to the amendments of this House, made to Fire-arms training prevention bill, acceded to by the Assembly.

Township Officers Law amendment bill, brought up from the Assembly.

Read first time.

The said bill was then read; and it was,

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

Assembly's independence security bill, committed.

Pursuant to the order of the day, the House was put into a Committee of the whole, upon the bill entitled, "An Act to secure the Independence of the Commons House of Assembly of this Province, and for other purposes therein-mentioned."

The Honourable Mr. Baldwin took the Chair.

House resumes.

After some time the House resumed.

Report of the Select Committee upon District of Dalhousie erection bill, presented.

The Honourable Mr. Baldwin, from the Select Committee to whom was referred the bill entitled, "An Act to erect certain Townships now forming parts of the Districts of Bathurst, Johnstown and Ottawa, into a separate District, to be called the District of Dalhousie, and also to form within the same the Counties of Lothian and Carleton, and for other purposes therein-mentioned," presented their report.

Ordered, that it be received; and,

Read.

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

The Report.

The Select Committee to whom was referred the bill entitled, "An Act to erect certain Townships now forming parts of the Districts of Bathurst, Johnstown and Ottawa, into a separate District, to be called the District of Dalhousie, and also to form within the same the Counties of Lothian and Carleton, and for other purposes therein-mentioned," having examined the same, beg leave to report:

That a bill of a similar description was under consideration at the winter Session of 1837, and that it is now introduced again, after a due conformity on the part of the petitioners to the rules of your Honourable House.

Saturday, 20th January, 1838.

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

It will be observed, that it is intended to form this new District out of Townships taken from three other Districts, with Bytown, on the Ottawa River, for its chief Town; for this purpose the Townships of Nepean, Goulbourn, Huntly, March, Fitzroy and Torbolton, which are to compose the County of Carleton, in the new District, are taken from the District of Bathurst, leaving for the old County of Carleton, in that District, the solitary Township of Pakenham. The Townships of Gloucester and Osgoode, taken from the County of Russell, in the Ottawa District, together with Marlborough, and that part of Gower, commonly called North Gower, from the County of Grenville, in the District of Johnstown, are intended to compose the County of Lothian.

The District of Dalhousie, thus composed of ten Townships, will be compact in figure, and Bytown appears to afford a convenient site for the Gaol and Court House.

There will remain in the County of Russell, the Townships of Cumberland, Clarence, Russell and Cambridge; and in the County of Grenville, the Townships of Edwardsburgh, Augusta, Wolford, Montague, Oxford, on the Rideau, and that part of Gower, called South Gower.

In the District of Bathurst, all the Townships, except Pakenham, (fourteen in number,) form one County, viz. the County of Lanark. No provision exists in the bill for a re-organization of the Counties in the Bathurst District; and though it is obviously necessary that this should be done, your Honourable House will not fail to perceive, that by the construction of this new District, there will be two new Counties formed, and the representation of the people in Parliament be correspondingly increased.

No provision is made in the bill for the payment, by the new District, of any part of the debt owing by the District of Bathurst.

By the twelfth clause of the bill, the Magistrates are authorised to approve of a plan for the Gaol and Court House, without reference to the bill of the present Session, entitled, "An Act to regulate the future erection of Gaols in this Province."

Should your Honourable House concur in the measure under consideration, it will be necessary for the Legislature hereafter to pass a law, imposing an additional rate on the inhabitants of the proposed District, to defray the expense of the public buildings, as the ordinary assessment will not suffice for that purpose.

Your Committee, taking into consideration the small amount of assessments which will be raised in the Bathurst District, after the formation of the new District, and consulting the convenience of the inhabitants on the north side of the Rideau waters, recommend that a clause be added to the bill, to attach the Townships of Montague, and so much of the Townships of Elmsley and Burgess, as lie on the north shore of the Rideau waters, to the District of Bathurst, so soon as the proposed new District may go into operation.

All which is respectfully submitted.

A. BALDWIN,
CHAIRMAN.

Legislative Council, Committee Room,

Twentieth day of January, 1838.

On motion made and seconded, it was,

Ordered, that the House be again put into a Committee of the whole, on Monday next, upon the last-mentioned bill, as also the report of the Select Committee thereon.

By order of His Excellency the Lieutenant Governor, the Honourable Mr. Secretary Cameron presented the Public Accounts; where laid on the table.

The Honourable Mr. Morris brought up the petition of Stewart Nichol, and Thomas Scott; which was laid on the table.

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

Public Accounts presented by the Hon. Mr. Secretary Cameron.

Petition of Stewart Nichol and Thomas Scott, presented.

House adjourns.

Monday, 22nd January, 1838.

THIRD SESSION THIRTEENTH PROVINCIAL PARLIAMENT, 1st VICTORIA.

MONDAY, 22nd JANUARY, 1838.

House meets.

The House met, pursuant to adjournment.

PRESENT:

Members present.	<i>The Honourable</i> JOHN B. ROBINSON, SPEAKER.	<i>The Honourable Messrs.</i> McDONELL,
	<i>The Honourable Messrs.</i> DICKSON,	" " BALDWIN,
	" " WELLS,	" " MORRIS,
	" " ALLAN,	" " MACAULAY.

Prayers were read.

The Minutes of Saturday last were read.

Bond Head Harbour Company's incorporation bill, read third time, and passed.

Pursuant to the order of the day, the bill entitled, "An Act to incorporate certain persons under the style and title of the Bond Head Harbour Company," was read a third time, and passed:

Same signed;

Whereupon the Speaker signed the same; and it was,

And the Assembly acquainted thereof.

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

Brockville Gaol and Court House erection bill, committed.

Pursuant to the order of the day, the House was put into a Committee of the whole, upon the bill entitled, "An Act to authorise the erection of a Gaol and Court House at Brockville, in the District of Johnstown."

The Honourable Mr. Wells took the Chair.

After some time the House resumed.

Reported, and leave asked to sit again.

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

Leave granted.

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

District of Dalhousie erection bill, re-committed

Pursuant to the order of the day, the House was again put into a Committee of the whole, upon the bill entitled, "An Act to erect certain Townships, now forming parts of the Districts of Bathurst, Johnstown and Ottawa, into a separate District, to be called the District of Dalhousie; and also to form within the same the Counties of Lothian and Carleton, and for other purposes therein-mentioned," together with the report of the Select Committee thereon.

The Honourable Mr. Allan took the Chair.

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

A Member enters.

The Honourable Mr. Morris enters.

Messages from the Lieutenant Governor:

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

F. B. HEAD.

Transmitting copies of two Despatches, on the subject of the Currency.

No. 150 and 152.
1st and 6th March, 1837.

The Lieutenant Governor transmits, for the information of the Legislative Council, copies of two Despatches which he has received from the Secretary of State for the Colonies, relative to the Act passed in the Second Session of the Twelfth Provincial Parliament, regulating the ratio at which Gold and Silver Coins should, in future, pass current within the Province.

Government House,

22nd January, 1838.

(For copies of Despatches, see Appendix B.)

F. B. HEAD.

Transmitting the Population and Assessment Returns.

The Lieutenant Governor transmits, for the information of the Legislative Council, the Returns of the Population of the several Districts of this Province, for the year 1837, and such Assessment Returns as have been received, for the same period.

Government House,

22nd January, 1838.

F. B. HEAD.

Transmitting the copy of a Despatch, on the subject of the joint Address, relative to certain Military Pensioners.

No. 130.
12th January, 1837.

The Lieutenant Governor transmits to the Legislative Council, the accompanying copy of a Despatch, and of its enclosure, which he has received from the Secretary of State for the Colonies, with reference to the joint Address of the two Houses of the Provincial Legislature, to His late Majesty, relative to certain Military Pensioners,

Monday, 22nd January, 1838.

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

who had accepted a commuted allowance for thier pensions, and came out to settle in this Province.

Government House,
22nd January, 1838.

(For copy of Despatch, see Appendix C.)

F. B. HEAD.

The Lieutenant Governor transmits to the Legislative Council, the accompanying copy of a Despatch, from the Secretary of State for the Colonies, with reference to the joint Address of the two Houses of the Provincial Legislature, to His late Majesty, on the subject of the Post Office within the North American Provinces.

Transmitting the copy of a Despatch, with reference to the joint Address, on the subject of the Post Office Department.

No. 181.
20th May, 1837.

Government House,
22nd January, 1838.

(For copy of Despatch, see Appendix D.)

F. B. HEAD.

The Lieutenant Governor transmits, for the information of the Legislative Council, a Return, by the Receiver General, shewing the amount of monies raised by Debentures; the amount redeemed; and the amount outstanding on the 31st December last.

Transmitting a return by the Receiver General, of Debentures redeemed and outstanding.

Government House,
22nd January, 1838.

F. B. HEAD.

His Excellency the Lieutenant Governor has much pleasure in transmitting to the Legislative Council, a highly gratifying communication from His Excellency the Lieutenant Governor of New Brunswick, accompanying a unanimous joint vote of thanks from the two Houses of the Legislature of that Province, to the Militia of Upper Canada, for their gallant conduct, in so ably, promptly and energetically, suppressing the late Rebellion in this Province.

Transmitting a joint vote of thanks from the two Houses of the Legislature of the Province of New Brunswick, to the Militia of Upper Canada.

Government House,
January 22nd, 1838.

(For Communications, see Appendix E.)

The Honourable and Venerable the Archdeacon of York, enters.

A Member enters.

The House was then again put into a Committee of the whole, upon the bill entitled, "An Act to erect certain Townships, now forming parts of the Districts of Bathurst, Johnstown and Ottawa, into a separate District, to be called the District of Dalhousie; and also to form within the same the Counties of Lothian and Carleton, and for other purposes therein-mentioned," together with the report of the Select Committee thereon.

District of Dalhousie erection bill, re-committed

The Honourable Mr. Allan took the Chair.

After some time the House resumed.

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

Reported, and leave asked to sit again.

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

Leave granted.

Pursuant to the order of the day, the bill entitled, "An Act to alter and amend sundry Acts regulating the appointment and duties of Township Officers," was read a second time; and it was,

Township Officers Law amendment bill, read second time.

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

And referred to a Select Committee.

Ordered, that the Honourable Messieurs Baldwin and Morris, do compose the same for that purpose.

Members composing same.

Pursuant to the order of the day, the House was again put into a Committee of the whole, upon the bill entitled, "An Act to alter the mode of paying the wages of Members of the House of Assembly."

Members' wages payment alteration bill, re-committed.

The Honourable Mr. Baldwin took the Chair.

After some time the House resumed.

N

Tuesday, 23rd January, 1838.

THIRD SESSION THIRTEENTH PROVINCIAL PARLIAMENT, 1st VICTORIA.

Amendment reported.

The Chairman reported, that the Committee had gone through the said bill, and had made an amendment thereto, which they recommended to the adoption of the House.

Ordered, that the report be received; and,

Read first time.

The said amendment was then read by the Clerk, as follows:

The Amendment.

Press 2, line 5—After "that" insert "whenever the Receiver General of this Province shall report to the Lieutenant Governor, that the state of the Provincial Revenue will admit of the amount of wages authorised by this Act, being advanced out of such Revenue then"

Read second time, and adopted.

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

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

Address to the Lieutenant Governor, for certain information with reference to His Excellency's resignation of the Government of this Province, presented.

The Honourable Mr. Morris, from the Select Committee appointed to wait upon the Lieutenant Governor, with an Address of this House, requesting certain information with reference to His Excellency's resignation of the Government of this Province, reported that His Excellency had been pleased to receive the same, and to reply thereto as follows:

GOVERNMENT HOUSE,
22nd January, 1838.

Honourable Gentlemen:

The reply thereto.

It would afford me the greatest satisfaction, to transmit to the Legislative Council, according to its request, so much of my correspondence with the Right Honourable the Secretary of State for the Colonies, as relates to my resignation of the Government of this Province; but after deliberate consideration, I have come to the conclusion, that the publication of these documents might, under existing circumstances, embarrass my successor, and might be considered as a violation of official confidence.

So long as I remain in the service of Her Majesty's Government, I do not consider myself justified in defending my own conduct, by any vindication that may embarrass their policy.

Petition of Stewart Nichol and Thomas Scott, read.

Pursuant to the order of the day, the petition of Stewart Nichol, and Thomas Scott, praying to be allowed to practice Physic, &c. in this Province, without further examination by the Medical Board of Upper Canada, was read.

On motion made and seconded, it was,

A Committee appointed to present an Address of thanks to His Excellency, for his Messages of this day.

Ordered, that an Address be presented to the Lieutenant Governor, respectfully thanking His Excellency for his several Messages of this day, transmitting copies of various Despatches received from Her Majesty's Government; a vote of thanks by the two Houses of the Legislature of New Brunswick, to the Militia of Upper Canada; and a return of Debentures redeemed and outstanding; together with the population and assessment returns; and,

Members composing it.

Ordered, that the Honourable Messieurs McDonell and Morris, do present the same.

Petitions of David Thompson, and others;

The Honourable Mr. Allan brought up the petition of David Thompson, and others, inhabitants of the County of Haldimand; which was laid on the table.

Of Samuel Hodgkinson;

The Honourable Mr. Dickson brought up the petition of Samuel Hodgkinson, of the Township of Grantham; and also the petition of James Lockhart, and others, Merchants and inhabitants of the Town of Niagara; which were laid on the table.

And of James Lockhart, and others, presented.

House adjourns.

On motion made and seconded, the House adjourned.

TUESDAY, 23rd JANUARY, 1838.

House meets.

The House met, pursuant to adjournment.

PRESENT:

Members present.

The Honourable JOHN B. ROBINSON, SPEAKER.
The Honourable Messrs. DICKSON,
" " CROOKSHANK,
" " WELLS,
" " ALLAN,

The Honourable Messrs. GORDON,
" " McDONELL,
" " BALDWIN,
" " MORRIS,
" " MACAULAY.

Prayers were read.

The Minutes of yesterday were read.

Tuesday, 23rd January, 1838.

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

Pursuant to the order of the day, the bill entitled, "An Act to alter the mode of paying the wages of Members of the House of Assembly," was, as amended, read a third time; and it was, Members' wages payment alteration bill, read third time, as amended, and not passed.

Ordered, that this bill, as amended, do not now pass, but that the same be referred to a Committee of the whole House this day.

Pursuant to the order of the day, the House was again put into a Committee of the whole, upon the bill entitled, "An Act to authorise the erection of a Gaol and Court House at Brockville, in the District of Johnstown." Brockville Gaol and Court House erection bill, re-committed.

The Honourable Mr. Wells took the Chair.

After some time the House resumed.

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

Ordered, that the report be received; and,

The said amendments were then read by the Clerk, as follows: Read first time.

Press 1, line 16—After "them," expunge the remainder of the clause, and insert "together with estimates of the expense of building the same: Provided always, that so far as respects the proposed new Gaol, the proceedings of the Justices of the Peace, and all measures in regard to the said Gaol, shall be subject to the provisions of a certain Act of the Parliament of this Province, passed during the present Session, entitled, "An Act to regulate the future erection of Gaols in this Province." The amendments.

" 2, " 3—After "prisoners," insert "and approved of by the Board of Commissioners, to be appointed in pursuance of the above-recited Act, passed in the present Session of the Legislature."

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

Ordered, that they be engrossed, and the said bill, as amended, read a third time to-morrow.

A Deputation from the Commons House of Assembly, brought up a bill, entitled, "An Act to enable Religious Communities to hold lands, and other property, in succession"—to which they requested the concurrence of this House, and then withdrew. Religious Communities Property succession bill, brought up from the Assembly.

The said bill was then read; and it was,

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

Pursuant to the order of the day, the House was again put into a Committee of the whole, upon the bill entitled, "An Act to erect certain Townships now forming parts of the Districts of Bathurst, Johnstown and Ottawa, into a separate District, to be called the District of Dalhousie, and also to form within the same the Counties of Lothian and Carleton, and for other purposes therein-mentioned," together with the report of the Select Committee thereon. District of Dalhousie erection bill, re-committed

The Honourable Mr. Allan took the Chair.

After some time the House resumed.

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

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

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

MR. SPEAKER,

The Commons House of Assembly have passed an Address to Her Majesty, in relation to a grant of Land to Colonel FitzGibbon, which they communicate to the Honourable the Legislative Council, requesting the concurrence of that Honourable House thereto. Transmitting for concurrence an Address to Her Majesty, in relation to a grant of land to Colonel FitzGibbon.

H. RUTTAN,
SPEAKER.

Commons House of Assembly,
Twenty-third day of January, 1838.

Wednesday, 24th January, 1838.

THIRD SESSION THIRTEENTH PROVINCIAL PARLIAMENT, 1st VICTORIA.

Read first time.

The above-mentioned Address of the Commons House of Assembly was then read by the Clerk, as follows:

(For Address, see Appendix F.)

On motion made and seconded, it was,

Ordered, that the said Address be referred to a Committee of the whole House to-morrow.

Members' wages payment alteration bill, as amended, re-committed.

Pursuant to order, the House was again put into a Committee of the whole, upon the bill entitled, "An Act to alter the mode of paying the wages of Members of the House of Assembly," as amended.

The Honourable Mr. Baldwin took the Chair.

After some time the House resumed.

Reported, and leave asked to sit again.

The Chairman reported, that the Committee had taken the said bill, as amended, into consideration, had made some further progress therein, and asked leave to sit again to-morrow.

Leave granted.

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

Report of the Select Committee, appointed to present an Address of thanks for His Excellency's Messages of yesterday.

The Honourable Mr. McDonell, from the Select Committee appointed to present an Address to the Lieutenant Governor, thanking His Excellency for his several Messages of yesterday, reported the delivery thereof.

Petitions of the Hon. and Right Reverend Bishop McDonell, and others;

The Honourable Mr. Macaulay brought up the petition of the Honourable and Right Reverend Alexander McDonell, Bishop of Kingston, and others, inhabitants thereof; and also the petition of Abraham Van Vleck Pruyn, of the Town of Picton; which were laid on the table.

Of Abraham Van Vleck Pruyn;

Of Duncan McDonell;

The Honourable the Speaker brought up the petition of Duncan McDonell, of Greenfield, in the County of Glengarry; which was laid on the table.

And of Robert Parker, and others, presented.

The Honourable Mr. Baldwin brought up the petition of Robert Parker, and others, of the Township of King; which was laid on the table.

House adjourns.

On motion made and seconded, the House adjourned.

WEDNESDAY, 24th JANUARY, 1838.

House meets.

The House met, pursuant to adjournment.

PRESENT:

Members present.

The Honourable JOHN B. ROBINSON, SPEAKER.

The Honourable Messrs. GORDON,

The Honourable Messrs. DICKSON,

" " McDONELL,

" " WELLS,

" " BALDWIN,

" " ALLAN,

" " MORRIS.

Prayers were read.

The Minutes of yesterday were read.

Brockville Gaol and Court House erection bill, as amended, read third time and passed.

Pursuant to the order of the day, the bill entitled, "An Act to authorise the erection of a Gaol and Court House at Brockville, in the District of Johnstown," was, as amended, read a third time; and,

The question being put, whether this bill, as amended, should pass, it was carried in the affirmative:

Amendments signed;

Whereupon the Speaker signed the amendments; and it was,

And sent to the Assembly for concurrence.

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

High Treason Attainder bill, brought up from the Assembly.

A Deputation from the Commons House of Assembly, brought up a bill entitled, "An Act to provide for the more speedy attainder of persons indicted for High Treason, who have fled from this Province, or remain concealed therein, to escape from Justice"—to which they requested the concurrence of this House, and then withdrew.

Read first time.

The said bill was then read; and it was,

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

A Member enters.

The Honourable Mr. Macaulay enters.

District of Dalhousie erection bill, re-committed

Pursuant to the order of the day, the House was again put into a Committee of the whole, upon the bill entitled, "An Act to erect certain Townships now forming parts of the Districts of Bathurst, Johnstown and Ottawa, into a separate District, to be called the District of Dal-

Wednesday, 24th January, 1838.

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

housie, and also to form within the same the Counties of Lothian and Carleton, and for other purposes therein-mentioned," and the report of the Select Committee thereon.

The Honourable Mr. Wells took the Chair.

After some time the House resumed.

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

Ordered, that the report be received; and,

The said amendments were then read by the Clerk, as follows: Read first time.

In the title—After the word "Dalhousie," expunge "and also to form within the same the Counties of Lothian and Carleton." The amendments.

Press 1, line 13—After "That" expunge to "it" in line 16, and insert "so soon as it shall be made to appear to the satisfaction of the Lieutenant Governor, and the Executive Council of this Province, that a good and sufficient Gaol has been erected therein for the accommodation of prisoners, and a suitable Court House, for the accommodation of Courts of Justice; and also that the amount of assessments raised within the said Townships, is sufficient to defray the necessary charges attending a separate District, then"

" 2, " 8—After "March," expunge to the end of the clause, and insert "Torbolton, Fitzroy, Huntly, Goulbourn and Marlborough, together with the Islands lying wholly or in greater part opposite thereto, do constitute and form the County of Carleton; and that the Township of Pakenham shall hereafter be annexed to and form part of the County of Lanark"

" 8, " 3—After "proper" expunge the remainder of the clause, and insert "estimates and proposals for the building of a Gaol and Court House; subject, nevertheless, as respects the Gaol, to the provisions of a certain Act of the Parliament of this Province, passed during the present Session, entitled, "An Act to regulate the future erection of Gaols in this Province."

" 8, " 18—After the word "of," expunge "as aforesaid," and insert "agreeably to the Statute passed during the present Session, as aforesaid."

Add to the bill—"And be it further enacted by the authority aforesaid, That the Township of Montague, and so much of the Townships of Elmsley and Burgess, as lie on the north shore of the Rideau waters, be attached to and form part of the District of Bathurst, and compose part of the County of Lanark, so soon as the proposed new District may go into operation."

"And be it further enacted by the authority aforesaid, That the Townships of Pakenham, McNab, Horton, Ross, Westmeath and Pembroke, together with the unsurveyed lands within the District of Bathurst, and all the Islands in the Ottawa River, wholly or in greater part opposite to the said Townships and unsurveyed lands, do, from the time that the said new District goes into operation, compose a County, to be called the County of Renfrew."

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

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

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

MR. SPEAKER,

The Commons House of Assembly, request the Honourable the Legislative Council, to grant permission to the Honourable John Henry Dunn, Her Majesty's Receiver General; the Honourable George H. Markland, Inspector General; the Honourable John Macaulay, Surveyor General; and the Honourable Duncan Cameron, Provincial Secretary, to attend the Committee of this House, to whom is referred the Public Accounts. Requesting that the Hon. Messrs. Dunn, Markland, Macaulay and Cameron, may be permitted to attend a Committee of that House.

H. RUTTAN,
SPEAKER.

Commons House of Assembly,
Twenty-second day of January, 1838.

Wednesday, 24th January, 1838.

THIRD SESSION THIRTEENTH PROVINCIAL PARLIAMENT, 1st VICTORIA.

Leave granted to the Hon. Mr. Macaulay, for the purpose of attending the above-mentioned Committee.

Ordered, that the Honourable Mr. Macaulay have leave to attend a Select Committee of the Commons House of Assembly, as desired by that House in their Message received this day, if he thinks fit; and,

And the Assembly acquainted thereof.

Ordered, that the Master in Chancery do go down to the Assembly, and acquaint that House, that the Honourable Mr. Macaulay has leave to attend a Select Committee of the Commons House of Assembly, as desired by that House in their Message received this day, if he thinks fit.

Address of the Assembly to Her Majesty, in behalf of Colonel FitzGibbon, committed.

Pursuant to the order of the day, the House was put into a Committee of the whole, upon the Address of the Commons House of Assembly, to Her Majesty, in behalf of Colonel FitzGibbon.

The Honourable Mr. Gordon took the Chair.

After some time the House resumed.

Reported, and leave asked to sit again.

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

Leave granted.

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

Religious Communities Property succession bill, read second time.

Pursuant to the order of the day, the bill entitled, "An Act to enable Religious Communities to hold lands, and other property, in succession," was read a second time; and it was,

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

Petitions of David Thompson, and others;

Pursuant to the order of the day, the petition of David Thompson, and others, inhabitants of the County of Haldimand, praying for an Act forming the same into a separate District; also the petition of Samuel Hodgkinson, of the Township of Grantham, praying to be allowed certain arrears of his pension; and also the petition of James Lockhart, and others, Merchants and inhabitants of the Town of Niagara, praying against the abolition of the Law for imprisonment for debt; were severally read.

Of Samuel Hodgkinson;

And of James Lockhart, and others, read.

Report of the Select Committee upon Boundary Line Commissioners' establishment bill, presented.

The Honourable Mr. Baldwin, from the Select Committee to whom was referred the bill entitled, "An Act to authorise the establishment of Boards of Boundary Line Commissioners, within the several Districts of this Province," presented their report.

Ordered, that the report be received; and,

Read.

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

The Select Committee to whom has been referred the bill entitled, "An Act to authorise the establishment of Boards of Boundary Line Commissioners within the several Districts of this Province," beg leave to report:

The Report.

That they find this bill similar to that which was before your Honourable House last winter, but which came up at too late a period to be then matured.

In the other branch of the Legislature, the bill has, on the present occasion, received several additions, which, in the opinion of your Committee, tend materially to improve it.

The general object of the measure is to facilitate the settlement of disputes respecting Boundary Lines, by the operation of Boards of Commissioners, appointed in each District of the Province, having authority to hear and determine in all cases of disputed lines or boundaries of any township, concession or lot, or of any part of a lot within their respective limits; to ascertain, fix and determine, such lines, boundaries and divisions, as shall appear just and reasonable; and to pronounce judgment, and award execution in all such cases for costs reasonably incurred.

The power thus given to these Boards is considerable; yet the bill carefully provides against their abuse of it, by leaving in full force the Act of 1818, and permitting an appeal to the Court of King's Bench, or the Court of Chancery, within a reasonable period;

And as it is an experimental bill, its duration is limited to four years.

Your Committee have prepared some amendments, which, with the bill itself, they recommend to the adoption of your Honourable House.

All which is respectfully submitted.

A. BALDWIN,
CHAIRMAN.

Legislative Council, Committee Room,
24th January, 1838.

Wednesday, 24th January, 1838.

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

Press 1, line 1—After “whereas” expunge the remainder of the preamble, and insert “the errors or defects in surveys heretofore made within this Province, are found to occasion disputes and differences between individuals, touching the boundaries of townships, concessions and lots, and to involve parties in expensive litigation: And whereas, it is expedient to provide a remedy for these evils, by the appointment of Commissioners in every District, with the powers and under the restrictions hereinafter expressed.”

“ “ “ 17—Expunge “by”

“ “ “ 18—Expunge “professional” and insert “a licensed”

“ “ “ 19—Expunge “to” and insert “for”

“ 3, “ 10—Expunge “Board” and insert “sitting”

“ “ “ 12—After “Commissioners” insert “or a majority of the Commissioners present at such sitting”

“ 6—After the ninth clause, insert “10. And be it further enacted by the authority aforesaid, that all copies of plans, descriptions, instructions, field notes or other evidences of survey, and all other documents of a public character, certified by the Surveyor General, or person in charge of the office of Surveyor General for the time being, or by the person in charge for the time being of any other public office, in which any such document may be deposited, shall be admissible in evidence before such Commissioners, or upon any other judicial proceeding under this Act, in the same manner, and no other, as if the same were proved by evidence given viva voce: Provided always, that it shall be the duty of any person employed in any public office in this Province, to answer upon oath, to be administered before any Commissioner for taking affidavits in the Court of King’s Bench, any questions which the Commissioners to be appointed under this Act shall, in writing, require to be answered; and that the evidence obtained in such manner shall be received as if given viva voce before the Commissioners: Provided, it be made appear to their satisfaction, that the parties interested have had a reasonable opportunity afforded to them of proposing questions by way of cross-examination.”

“ 6—Expunge the tenth clause, and insert “11. And be it further enacted by the authority aforesaid, that if any person shall wilfully and corruptly swear falsely in any matter deposed under this Act, either viva voce or by way of answer in any written deposition, such false swearing shall be deemed to be perjury.”

Press 6, line 11—Expunge “11” and insert “12”

“ “ “ 22—Expunge “12” and insert “13”

“ 7, “ 1—After “Act” insert “either in person or by Counsel”

“ “ “ 7—Expunge “13” and insert “14”

“ “ “ 8—After “default” insert “in appearing either in person or by Counsel”

“ “ “ 14—Expunge “14” and insert “15”

“ 8, “ 8—Expunge “15” and insert “16”

“ “ “ 12—Expunge “16” and insert “17”

“ 9, “ 2—After “District” insert “18. And be it further enacted by the authority aforesaid, that the Commissioners in all surveys made by them, or under their direction, shall express the courses of lines according to the bearing of the compass, and also according to the true Meridional line.”

“ 19. And be it further enacted by the authority aforesaid, That as often as any lines or boundaries shall be finally established by the Commissioners, under this Act, it shall be their duty to cause sufficient stone monuments to be placed to mark such boundaries, and to award the expense thereof to be paid by the parties, or either of them, as they may think just, and to enforce the payment thereof, in the same manner as of costs and other expenses under this Act.”

“ “ “ 3—Expunge “17” and insert “20”

Thursday, 25th January, 1838.

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Press 9, line 10—Expunge “18” and insert “21”

“ “ “ 23—Expunge “19” and insert “22”

“ 10, “ 8—Expunge “20” and insert “23”

“ “ “ 15—Expunge “21” and insert “24”

“ “ “ 17—Expunge “22” and insert “25”

On motion made and seconded, it was,

Ordered, that the House be again put into a Committee of the whole to-morrow, upon the last-mentioned bill, together with the report of the Select Committee thereon.

Petition of H. S. Reid,
and others, presented.

The Honourable Mr. Baldwin brought up the petition of H. S. Reid, and others, inhabitants of Darlington, and the adjoining Townships; which was laid on the table.

House adjourns.

On motion made and seconded, the House adjourned.

THURSDAY, 25th JANUARY, 1838.

House meets.

The House met, pursuant to adjournment.

PRESENT :

Members present.

The Honourable JOHN B. ROBINSON, SPEAKER.

The Honourable Messrs. DICKSON,

“ “ CROOKSHANK,

The Hon. & Ven. The ARCHDEACON OF YORK,

The Honourable Mr. ALLAN,

The Honourable Messrs. GORDON,

“ “ McDONELL,

“ “ BALDWIN,

“ “ MORRIS,

“ “ MACAULAY.

Prayers were read.

The Minutes of yesterday were read.

The Clerk acquaints the
Speaker, that the Hon.
Messrs. Cameron, Mark-
land Dunn, had been
apprised of the Message
received from the
Assembly yesterday.

The Clerk acquainted the Honourable the Speaker, that the Honourable Messieurs Cameron, Markland and Dunn, had been apprised of the Message received from the Assembly yesterday, requesting that they might be permitted to attend a Select Committee of that House,

Address of the Commons
House of Assembly to Her
Majesty, in behalf of
Colonel FitzGibbon,
re-committed.

Pursuant to the order of the day, the House was again put into a Committee of the whole, upon the Address of the Commons House of Assembly to Her Majesty, in behalf of Colonel FitzGibbon.

The Honourable Mr. Gordon took the Chair.

After some time the House resumed.

Reported, and leave
asked to sit again.

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

Leave granted.

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

Religious Communities
Property Succession bill,
committed.

Pursuant to the order of the day, the House was put into a Committee of the whole, upon the bill entitled, “An Act to enable Religious Communities to hold lands, and other property, in succession.”

The Honourable Mr. Macaulay took the Chair.

After some time the House resumed.

Reported, and leave
asked to sit again.

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

Leave granted.

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

A Member enters.

The Honourable Mr. Wells enters.

Boundary Line Commis-
sioners' establishment bill,
re-committed.

Pursuant to the order of the day, the House was again put into a Committee of the whole, upon the bill entitled, “An Act to authorise the establishment of Boards of Boundary Line Commissioners within the several Districts of this Province,” together with the report of the Select Committee thereon.

The Honourable Mr. Macaulay took the Chair.

After some time the House resumed.

Amendments reported.

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

Ordered, that the report be received; and,

Read first time.

The said amendments were then read by the Clerk, as follows:

Thursday, 25th January, 1838.

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

Press 1, line 1—After “whereas” expunge the remainder of the preamble, and insert “the errors or defects in surveys heretofore made within this Province, are found to occasion disputes and differences between individuals, touching the boundaries of townships, concessions and lots, and to involve parties in expensive litigation: And whereas, it is expedient to provide a remedy for these evils, by the appointment of Commissioners in every District, with the powers and under the restrictions hereinafter expressed.” The amendments.

“ “ “ 17—Expunge “by”

“ “ “ 18—Expunge “professional” and insert “a licensed”

“ “ “ 19—Expunge “to” and insert “for”

“ 3, “ 10—Expunge “Board” and insert “sitting”

“ “ “ 12—After “Commissioners” insert “or a majority of the Commissioners present at such sitting”

“ 6—After the ninth clause, insert “10. And be it further enacted by the authority aforesaid, that all copies of plans, descriptions, instructions, field notes or other evidences of survey, and all other documents of a public character, certified by the Surveyor General, or person in charge of the office of Surveyor General for the time being, or by the person in charge for the time being of any other public office, in which any such document may be deposited, shall be admissible in evidence before such Commissioners, or upon any other judicial proceeding under this Act, in the same manner, and no other, as if the same were proved by evidence given viva voce: Provided always, that it shall be the duty of any person employed in any public office in this Province, to answer upon oath, to be administered before any Commissioner for taking affidavits in the Court of King's Bench, any questions which the Commissioners to be appointed under this Act shall, in writing, require to be answered; and that the evidence obtained in such manner shall be received as if given viva voce before the Commissioners: Provided, it be made appear to their satisfaction, that the parties interested have had a reasonable opportunity afforded to them of proposing questions by way of cross-examination.”

“ 6—Expunge the tenth clause, and insert “11. And be it further enacted by the authority aforesaid, that if any person shall wilfully and corruptly swear falsely in any matter deposed under this Act, either viva voce or by way of answer in any written deposition, such false swearing shall be deemed to be perjury.”

Press 6, line 11—Expunge “11” and insert “12”

“ “ “ 22—Expunge “12” and insert “13”

“ 7, “ 1—After “Act” insert “either in person or by Counsel”

“ “ “ 7—Expunge “13” and insert “14”

“ “ “ 8—After “default” insert “in appearing either in person or by Counsel”

“ “ “ 14—Expunge “14” and insert “15”

“ 8, “ 8—Expunge “15” and insert “16”

“ “ “ 12—Expunge “16” and insert “17”

“ 9, “ 2—After “District.” insert “18. And be it further enacted by the authority aforesaid, that the Commissioners in all surveys made by them, or under their direction, shall express the courses of lines according to the bearing of the compass, and also according to the true Meridional line.”

“19. And be it further enacted by the authority aforesaid, That as often as any lines or boundaries shall be finally established by the Commissioners, under this Act, it shall be their duty to cause sufficient stone monuments to be placed to mark such boundaries, and to award the expense thereof to be paid by the parties, or either of them, as they may think just, and to enforce the payment thereof, in the same manner as of costs and other expenses under this Act.”

Thursday, 25th January, 1838.

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Press 9, line 3—Expunge “17” and insert “20”

“ “ “ 10—Expunge “18” and insert “21”

“ “ “ 23—Expunge “19” and insert “22”

“ 10, “ 8—Expunge “20” and insert “23”

“ “ “ 15—Expunge “21” and insert “24”

“ “ “ 17—Expunge “22” and insert “25”

Read second time, and adopted.

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

Ordered, that they be engrossed, and the said bill, as amended, read a third time to-morrow.

High Treason Attainder bill, read second time.

Pursuant to the order of the day, the bill entitled, “An Act to provide for the more speedy attainder of persons indicted for High Treason, who have fled from this Province, or remain concealed therein, to escape from Justice,” was read a second time; and it was,

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

Canada Company's land tax bill; and,

Covering bill, brought up from the Assembly.

A Deputation from the Commons House of Assembly, brought up a bill entitled, “An Act to tax certain lands held by the Canada Company in this Province, and for other purposes therein-mentioned”; and also a bill entitled, “An Act to make good certain monies advanced in compliance with the Addresses of the House of Assembly, during the first and second Sessions of the present Parliament, for the contingent expenses of the Legislature of this Province”—to which they requested the concurrence of this House, and then withdrew.

Read first time.

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

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

Leave granted to the Hon. Messrs. Cameron, Markland and Dunn, for the purpose of attending a select Committee of the Assembly.

Ordered, that the Honourable Messieurs Cameron, Markland and Dunn, have leave to attend a Select Committee of the Commons House of Assembly, as desired by that House in their Message received yesterday, if they think fit; and,

And that House acquainted thereof.

Ordered, that the Master in Chancery do go down to the Assembly, and acquaint that House, that the Honourable Messieurs Cameron, Markland and Dunn, have leave to attend a Select Committee of the Commons House of Assembly, as desired by that House in their Message received yesterday, if they think fit.

Petitions of the Hon. and Right Reverend Bishop McDonell, and others;

Of Abraham Van Vleck Pruyn;

Of Duncan McDonell;

And of Robert Parker, and others, read.

Pursuant to the order of the day, the petition of the Honourable and Right Reverend Alexander McDonell, Bishop of Kingston, and others, inhabitants thereof, praying for an union of the two Provinces of Upper and Lower Canada; and also the petition of Abraham Van Vleck Pruyn, of the Town of Picton, praying for an Act conferring upon him the rights and privileges of a British Subject; also the petition of Duncan McDonell, of Greenfield, in the County of Glengarry, praying to be re-imbursed the sum of fifty pounds, expended by him in the necessary improvement of the Bridge over the River Baudette; and also the petition of Robert Parker, and others, of the Township of King, praying for a partial repeal of the Statute passed in the first Session of the twelfth Parliament, in relation to the re-survey of the said Township; were severally read.

On motion made and seconded, it was,

Petition of the Hon. and Right Reverend Bishop McDonell, and others, referred to the Select Committee upon the state of the Province.

Ordered, that the petition of the Honourable and Right Reverend Alexander McDonell, Bishop of Kingston, and others, inhabitants thereof, praying for an union of the two Provinces of Upper and Lower Canada, be referred to the Select Committee appointed to report upon the state of the Province.

Petitions of Hezekiah Davis, and others;

The Honourable Mr. Allan brought up the petition of Hezekiah Davis, and others, inhabitants of the County of Haldimand; which was laid on the table.

And of Augustus McGillivray, and others, presented.

The Honourable Mr. Gordon brought up the petition of Augustus McGillivray, and others, inhabitants of the five northern concessions of the Township of Lochiel, and the four northern concessions of the Township of Kenyon; which was laid on the table.

House adjourns.

On motion made and seconded, the House adjourned.

Friday, 26th January, 1838.

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

FRIDAY, 26th JANUARY, 1838.

The House met, pursuant to adjournment:

House meets:

PRESENT:

The Honourable JOHN B. ROBINSON, SPEAKER.
The Honourable Messrs. DICKSON,
" " CROOKSHANK,
" " ALLAN,

The Honourable Messrs. GORDON,
" " BALDWIN,
" " MORRIS.

Members present:

Prayers were read.

The Minutes of yesterday were read.

Pursuant to the order of the day, the bill entitled, "An Act to erect certain Townships, now forming parts of the Districts of Bathurst, Johnstown and Ottawa, into a separate District, to be called the District of Dalhousie; and also to form within the same the Counties of Lothian and Carleton, and for other purposes therein-mentioned"; and also the bill entitled, "An Act to authorise the establishment of Boards of Boundary Line Commissioners within the several Districts of this Province," were severally, as amended, read a third time; and,

District of Dalhousie erection bill; and

Boundary Line Commissioners' establishment bill, as amended, read third time and passed.

The question being put, whether these bills, as amended, should pass, it was carried in the affirmative:

Whereupon the Speaker signed the amendments; and it was,

Amendments signed;

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

And sent to the Assembly for concurrence.

The Honourable Messieurs Wells and Macaulay, enter.

Members enter.

Deputations from the Commons House of Assembly brought up, and delivered at the Bar of this House, a Message in the following words:

Message from the Assembly:

MR. SPEAKER,

The Commons House of Assembly, requests that the Honourable the Legislative Council, will grant permission to the Honourable John Elmsley, a Member of your Honourable House, to attend a Select Committee appointed by this House, to enquire into the detention of certain Militia on the Niagara Frontier.

Requesting that the Hon. John Elmsley, may have leave to attend a Committee of that House.

ALLAN N. MACNAB,
SPEAKER.

Commons House of Assembly,

Twenty-sixth January, 1838.

The same Deputations returned the bill entitled, "An Act to authorise the erection of the County of Huron, and certain other territory adjacent thereto, into a separate District"; also the bill entitled, "An Act to amend an Act passed in the seventh year of the reign of His late Majesty King William the Fourth, entitled, "An Act to raise a sum of money to Macadamize the roads leading from Brockville to Saint Francis, Charleston, Lyndhurst, Beverley and Portland, in the District of Johnstown, and to authorise the erection of Toll-gates on the said roads"; and also the bill entitled, "An Act to authorise the erection of a Gaol and Court House at Brockville, in the District of Johnstown," and acquainted this House, that the Commons House of Assembly had acceded to the amendments made by the Legislative Council, in and to these bills; and they brought up a bill entitled, "An Act to incorporate sundry persons under the style and title of the Grantham Navigation Company, and for other purposes therein-mentioned"; also a bill entitled, "An Act to impose a tax, for a limited period, on certain wild lands in the Counties of Norfolk and Haldimand, for the purpose of keeping the roads adjoining thereto in repair"; and also a bill entitled, "An Act to amend the Charter of the Welland Canal Company"—to which they requested the concurrence of this House, and then withdrew.

Amendments to District of Huron erection bill;

Brockville Roads Macadamization amendment bill; and

Brockville Gaol and Court House erection bill, acceded to by the Assembly.

Grantham Navigation Company's incorporation bill;

Norfolk and Haldimand Wild Land Tax bill; and, Welland Canal Company's Charter amendment bill, brought up from the Assembly.

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

Read first time.

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

Pursuant to the order of the day, the House was put into a Committee of the whole, upon the bill entitled, "An Act to alter the mode of paying the wages of Members of the House of Assembly," as amended.

Members' wages payment alteration bill, as amended, re-committed.

The Honourable Mr. Wells took the Chair.

After some time the House resumed.

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Reported, and leave asked to sit again.	The Chairman reported, that the Committee had taken the said bill, as amended, into consideration, had made some progress therein, and asked leave to sit again to-morrow.
Leave granted.	Ordered, that the report be received, and leave granted accordingly.
Address of the Commons House of Assembly to Her Majesty, in behalf of Colonel FitzGibbon, re-committed.	Pursuant to the order of the day, the House was again put into a Committee of the whole, upon the Address of the Commons House of Assembly to Her Majesty, in behalf of Colonel FitzGibbon.
	The Honourable Mr. Gordon took the Chair.
	After some time the House resumed.
Reported.	The Chairman reported, that the Committee had gone through the said Address, and recommended the same, without any amendment, to the adoption of the House.
Adopted.	Ordered, that the report be received; and, Ordered, that the said Address be read a third time to-morrow.
High Treason Attainder bill, committed.	Pursuant to the order of the day, the House was put into a Committee of the whole, upon the bill, entitled, "An Act to provide for the more speedy attainder of persons indicted for High Treason, who have fled from this Province, or remain concealed therein to escape from Justice."
	The Honourable Mr. Allan took the Chair.
	After some time the House resumed.
Reported.	The Chairman reported, that the Committee had gone through the said bill, and recommended the same, without any amendment, to the adoption of the House.
Adopted.	Ordered, that the report be received; and, Ordered, that the said bill be read a third time to-morrow.
Canada Company's Land Tax bill; and,	Pursuant to the order of the day, the bill entitled, "An Act to tax certain lands held by the Canada Company in this Province, and for other purposes therein-mentioned"; and also the bill entitled, "An Act to make good certain monies advanced in compliance with the Addresses of the House of Assembly, during the first and second Sessions of the present Parliament, for the Contingent expenses of the Legislature of this Province"—were severally read a second time; and it was,
Covering bill, read second time.	Ordered, that the House be put into Committees of the whole to-morrow, to take the same into consideration.
Petition of Joseph Stinson, and others, presented.	The Honourable the Speaker, brought up the petition of Joseph Stinson, and others; which was laid on the table.
Petition of H. S. Reid, and others, read.	Pursuant to the order of the day, the petition of H. S. Reid, and others, inhabitants of Darlington, and the adjoining Townships, praying for an Act extending the limits of the Port Darlington Harbour, was read.
House adjourns.	On motion made and seconded, the House adjourned.

SATURDAY, 27th JANUARY, 1838.

House meets. The House met, pursuant to adjournment.

PRESENT:

Members present.	<i>The Honourable</i> JOHN B. ROBINSON, SPEAKER.	<i>The Honourable Messrs.</i> McDONELL,
	<i>The Honourable Messrs.</i> DICKSON,	" " BALDWIN,
	" " ALLAN,	" " MORRIS,
	" " GORDON,	" " MACAULAY.

Prayers were read.

The Minutes of yesterday were read.

Address of the Assembly to Her Majesty, in behalf of Colonel FitzGibbon, read third time, but not passed.

Pursuant to the order of the day, the Address of the Commons House of Assembly, to Her Majesty, in behalf of Colonel FitzGibbon, was read a third time; and it was,

Ordered, that the same do not now pass, but that it be again referred to a Committee of the whole House presently.

The same re-committed.

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

The Honourable Mr. Gordon took the Chair.

After some time the House resumed.

An Amendment reported.

The Chairman reported, that the Committee had gone through the said Address, and had made an amendment thereto, which they recommended to the adoption of the House.

Ordered, that the report be received; and,

Read first time.

The said amendment was then read by the Clerk, as follows:

Saturday, 27th January, 1838.

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

Press 1, line 6—Expunge “unanimously.”

The Amendment.

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

Read second time, and adopted.

Ordered, that it be engrossed, and the said Address, as amended, read a third time on Monday next.

Pursuant to the order of the day, the bill entitled, “An Act to provide for the more speedy attainder of persons indicted for High Treason, who have fled from this Province, or remain concealed therein to escape from Justice,” was read a third time and passed:

High Treason Attainder bill, read third time, and passed.

Whereupon the Speaker signed the same; and it was,

Same signed;

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

And the Assembly acquainted thereof.

The Honourable Mr. Crookshank enters.

A Member enters.

Pursuant to the order of the day, the House was again put into a Committee of the whole, upon the bill entitled, “An Act to alter the mode of paying the wages of Members of the House of Assembly,” as amended.

Members' wages payment alteration bill, as amended, re-committed.

The Honourable Mr. Baldwin took the Chair.

After some time the House resumed.

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

Further amendments reported.

Ordered, that the report be received; and,

The said further amendments were then read by the Clerk, as follows:

Read first time.

Press 1, line 1—After “Whereas” expunge the remainder of the preamble, and insert “the present mode of remunerating Members of the House of Assembly is, on several accounts, inexpedient,”

The further amendments.

“ “ “ 10—After “same” expunge the rest of the first enacting clause.

“ “ “ 18—Expunge “2. And be it further enacted by the authority aforesaid,”

“ 3, “ 5—Expunge the third clause to “Provided,” in line 11.

“ 2—Expunge the fourth clause, and insert “2. And be it further enacted by the authority aforesaid, that the several sums of money to which the Members of the House of Assembly shall be respectively entitled, under this Act, shall be paid by the Treasurers of the several Districts respectively, and shall be levied by assessment in the manner directed by the Laws now in force for that purpose; and that the amount of all monies which shall be levied by assessments for the payment of wages to Members of the House of Assembly, shall be applied by the Treasurer of each District to that purpose only, and shall not be advanced or expended for any other object whatsoever.”

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

Read second time, and adopted.

Ordered, that they be engrossed, and the said bill, as amended, read a third time on Monday next.

Pursuant to the order of the day, the House was put into a Committee of the whole, upon the bill entitled, “An Act to tax certain lands held by the Canada Company in this Province, and for other purposes therein-mentioned.”

Canada Company's land tax bill, committed.

The Honourable Mr. Dickson took the Chair.

After some time the House resumed.

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

Reported;

Ordered, that the report be received; and,

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

And referred to a Select Committee.

Ordered, That the Honourable Messieurs Morris and Macaulay, do compose the same for that purpose.

Members composing same.

Q

Saturday, 27th January, 1838.

THIRD SESSION THIRTEENTH PROVINCIAL PARLIAMENT, 1st VICTORIA.

Messages from the
Lieutenant Governor:

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

F. B. HEAD.

Transmitting the copy of a Despatch, on the subject of an Union of the two Provinces.

No. 170.
21st April, 1837.

The Lieutenant Governor transmits, for the information of the Legislative Council, with reference to the joint Address of the two Houses to His late Majesty, during the first Session of the present Parliament, deprecating an union between the two Provinces of Upper and Lower Canada, the accompanying copy of a Despatch, which he has received from the Secretary of State for the Colonies, in reply thereto.

Government House,
27th January, 1838.

(For copy of Despatch, see Appendix G.)

F. B. HEAD.

Transmitting the copy of a Despatch, relative to the Local Currency, and Banking Corporations.

No. 171.
21st April, 1837.

The Lieutenant Governor transmits to the Legislative Council, the accompanying copy of a Despatch, which he has received from the Secretary of State for the Colonies, with reference to the joint Address of the two Houses of the Provincial Legislature, to His late Majesty, passed during the first Session of the present Parliament, relating to the local Currency, and Banking Corporations.

Government House,
22nd January, 1838.

(For copy of Despatch, see Appendix H.)

F. B. HEAD.

Transmitting the copy of a Despatch, communicating Her Majesty's approbation of the proceedings of the Provincial Legislature, at their last Session.

No. 222.
26th August, 1837.

The Lieutenant Governor transmits, for the information of the Legislative Council, a copy of a Despatch, which he has received from the Secretary of State for the Colonies, communicating Her Majesty's approbation of the proceedings of the Provincial Legislature, at their last Session.

Government House,
24th January, 1838.

(For copy of Despatch, see Appendix I.)

F. B. HEAD.

Transmitting the copy of a Despatch, on the subject of improving that part of the River Saint Lawrence within the boundary of Lower Canada.

No. 172.
21st April, 1837.

The Lieutenant Governor transmits to the Legislative Council, a copy of a Despatch, which he has received from Her Majesty's Secretary of State for the Colonies, having reference to the joint Address of that body, and the House of Assembly, passed during the first Session of the present Provincial Parliament, respecting the necessity of improving that part of the River Saint Lawrence, within the boundary of Lower Canada.

Government House,
24th January, 1838.

(For copy of Despatch, see Appendix K.)

F. B. HEAD.

Transmitting the copy of a Circular Despatch, on the subject of Prison Discipline, and the inefficiency of the system of transportation.

No. 173.
21st April, 1837.

The Lieutenant Governor transmits, for the information and consideration of the Legislative Council, the accompanying copy of a Circular Despatch, which he has received from the Secretary of State for the Colonies, on the subject of Prison discipline, and the inefficiency of the system of transportation, as a secondary punishment.

Government House,
24th January, 1838.

(For copy of Despatch, see Appendix L.)

F. B. HEAD.

Transmitting the copy of a Despatch, on the subject of the adjustment of claims for damages caused by the construction of the Rideau Canal.

No. 157.
4th April, 1837.

The Lieutenant Governor transmits to the Legislative Council, the accompanying copy of a Despatch, and its enclosures, received from the Secretary of State for the Colonies, on the subject of the adjustment of claims for damages caused by the construction of the Rideau Canal, which he recommends to the consideration of the Legislative Council.

Government House,
24th January, 1838.

(For copy of Despatch, see Appendix M.)

Saturday, 27th January, 1838.

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

F. B. HEAD.

No. 217.
5th August, 1837.

The Lieutenant Governor transmits, for the information of the Legislative Council, a copy of a Despatch which he has received from the Secretary of State for the Colonies, relative to the bills which passed the two branches of the Legislature, during the first Session of the present Parliament, and were reserved for the Royal Assent.

Transmitting the copy of a Despatch, relative to the Bills which passed the two branches of the Legislature, during the first Session of the present Parliament, and were reserved for the Royal Assent.

Government House,

24th January, 1838.

(For copy of Despatch, see Appendix N.)

F. B. HEAD.

No. 218.
9th August, 1837.

The Lieutenant Governor transmits, for the information of the Legislative Council, the accompanying copy of a Despatch which he has received from the Secretary of State for the Colonies, on the subject of the Act passed by the Provincial Legislature, in the Session of 1836, for the establishment of Mutual Insurance Companies in the several Districts in this Province.

Transmitting the copy of a Despatch, on the subject of the Act passed in the Session of 1836, for the establishment of Mutual Insurance Companies in the several Districts of this Province.

Government House,

24th January, 1838.

(For copy of Despatch, see Appendix O.)

F. B. HEAD.

No. 121.
22nd December, 1836.

No. 132.
29th January, 1837.

The Lieutenant Governor transmits, for the information of the Legislative Council, copies of two Despatches, which he has received from the Secretary of State for the Colonies, on the subject of the joint Address of the two Houses of the Legislature to the Throne, during the last Session of the twelfth Provincial Parliament, relative to the duty on Tobacco, the growth of Upper Canada.

Transmitting copies of two Despatches, on the subject of the Joint Address to the Throne, during the last Session of the twelfth Parliament, relative to the Duty on Tobacco, the growth of Upper Canada.

Government House,

24th January, 1838.

(For copies of Despatches, see Appendix P.)

F. B. HEAD.

No. 142.
7th February, 1837.

The Lieutenant Governor transmits, for the information of the Legislative Council, the accompanying copy of a Despatch, which he has received from the Secretary of State for the Colonies, relating to the appropriation, by the Provincial Parliament, of the revenue arising from the sale of land and timber within this Province.

Transmitting the copy of a Despatch, relating to the appropriation by the Provincial Parliament, of the Revenue arising from the sale of Land and Timber within this Province.

Government House,

27th January, 1838.

(For copy of Despatch, see Appendix Q.)

F. B. HEAD.

The Lieutenant Governor transmits to the Legislative Council, a copy of a Despatch from the Right Honourable the Secretary of State for the Colonies, bearing date the 28th April, 1837, directing an advance to the Trustees of the Upper Canada Academy, of £4,100, from the Crown Revenue, being the amount of the loan intended to have been granted by a certain bill passed by the House of Assembly, in the first Session of the present Provincial Parliament; the Legislative Council will observe, that the object of this advance is stated in the Despatch to be, to carry out the spirit of the measure which has already met the concurrence of the Legislative Council and Assembly.

Transmitting the copy of a Despatch, relating to a loan intended to have been granted to the Trustees of the Upper Canada Academy.

The payment of twenty thousand pounds towards the War Losses, out of the Crown Revenues, put it out of the power of the Lieutenant Governor to make the required advance immediately, as there was not a sufficient sum of that fund remaining in the hands of Her Majesty's Receiver General, and unappropriated.

The last Session of the Provincial Parliament being called for a special purpose, the Lieutenant Governor did not think it necessary to call the attention of the Legislative Council to this subject.

The Lieutenant Governor, with the desire of carrying into effect the instructions of His Lordship, took the earliest opportunity of directing the advance to be made, so far as the state of the Crown fund would allow; and accordingly, on the 11th November, 1837, issued his warrant on the Receiver General, for the sum of two thousand and fifty pounds, being the one-half of the whole sum intended to be advanced.

Saturday, 27th January, 1838.

THIRD SESSION THIRTEENTH PROVINCIAL PARLIAMENT, 1st VICTORIA.

As the order of His Lordship is founded on the anticipated sense of the two Houses of the Legislature, the Lieutenant Governor now deems it advisable, notwithstanding his desire to relieve the Members from their attendance, to call the attention of the Legislative Council to this matter. This becomes the more necessary, from a letter of the Reverend Egerton Ryerson, herewith transmitted, in which the Legislative Council will perceive that in the behalf of the Trustees, Mr. Ryerson insists on the payment of the remaining sum, construing His Lordships directions as ordering a grant, and not a loan, as the Lieutenant Governor understands it.

That the Legislative Council may fully understand the intentions of Her Majesty's Government, the Lieutenant Governor herewith transmits copies of the correspondence in his possession, between the claimants and the Colonial Office; and also of a Despatch on the same subject, transmitted by the Lieutenant Governor to the Right Honourable the Secretary of State for the Colonies, with His Lordship's reply.

Government House,
27th January, 1838.

(For copy of Despatch, see Appendix R.)

F. B. HEAD.

His Excellency the Lieutenant Governor transmits to the Legislative Council, the Annual Report of the Commissioners for the improvement of the Navigation of the Saint Lawrence, with the documents accompanying it.

Government House,
24th January, 1838.

F. B. HEAD.

The Lieutenant Governor, in laying before the Legislative Council, the Annual Report of the Provincial General Hospital in this City, for the past year, earnestly recommends to the continued protection and liberal consideration of the Legislative Council, that most useful Institution.

Government House,
27th January, 1838.

A Member enters.

The Honourable and Venerable the Archdeacon of York, enters.

On motion made and seconded, it was,

A Select Committee appointed to present an Address of thanks for His Excellency's Messages received this day.

Ordered, that an Address be presented to His Excellency the Lieutenant Governor, respectfully thanking him for his several Messages received this day, transmitting various Despatches from Her Majesty's Government; the Annual Report of the Trustees of the Provincial General Hospital, in Toronto; and the Annual Report of the Commissioners for the improvement of the navigation of the Saint Lawrence; and,

Members composing same. Covering bill, committed.

Ordered, that the Honourable Messieurs Baldwin and Macaulay, do present the same.

Pursuant to the order of the day, the House was put into a Committee of the whole, upon the bill entitled, "An Act to make good certain monies advanced in compliance with the Addresses of the House of Assembly, during the first and second Sessions of the present Parliament, for the Contingent expenses of the Legislature of this Province."

The Honourable Mr. Crookshank took the Chair.

After some time the House resumed.

Reported.

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

Adopted.

Ordered, that the report be received; and,

Ordered, that the said bill be read a third time on Monday next.

Grantham Navigation Company's incorporation bill;

Norfolk and Haldimand Wild Land Tax bill; and,

Welland Canal Company's Charter amendment bill, read second time.

Pursuant to the order of the day, the bill entitled, "An Act to incorporate sundry persons under the style and title of the Grantham Navigation Company, and for other purposes therein-mentioned"; also the bill entitled, "An Act to impose a tax, for a limited period, on certain wild lands in the Counties of Norfolk and Haldimand, for the purpose of keeping the roads adjoining thereto in repair"; and also the bill entitled, "An Act to amend the Charter of the Welland Canal Company"—were severally read a second time; and it was,

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

Monday, 29th January, 1838.

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

Pursuant to the order of the day, the petition of Ezekiel Davis, and others, inhabitants the County of Haldimand, praying for an Act forming the same into a new District; and also the petition of Angus McGillivray, and others, inhabitants of the five northern concessions of the Township of Lochiel, and the four northern concessions of the Township of Kenyon, praying for an Act uniting the said concessions into one Township, to be called the Township of "Glenelg," and to incorporate the same into the County of Prescott; were severally read.

Petitions of Ezekiel Davis, and others;

And of Angus McGillivray and others, read.

On motion made and seconded, it was,

Ordered, that the Honourable John Elmsley have leave to attend a Select Committee of the Commons House of Assembly, as desired by that House in their Message received yesterday, if he thinks fit; and,

Leave granted to the Hon. Mr. Elmsley, for the purpose of attending a select Committee of the Assembly;

Ordered, that the Master in Chancery do go down to the Assembly, and acquaint that House, that the Honourable John Elmsley has leave to attend a Select Committee of the Commons House of Assembly, as desired by that House in their Message received yesterday, if he thinks fit.

And that House acquainted thereof.

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

House adjourns.

MONDAY, 29th JANUARY, 1838.

The House met, pursuant to adjournment.

House meets.

PRESENT :

The Honourable JOHN B. ROBINSON, SPEAKER.

The Honourable Messrs. McDONELL,

The Honourable Messrs. DICKSON,

" " BALDWIN,

" " CROOKSHANK,

" " ADAMSON,

" " ALLAN,

" " MORRIS,

" " GORDON,

" " MACAULAY.

Members present.

Prayers were read.

The Minutes of Saturday last were read.

Pursuant to the order of the day, the Address of the Commons House of Assembly, to Her Majesty, in behalf of Colonel FitzGibbon, was, as amended, read a third time; and,

Address of the Assembly to Her Majesty, in behalf of Colonel FitzGibbon, as amended, read third time and passed.

The question being put, whether this Address, as amended, should pass, it was carried in the affirmative:

Whereupon the Speaker signed the amendment; and it was,

Amendment signed;

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

And sent to the Assembly for concurrence.

Pursuant to the order of the day, the bill entitled, "An Act to alter the mode of paying the wages of Members of the House of Assembly," was, as further amended, read a third time; and,

Members' wages payment alteration bill, as further amended, read third time and passed.

The question being put, whether this bill, as further amended, should pass, it was carried in the affirmative:

Whereupon the Speaker signed the amendments; and it was,

Amendments signed;

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

And sent to the Assembly for concurrence.

Pursuant to the order of the day, the bill entitled, "An Act to make good certain monies advanced in compliance with the Addresses of the House of Assembly, during the first and second Sessions of the present Parliament, for the contingent expenses of the Legislature of this Province," was read a third time and passed.

Covering bill, read third time and passed.

Whereupon the Speaker signed the same; and it was,

Same signed.

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

And the Assembly acquainted thereof.

Pursuant to the order of the day, the House was again put into a Committee of the whole, upon the bill entitled, "An Act to enable Religious Communities to hold lands, and other property, in succession."

Religious communities property succession bill, re-committed.

The Honourable Mr. Macaulay took the Chair.

After some time the House resumed.

R

Monday, 29th January, 1838.

THIRD SESSION THIRTEENTH PROVINCIAL PARLIAMENT, 1st VICTORIA.

- Reported; The Chairman reported, that the Committee had taken the said bill into consideration, had made some progress therein, and recommended that the same be referred to a Select Committee, with power to send for persons and papers, and to report thereon by amendment or otherwise.
- Ordered, that the report be received; and,
- And referred to a Select Committee. Ordered, that the said bill be referred to a Select Committee, with power to send for persons and papers, and to report thereon by amendment or otherwise.
- Members composing same. Ordered, That the Honourable Messieurs Morris and Macaulay, do compose the same for that purpose.
- Grantham Navigation Company's incorporation bill, committed. Pursuant to the order of the day, the House was put into a Committee of the whole, upon the bill entitled, "An Act to incorporate sundry persons under the style and title of the Grantham Navigation Company, and for other purposes therein-mentioned."
- The Honourable Mr. Gordon took the Chair.
- After some time the House resumed.
- Reported; The Chairman reported, that the Committee had taken the said bill into consideration, had made some progress therein, and recommended that it be referred to a Select Committee, to report thereon by amendment or otherwise.
- Ordered, that the report be received; and,
- And referred to a Select Committee. Ordered, that the said bill be referred to a Select Committee, to report thereon by amendment or otherwise; and,
- Members composing same. Ordered, that the Honourable Messieurs Allan and Baldwin, do compose the same for that purpose.
- Norfolk and Haldimand Wild Land Tax bill, committed. Pursuant to the order of the day, the House was put into a Committee of the whole, upon the bill entitled, "An Act to impose a tax, for a limited period, on certain wild lands in the Counties of Norfolk and Haldimand, and for the purpose of keeping the roads adjoining thereto in repair."
- The Honourable Mr. Baldwin took the Chair.
- After some time the House resumed.
- A Member enters. The Honourable Mr. Wells enters.
- Report upon the last mentioned bill; The Chairman reported, that the Committee had taken the said bill into consideration, had made some progress therein, and recommended that it be referred to a Select Committee, with power to send for persons and papers, and to report thereon by amendment or otherwise.
- Ordered, that the report be received; and,
- And the same referred to a Select Committee. Ordered, that the said bill be referred to a Select Committee, with power to send for persons and papers, and to report thereon by amendment or otherwise; and,
- Members composing it. Ordered, that the Honourable Messieurs Allan and Macaulay, do compose the same for that purpose.
- Welland Canal Company's Charter amendment bill, committed. Pursuant to the order of the day, the House was put into a Committee of the whole, upon the bill entitled, "An Act to amend the Charter of the Welland Canal Company."
- The Honourable Mr. Crookshank took the Chair.
- After some time the House resumed.
- Reported. The Chairman reported, that the Committee had gone through the said bill, and recommended the same, without any amendment, to the adoption of the House.
- Adopted. Ordered, that the report be received; and,
- Ordered, that the said bill be read a third time to-morrow.
- Petitions .. Geo. Hamilton and others; (Of Elijah Kellogg, and others; The Honourable Mr. Crookshank brought up the petition of George Hamilton, and others, inhabitants of the Eastern and Ottawa Districts; and also the petition of Elijah Kellogg, and others, inhabitants of the District of Ottawa; which were laid on the table.
- Of John S. Cartwright, and others; The Honourable Mr. Macaulay brought up the petition of John S. Cartwright, and others, inhabitants of the Midland District; and also the petition of Charles Rust, of the Township of Bayham; which were laid on the table.
- Of Charles Rust; The Honourable Mr. Gordon brought up the petition of Charles Rust, of the Township of Bayham; which were laid on the table.
- Of Leslie Battersby, and others; and, The Honourable Mr. Gordon brought up the petition of Leslie Battersby, and others, inhabitants and freeholders of the Township of York, and the two first concessions of the Township of Cayuga; and also the petition of Allan Napier MacNab, of the Town of Hamilton; which were laid on the table.
- Of Allan Napier MacNab, presented. The Honourable Mr. Gordon brought up the petition of Allan Napier MacNab, of the Town of Hamilton; which were laid on the table.
- Amendments to District of Dalhousie erection bill, acceded to by the Assembly. A Deputation from the Commons House of Assembly, returned the bill entitled, "An Act to erect certain Townships, now forming parts of the Districts of Bathurst, Johnstown and Ottawa, into a separate District, to be called the District of Dalhousie; and also to form within

Monday, 29th January, 1838.

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

the same the Counties of Lothian and Carleton, and for other purposes therein-mentioned," and acquainted this House, that the Commons House of Assembly had acceded to the amendments made in and to the same by the Legislative Council; and they brought up a bill entitled, "An Act to incorporate certain persons under the style and title of the Windsor Road Company"; and also a bill entitled, "An Act to grant a pension to the Widow and Children of the late Colonel Moodie"—to which they requested the concurrence of this House, and then withdrew.

Windsor Road Company's incorporation bill;

And Widow Moodie's Pension bill, brought up from the Assembly.

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

Read first time.

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

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

Messages from His Excellency the Lieut. Governor,

F. B. HEAD.

No. 168.
30th April, 1837.
The Lieutenant Governor transmits to the Legislative Council, a copy of a Despatch which he has received from Her Majesty's Secretary of State for the Colonies, having reference to their Address to him, passed during the first Session of the present Provincial Parliament, explanatory of their conduct in having concurred in a bill sent up from the House of Assembly, for altering the Charter of King's College.

Transmitting the copy of a Despatch, on the subject of an Address passed by this House, to His Excellency the Lieut. Governor, during the first session of the present Parliament, relating to King's College Charter amendment bill.

Government House,

29th January, 1838.

(For copy of Despatch, see Appendix S.)

F. B. HEAD.

No. 218.
27th November, 1837.
The Lieutenant Governor transmits, for the information of the Legislative Council, a copy of a Despatch which he has, within the last few days, received from Her Majesty's Secretary of State for the Colonies, on the subject of the bills reserved for the signification of the Royal pleasure, which passed the two Houses of the Legislature, in the first Session of the present Provincial Parliament; from which Despatch the Legislative Council will perceive, that under present circumstances, and the peculiar character and importance of many of them, Her Majesty is pleased to invite the two Houses to re-consider the whole of these bills: and in an especial manner the bill which would make the Provincial Government a shareholder to a very large extent in the Upper Canada Bank.

Transmitting the copy of a Despatch, on the subject of the bills reserved for the signification of the Royal pleasure, which passed the two Houses of the Legislature in the first Session of the present Parliament.

Government House,

29th January, 1838.

(For copy of Despatch, see Appendix T.)

F. B. HEAD.

No. 191.
7th June, 1837.
The Lieutenant Governor transmits, for the information of the Legislative Council, a copy of a Despatch, and its enclosures, which he has received from Her Majesty's Secretary of State for the Colonies, having reference to the making good to this Province, the sum advanced from the Provincial Chest, in compliance with the Address of the House of Assembly, to satisfy in full the claims for War Losses.

Transmitting the copy of a Despatch, on the subject of making good to the Province, the sum advanced from the Provincial Chest, to satisfy in full the claims for War-losses.

Government House,

29th January, 1838.

(For copy of Despatch, see Appendix U.)

F. B. HEAD.

No. 240.
27th November, 1837.
The Lieutenant Governor transmits, for the information of the Legislative Council, a copy of a Despatch which he has recently received from Her Majesty's Secretary of State for the Colonies, and of an Order of Her Majesty, in Council, of the 18th November last, disallowing the Act passed during the first Session of the present Provincial Parliament, for granting the privilege of Franking to the Members of the Legislature, and accompanied by an extract from a Report of the Lords of the Committee of Privy Council for Trade, stating their Lordship's reasons for advising Her Majesty to disallow the said Act.

Transmitting the copy of a Despatch, and of an Order of Her Majesty in Council, disallowing the Act passed during the first Session of the present Parliament, for granting the privilege of franking to the Members of the Legislature.

Government House,

29th January, 1838.

(For copy of Despatch, see Appendix V.)

On motion made and seconded, it was,

30th & 31st January, 1838.

THIRD SESSION THIRTEENTH PROVINCIAL PARLIAMENT, 1st VICTORIA.

A Committee appointed to present an Address of thanks to the Lieutenant Governor, for the foregoing Messages.

Ordered, that an Address be presented to the Lieutenant Governor, respectfully thanking His Excellency for his Messages just received, transmitting copies of several Despatches from Her Majesty's Government.

Members composing same.

Ordered, that the Honourable Messieurs Baldwin and Morris, do present the same.

House adjourns.

On motion made and seconded, the House adjourned.

TUESDAY, 30th JANUARY, 1838.

House meets.

The House met, pursuant to adjournment.

PRESENT:

Members present.

The Honourable JOHN B. ROBINSON, SPEAKER.

The Honourable Messrs. McDONELL,

The Honourable Messrs. DICKSON,

" " BALDWIN,

" " ALLAN,

" " ADAMSON,

" " GORDON,

" " MORRIS.

Prayers were read.

The Minutes of yesterday were read.

Welland Canal Company's Charter amendment bill, read third time, and passed.

Pursuant to the order of the day, the bill entitled, "An Act to amend the Charter of the Welland Canal Company," was read a third time and passed:

Same signed;

Whereupon the Speaker signed the same; and it was,

And the Assembly acquainted thereof.

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

Windsor Road Company's incorporation bill;

Pursuant to the order of the day, the bill entitled, "An Act to incorporate certain persons under the style and title of the Windsor Road Company;" and also the bill entitled, "An Act to grant a pension to the Widow and Children of the late Colonel Moodie"—were severally read a second time; and it was,

And Widow Moodie's Pension bill, read second time.

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

Petitions of Thos. Dalton;

The Honourable Mr. Gordon brought up the petition of Thomas Dalton, Editor and Proprietor of the *Patriot* newspaper; which was laid on the table.

Of Terence Smyth, and others;

The Honourable Mr. Morris brought up the petition of Terence Smyth, and others, inhabitants of the County of Grenville; and also the petition of W. H. Bottum, and others, inhabitants of the County of Grenville; which were laid on the table.

Of W. H. Bottum, and others; and,

The Honourable the Speaker brought up the petition of George Joseph Ryerse, and others, inhabitants of the District of London; which was laid on the table.

Of George J. Ryerse, and others, presented.

The Honourable the Speaker, reported to the House the following letter, which had been addressed to him by James FitzGibbon, Esquire.

A Letter from James FitzGibbon, Esq. on the subject of the vote of thanks of the Legislative Council, reported by the Speaker.

(For the Letter, see Appendix W.)

House adjourns.

On motion made and seconded, the House adjourned.

WEDNESDAY, 31st JANUARY, 1838.

House meets.

The House met, pursuant to adjournment.

PRESENT:

Members present.

The Honourable JOHN B. ROBINSON, SPEAKER.

The Honourable Messrs. BALDWIN,

The Honourable Messrs. DICKSON,

" " ADAMSON,

" " CROOKSHANK,

" " MORRIS,

" " GORDON,

" " MACAULAY.

" " McDONELL,

Prayers were read.

The Minutes of yesterday were read.

Protest of the Hon. Mr. Gordon, against the passing of the Address to the Queen, (as amended) on the subject of a grant of land to Jas. FitzGibbon, Esquire.

To the Address to the Queen, passed yesterday, as amended, praying for a grant of five thousand acres of land to James FitzGibbon, Esquire,

DISSENTIENT,

Because, it does not appear by any facts in evidence before this House, that James FitzGibbon, Esquire, has rendered services either to the Government or to the Province, beyond what his duty required, or for which he has not received adequate remuneration.

Wednesday, 31st January, 1838.

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

Because, it is in my opinion, an interference with the Royal Prerogative, and implies a doubt of the justice and liberality of the Executive Government of the Province, as well as of Her Majesty's Government, to whom it belongs to appreciate and reward the meritorious services of Her Majesty's Subjects.

Because, it appears to be particularly objectionable, inasmuch as it dictates the precise nature and amount of the bounty asked to be bestowed.

Because, there is no instance of a like proceeding to be found on the Journals of this House; and it establishes a precedent which is likely to lead to serious inconvenience and embarrassment.

JAMES GORDON.

Pursuant to the order of the day, the House was put into a Committee of the whole, upon the bill entitled, "An Act to incorporate certain persons under the style and title of the Windsor Road Company." Windsor Road Company's incorporation bill; committed.

The Honourable Mr. Baldwin took the Chair.

After some time the House resumed.

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

Ordered, that the report be received; and,

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

Ordered, that the Honourable Messieurs Crookshank and Adamson, do compose the same Members composing same. for that purpose.

Pursuant to the order of the day, the House was put into a Committee of the whole, upon the bill entitled, "An Act to grant a pension to the Widow and Children of the late Colonel Moodie." Widow Moodie's Pension bill, committed.

The Honourable Mr. Morris took the Chair.

After some time the House resumed.

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

Ordered, that the report be received; and,

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

Pursuant to the order of the day, the petition of Joseph Stinson, and others, praying for the suppression of intemperance; also the petition of George Hamilton, and others, inhabitants of the Eastern and Ottawa Districts, praying for an Act appropriating the sum of two thousand pounds to the improvement and completion of the Roads from Cornwall and Bytown to L'Orignal; also the petition of Elijah Kellogg, and others, inhabitants of the District of Ottawa, praying for an Act remodelling the said District, by annexing thereto the five northern concessions of Lochiel, and the four northern concessions of Kenyon, and forming the Townships of Gloucester and Osgoode into a new District, with Bytown for its capital; also the petition of John S. Cartwright, and others, inhabitants of the Midland District, praying for an Act incorporating the Town of Kingston, or authorising the Magistrates in General Quarter Sessions, to construct common sewers in the said Town, and defray the expense thereof either by a general assessment on the inhabitants or on the proprietors of lots, according to their frontage and value; also the petition of Charles Rust, of the Township of Bayham, praying for an Act conferring upon him the rights and privileges of a British Subject; also the petition of Leslie Battersby, and others, inhabitants and freeholders of the Township of York, and the two first concessions of the Township of Cayuga, praying for an Act annexing the same to the District of Gore; and also the petition of Allan Napier MacNab, of the Town of Hamilton, praying for an Act confirming a certain order made by the Court of General Quarter Sessions of the District of Gore, for widening the road leading from the said Town to the Battery, and causing to be conveyed to the petitioner, certain road allowances of land, in lieu of the tract surrendered by him for the use of the public; were severally read. Petitions of Joseph Stinson, and others, Of Geo. Hamilton and others; Of Elijah Kellogg, and others; Of John S. Cartwright, and others; Of Charles Rust; Of Leslie Battersby, and others; and, Of Allan Napier MacNab, read.

The Honourable Mr. Baldwin brought up the petition of the Gaol and Court House Building Committee of the County of Hastings; which was laid on the table. Petition of the County of Hastings Gaol and Court-house Building Committee, presented.

Wednesday, 31st January, 1838.

THIRD SESSION THIRTEENTH PROVINCIAL PARLIAMENT, 1st VICTORIA.

Report of the Select
Committee upon
Canada Company's land
tax bill, presented.

The Honourable Mr. Morris, from the Select Committee to whom was referred the bill entitled, "An Act to tax certain lands held by the Canada Company in this Province, and for other purposes therein-mentioned," presented their report.

Ordered, that it be received; and,

Read.

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

The Report.

The Committee appointed to consider and report on the bill sent up from the Commons House of Assembly, entitled, "An Act to tax certain lands held by the Canada Company in this Province, and for other purposes therein-mentioned," beg leave to inform your Honourable House:

That they have examined the agreement entered into by Her Majesty's Government with the Canada Company; and it would appear, that although certain lands are set apart for the Company, they still remain vested in Her Majesty, and any breach of contract on the part of the Company, would justify Her Majesty's Government in withholding any further grants of land under the agreement; and also in refusing to accept the payment of any further instalment on account thereof.

By the terms of the agreement, the Company are bound to make a quarterly return to the Lieutenant Governor, of all the lots of land which, during the previous three months, they have taken possession of; and if it shall appear that during any such quarter of a year, the Company, or their Agents, have entered into possession of lands which exceed in value the sum of £5,000, Sterling, the excess of value is to be paid, in addition to the quarterly payment of £5,000; and by the twenty-third article of the minute of agreement, it is stipulated, that if the Company, or their Agents, or Grantees, shall in any year enter into possession of any lots of land not included in any of the quarterly returns of that year, the lands so entered upon, with all their improvements, shall be forfeited to, and resumable by the Crown, at pleasure.

Your Committee, in order to ascertain the actual quantity of lands sold to the Canada Company, which has been patented by the Crown, and therefore liable to, and now paying the ordinary District Assessments, applied to the Commissioners of the Company for a statement to that effect, and which they append to this report, by which your Honourable House will perceive, that 1,403,787 acres of the land so sold are at present liable to the payment of taxes in the usual manner, or will be so in the course of the current year. This information would seem to remove any ground of complaint on the part of the public, as far as the lands of the Canada Company are considered. With respect to any other lands referred to in the bill, your Committee are uninformed, as the Surveyor General does not know of any Townships, blocks or large parcels, so situated, and not surveyed, which are not rendered liable to assessment by the Act of 1825, unless it may be the Indian reservations.

Under the foregoing circumstances, your Committee cannot recommend the bill for the concurrence of your Honourable House.

All which is respectfully submitted,

WILLIAM MORRIS,

CHAIRMAN.

Committee Room, Legislative Council,

Thirty-first January, 1838.

By the first agreement with Her Majesty's Government, the whole of the Crown, and half of the Clergy Reserves, were to have been sold to the Canada Company, consisting—

The former of 1,384,413 Acres.

The latter of 829,430 do.

2,213,843 do. at 3s. 6d. per acre.

Wednesday, 31st January, 1838.

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

The Company were to be allowed sixteen years, from the 1st July, 1826, for the fulfilment of their contract with the Government. The purchase money was to be paid by instalments, as follows:

For the year ending July, 1827,	£20,000
8,	15,000
9,	15,000
30,	15,000
31,	16,000
32,	17,000
33,	18,000
34,	19,000
35,	20,000

And in each succeeding seven years, the like sum of £20,000.

Clause 11, of the arrangements between the Company and Her Majesty's Government sets forth, that the contract is to terminate on the 1st July, 1843, when the Company must take up the remaining lands, or abandon them.

In consequence of the difficulty which arose afterwards, relative to the disposal of the Clergy Reserves, they were withdrawn by the Government, and in lieu of them, and for the same amount of consideration money, Her Majesty's Government substituted to the Canada Company, "The Huron Tract," of about one million of acres, per clause No. 1, of arrangements, dated Downing Street, 26th May, 1826.

In clause 7, of the same agreement, it is stated, that all the provisions contained in the various agreements, for the security and benefit of the public, shall be applied to, and affect the lands substituted for the Clergy Reserves.

Contemplating the sale of the Clergy Reserves to the Canada Company, clause 24 sets forth, that the Company should, each quarter of a year, take possession of the lands granted to them, on the principle of one lot of the Clergy Reserves for every two lots upon which they might enter of the Crown Reserves, so long as a sufficient quantity of each description remained untouched.

Subject to these conditions, it is stated in clause 25, that the Company have the right of deciding which of the lands included in the proposed grants to them shall be occupied by them, their Agents, Grantees or Lessees, at any particular time, and that Her Majesty's Government will not control the power of the Company to select such Districts or Townships as to them may, at any particular period, appear best adapted for effecting settlements.

From the foregoing premises, my deduction is, that the lands in the Huron Tract, and Crown Reserves, until patented to the Canada Company, are the property of the Crown, with a reservation in favour of the Company, that they shall have pre-emption of purchase, on certain defined principles or conditions, which conditions being fulfilled on their part, Her Majesty is bound to give a title, in free and common soccage, for the same, to the Canada Company.

That the Canada Company are unrestricted as to which description of lands they shall take up annually, a certain minimum being fixed, but above that minimum they are only limited in quantity, by the extent of their contract, and the amount at their credit with the Receiver General.

So soon as those lands are patented, they become private property, and as such, of course liable to taxation, and under such circumstances, the Canada Company have paid taxes to a considerable amount; but until they are patented, they are Crown property, and if the Legislature now impose a tax upon them, it will of course have to be paid out of the Colonial Revenue.

That the clauses imposing upon the Huron Tract all the obligations intended to have been applied to the Clergy Reserves, sets at rest the argument used by some, that although the House of Assembly have no power to tax the Reserves, the Huron Tract being a more positive purchase, and now the property of the Canada Company, that they have over it.

The Huron Tract is not more private property than the scattered Crown Reserves, and the right of taxation, or the injustice of it towards the Company, would apply equally to each description.

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From all the foregoing, I infer, that the imposition of any such tax as that contemplated by this bill, would be a manifest breach of the contract entered into between the Imperial Government and the Canada Company, and consequently, if the bill should become law, the tax so imposed would have to be paid out of the instalments which are half-yearly paid to Her Majesty's Government by the Canada Company.

THOMAS MERCER JONES.

Toronto, 27th January, 1838,
Canada Company's Office.

Canada Company's Office,
Toronto, 29th January, 1838.

GENTLEMEN:

Agreeably with your request of this morning, I beg to make the following remarks, which may be annexed to the memoranda that I had the honour of submitting for your consideration on the 27th instant, relative to the bill now before the Honourable the Legislative Council, for the taxation of lands *at present* the property of the Crown, but which are to be *hereafter*, in the fulfilment of the contract between them and Her Majesty's Government, to be patented to the Canada Company.

Clause 21, of the first agreement between the Earl of Bathurst and the Canada Company, is as follows:

"During a period of fifteen years, to commence and to be computed from the 1st January, 1826—subsequently extended to sixteen years, commencing 1st July, 1826, per clause 9, of the second agreement, dated 23rd May, 1826—the Company shall, in each year, enter into possession of so much of the lands *to be conveyed* to them, as, according to the valuation to be made by the Commissioners, shall be of the value of £20,000, Sterling."—And this is the minimum which I have already taken the liberty of calling your attention to.

In proof that the Canada Company have, to the present period, fulfilled on their part the obligations conveyed under this clause, I beg to submit, for your consideration, the following statement:

Between the 20th June, 1827, and the 20th June, 1837, the instalments paid by the Canada Company to Her Majesty's Government, and for which they are entitled to lands, under the clause here quoted, amount to £216,666 13s. 5d. Against this amount, they now hold Patents from the Crown, for—

CROWN RESERVES. Acres.	HURON TRACT. Acres.	AMOUNT OF Consideration Money.	
462,381½	£80,916 15 3	
42,338	7,409 3 0	
	668,629½	97,051 11 11	
Applications pending, or in progress, through the Departments, of being patented, for the quarter ending the 20th March, 1837—12,337 acres,			2,158 19 6
			£187,536 9 9
Balance unappropriated on the 1st July, 1837, and applicable to the sales or locations made during the current year,			29,130 3 9
Against this, are the following returns, to which the balance is applicable—			
1837—For the quarter ending 20th Sept'r.—5,005 acres, £ 875 17 6			
20th Dec'r.—7,294 do. 1,276 9 0			
Surveys made in the County of Huron, during the year 1837—101,955 acres,			£14,798 15 4
			16,951 1 10
			£12,179 1 11
Amount of the half-yearly instalment paid Her Majesty's Government this day, or 20th December, 1837,			11,111 2 3
			£23,290 4 2

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

Against this, we have now applications for Patents before the Honourable the Executive Council, in addition to those already noticed in the foregoing statement, for Crown Reserves, 103,847 acres—amounting to..	£18,173	4	6
Balance applicable to sales or settlements during the present half year, or until January, 1838,.....	£5,116	19	8
Shewing a total—			
Of payments to Her Majesty's Government, by the Canada Company, between the 20th June, 1827, and 20th December, 1837, of	£227,777	15	8
And of Lands either actually under Patent, or applied for, of—			
Crown Reserves,	633,202½	Acres.	
Huron Tract,	770,584½	do.	
Grand Total,..... 1,403,787 Acres.			

The consideration money for which is£222,660 16 0

Should you think any further information desirable, with a view to rendering this subject clearer, or more satisfactory, and which may be in their power to afford, it will give the Commissioners of the Canada Company much pleasure to supply it.

I have the honour to be,
Gentlemen,
Your very obedient servant,

THOMAS MERCER JONES,
COMMISSIONER.

To the Honourable
JOHN MACAULAY, and
WILLIAM MORRIS,
&c. &c. &c.

On motion made and seconded, the House adjourned.

House Adjourns.

THURSDAY, 1st FEBRUARY, 1838.

The House met, pursuant to adjournment.

House meets.

PRESENT:

<i>The Honourable</i> JOHN B. ROBINSON, <i>SPEAKER.</i>	<i>The Honourable Messrs.</i> McDONELL,
<i>The Honourable Messrs.</i> DICKSON,	" " BALDWIN,
" " CROOKSHANK,	" " ADAMSON,
<i>The Hon. & Ven. The</i> ARCHDEACON OF YORK,	" " MORRIS,
<i>The Honourable Messrs.</i> ALLAN,	" " MACAULAY.
" " GORDON,	

Members present.

Prayers were read.

The Minutes of yesterday were read.

The order of the day being read for reading the bill entitled, "An Act to grant a pension to the Widow and Children of the late Colonel Moodie, a third time; it was,

Third reading of Willow Moodie's pension bill, discharged from the order of the day.

Ordered, that it be discharged, and that the House be again put into a Committee of the whole presently to take the same into further consideration.

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

The Honourable Mr. Adamson took the Chair.

Same re-committed.

After some time the House resumed.

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

Amendments reported.

Ordered, that the report be received; and,

The said amendments were then read by the Clerk, as follows:

In the Title—Line 3—After "Colonel," insert "Robert."

Read first time.

In the Bill—Press 1, Line 2—After "Colonel" insert "Robert," after "Moodie" insert "late of the 104th Regiment of foot."

The Amendments.

After the enacting clause, expunge the remainder, and insert, "That from and out of the rates and duties now raised, levied and collected, or hereafter to be raised, levied

T

Thursday, 1st February, 1838.

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and collected, and in the hands of the Receiver General, and unappropriated, there be granted to Her Majesty, Her Heirs and Successors, the sum of One Hundred Pounds, annually, to provide for the payment of a pension to the Widow of the late Colonel Robert Moodie aforesaid, to commence on the fourth day of December last, and to be payable half yearly to the said Widow; and in case of her death or marriage, then to the eldest Child or Guardian thereof, lawfully appointed, for the use of the Children of the said Colonel Robert Moodie, until the youngest thereof shall have attained the age of twenty-one years."

Read second time, and adopted.

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

Ordered, that they be engrossed, and the said bill as amended, read a third time to-morrow.

Amendment to the Address to Her Majesty, in behalf of Colonel FitzGibbon, acceded to by the Assembly.

A Deputation from the Commons House of Assembly, returned the Address to Her Majesty, in behalf of Colonel FitzGibbon, and acquainted this House, that they had acceded to the amendment made by the Legislative Council in and to the same. The same Deputation brought up a bill entitled, "An Act to authorise the Surveyor of Highways in and for the County of Wentworth, to convey to Allan N. MacNab, Esquire, certain allowances for Road, in the Township of Barton, in the District of Gore," to which they requested the concurrence of this House, and then withdrew.

MacNab's road allowance bill, brought up from the Assembly.

Read first time.

The said bill was then read; and it was,

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

Petitions of Of Thomas Dalton;

Pursuant to the order of the day, the petition of Thomas Dalton, Editor and Proprietor of the *Patriot* newspaper, praying for relief; also, the petition of Terence Smyth, and others, inhabitants of the County of Grenville, praying for an Act authorising the raising of £30,000, for the purpose of Macadamizing the road from the Town of Prescott, to Merrickville and Kemptville; also, the petition of W. H. Bottum, and others, inhabitants of the County of Grenville, praying for an Act authorising the raising of £15,000, for the purpose of Macadamizing the road from the Town of Prescott to Kemptville; and also, the petition of George Joseph Ryerse, and others, inhabitants of the District of London, praying for an Act authorising them to convey certain lands in fee simple—were severally read.

Of Terence Smyth, and others;

Of W. H. Bottum, and others; and,

Of George J. Ryerse, and others, read.

Petition of the President and Board of Police, of the town of Hamilton, presented.

The Honourable Mr. Morris brought up the petition of the President and Board of Police of the Town of Hamilton; which was laid on the table.

On motion made and seconded, it was,

Ordered, that the House be again put into a Committee of the whole presently, upon the bill entitled, "An Act to tax certain lands held by the Canada Company in this Province, and for other purposes therein-mentioned," as also the report of the Select Committee thereon.

Canada Company's Land Tax bill, re-committed.

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

The Honourable Mr. Morris took the Chair.

After some time the House resumed.

Reported.

The Chairman reported, that the Committee had gone through the said bill, and recommended the report of the Select Committee thereon to the adoption of the House.

Ordered, that the report be received; and,

The report of the Select Committee adopted; And ordered to be printed.

Ordered, that the report of the Select Committee be adopted; and the same printed for the use of Members.

Report of the Select Committee upon Grantham Navigation Company's incorporation bill, presented.

The Honourable Mr. Allan, from the Select Committee to whom was referred the bill entitled, "An Act to incorporate sundry persons under the style and title of the Grantham Navigation Company, and for other purposes therein mentioned," presented their report.

Ordered, that it be received; and,

Read.

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

The Report.

The Select Committee to whom was referred the bill entitled, "An Act to incorporate sundry persons under the style and title of the Grantham Navigation Company, and for other purposes therein-mentioned," beg leave to report:

That the object of being incorporated, is for the purpose of constructing a boat Canal, or lock water navigation, up the valley of the twelve-mile Creek, (a distance of about four miles above St. Catharines to the foot of the mountain,) for the purpose of opening a communication to extensive and valuable stone quarries, through an agricultural part of the country, without any other connection with the Welland Canal, further than to intersect it near St. Catharines.

Friday, 2nd February, 1838.

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

No aid in public money is asked; and the bill appears to be a transcript of one which passed the House of Assembly last year.

They therefore recommend the bill for the adoption of your Honourable House.

All which is respectfully submitted,

WILLIAM ALLAN,
CHAIRMAN.

Committee Room, Legislative Council,
Thirty-first January, 1838.

On motion made and seconded, it was,

Ordered, that the House be again put into a Committee of the whole to-morrow, upon the last-mentioned bill, together with the report of the Select Committee thereon.

The Honourable Mr. Crookshank from the Select Committee to whom was referred the bill entitled, "An Act to incorporate certain persons under the style and title of the Windsor Road Company," presented their report.

Report of the Select Committee upon Windsor Road Company's incorporation bill, presented.

Ordered, that it be received; and,

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

Read.

The Select Committee to whom has been referred the bill entitled, "An Act to incorporate certain persons under the style and title of the Windsor Road Company," beg leave to report:

The Report.

That they have examined and compared the said bill, and find no material difference between it and other Acts for the like purpose, therefore beg to recommend it to the adoption of the House.

All which is respectfully submitted.

GEO. CROOKSHANK,
CHAIRMAN.

Committee Room, Legislative Council.
First day of February, 1838.

On motion made and seconded, it was,

Ordered, that the House be again put into a Committee of the whole to-morrow, upon the last-mentioned bill, together with the report of the Select Committee thereon.

On motion made and seconded, the House adjourned.

House adjourns.

FRIDAY, 2nd FEBRUARY, 1838.

The House met, pursuant to adjournment.

House meets.

PRESENT:

The Honourable JOHN B. ROBINSON, SPEAKER.

The Honourable Messrs. McDONELL,

The Honourable Messrs. DICKSON,

" " ADAMSON,

" " WELLS,

" " MORRIS,

" " CAMERON,

" " MACAULAY.

Members present.

Prayers were read.

The Minutes of yesterday were read.

Pursuant to the order of the day, the bill entitled, "An Act to grant a pension to the Widow and Children of the late Colonel Moodie," was, as amended, read a third time; and,

Widow Moodie's Pension bill, as amended, read third time and passed.

The question being put, whether this bill, as amended, should pass, it was carried in the affirmative:

Whereupon the Speaker signed the amendments; and it was,

Amendments signed;

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

And sent to the Assembly for concurrence.

A Deputation from the Commons House of Assembly, brought up a bill, entitled, "An Act to exempt the District of Hastings from the operation of a bill passed during the present Session, to regulate the future erection of Gaols in this Province"; and also a bill entitled, "An Act to provide pensions for the Widows and Children of Militia-men killed in the late Rebellion, and for other purposes therein-mentioned"—to which they requested the concurrence of this House, and then withdrew.

District of Hastings Gaol exemption bill; and

Militia-men's Widows Pension bill brought up from the Assembly.

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

Read first time.

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

Friday, 2nd February, 1838.

THIRD SESSION THIRTEENTH PROVINCIAL PARLIAMENT, 1st VICTORIA.

Grantham Navigation Company's incorporation bill, re-committed.

Pursuant to the order of the day, the House was again put into a Committee of the whole, upon the bill entitled, "An Act to incorporate sundry persons under the style and title of the Grantham Navigation Company, and for other purposes therein-mentioned," together with the report of the Select Committee thereon.

The Honourable Mr. Macaulay took the Chair.

After some time the House resumed.

Reported.

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

Adopted.

Ordered, that the report be received; and,

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

A Member enters.

The Honourable Mr. Allan enters.

Windsor Road Company's incorporation bill, re-committed.

Pursuant to the order of the day, the House was again put into a Committee of the whole, upon the bill entitled, "An Act to incorporate certain persons under the style and title of the Windsor Road Company," together with the report of the Select Committee thereon.

The Honourable Mr. Wells took the Chair.

After some time the House resumed.

Amendment reported.

The Chairman reported, that the Committee had gone through the said bill, and had made an amendment thereto, which they recommended to the adoption of the House.

Ordered, that the report be received; and,

Read first time.

The said amendment was then read by the Clerk, as follows:

The amendment.

Press 8, line 15—After "first" expunge "day of June," and insert "Monday in February."

Read second time, and adopted.

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

Ordered, that it be engrossed, and the said bill, as amended, read a third time to-morrow.

MacNab's road allowance bill, read second time.

Pursuant to the order of the day, the bill entitled "An Act to authorise the Surveyor of Highways in and for the County of Wentworth, to convey to Allan N. MacNab, Esquire, certain allowances for road, in the Township of Barton, in the District of Gore," was read a second time; and it was,

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

Petition of Hastings Gaol and Court-house Building Committee, read.

Pursuant to the order of the day, the petition of the Gaol and Court House Building Committee of the County of Hastings, praying that they may not be affected by the operation of the Statute passed during the present Session, entitled, "An Act to regulate the future erection of Gaols in this Province"—was read.

On motion made and seconded, it was,

Petition of Thos. Dalton, referred to a Select Committee.

Ordered that the petition of Thomas Dalton, Editor and Proprietor of the *Patriot* newspaper, praying for relief, be referred to a Select Committee, to report thereon; and,

Members composing same.

Ordered, That the Honourable Messieurs Gordon, Baldwin, Adamson and Morris, do compose the same for that purpose.

Report of the Select Committee upon Religious Communities Property succession bill, presented.

The Honourable Mr. Morris, from the Select Committee to whom was referred the bill entitled, "An Act to enable Religious Communities to hold lands, and other property, in succession," presented their report.

Ordered, that it be received; and,

Read.

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

The Report.

The Select Committee to whom was referred the bill sent up from the Commons House of Assembly, entitled, "An Act to enable Religious Communities to hold lands, and other property, in succession," beg leave to report:

That they have examined and compared the several provisions of the bill, with the existing laws in the Mother Country for similar purposes, and they beg leave to inform your Honourable House, that in their opinion the important objects of the measure cannot be fully, satisfactorily and safely attained, by the bill under consideration; they therefore recommend, that the matter be permitted to lie over till another Session, in order that a bill containing the necessary clauses to regulate the trusts required, shall be prepared, and laid before your Honourable House, for due consideration.

All which is respectfully submitted.

Committee Room, Legislative Council,

Second day of February, 1838.

WILLIAM MORRIS,
CHAIRMAN.

Friday, 2nd February, 1838.

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

The Honourable Mr. Allan, from the Select Committee to whom was referred the bill entitled, "An Act to impose a tax, for a limited period, on certain wild lands in the Counties of Norfolk and Haldimand, for the purpose of keeping the roads adjoining thereto in repair," presented their report.

Report of the Select Committee upon Norfolk and Haldimand wild Land tax bill, presented.

Ordered, that it be received; and,

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

Read.

The Select Committee to whom has been referred the bill entitled, "An Act to impose a tax, for a limited period, on certain wild lands in the Counties of Norfolk and Haldimand, for the purpose of keeping the roads adjoining thereto in repair," beg leave to report:

The Report.

That the Roads which it is proposed to improve; are,

1st.—The main Road, commonly called the Concession Road, leading from Dunnville to Dover.

2nd.—The Road from the Welland Canal, near the residence of William Mylne, Esquire, to the Chippawa River.

3rd.—The main Road, leading from the Grand River at the farm of Andrew Thompson, in the Robinson Road, to Sensebaugh's Tavern, on the Chippawa or Welland River.

4th.—The main road leading from the mouth of the Grand River, along its northerly bank, to Bryant's Tavern.

5th.—The main road leading from the Grand River to the boundary by the County, by Canborough, to, or perhaps including, the road leading to Lymburner's Mills.

6th.—The main road, leading from the mouth of Grand River to the mouth of Patterson's Creek, Port Dover, Lake Road.

In all seven lines of roads in the Districts of Niagara and Talbot, of which some are not very clearly designated.

It is proposed by the bill, to assess every unoccupied lot adjoining these several roads, for the term of ten years, commencing on the first January next, at the rate of ten shillings per annum, subject to a proportional augmentation, in default of regular payment, the effect of which would be, to render the total sum due on any full lot of 200 acres, at the expiration of ten years, £10 12s. 6d. being an excess of £5 12s. 6d. beyond the amount that would be disbursed by the parties, if the tax were regularly paid at the expiration of each year.

By the second section, the bill is intended to have effect on all unoccupied lands, whether belonging to the Canada Company, or being Clergy Reserves, or land vested in Her Majesty, or what are known as Indian lands. But the waste lands promised to the Canada Company, as well as the unoccupied Indian lands, are as much vested in Her Majesty, as any ungranted lands in surveyed Townships; and the application of this bill to such lands, as well as unoccupied Clergy Reserves, is a novel measure, which is not, in the opinion of the Select Committee, likely to receive the sanction of your Honourable House.

The Assessors of the respective Townships through which the roads pass, are required to make returns of the unoccupied tracts of land to the Town Clerk, as well as to the District Treasurer; and it is provided, that the latter Officer shall advertise those lots for three months, in one or more newspapers of the District, as well as in the Upper Canada Gazette. It is also his duty to receive payment of the rates from the owners or their agents, and pay them over to the Magistrates of the respective divisions. It is further the duty of the Magistrates to expend these monies, "under the direction of the Path-masters," in the repair of the roads, and the returns of expenditure by the latter are to be submitted, at the close of each year, to the audit of the Quarter Sessions.

In the event of neglect or refusal, on the part of the owner or occupier of lots, to pay the amount of taxes which may have accumulated on their lots, any two Justices, on the oath of the Town Clerk, may direct it to be levied on the goods of any settler who may enter upon the same. In like manner, any two Justices, in the event of the taxes being in arrear until first January, 1841, may give notice thereof in the Upper Canada Gazette, and one newspaper of the District; and if within one year, the amount shall be still unpaid, the Town Clerk is directed to make sale of so much as will make good the sum in arrear, with the costs; and a deed for the quantity so sold, is to be given by the Justices of the division. Similar sales are authorised to be made, in cases of default, in 1845 and 1848; and the proceeds of all such sales are to be applied to the improvement of the roads by the Overseers, under the inspection of the Justices within their respective divisions.

Saturday, 3rd February, 1838.

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By the last clause of the bill, a summary mode is prescribed for compelling Magistrates, as well as Overseers, to account for monies received by them under its provisions.

It will be remarked, that this bill has for its object a special land tax, for promoting local improvements, and therefore it is particularly necessary, that the rules of the House should be duly observed by those who have caused its introduction.

It appears that a similar bill was referred to a Select Committee of your Honourable House, at the Session held last winter, who made no report.

Your Committee do not find that any petition respecting it was presented to this House, either during that Session or the present. They also discover, that the usual notice has been omitted in the Gazette.

Presuming that under such circumstances, your Honourable House will not proceed with the measure, your Committee have foreborne any discussion of the principle of the measure, and do not offer any amendment.

All which is respectfully submitted.

WILLIAM ALLAN,

CHAIRMAN.

Committee Room, Legislative Council,
Second day of February, 1838.

On motion made and seconded, it was,

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

On motion made and seconded, the House adjourned.

House adjourned.

SATURDAY, 3rd FEBRUARY, 1838.

The House met, pursuant to adjournment.

House met.

PRESENT:

The Honourable JOHN B. ROBINSON, SPEAKER.

The Honourable Messrs. DICKSON,

“ “ WELLS,

“ “ BALDWIN,

The Honourable Messrs. ADAMSON,

“ “ MORRIS,

“ “ MACAULAY.

Members present.

Prayers were read.

The Minutes of yesterday were read.

Grantham Navigation Company's incorporation bill, read third time, and passed.

Pursuant to the order of the day, the bill entitled, "An Act to incorporate sundry persons under the style and title of the Grantham Navigation Company, and for other purposes therein mentioned," was read a third time and passed;

Same signed;

Whereupon the Speaker signed the same; and it was,

And the Assembly acquainted thereof.

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

Windsor Road Company's Incorporation bill, as amended, read third time and passed.

Pursuant to the order of the day, the bill entitled, "An Act to incorporate certain persons under the style and title of the Windsor Road Company," was, as amended, read a third time; and,

The question being put, whether this bill, as amended, should pass, it was carried in the affirmative:

Amendment signed;

Whereupon the Speaker signed the amendment; and it was,

And sent to the Assembly for concurrence.

Ordered, that the Master in Chancery do go down to the Assembly, and acquaint that House, that the Legislative Council has passed this bill, with an amendment, to which they desire the concurrence of the Commons House of Assembly.

Amendments to Boundary Line Commissioners establishment bill, acceded to by the Assembly.

A Deputation from the Commons House of Assembly, returned the bill entitled, "An Act to authorise the establishment of Boards of Boundary Line Commissioners within the several Districts of this Province," and acquainted this House, that the Commons House of Assembly had acceded to the amendments made by the Legislative Council in and to the same; and they brought up a bill, entitled, "An Act to amend an Act, entitled, 'An Act to establish a Court of Chancery in this Province,'" to which they requested the concurrence of this House, and then withdrew.

Read first time.

The said bill was then read; and it was,

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

Monday, 5th February, 1838.

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

Pursuant to the order of the day, the House was put into a Committee of the whole, upon the bill entitled "An Act to authorise the Surveyor of Highways in and for the County of Wentworth, to convey to Allan N. MacNab, Esquire, certain allowances for road, in the Township of Barton, in the District of Gore,"

MacNab's road allowance bill, committed.

The Honourable Mr. Adamson took the Chair.

After some time the House resumed.

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

Reported;

Ordered, that the report be received; and,

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

And referred to a Select Committee.

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

Members composing same.

Pursuant to the order of the day, the House was again put into a Committee of the whole, upon the bill entitled, "An Act to impose a tax, for a limited period, on certain wild lands in the Counties of Norfolk and Haldimand, for the purpose of keeping the roads adjoining thereto in repair," together with the report of the Select Committee thereon.

Norfolk and Haldimand wild land tax bill, re-committed.

The Honourable Mr. Baldwin took the Chair.

After some time the House resumed.

The Chairman reported, that the Committee had gone through the said bill, and recommended the report of the Select Committee to the adoption of the House.

Reported;

Ordered, that the report be received; and,

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

And the report of the Select Committee adopted.

Pursuant to the order of the day, the bill entitled "An Act to exempt the District of Hastings from the operation of a bill passed during the present Session, to regulate the future erection of Gaols in this Province"; and also, the bill entitled "An Act to provide pensions for the Widows and Children of Militia-men killed in the late Rebellion, and for other purposes therein-mentioned"—were severally read a second time; and it was,

District of Hastings Gaol exemption bill; and

Militia-men's Widows Pension bill read second time.

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

Pursuant to the order of the day, the petition of the President and Board of Police of the Town of Hamilton, praying for an Act authorising them to contract an additional loan, for the purpose of completing the Market-House of the said Town—was read.

Petition of the President and Board of Police, of the town of Hamilton, read.

The Honourable the Speaker brought up the petition of Priscilla Lee, of the Township of York, widow; which was laid on the table.

Petitions of Priscilla Lee;

The Honourable Mr. Dickson brought up the petition of Adam Stull, and Peter Lampman of the Townships of Grantham and Niagara; which was laid on the table.

Of Adam Stull, and Peter Lampman;

The Honourable Mr. Baldwin brought up the petition of David Ford, of the Township of West Oxford; which was laid on the table.

Of David Ford; and,

The Honourable Mr. Wells brought up the petition of John Williamson, and others, inhabitants of the Townships of Saltfleet and Barton; which was laid on the table.

Of John Williamson, and others, presented.

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

House adjourns.

MONDAY, 5th FEBRUARY, 1838.

The House met, pursuant to adjournment.

House meets.

PRESENT:

The Honourable JOHN B. ROBINSON, SPEAKER.

The Honourable Messrs. McDONELL,

The Honourable Messrs. DICKSON,

BALDWIN,

Members present.

" " WELLS,

ADAMSON,

" " ALLAN,

MORRIS,

" " GORDON,

MACAULAY.

Prayers were read.

Monday, 5th February, 1838.

THIRD SESSION THIRTEENTH PROVINCIAL PARLIAMENT, 1st VICTORIA.

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

The Honourable James Kerby came to the table, and took and subscribed the oath prescribed by the Statute, of the 31st Geo. III. Chap. 31st.

The Minutes of Saturday last were read.

District of Hastings—Gaol exemption bill, committed.

Pursuant to the order of the day, the House was put into a Committee of the whole, upon the bill entitled, "An Act to exempt the District of Hastings from the operation of a bill passed during the present Session, to regulate the future erection of Gaols in this Province."

The Honourable Mr. Allan took the Chair.

After some time the House resumed.

Reported.

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

Adopted.

Ordered, that the report be received; and,

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

Messages from the Lieutenant Governor

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

F. B. HEAD.

Transmitting the copy of a letter received from the Rev. E. Ryerson, and His Excellency's reply thereto, relative to the Cobourg Academy.

27th Jan. 1838.
29th Jan. 1838.

The Lieutenant Governor transmits, for the further information of the Legislative Council, with reference to his message of the 27th ultimo, relative to the Cobourg Academy, the accompanying copy of a letter since received from the Rev. Egerton Ryerson, on that subject, and of the reply made to it by my direction.

Government House,

3rd February, 1838.

(*For copy of Letters, see Appendix X.*)

F. B. HEAD.

Transmitting the copy of a communication addressed by His Excellency to Her Majesty's Minister at Washington.

30th Jan'y. 1838.

The Lieutenant Governor transmits, for the further information of the Legislative Council, with reference to his late Message on the subject of the hostile movements and aggressions of the Citizens of the United States against this Province, a copy of a communication, and its enclosures, which he has since addressed to Her Majesty's Representative at Washington.

Government House,

5th February, 1838.

(*For copy of Communication, see Appendix Y.*)

F. B. HEAD.

Transmitting the copy of a letter received from the Deputy Post-Master General, at Quebec.

17th Jan'y. 1838.

The Lieutenant Governor transmits to the Legislative Council, a copy of a letter which has been received from the Deputy Post-master General, at Quebec, accompanied by an account of the gross nett produce of the Post Office Revenue of Upper and Lower Canada, for the year ending the 5th of July, 1837.

Government House,

5th February, 1838.

On motion made and seconded, it was,

Committee appointed to present an address of thanks to His Excellency, for the foregoing Messages.

Ordered, that an Address be presented to the Lieutenant Governor, respectfully thanking His Excellency for his Messages just received, transmitting the copy of a letter from the Rev. Egerton Ryerson, relative to the Cobourg Academy, and of the reply made to it by His Excellency's direction; also a copy of a communication, and its enclosures, addressed to Her Majesty's Representative at Washington, on the subject of the hostile movements and aggressions of Citizens of the United States against this Province; and also a copy of a letter from the Deputy Post-master General at Quebec; and,

Members composing same.

Ordered, that the Honourable Messieurs Gordon and Baldwin, do present the same.

Hilary Term alteration bill, brought up from the Assembly.

A Deputation from the Commons House of Assembly, brought up a bill, entitled, "An Act to amend so much of an Act passed in the seventh year of His late Majesty's reign, entitled, 'An Act to increase the present number of the Judges of His Majesty's Court of King's Bench in this Province, to alter the Terms for the sitting of the said Court, and for other purposes therein-mentioned,' as relates to Hilary Term"—to which they requested the concurrence of this House, and then withdrew.

Read first time.

The said bill was then read; and it was,

Monday, 5th February, 1838.

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

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

Pursuant to the order of the day, the House was put into a Committee of the whole, upon the bill entitled, "An Act to provide pensions for the Widows and Children of Militia-men killed in the late Rebellion, and for other purposes therein-mentioned."

Militia-men's Widows Pension bill, committed.

The Honourable Mr. Wells took the Chair.

After some time the House resumed.

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

Reported;

Ordered, that the report be received; and,

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

And referred to a Select Committee.

Ordered, that the Honourable Messieurs James Kerby and Morris, do compose the same for that purpose.

Members composing same.

Pursuant to the order of the day, the bill entitled, "An Act to amend an Act entitled, 'An Act to establish a Court of Chancery in this Province,'" was read a second time; and it was,

Chancery Court establishment amendment bill, read second time.

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

Pursuant to the order of the day, the petition of Priscilla Lee, of the Township of York, widow, praying for relief; also the petition of Adam Stull, and Peter Lampman of the Townships of Grantham and Niagara, praying for relief; also the petition of David Ford, of the Township of West Oxford, praying for an Act conferring upon him the rights and privileges of a British Subject; and also the petition of John Williamson, and others, inhabitants of the Townships of Saltfleet and Barton, praying for an Act authorising a grant of money, not exceeding £20,000, for the purpose of Macadamizing the road from Hamilton to Grimsby, below the mountain—were severally read.

Petitions of Priscilla Lee; Of Adam Stull, and Peter Lampman; Of David Ford; and,

Of John Williamson, and others, read.

The Honourable Mr. McDonell brought up the petition of James Harper, and others, Officers in Her Majesty's Navy, and sea-faring men navigating the Lake Ontario; which was laid on the table.

Petitions of Of James Harper, and others;

The Honourable Mr. Wells brought up the petition of George Taylor Denison, and others, inhabitants of the Home District; which was laid on the table.

Of Geo. Taylor Denison, and others;

The Honourable Mr. Adamson brought up the petition of David H. Ritchie, and others, inhabitants of the Village of Bayfield, and its vicinity; which was laid on the table.

Of David H. Ritchie, and others;

The Honourable Mr. Gordon brought up the petition of Elijah Nellis, of the Township of Blandford, in the District of London; and also the petition of Christopher Smith, and others, Freeholders of the Counties of Lincoln and Haldimand; which were laid on the table.

Of Elijah Nellis; and

Of Christopher Smith, and others, presented.

The Honourable Mr. Morris, from the Select Committee to whom was referred the bill entitled, "An Act to postpone the sale of Lauds in arrear for Taxes, and to amend the Law relative to the sale of such lands," presented their report.

Report of the Select Committee upon Land tax sale postponement bill, presented.

Ordered, that it be received; and,

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

The Select Committee to whom was referred the bill entitled, "An Act to postpone the sale of Lands in arrear for Taxes, and to amend the Law relative to the sale of such Lands," beg leave to report:

Read.

The Report.

That the declaration in the second clause of the bill, that the alteration in the mode of selling lands for taxes in arrear "is found to be impracticable," is justified by the period at which the Courts of Quarter Sessions are held in some of the Districts, and which puts it out of the power of the Sheriff to comply with the Act passed in the seventh year of His late Majesty.

This difficulty might be removed by amending the law, if it in reality afforded that protection to the land owner which was contemplated by the Legislature; but as the Statute does not prevent the sale of land for taxes, at any price that may be afforded after the first day of sale, your Committee do not think it important to retain the provision in that respect, and therefore recommend the adoption of the second clause of the bill. With respect to the fifth clause, your Committee have ascertained, that in many cases the owners of parts of lots sold for taxes in arrear, do not pay the assessments which are accruing thereon, because the Treasurers can only accept of payment for the whole lot, and in this way such owners expect to escape payment altogether.

Wednesday, 7th February, 1838.

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Under these circumstances, your Committee would recommend the adoption of the bill, without any other amendment than the insertion of the words "not to afford the relief intended" after the word "impracticable" in the second clause.

All which is respectfully submitted,

W. MORRIS,
CHAIRMAN.

Committee Room, Legislative Council,
Fifth day of February, 1838.

On motion made and seconded, it was,

Ordered, that the last-mentioned bill, and the report of the Select Committee thereon, be referred to a Committee of the whole House, on Wednesday next.

House adjourns

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

WEDNESDAY, 7th FEBRUARY, 1838.

House meets.

The House met pursuant to adjournment.

PRESENT :

Members present.

The Honourable JOHN B. ROBINSON, SPEAKER.
The Honourable Messrs. DICKSON,
" " CROOKSHANK,
" " WELLS,
" " GORDON,

The Honourable Messrs. McDONELL,
" " ADAMSON,
" " JAMES KERBY,
" " MORRIS,
" " MACAULAY.

Prayers were read.

Oath prescribed by law administered to the Hon. Messrs. Hamilton and Crooks.

The Honourable Messieurs Hamilton and Crooks, severally came to the table, and took and subscribed the oath prescribed by the Statute 31st George III. Chap. 31st.

The Minutes of Monday last, were read.

District of Hastings Gaol exemption bill, read third time and passed.

Pursuant to the order of the day, the bill entitled, "An Act to exempt the District of Hastings from the operation of a bill passed during the present Session, to regulate the future erection of Gaols in this Province," was read a third time and passed :

Same signed ;

Whereupon the Speaker signed the same; and it was,

And the Assembly acquainted thereof.

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

Chancery Court establishment amendment bill, committed.

Pursuant to the order of the day, the House was put into a Committee of the whole, upon the bill entitled, "An Act to amend an Act, entitled, 'An Act to establish a Court of Chancery in this Province.'"

The Honourable Mr. Hamilton took the Chair.

After some time the House resumed.

Reported.

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

Adopted.

Ordered, that the report be received; and,

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

Land tax sale postponement bill, re-committed.

Pursuant to the order of the day, the House was again put into a Committee of the whole, upon the bill entitled, "An Act to postpone the sale of Lands in arrear for Taxes, and to amend the law relative to the sale of such Lands," together with the report of the Select Committee thereon.

The Honourable Mr. James Kerby took the Chair.

After some time the House resumed.

Reported, and leave asked to sit again.

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

Leave granted.

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

Hilary Term alteration bill, read second time.

Pursuant to the order of the day, the bill entitled, "An Act to amend so much of an Act passed in the seventh year of His late Majesty's reign, entitled, 'An Act to increase the present number of the Judges of His Majesty's Court of King's Bench in this Province, to alter the Terms for the sitting of the said Court, and for other purposes therein-mentioned,' as relates to Hilary Term," was read a second time; and it was,

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

Thursday, 8th February, 1838.

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

Pursuant to the order of the day, the petition of James Harper, and others, Officers in Her Majesty's Navy, and sea-faring men navigating the Lake Ontario, praying for an Act prohibiting foreigners from navigating the waters of this Province, unless in vessels owned by the inhabitants of the neighbouring Republic; also the petition of George Taylor Denison, and others, inhabitants of the Home District, praying for an Act authorising the raising, by way of loan, such sum or sums of money as will be necessary to Macadamize the road commencing at the Peacock Tavern, on Dundas Street, to Weston Bridge, a distance of about five miles; also the petition of David H. Ritchie, and others, of the Village of Bayfield, and its vicinity, praying for an Act of Incorporation for the purpose of constructing a harbour at the mouth of the River Bayfield; also the petition of Elijah Nellis, of the Township of Blandford, in the District of London, praying for an Act conferring upon him the rights and privileges of a British Subject; and also the petition of Christopher Smith, and others, Frecholders of the Counties of Lincoln and Haldimand, praying for an Act granting the sum of twelve thousand five hundred pounds for the purpose of draining and preparing the road from Port Dover to Fort Erie, with a view to Macadamizing the same—were severally read.

Petitions of James Harper, and others;

Of Geo. Taylor Denison, and others;

Of David H. Ritchie, and others.

Of Elijah Nellis; and

Of Christopher Smith, and others, road.

The Honourable Mr. Baldwin, from the Select Committee to whom was referred the bill entitled, "An Act to alter and amend sundry Acts regulating the appointment and duties of Township Officers," presented their report.

Report of the Select Committee upon Township Officers Law amendment bill, presented.

Ordered, that it be received; and,

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

Read.

The Select Committee to whom was referred the bill entitled, "An Act to alter and amend sundry Acts regulating the appointment and duties of Township Officers," beg leave to report:

The Report.

That they have carefully examined the bill, and find many important improvements, which it may be unnecessary here to recapitulate, but which your Committee are prepared to point out in the progress of the bill through your Honourable House.

All which is respectfully submitted,

A. BALDWIN,
CHAIRMAN.

*Legislative Council Committee Room,
Seventh day of February, 1838.*

On motion made and seconded, it was,

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

The Honourable Mr. James Kerby brought up the petition of William Fitch, and others, inhabitants of the County of Haldimand; which was laid on the table.

Petition of William Fitch, and others; presented.

On motion made and seconded, it was,

Ordered, that the several Messages of His Excellency the Lieutenant Governor, transmitting the copy of a Despatch from Her Majesty's Government, and other documents, on the subject of the Upper Canada Academy, received by this House on the twenty-seventh ultimo, and on the fifth instant, respectively, be referred to a Select Committee to report thereon; and,

The Messages of His Excellency the Lieut. Governor on the subject of Upper Canada Academy, referred to a Select Committee.

Ordered, that the Honourable Messieurs Gordon, Morris and Macaulay, do compose the same for that purpose.

Members composing same.

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

House adjourns.

THURSDAY, 8th FEBRUARY, 1838.

The House met, pursuant to adjournment.

House meets.

PRESENT:

The Honourable JOHN B. ROBINSON, SPEAKER.

The Honourable Messrs. BALDWIN,

The Honourable Messrs. DICKSON,

" " HAMILTON,

" " CROOKSHANK,

" " ADAMSON,

" " WELLS,

" " JAMES KERBY,

" " ALLAN,

" " CROOKS,

" " GORDON,

" " MORRIS.

" " McDONELL,

Members present.

Prayers were read.

The Minutes of yesterday were read.

Thursday, 8th February, 1838.

THIRD SESSION THIRTEENTH PROVINCIAL PARLIAMENT, 1st VICTORIA.

Chancery Court establishment amendment bill, read third time and passed;

Same signed.

And the Assembly acquainted thereof.

Land Tax Sale postponement bill, re-committed.

Pursuant to the order of the day, the bill entitled, "An Act to amend an Act, entitled, 'An Act to establish a Court of Chancery in this Province,'" was read a third time and passed:

Whereupon the Speaker signed the same; and it was,

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

Pursuant to the order of the day, the House was again put into a Committee of the whole, upon the bill, entitled, "An Act to postpone the sale of Lands in arrear for Taxes, and to amend the Law relative to the sale of such Lands," together with the report of the Select Committee thereon.

The Honourable Mr. James Kerby took the Chair.

After some time the House resumed.

Amendments reported.

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

Ordered, that the report be received; and,

Read first time.

The said amendments were then read by the Clerk, as follows:

The amendments.

In the title, line 2—After "Taxes," expunge the remainder.

In the bill, press 1, line 21—After "notwithstanding," expunge the remainder.

Read second time, and adopted.

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

Ordered, that they be engrossed, and the said bill as amended, read a third time to-morrow.

Hilary Term alteration bill, committed.

Pursuant to the order of the day, the House was put into a Committee of the whole, upon the bill entitled, "An Act to amend so much of an Act passed in the seventh year of His late Majesty's reign, entitled, 'An Act to increase the present number of the Judges of His Majesty's Court of King's Bench in this Province, to alter the Terms for the sitting of the said Court, and for other purposes therein-mentioned,' as relates to Hilary Term."

The Honourable Mr. Hamilton took the Chair.

After some time the House resumed.

Reported.

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

Adopted.

Ordered, that the report be received; and,

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

A Member enters.

The Honourable Mr. Macaulay enters.

Township Officers law amendment bill, committed.

Pursuant to the order of the day, the House was put into a Committee of the whole, upon the bill entitled, "An Act to alter and amend sundry Acts regulating the appointment and duties of Township Officers," together with the report of the Select Committee thereon.

The Honourable Mr. Morris took the Chair.

After some time the House resumed.

Reported, and leave asked to sit again.

The Chairman reported, that the Committee had taken the said bill, and the report of the Select Committee thereon, into consideration, had made some progress therein, and asked leave to sit again to-morrow.

Leave granted.

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

Report of the Select Committee upon the petition of Thos. Dalton, presented.

The Honourable Mr. Gordon, from the Select Committee to whom was referred the petition of Thomas Dalton, Editor and Proprietor of the *Patriot*, newspaper, praying for relief, presented their report.

Ordered that it be received; and,

Read.

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

The Report.

The Select Committee to whom was referred the petition of Thomas Dalton, Editor and Proprietor of the *Patriot*, newspaper, praying for relief, beg leave to report:

That in order to ascertain the grounds of Mr. Dalton's complaint, they have examined the Journals of your Honourable House, and find that on the 3rd day of February, 1837, the House went into Committee of the whole, on the report of the Select Committee appointed to superintend the Printing of the Legislative Council, during the last Session, when the Chairman reported a resolution, which was adopted by the House, and which directed the Clerk to "observe such arrangements as may have been made by the (Printing) Committee, with any Printer or Printers, for the work of the (then) present Session."

Friday, 9th February, 1838.

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

On the 2nd March following, your Committee find that your Honourable House adopted the following resolution:

Resolved—That in consenting to discharge the Select Committee appointed to superintend the Printing during the present Session, from the performance of that duty, it was intended by this House that the agreements entered into for the printing of the Journals, and the publication of the proceedings of this House in certain newspapers, should be fully, and without delay, carried into effect by the Clerk of this House, according to the fair understanding between the Printers and the Select Committee."

The petitioner, Mr. Dalton, states that notwithstanding the above orders of your Honourable House, the Clerk did not, after the said 3rd day of February, furnish him with any Manuscript Journals to print, but on the contrary, informed him that he was not to do any more of the work, and to stop what he had in hands; that in consequence of having made arrangements to do the Printing as stated in his petition, he sustained serious loss, amounting, as he has explained by statements exhibited to your Committee, to the sum of £50.

As it would seem that the intention of your Honourable House was not carried into effect, your Committee are of opinion that Mr. Dalton's complaint is borne out by the facts of the case; and therefore, they beg leave to recommend the prayer of his petition to the favourable consideration of your Honourable House.

All which is respectfully submitted.

JAMES GORDON,
CHAIRMAN.

Committee Room, Legislative Council,
Eighth day of February, 1838.

On motion made and seconded, it was,

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

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

FRIDAY, 9th FEBRUARY, 1838.

The House met, pursuant to adjournment. House meets.

PRESENT:

The Honourable JOHN B. ROBINSON, SPEAKER.

The Honourable Messrs. McDONELL.

The Honourable Messrs. DICKSON.

" " BALDWIN.

" " CROOKSHANK.

" " HAMILTON.

" " WELLS.

" " CROOKS.

" " ALLAN.

" " MORRIS.

" " GORDON.

Members present.

Prayers were read.

The Honourable Mr. Burnham came to the table, and took and subscribed the Oath prescribed by the Statute of the 31st Geo. III. Chap. 31st. Oath prescribed by law administered to the Hon. Mr. Burnham.

The Minutes of yesterday were read.

Pursuant to the order of the day, the bill entitled, "An Act to postpone the sale of Lands in arrear for Taxes, and to amend the Law relative to the sale of such Lands," was, as amended, read a third time; and, Land Tax Sale postponement bill, as amended, read third time and passed.

The question being put whether this bill as amended should pass, it was carried in the affirmative:

Whereupon the Speaker signed the amendments; and it was, Amendments signed;

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

Pursuant to the order of the day, the bill entitled, "An Act to amend so much of an Act passed in the seventh year of His late Majesty's reign, entitled, 'An Act to increase the present number of the Judges of His Majesty's Court of King's Bench in this Province, to alter the Terms for the sitting of the said Court, and for other purposes therein-mentioned,' as relates to Hilary Term," was read a third time and passed. Hilary Term alteration bill, read third time and passed.

Whereupon the Speaker signed the same; and it was, Same signed.

Friday, 9th February, 1838.

THIRD SESSION THIRTEENTH PROVINCIAL PARLIAMENT, 1st VICTORIA.

And the Assembly acquainted thereof.

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

Township Officers law amendment bill, re-committed.

Pursuant to the order of the day, the House was again put into a Committee of the whole, upon the bill entitled, "An Act to alter and amend sundry Acts regulating the appointment and duties of Township Officers," together with the report of the Select Committee thereon.

The Honourable Mr. Morris took the Chair.

After some time the House resumed.

Reported :

The Chairman reported, that the Committee had taken the said bill again into consideration, had made some further progress therein, and recommended that it be referred back to the same Select Committee, to report further thereon.

Ordered, that the report be received; and,

And referred back to the same Select Committee.

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

Members added thereto.

Ordered, that the Honourable Messieurs Burnham and Crooks, be added thereto.

Report of the Select Committee upon the petition of Thos. Dalton, committed.

Pursuant to the order of the day, the House was put into a Committee of the whole, upon the petition of Thomas Dalton, Editor and Proprietor of the Patriot Newspaper, praying for relief, and the report of the Select Committee thereon.

The Honourable Mr. Allan took the Chair.

After some time the House resumed.

Reported :

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

Ordered, that the report be received; and,

And the report of the Select Committee adopted.

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

Petition of William Fitch, and others, read.

Pursuant to the order of the day, the petition of William Fitch, and others, inhabitants of the County of Haldimand, praying for an Act erecting the same with or without the adjoining township into a separate District, was read.

Report of the Select Committee upon Militia-men's Widows Pension bill, presented.

The Honourable Mr. Morris, from the Select Committee to whom was referred the bill entitled, "An Act to provide pensions for the Widows and Children of Militia-men killed in the late Rebellion, and for other purposes therein mentioned," presented their report.

Ordered, that it be received; and,

Read.

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

The Report.

The Select Committee appointed to examine and report on the bill sent up from the Assembly, entitled, "An Act to provide pensions for the Widows and Children of Militia-men killed in the late Rebellion, and for other purposes therein mentioned," beg leave to report:

That they have compared the provisions of this bill with the Pension Act of 1813, and find that the allowance is increased from twenty to forty pounds, to the widows and children of persons killed in the service, or who may die in consequence of any accident or casualty while performing any duty on actual service. The bill under consideration makes another material alteration in the present Law, by providing the same pensions for the widows and children of persons who may die of any disease contracted on service, without limit as to when such death may so happen, which, in the opinion of your Committee, may leave room for very great abuse. There is another deviation from the present Law, which it may be proper also to notice, which is, that the proposed pensions are to be continued till the youngest child shall arrive at the age of twenty-one years, instead of sixteen years.

However praiseworthy it is to make a liberal provision for the families of those who sacrifice their lives in the service of their Country, your Committee are not prepared at this time, when the Province is deeply in debt, to recommend a provision so greatly exceeding the allowance hitherto made in favour of Provincial Pensioners. It is true that your Honourable House did not object to the amount of the proposed allowance to the widow of the late Colonel Robert Moodie, although it exceeds the regulated provision of Her Majesty's Service for the widow of an Officer of his rank; but the peculiar circumstances which attended the death of that lamented individual, may very fairly justify the Legislature in granting a greater allowance to his widow, than might be deemed proper for the widow of an Officer of the same rank who fell in action with the enemy: for Colonel Moodie surrendered his life in an attempt to save the Capital of the Province from falling into the power of a band of traitors, headed by a merciless leader, who would have deluged the Country with blood, had his diabolical designs not been frustrated.

Friday, 9th February, 1838.

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

Should the scale of pensions be augmented by this bill, the pensioners of the late war will have reason to complain that they have not received that consideration which it would seem the Legislature is disposed to bestow on those who may suffer hereafter, and will very likely claim a corresponding addition to their allowances.

By the fifth clause of the bill, which, owing to an error in the language, it is not easy to understand, it would seem to be the intention to provide a pension of twenty pounds for every person wounded, or in any way disabled whilst on service; and that if such wound shall be equal to the loss of a limb, then the pension shall be forty pounds per annum.

Your Committee, taking into consideration the embarrassed state of the Provincial finances, cannot recommend this bill for the concurrence of your Honourable House, but would suggest that such amendments be made thereto, as will extend the provisions of the law of 1813, to the sufferers on the present occasion.

All which is respectfully submitted,

W. MORRIS,
CHAIRMAN.

Committee Room, Legislative Council,
Ninth February, 1838.

On motion made and seconded, it was,

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

The Honourable Mr. Crooks brought up the petition of Andrew D. Kerby, and others, Trustees for the Dundas and Waterloo Macadamised Road; which was laid on the table. Petition of Andrew D. Kerby and others, presented.

The Honourable Mr. Adamson, from the Select Committee to whom was referred the bill entitled "An Act to authorise the Surveyor of Highways in and for the County of Wentworth, to convey to Allan N. MacNab, Esquire, certain allowances for road, in the Township of Barton, in the District of Gore," presented their report. Report of the Select Committee upon MacNab's road allowance bill, presented.

Ordered that it be received; and,

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

The Select Committee to whom was referred the bill entitled, "An Act to authorise the Surveyor of Highways in and for the County of Wentworth, to convey to Allan N. MacNab, Esquire, certain allowances for Road, in the Township of Barton, in the District of Gore," beg to report: The Report.

That in due conformity to the rules of your Honourable House, a notification respecting this bill has been published in the Upper Canada Gazette, and a petition presented in its favour by Mr. MacNab.

Your Committee has inspected a diagram, shewing the situation of the several roads adverted to in the bill.

It appears that the petitioner has made a donation of a space of about twenty or thirty feet in breadth, in order to widen a certain part of the frequented road leading from the Town of Hamilton towards Toronto; and it is the object of this bill to grant him as compensation, portions of certain road allowances in the Township of Barton, stated to have fallen into disuse, in consequence of the improvements in the other road first mentioned, viz. a space eighty chains in length, by one chain in breadth, in front of the second concession, and a certain space in the road allowance, between lots number eighteen and nineteen, in the front of the third concession, twelve chains in length, commencing at the intersection of that road allowance with the road widened by Mr. MacNab, and terminating at Burlington Bay.

The compensation thus intended to be secured to the petitioner, will consist of about ten acres of land more than the quantity given by him, in the first instance, for the public use. He has, however, stated to your Committee, that he has expended considerable sums from his own funds in improving the road over Burlington Heights, and that he has opened other roads through his estate at Hamilton: in particular, one road, forty feet in breadth, from a certain point on Lot No. 17, in the first concession, to Burlington Bay, which, if not already confirmed for public use, of which your Committee have not been informed, a conveyance should be made in some proper manner.

Monday, 12th February, 1838.

THIRD SESSION THIRTEENTH PROVINCIAL PARLIAMENT, 1st VICTORIA.

In the petition respecting this bill, a doubt is expressed whether the Court of Quarter Sessions was empowered to confirm the report of the Surveyor of Highways, in the widening of the present frequented road; but nothing further appears on this point either in the petition, or the bill.

As due notice of this measure was given in the Gazette, and nothing in the shape of remonstrance has been submitted to your Honourable House, it may be a fair inference that the inhabitants of the Township of Barton consider it reasonable that the compensation proposed by the bill should be made.

On the other hand, if your Honourable House should entertain doubts on this head, your Committee beg leave to suggest the expediency of so amending the bill, as to refer the investment of the title to the decision of the Court of General Quarter Sessions of the District of Gore, after due examination and enquiry into the case.

All which is respectfully submitted,

P. ADAMSON,
CHAIRMAN.

Legislative Council, Committee Room.

Ninth February, 1838.

On motion made and seconded, it was,

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

House adjourns.

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

MONDAY, 12th FEBRUARY, 1838.

House meets.

The House met, pursuant to adjournment.

PRESENT:

Members present.

The Honourable JOHN B. ROBINSON, SPEAKER.
The Honourable Messrs. DICKSON,
" " GORDON,
" " BALDWIN.

The Honourable Messrs. HAMILTON,
" " MORRIS,
" " MACAULAY.

Prayers were read.

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

The Honourable Mr. Jones came to the table, and took and subscribed the oath prescribed by the Statute 31st George III. Chap. 31st.

The Minutes of Friday last, were read.

Militia-men's Widow's Pension bill, re-committed.

Pursuant to the order of the day, the House was again put into a Committee of the whole, upon the bill entitled, "An Act to provide pensions for the Widows and Children of Militia-men killed in the late Rebellion, and for other purposes therein-mentioned," together with the report of the Select Committee thereon.

The Honourable Mr. Hamilton took the Chair.

After some time the House resumed.

Reported:

The Chairman reported, that the Committee had taken the said bill, and the report thereon, into consideration, and recommended the report of the Select Committee to the adoption of the House; and they also recommended that a Conference be desired with the Commons House of Assembly, on the subject matter of the said bill.

Ordered, that the report be received; and,

And the report of the Select Committee adopted.

Ordered, that the said report of the Select Committee be adopted; and,

A conference ordered on the last-mentioned bill.

Ordered, that a Conference be desired with the Commons House of Assembly, on the subject matter of the last-mentioned bill; and,

Conferrees appointed:

Ordered, that the Honourable Messieurs Hamilton and Morris, be appointed the Conferrees on the part of this House, for that purpose; and,

And the Assembly acquainted thereof.

Ordered, that the Master in Chancery do go down to the Assembly, and acquaint that House that the Legislative Council desire a Conference with the Commons House of Assembly, on the subject matter of the bill sent up from that House, entitled, "An Act to provide pensions for the Widows and Children of Militia-men, killed in the late Rebellion, and for other purposes therein-mentioned"—and have appointed the Honourable Messieurs Hamilton and Morris, to be the Conferrees on the part of this House, who will be ready to meet a Committee on the

13th & 14th February, 1838.

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

part of the Commons House of Assembly, on Wednesday next, at the hour of twelve of the clock, at noon, in the Committee Room of the Legislative Council, for that purpose.

Pursuant to the order of the day, the House was again put into a Committee of the whole, upon the bill entitled, "An Act to authorise the Surveyor of Highways in and for the County of Wentworth, to convey to Allan N. MacNab, Esquire, certain allowances for road, in the Township of Barton, in the District of Gore," together with the report of the Select Committee thereon.

MacNab's road allowance bill, re-committed.

The Honourable Mr. Baldwin took the Chair.

After some time the House resumed.

The Honourable Messieurs Burnham and Crooks, enter.

Members enter.

The Chairman reported, that the Committee had taken the last-mentioned bill, and the report thereon, into consideration, had made some progress therein, and asked leave to sit again on Wednesday next.

Report upon the last-mentioned bill, and leave asked to sit again.

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

Leave granted.

Pursuant to the order of the day, the petition of Andrew D. Kerby, and others, Trustees for the Dundas and Waterloo Macadamized Road, praying for an Act granting the sum of seven thousand seven hundred pounds, to enable them to complete the work without delay—was read.

Petition of Andrew D. Kerby and others, read.

On motion made and seconded, the House adjourned until to-morrow, at the hour of ten of the clock, A. M.

House adjourns.

TUESDAY, 13th FEBRUARY, 1838.

House meets.

The House met, pursuant to adjournment.

PRESENT:

The Honourable JOHN B. ROBINSON, SPEAKER.

The Honourable Messrs. BALDWIN.

The Honourable Messrs. DICKSON.

" " HAMILTON.

" " CROOKSHANK.

" " CROOKS.

" " JONES.

" " MORRIS.

" " GORDON.

" " MACAULAY.

" " BURNHAM.

Members present.

Prayers were read.

The Minutes of yesterday were read.

The Honourable Mr. Macaulay brought up the petition of James Frazer, and others, being the Commissioners appointed by Law for affording relief to certain Banking Institutions heretofore carrying on business in this Province; which was laid on the table.

Petitions of James Frazer, and others;

The Honourable Mr. Jones brought up the petition of James W. Parmenter, and another, inhabitants of the Village of Gananoque, in the District of Johnstown; which was laid on the table.

Of James W. Parmenter, and another; and

The Honourable Mr. Crooks brought up two petitions of George Chalmers, and others, Freeholders of the Township of Trafalgar; which were laid on the table.

Of George Chalmers, and others, presented.

On motion made and seconded, the House adjourned until to-morrow, at the hour of ten of the clock, A. M.

House Adjourns.

WEDNESDAY, 14th FEBRUARY, 1838.

House meets.

The House met pursuant to adjournment.

PRESENT:

The Honourable JOHN B. ROBINSON, SPEAKER.

The Honourable Messrs. BURNHAM.

The Honourable Messrs. DICKSON.

" " BALDWIN.

" " CROOKSHANK.

" " CROOKS.

" " CAMERON.

" " MORRIS.

" " ALLAN.

" " MACAULAY.

" " GORDON.

Members present.

Prayers were read.

The Minutes of yesterday were read.

Wednesday, 14th February, 1838.

THIRD SESSION THIRTEENTH PROVINCIAL PARLIAMENT, 1st VICTORIA.

MacNab's road allowance bill, re-committed.

Pursuant to the order of the day, the House was again put into a Committee of the whole, upon the bill entitled, "An Act to authorise the Surveyor of Highways in and for the County of Wentworth, to convey to Allan N. MacNab, Esquire, certain allowances for Road, in the Township of Barton, in the District of Gore," together with the report of the Select Committee thereon.

The Honourable Mr. Baldwin took the Chair.

After some time the House resumed.

Reported, and leave asked to sit again.

The Chairman reported, that the Committee had taken the said bill, and the report of the Select Committee thereon, again into consideration, had made some further progress therein, and asked leave to sit again to-morrow.

Leave granted.

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

Report of the Select Committee upon the state of the Province, presented.

The Honourable Mr. Dickson, from the Select Committee to whom was referred the consideration of the State of the Province, presented their report.

Ordered that it be received; and,

Read.

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

(For Report, see Appendix Z.)

On motion made and seconded, it was,

Ordered, that the last-mentioned report of the Select Committee be referred to a Committee of the whole House to-morrow.

Lunatic Asylum erection bill;

A Deputation from the Commons House of Assembly brought up a bill, entitled, "An Act to authorise the erection of a Lunatic Asylum in this Province, and for other purposes therein-mentioned"; also a bill entitled, "An Act to repeal the several Laws heretofore existing relative to Common Schools, and to provide for the establishment, maintenance and support, of Common Schools throughout this Province"; also a bill entitled, "An Act to enable Her Majesty to remunerate Henry Smith, Esquire, Warden of the Provincial Penitentiary, for past services performed, and disbursements made by him, and to increase the salary of that Officer"; and also a bill entitled, "An Act to grant a pension to the Widow and Children of the late Colonel Robert Moodie"—to which they requested the concurrence of this House, and then withdrew.

Common School law repeal bill;

Penitentiary Warden's increased salary bill; and

Colonel Moodie's Widow's Pension bill, brought up from the Assembly.

Read first time.

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

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

Message from the Assembly:

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

MR. SPEAKER,

Acceding to a conference upon Militia-men's Widows Pension bill,

The Commons House of Assembly, accedes to the request of the Honourable the Legislative Council, for a conference on the subject matter of the bill sent up from this House, entitled, "An Act to provide pensions for the widows and children of Militia-men killed in the late rebellion, and for other purposes therein-mentioned," and has appointed a Committee of four of its Members for that purpose, who will be ready to meet the Conferrees appointed by your Honorable House, at the time and place appointed.

ALLAN N. MACNAB,

SPEAKER.

Commons House of Assembly,

13th day of February, 1838.

Ordered, that the Committee of Conference on the part of this House, on the subject matter of the bill sent up from the Commons House of Assembly, entitled, "An Act to provide Pensions for the Widows and Children of Militia-men killed in the late Rebellion, and for other purposes therein-mentioned," be instructed to represent, that—

The instructions to the Conferrees on the part of this House.

The Legislative Council have requested this conference with the Commons House of Assembly, upon the subject matter of the bill entitled, "An Act to provide pensions for the Widows and Children of Militia-men killed in the late Rebellion, and for other purposes therein-mentioned," for the purpose of representing, that upon an examination of the provisions of this bill compared with the Pension Act of 1813, they find that the allowance is increased from twenty to forty pounds, to the widows and children of persons killed in the service, or who may die in consequence of any accident or casualty while performing any duty on actual service.

Thursday, 15th February, 1838.

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

The bill makes another material alteration in the present Law, by providing the same pensions for the widows and children of persons who may die of any disease contracted on service, without limit as to when such death may so happen, which, in the opinion of the Legislative Council, may leave room for very great abuse. There is another deviation from the present Law, which it may be proper also to notice, which is, that the proposed pensions are to be continued till the youngest child shall arrive at the age of twenty-one years, instead of sixteen years.

However praiseworthy it is to make a liberal provision for the families of those who sacrifice their lives in the service of their Country, the Legislative Council are not prepared at this time, when the Province is deeply in debt, to sanction a provision so greatly exceeding the allowance hitherto made in favour of Provincial Pensioners, and so far beyond the amount allowed to those of Her Majesty's Regular Forces.

It is true that the Legislative Council did not object to the amount of the proposed allowance to the widow of the late Colonel Robert Moodie, although it exceeds the regulated provision of Her Majesty's Service for the widow of an Officer of his rank; but the peculiar circumstances which attended the death of that lamented individual, may very fairly justify the Legislature in granting a greater allowance to his widow, than might be deemed proper for the widow of an Officer of the same rank who fell in action with the enemy: for Colonel Moodie surrendered his life in an attempt to save the Capital of the Province from falling into the power of a band of traitors, headed by a merciless leader, who would have deluged the Country with blood, had his diabolical designs not been frustrated.

Should the scale of pensions be augmented by this bill, the pensioners of the late war will have reason to complain that they have not received that consideration which it would seem the Legislature is disposed to bestow on those who may suffer hereafter, and will very likely claim a corresponding addition to their allowances.

By the fifth clause of the bill, which, owing to an error in the language, it is not easy to understand, it would seem to be the intention to provide a pension of twenty pounds for every person wounded, or in any way disabled whilst on service; and that if such wound shall be equal to the loss of a limb, then the pension shall be forty pounds.

The Honourable Mr. Gordon brought up the petition of W. Anderton, and others, inhabitants of the Western District; also the petition of Robert Mercer, and others, Shareholders in the Niagara and Detroit Rivers Rail-road Company; and also the petition of Duncan McGregor, and others, inhabitants of the Western District; which were laid on the table.

On motion made and seconded, the House adjourned until to-morrow, at the hour of ten of the clock, A. M.

THURSDAY, 15th FEBRUARY, 1838.

The House met, pursuant to adjournment.

PRESENT:

The Honourable JOHN B. ROBINSON, SPEAKER.

The Honourable Messrs. McDONELL.

The Honourable Messrs. DICKSON,

" " BALDWIN,

" " ALLAN,

" " CROOKS,

" " JONES,

" " MORRIS.

" " GORDON,

Prayers were read.

The Minutes of yesterday were read.

Pursuant to the order of the day, the House was again put into a Committee of the whole, upon the bill entitled, "An Act to authorise the Surveyor of Highways in and for the County of Wentworth, to convey to Allan N. MacNab, Esquire, certain allowances for road, in the Township of Barton, in the District of Gore," together with the report of the Select Committee thereon.

The Honourable Mr. Baldwin took the Chair.

After some time the House resumed.

The Honourable and Venerable the Archdeacon of York, and the Honourable Messieurs Burnham and Hamilton, enter.

Petitions of W. Anderton, and others;

Of Robert Mercer, and others; and

Of Duncan McGregor, and others, presented.

House adjourns.

House meets.

Members present.

MacNab's road allowance bill, re-committed.

Members enter.

Friday, 16th February, 1838.

THIRD SESSION THIRTEENTH PROVINCIAL PARLIAMENT, 1st VICTORIA.

Report upon the last-mentioned bill, and leave asked to sit again.

The Chairman reported, that the Committee had taken the said bill, and report of the Select Committee thereon, again into consideration, had made some further progress therein, and asked leave to sit again to-morrow.

Leave granted.

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

Report of the Select Committee upon the state of the Province, committed.

Pursuant to the order of the day, the House was put into a Committee of the whole, upon the report of the Select Committee, to whom was referred the consideration of the State of the Province.

The Honourable Mr. Gordon took the Chair.

After some time the House resumed.

Reported, and leave asked to sit again.

The Chairman reported, that the Committee had taken the last-mentioned report of the Select Committee into consideration, had made some progress therein, and asked leave to sit again on Monday next.

Leave granted.

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

Lunatic Asylum erection bill;

Pursuant to the order of the day, the bill entitled, "An Act to authorise the erection of a Lunatic Asylum in this Province, and for other purposes therein-mentioned"; also the bill entitled, "An Act to repeal the several laws heretofore existing relative to Common Schools, and to provide for the establishment, maintenance and support, of Common Schools throughout this Province"; also the bill entitled, "An Act to enable Her Majesty to remunerate Henry Smith, Esquire, Warden of the Provincial Penitentiary, for past services performed, and disbursements made by him, and to increase the salary of that Officer"; and also the bill entitled, "An Act to grant a pension to the Widow and Children of the late Colonel Robert Moodie"—were severally read a second time; and it was,

Common School law repeal bill;

Penitentiary Warden's increased salary bill; and

Colonel Moodie's Widow's Pension bill, read second time.

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

Petitions of Jas. Frazer, and others;

Pursuant to the order of the day, the petition of James Frazer, and others, being the Commissioners appointed by Law for affording relief to certain Banking Institutions, heretofore carrying on business in this Province, praying for an Act authorising the said Commissioners to sue, as such, in the District Court or Court of Requests, when the amount sought to be recovered shall be within the jurisdiction of the said Courts respectively: also the petition of James W. Parmenter, and another, inhabitants of the Village of Gananoque, in the District of Johnstown, praying for an Act conferring upon them the rights and privileges of British Subjects: also the petition of George Chalmers, and others, Freeholders of the township of Trafalgar, praying for an Act authorising the construction of a road from the village of Oakville to Owen Sound, or Big Bay, on Lake Huron: and also the petition of George Chalmers, and others, Freeholders of the township of Trafalgar, praying for an Act authorising the Macadamization of the remainder of Dundas-street, through the said township, were severally read.

Of James W. Parmenter, and another; and

Two petitions of Geo. Chalmers, and others, read.

Petition of James Racey and others, presented.

The Honourable Mr. Gordon brought up the petition of James Racey, and others, inhabitants of certain parts of the District of Gore; which was laid on the table.

House adjourns.

On motion made and seconded, the House adjourned until to-morrow, at the hour of ten of the clock, A. M.

FRIDAY, 16th FEBRUARY, 1838.

House meets.

The House met, pursuant to adjournment.

PRESENT:

Members present.

The Honourable JOHN B. ROBINSON, SPEAKER.
The Honourable Messrs. DICKSON,
" " JONES,
" " GORDON,

The Honourable Messrs. McDONELL,
" " BALDWIN,
" " MORRIS,

Prayers were read.

The Minutes of yesterday were read.

MacNab's road allowance bill, re-committed.

Pursuant to the order of the day, the House was again put into a Committee of the whole, upon the bill entitled, "An Act to authorise the Surveyor of Highways in and for the County of Wentworth, to convey to Allan N. MacNab, Esquire, certain allowances for road in the township of Barton, in the District of Gore," together with the report of the Select Committee thereon.

The Honourable Mr. Baldwin took the Chair.

After some time the House resumed.

Friday, 16th February, 1838.

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

The Honourable Messieurs Allan, Burnham, and Hamilton, enter.

Members enter.

The Chairman reported, that the Committee had gone through the last mentioned bill, and had made some amendments thereto, which they recommended to the adoption of the House.

Amendments to the last-mentioned bill, reported.

Ordered, that the report be received; and,

The said amendments were then read, as follows:

Read first time.

Press 1, Line 16.—After “Court” expunge to “so,” in line 17.

The amendments.

“ “ “ 18.—After “much,” insert “of the lands of the said Allan Napier MacNab.”

“ “ “ 18.—After “as” expunge “was,” and insert “were”—after “thereof” insert “was taken.”

“ “ “ 25.—After “the” expunge the remainder of the clause, and insert “lands so taken as aforesaid.”

Press 3.—Add to the Bill.—“And be it further enacted by the authority aforesaid, That so soon as the said conveyance shall be made, the land herein before mentioned and ordered to be taken by the Court of General Quarter Sessions, as well as the road leading from the Dundas Road to Burlington Bay, between lots No. 17 & 18, and the new road laid out on the lands of the said Allan N. MacNab, from the Battery to the Reservation on Burlington Heights, shall be deemed and taken to be Public Highways, as fully and effectually as if the same had been laid out as roads, in the original survey of the township of Barton.”

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

Read second time, and adopted.

Ordered, that they be engrossed, and the said bill as amended, read a third time on Monday next.

Pursuant to the order of the day, the House was put into a Committee of the whole, upon the bill entitled, “An Act to authorise the erection of a Lunatic Asylum in this Province, and for other purposes therein mentioned.”

Lunatic Asylum erection bill, committed.

The Honourable Mr. Hamilton took the Chair.

After some time the House resumed.

The Honourable Mr. Macaulay enters.

A Member enters.

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

Report upon the last mentioned bill;

Ordered, that the report be received; and,

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

And the same referred to a Select Committee.

Ordered, that the Honourable Messieurs Hamilton and Macaulay, do compose the same for that purpose.

Members composing same.

Pursuant to the order of the day, the House was put into a Committee of the whole, upon the bill entitled, “An Act to repeal the several laws heretofore existing relative to Common Schools, and to provide for the establishment, maintenance and support, of Common Schools throughout this Province.”

Common School law repeal bill, committed.

The Honourable Mr. Dickson took the Chair.

After some time the House resumed.

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

Reported;

Ordered, that the report be received; and,

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

And referred to a Select Committee.

Ordered, that the Honourable Messieurs Jones, Morris, and Macaulay, do compose the same for that purpose.

Members composing same.

Pursuant to the order of the day, the House was put into a Committee of the whole, upon the bill entitled, “An Act to enable Her Majesty to remunerate Henry Smith, Esquire, Warden of the Provincial Penitentiary, for past services performed, and disbursements made by him, and to increase the salary of that Officer.”

Penitentiary Warden's increased salary bill, committed.

Monday, 19th February, 1838.

THIRD SESSION THIRTEENTH PROVINCIAL PARLIAMENT, 1st VICTORIA.

The Honourable Mr. Morris took the Chair.

After some time the House resumed.

Reported.

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

Adopted.

Ordered, that the report be received; and,

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

Colonel Moodie's Widow's Pension bill, committed.

Pursuant to the order of the day, the House was put into a Committee of the whole, upon the bill entitled, "An Act to grant a pension to the Widow and Children of the late Colonel Robert Moodie."

The Honourable Mr. Allan took the Chair.

After some time the House resumed.

Reported.

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

Adopted.

Ordered, that the report be received; and,

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

Petitions of W. Anderton, and others;

Pursuant to the order of the day, the petition of W. Anderton, and others, inhabitants of the Western District, praying for an Act granting a certain sum of money, to be expended in the making of a new road from the upper bridge over Pike's Creek, through the townships of Maidstone, Rochester and Tilbury, to a place near the French Church, on the River Thames: also the petition of Robert Mercer, and others, Shareholders in the Niagara and Detroit Rivers Rail-road Company, praying for an Act amending their Charter, so as to extend the period for commencing the Rail-road: and also the petition of Duncan MacGregor, and others, inhabitants of the Western District, praying for an Act authorising the levying and collecting an additional rate of one halfpenny in the pound, to be applied in liquidating a certain debt already due by the said District, and in repairing and improving the Gaol thereof, were severally read.

Of Robert Mercer, and others; and

Of Duncan MacGregor, and others, read.

Petition of Geo. Taylor Denison, and others, presented.

The Honourable Mr. Allan brought up the petition of George Taylor Denison, and others, inhabitants interested in the Albion Road, commonly called Campbell's Road; which was laid on the table.

House adjourns.

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

MONDAY, 19th FEBRUARY, 1838.

House meets.

The House met, pursuant to adjournment.

PRESENT:

Members present.

The Honourable JOHN B. ROBINSON, SPEAKER.

The Honourable Messrs. DICKSON.

" " ALLAN.

" " JONES.

The Honourable Messrs. BALDWIN,

" " HAMILTON,

" " MORRIS,

Prayers were read.

The Minutes of Friday last were read.

MacNab's road allowance bill, as amended, read third time and passed.

Pursuant to the order of the day, the bill entitled, "An Act to authorise the Surveyor of Highways in and for the County of Wentworth, to convey to Allan N. MacNab, Esquire, certain allowances for road, in the Township of Barton, in the District of Gore," was, as amended, read a third time; and,

The question being put, whether this bill, as amended, should pass, it was carried in the affirmative:

Amendments signed;

Whereupon the Speaker signed the amendments; and it was,

And sent to the Assembly for concurrence.

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

Penitentiary Warden's increased salary bill; and

Pursuant to the order of the day, the bill entitled, "An Act to enable Her Majesty to remunerate Henry Smith, Esquire, Warden of the Provincial Penitentiary, for past services performed, and disbursements made by him, and to increase the salary of that Officer"; and

Colonel Moodie's Widow's Pension bill, read third time and passed:

also the bill entitled, "An Act to grant a pension to the Widow and Children of the late Colonel Robert Moodie," were severally read a third time, and passed.

Same signed;

Whereupon the Speaker signed the same; and it was.

Monday, 19th February, 1838.

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

Ordered, that the Master in Chancery do go down to the Assembly, and acquaint that House, that the Legislative Council have passed these bills without any amendment. And the Assembly acquainted thereof.

Pursuant to the order of the day, the House was again put into a Committee of the whole, upon the report of the Select Committee to whom was referred the consideration of the state of the Province. Report of the Select Committee upon the state of the Province, re-committed.

The Honourable Mr. Morris took the Chair.

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

The Honourable and Venerable the Archdeacon of York, and the Honourable Messieurs Wells, Allan, McDonell, Adamson and Macaulay, enter. Members enter.

Deputations from the Commons House of Assembly brought up several bills, to which they requested the concurrence of this House, and then withdrew. Bills brought up from the Assembly.

The House was then again put into a Committee of the whole, upon the report of the Select Committee to whom was referred the consideration of the state of the Province. Report of the Select Committee upon the state of the Province, re-committed.

The Honourable Mr. Morris took the Chair.

After some time the House resumed.

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

Ordered, that the report be received; and,

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

The Honourable the Speaker reported to the House, that Deputations from the Commons House of Assembly had brought up a bill entitled, "An Act to authorise the levying of a tax upon certain lands in the District of Gore, for the improvement of certain roads therein"; also a bill, entitled, "An Act to raise a sum of money to prepare the road for Macadamizing, between Canborough and Simcoe, in the Niagara and Talbot Districts, and for other purposes therein-mentioned"; also a bill, entitled "An Act to raise a sum of money to Macadamize the main road leading from the Macadamized road at Hamilton, in the Gore District, to the West boundary line of the township of Grimsby, in the Niagara District, and for other purposes therein mentioned"; also a bill, entitled, "An Act to naturalize Elijah Nelles"; also a bill, entitled, "An Act to relieve disabled and infirm persons in the several townships within this Province"; and also a bill, entitled, "An Act to provide for the erection of a new Gaol at the town of London, in the District of London," to which they requested the concurrence of this House. Speaker reports the receipt of Gore District land tax bill;
Canborough and Simcoe road Macadamization bill;
Hamilton and Grimsby road Macadamization bill;

The said bills were then severally read; and it was, Nelles' Naturalization bill;
Disabled persons relief bill; and
London District new Gaol erection bill, from the Assembly.

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

Pursuant to the order of the day, the petition of James Racey, and others, inhabitants of certain parts of the District of Gore, praying for an Act erecting the same into a new County, to be called Brant, with a Register Office, to be kept at the town of Brantford; and also the petition of George Taylor Denison, and others, inhabitants interested in the Albion Road, commonly called Campbell's Road, praying against entertaining any measure for directing the present road from its course where it leaves Dundas Street near Farr's Tavern, and taking it down the river through the lands of John Scarlett, Esquire, crossing the Humber there, and continuing the same on the west side of the river; were severally read. Petition of James Racey and others; and
Of Geo. Taylor Denison, and others, read.

On motion made and seconded, it was,

Ordered, that one thousand copies of the report of the Select Committee, adopted by the House this day, on the state of the Province, be printed for the use of Members; and, Report of the Select Committee on the state of the Province, ordered to be printed.

Ordered, that an address be presented to Her Majesty on the subject matter thereof; and,

Ordered, that the Members composing the last-mentioned Committee be appointed to draft an address to the Queen; and, The same Committee appointed to draft an address to the Queen, on the latter subject.

Ordered, that the Honourable Mr. Allan be substituted for the Honourable Mr. Gordon, as a Member of such Committee. The Hon. Mr. Allan substituted for the Hon. Mr. Gordon, on the Committee.

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

Tuesday, 20th February, 1838.

THIRD SESSION THIRTEENTH PROVINCIAL PARLIAMENT, 1st VICTORIA.

TUESDAY, 20th FEBRUARY, 1838.

House meets.

The House met, pursuant to adjournment.

PRESENT:

Members present.	<i>The Honourable</i> JOHN B. ROBINSON, SPEAKER.	<i>The Honourable Messrs.</i> McDONELL,
	<i>The Honourable Messrs.</i> DICKSON.	“ “ HAMILTON,
	“ “ CROOKSHANK,	“ “ MORRIS,
	“ “ ALLAN,	“ “ MACAULAY.
	“ “ JONES.	

Prayers were read.

The Minutes of yesterday were read.

Speaker reports a Communication from the Lieutenant Governor, fixing the time for the prorogation.

The Honourable the Speaker reported to the House, that he had received an official communication from the Lieutenant Governor, declaring His Excellency's intention of proroguing the present Session of the Provincial Legislature, on Tuesday next, the 27th instant.

Protest of the Hon. Mr. Morris, against the adoption of the report on the state of the Province.

To the Report of the Select Committee upon the state of the Province, adopted by this House yesterday:

DISSENTIENT,

First.—Because the Report although it refers to three schemes spoken of for overcoming the difficulties under which the Government and British population of Lower Canada have long laboured, does not give that countenance to the most feasible of the three, which its simplicity and superiority over the others demand, namely, the union of this Province with that of Lower Canada, an union which cannot fail greatly to promote the happiness and prosperity of the people of both Provinces, if carried into effect with proper securities as to representation, and a due regard to the future peace and well-being of the Colony, and the united Government be placed in the hands of wise and firm Rulers, who, while they suffer no inroads on the Constitution by turbulent and factious men, will discountenance every effort on the part of any one class of Her Majesty's Subjects to secure the enjoyment of either civil or religious privileges denied to the other classes.

Secondly.—Because the Report recommends that the disputed right to the Clergy Lands, reserved under the British Statute 31 Geo. 3. Chap. 31. be submitted to the decision of the Judicial Committee of the Privy Council, rather than that the allotment should be disposed of for the support of religion, by Her Majesty's Government, or the Imperial Parliament.

Thirdly.—Because the Report condemns the provision made by the Provincial Act 1 William 4. Chap. 14. for the support of the Civil Government, and suggests that many important charges of the Civil List, not provided for by that Statute, ought to be placed beyond the control of the Legislature.

Fourthly.—Because the Report censures the desire of Her Majesty's Government to surrender to the Provincial Legislature the Casual and Territorial Revenue, and the management and disposal of the Crown Lands.

W. MORRIS.

Gore District Land tax bill;

Canborough and Simcoe road Macadamization bill;

Hamilton and Grimsby road Macadamization bill;

Disabled persons relief bill; and

London District new Gaol bill, read second time.

Pursuant to the order of the day, the bill entitled, "An Act to authorise the levying of a tax upon certain lands in the District of Gore, for the improvement of certain roads therein:" also the bill entitled, "An Act to raise a sum of money to prepare the road for Macadamizing, between Canborough and Simcoe, in the Niagara and Talbot Districts, and for other purposes therein mentioned:" also the bill entitled, "An Act to raise a sum of money to Macadamize the main road leading from the Macadamized road at Hamilton, in the Gore District, to the west boundary line of the township of Grimsby, in the Niagara District, and for other purposes therein mentioned:" also the bill entitled, "An Act to relieve disabled and infirm persons in the several townships within this Province;" and also the bill entitled, "An Act to provide for the erection of a New Gaol at the Town of London, in the District of London," were severally read a second time; and it was,

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

Nelles' Naturalization bill, read second time.

Pursuant to the order of the day, the bill entitled, "An Act to naturalize Elijah Nelles," was read a second time.

On motion made and seconded, it was,

An additional number of copies of the report of the Select Committee on the state of the Province, ordered to be printed.

Ordered, that one thousand additional copies of the report of the Select Committee on the state of the Province, adopted by this House yesterday, be printed for the use of Members.

Wednesday, 21st February, 1838.

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

The Honourable Mr. Morris, from the Select Committee to whom was referred the several Messages of His Excellency the Lieutenant Governor, transmitting the copy of a Despatch from Her Majesty's Government, and other documents on the subject of the Upper Canada Academy, presented their report.

Ordered that it be received; and,

The same was then read as follows:—

The Select Committee appointed to consider the documents sent down by His Excellency the Lieutenant Governor, relating to the Upper Canada Academy, at Cobourg, most respectfully beg leave to report:

That they have perused the correspondence which has taken place on the subject.

The proceedings of the Legislative Council on the bill sent up from the House of Assembly, last year, to grant a loan to the Institution under consideration, are correctly detailed by His Excellency's Despatch of the 20th July last.

All which is respectfully submitted,

W. MORRIS,
CHAIRMAN.

Committee Room, Legislative Council,

Twentieth February, 1838.

It was moved and seconded, that the House be again put into a Committee of the whole, upon the bill entitled, "An Act to establish a Life Assurance and Loan Company at Brockville, in the District of Johnstown," and that the same do stand upon the order of the day for Saturday next.

Whereupon the question of concurrence was put, and it was carried in the affirmative, and the same was,

Ordered accordingly.

The Honourable Mr. Baldwin enters.

Deputations from the Commons House of Assembly brought up a bill, entitled, "An Act granting to Her Majesty a sum of money to provide for the presentation of Swords to Colonel MacNab, and Captain Drew"; and also a bill, entitled "An Act to authorise the construction of a Turnpike Road, in the County of Kent"; to which they requested the concurrence of this House; and they returned the bill entitled, "An Act to incorporate certain persons under the style and title of the Windsor Road Company"; and also the bill entitled, "An Act to authorise the Surveyor of Highways in and for the County of Wentworth, to convey to Allan N. MacNab, Esquire, certain allowances for road, in the Township of Barton, in the District of Gore"; and acquainted this House, that the Commons House of Assembly had acceded to the amendments made by the Legislative Council in and to the same; and then withdrew.

The bill, entitled, "An Act granting to Her Majesty a sum of money to provide for the presentation of Swords to Colonel MacNab, and Captain Drew"; and also the bill, entitled, "An Act to authorise the construction of a Turnpike Road, in the County of Kent," were severally read; and it was,

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

On motion made and seconded, the House adjourned.

WEDNESDAY, 21st FEBRUARY, 1838.

The House met pursuant to adjournment.

PRESENT:

The Honourable JOHN B. ROBINSON, SPEAKER.

The Honourable Messrs. DICKSON,

" " CROOKSHANK,

" " ALLAN,

" " McDONELL,

The Honourable Messrs. BURNHAM,

" " BALDWIN,

" " HAMILTON,

" " MORRIS.

Members present.

Prayers were read.

The Minutes of yesterday were read.

Pursuant to the order of the day, the House was put into a Committee of the whole, upon the bill entitled, "An Act to authorise the levying of a tax upon certain lands in the District of Gore, for the improvement of certain roads therein."

B 2

Report of the Select Committee upon the several messages of His Excellency, relating to the Upper Canada Academy, presented.

Read.

The Report.

Brockville Loan Company's establishment bill, restored to the order of the day.

A Member enters.

Certain Swords presentation bill; and

Kent Turnpike road construction bill, brought up from the Assembly.

Amendments to Windsor Road Company's incorporation bill,

and MacNab's road allowance bill, acceded to by the Assembly.

Certain Swords presentation bill; and

Kent Turnpike road construction bill, read first time.

House adjourns.

House meets.

Gore District Land tax bill, committed.

Wednesday, 21st February, 1838.

THIRD SESSION THIRTEENTH PROVINCIAL PARLIAMENT, 1st VICTORIA.

The Honourable Mr. Morris took the Chair.

After some time the House resumed.

Reported;

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

Ordered, that the report be received; and,

And referred to a Select Committee.

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

Members composing same.

Ordered, that the Honourable Messieurs Allan and Crooks, do compose the same for that purpose.

Canborough and Simcoe road Macadamization bill, committed.

Pursuant to the order of the day, the House was put into a Committee of the whole, upon the bill entitled, "An Act to raise a sum of money to prepare the road for Macadamizing, between Canborough and Simcoe, in the Niagara and Talbot Districts, and for other purposes therein mentioned."

The Honourable Mr. Baldwin took the Chair.

After some time the House resumed.

Reported;

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

Ordered, that the report be received; and,

And referred to a Select Committee.

Ordered, that the last-mentioned bill be referred to a Select Committee, with power to send for persons and papers, and to report thereon; and,

Members composing same.

Ordered, that the Honourable Messieurs Hamilton and Morris, do compose the same for that purpose.

On motion made and seconded, it was,

A Select Committee appointed to report on the Contingent Accounts.

Ordered, that a Select Committee be appointed to examine and report upon the Contingent Accounts of this House, for the present Session; and,

Members composing same.

Ordered, that the Honourable Messieurs Allan, Hamilton, and Morris, do compose the same for that purpose.

Hamilton and Grimsby road Macadamization bill, committed.

Pursuant to the order of the day, the House was put into a Committee of the whole, upon the bill entitled, "An Act to raise a sum of money to Macadamize the main road leading from the Macadamized road at Hamilton, in the Gore District, to the west boundary line of the township of Grimsby, in the Niagara District, and for other purposes therein mentioned."

The Honourable Mr. Morris took the Chair.

After some time the House resumed.

A Member enters.]

The Honourable Mr. Wells enters.

Report upon the last-mentioned bill;

The Chairman reported, that the Committee had taken the last-mentioned bill into consideration, had made some progress therein, and recommended that it be referred to the Select Committee upon the bill, entitled, "An Act to raise a sum of money to prepare the road for Macadamizing, between Canborough and Simcoe, in the Niagara and Talbot Districts, and for other purposes therein-mentioned"; with power to send for persons and papers, and to report thereon by amendment or otherwise.

Ordered, that the report be received; and,

And the same referred to the Select Committee upon Canborough and Simcoe road Macadamization bill.

Ordered, that the said bill be referred to the Select Committee just named, with power to send for persons and papers, and to report thereon by amendment or otherwise.

Disabled persons relief bill, committed.

Pursuant to the order of the day, the House was put into a Committee of the whole, upon the bill entitled, "An Act to relieve disabled and infirm persons in the several townships within this Province."

The Honourable Mr. Hamilton took the Chair.

After some time the House resumed.

Reported;

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

Ordered, that the report be received; and,

And referred to a Select Committee.

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

Members composing same.

Ordered, that the Honourable Messieurs Burnham, Baldwin, and Macaulay, do compose the same for that purpose.

Wednesday, 21st February, 1838.

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

Pursuant to the order of the day, the House was put into a Committee of the whole, upon the bill entitled, "An Act to provide for the erection of a New Gaol at the Town of London, in the District of London." London District new Gaol erection bill, committed.

The Honourable Mr. Wells took the Chair.

After some time the House resumed.

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

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

Ordered, that the last-mentioned bill be read a third time to-morrow.

Pursuant to the order of the day, the bill entitled, "An Act granting to Her Majesty a sum of money, to provide for the presentation of Swords to Colonel MacNab, and Captain Drew," was read a second time; and it was, Certain Swords presentation bill, read second time.

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

Pursuant to the order of the day, the bill entitled, "An Act to authorise the construction of a Turnpike Road in the County of Kent," was read a second time; and it was, Kent Turnpike road construction bill, read second time;

Ordered, that the same be referred to the Select Committee upon the bill entitled, "An Act to raise a sum of money, to prepare the road for Macadamizing, between Canborough and Simcoe, in the Niagara and Talbot Districts, and for other purposes therein mentioned," with power to send for persons and papers, and to report thereon by amendment or otherwise. And the latter bill referred to the Select Committee upon Canborough and Simcoe Road Macadamization bill.

The Honourable the Speaker brought in a bill, for enabling the Lieutenant Governor, by and with the advice of the Executive Council, to grant a pardon, in Her Majesty's name, to persons charged with High Treason, upon such terms and conditions as may appear proper. High Treason conditional pardon bill, brought in.

The said bill was then read; and it was, Read first time.

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

The Honourable Mr. Morris from the Select Committee to whom was referred the bill entitled, "An Act to repeal the several Laws heretofore existing relative to Common Schools, and to provide for the establishment, maintenance and support, of Common Schools throughout this Province," presented their report. Report of the Select Committee upon Common School law repeal bill, presented.

Ordered, that it be received; and,

The same was then read, as follows: Read.

The Select Committee appointed to examine the bill sent up from the House of Assembly, entitled, "An Act to repeal the several Laws heretofore existing relative to Common Schools, and to provide for the establishment, maintenance and support, of Common Schools throughout this Province," beg leave to report: The Report.

That this bill introduces an entirely new system for the organization, management and support, of Common Schools, which your Committee would most willingly have undertaken to investigate more minutely, had they not discovered that the whole scheme depends very materially on funds which it is proposed to raise by assessment, to the extent of one penny halfpenny in the pound.

And, as your Committee are averse to any additional taxation, in the present distressed state of the Province, they have deemed it advisable to submit to your Honourable House, in the first place, whether it is expedient to proceed with the bill, upon the principles which it embraces.

All which is respectfully submitted,

W. MORRIS,
CHAIRMAN.

Committee Room, Legislative Council,

Twenty-first February, 1838.

On motion made and seconded, it was,

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

On motion made and seconded, the House adjourned until to-morrow, at the hour of eleven of the clock, A. M. House adjourns.

Thursday, 22nd February, 1838.

THIRD SESSION THIRTEENTH PROVINCIAL PARLIAMENT, 1st VICTORIA.

THURSDAY, 22nd FEBRUARY, 1838.

House meets.

The House met, pursuant to adjournment.

PRESENT :

Members present.

The Honourable JOHN B. ROBINSON, SPEAKER.
The Honourable Mr. CROOKSHANK,
The Hon. & Ven. The ARCHDEACON OF YORK,
The Honourable Messrs. ALLAN,
" " BURNHAM,

The Honourable Messrs. BALDWIN,
" " HAMILTON,
" " CROOKS,
" " MORRIS.

Prayers were read.

The Minutes of yesterday were read.

London District new
Gaul erection bill, read
third time and passed.

Pursuant to the order of the day, the bill entitled, "An Act to provide for the erection of a new Gaol at the town of London, in the District of London," was read a third time, and passed.

Same signed;
And the Assembly ac-
quainted thereof.

Whereupon the Speaker signed the same; and it was,
Ordered, that the Master in Chancery do go down to the Assembly, and acquaint that House, that the Legislative Council has passed this bill, without any amendment.

Certain Swords presenta-
tion bill, committed.

Pursuant to the order of the day, the House was put into a Committee of the whole, upon the bill entitled, "An Act granting to Her Majesty a sum of money, to provide for the presentation of Swords to Colonel MacNab, and Captain Drew."

The Honourable Mr. Burnham took the Chair.

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

Bills brought up from the
Assembly.

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

Members enter.

The Honourable Messieurs McDonell and Macaulay, enter.

Certain Swords presenta-
tion bill, re-committed.

The House was then again put into a Committee of the whole, upon the bill entitled, "An Act granting to Her Majesty a sum of money, to provide for the presentation of Swords to Colonel MacNab, and Captain Drew.

The Honourable Mr. Burnham took the Chair.

House resumes.

After some time the House resumed.

Speaker reports the
receipt of McCormick's
Pension bill;

The Honourable the Speaker reported to the House, that a Deputation from the Commons House of Assembly had brought up a bill, entitled, "An Act granting a pension to Sheppard McCormick, Esquire": also a bill entitled, "An Act to incorporate the Town of Kingston, under the name of the Mayor and Common Council of the Town of Kingston": also a bill entitled, "An Act authorising the payment of pensions to certain Militia-men, disabled during the late war with the United States of America, under certain restrictions": also a bill entitled, "An Act to repeal, alter and amend, the Militia Law of this Province": and also a bill entitled, "An Act to provide a pension to the Widows of the late Captain James MacNab, and William Church"; to which they requested the concurrence of this House.

Kingston Incorporation
bill;

Militia Pension bill;

Militia law repeal bill; and

MacNab and Church's
Widows Pension bill,
from the Assembly.

Read first time.

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

A Member enters.

The Honourable Mr. Wells enters.

Swamp road Macadamiza-
tion bill, brought up
from the Assembly.

A Deputation from the Commons House of Assembly brought up a bill entitled, "An Act to raise a sum of money to Macadamize the Swamp Road leading from the Ten Mile Creek, in the township of Grantham, to the town of Niagara, and for other purposes therein mentioned," to which they requested the concurrence of this House, and then withdrew.

Read first time;

The said bill was then read; and it was,

And referred to the
Select Committee upon
Canborough and Simcoe
road Macadamization bill.

Ordered, that the same be referred to the Select Committee upon the bill entitled, "An Act to raise a sum of money to prepare the road for Macadamizing, between Canborough and Simcoe, in the Niagara and Talbot Districts, and for other purposes therein mentioned."

Common School law
repeal bill, re-committed.

Pursuant to the order of the day, the House was again put into a Committee of the whole, upon the bill entitled, "An Act to repeal the several laws heretofore existing relative to Common Schools, and to provide for the establishment, maintenance and support, of Common Schools throughout this Province," together with the report of the Select Committee thereon.

The Honourable Mr. Crooks took the Chair.

House resumes.

After some time the House resumed.

Friday, 23rd February, 1838.

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

Pursuant to the order of the day, the bill for enabling the Lieutenant Governor, by and with the advice of the Executive Council, to grant a pardon, in Her Majesty's name, to persons charged with High Treason, upon such terms and conditions as may appear proper, was read a second time; and it was,

High Treason conditional pardon bill, read second time.

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

The Honourable Mr. Crooks brought up the petition of the Trustees and Shareholders of the Ancaster Literary Institution: which was laid on the table.

Petition of the Trustees of the Ancaster Literary Institution, presented.

It was moved and seconded, that an Address be presented to His Excellency the Lieutenant Governor, in the following words:

An address moved.

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

MAY IT PLEASE YOUR EXCELLENCY:

WE, Her Majesty's dutiful and loyal Subjects, the Legislative Council and House of Assembly of Upper Canada, in Provincial Parliament assembled, have agreed to an humble Address to Her Majesty, in behalf of Colonel FitzGibbon, which we respectfully pray Your Excellency will be pleased to transmit to the Secretary of State for the Colonies, in order that it may be laid at the foot of the Throne.

requesting His Excellency to transmit the joint address to Her Majesty, in behalf of Colonel FitzGibbon.

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

Adopted, and sent to the Assembly for concurrence.

On motion made and seconded, the House adjourned.

House adjourns.

FRIDAY, 23rd FEBRUARY, 1838.

The House met, pursuant to adjournment.

House meets.

PRESENT:

<i>The Honourable JOHN B. ROBINSON, SPEAKER.</i>	<i>The Honourable Messrs. BALDWIN,</i>
<i>The Honourable Mr. DICKSON,</i>	“ “ <i>HAMILTON,</i>
<i>The Hon. & Ven. The ARCHDEACON OF YORK,</i>	“ “ <i>CROOKS,</i>
<i>The Honourable Messrs. McDONELL,</i>	“ “ <i>MORRIS,</i>
“ “ <i>BURNHAM,</i>	

Members present.

Prayers were read.

The Minutes of yesterday were read.

Pursuant to the order of the day, the House was put into a Committee of the whole, upon the bill for enabling the Lieutenant Governor, by and with the advice of the Executive Council, to grant a pardon in Her Majesty's name to persons charged with High Treason, upon such terms and conditions as may appear proper.

High Treason conditional pardon bill, committed.

The Honourable Mr. Hamilton took the Chair.

After some time the House resumed.

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

Reported.

Ordered, that the report be received; and,

Adopted.

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

Pursuant to the order of the day, the bill entitled, "An Act granting a pension to Sheppard McCormick, Esquire," was read a second time, and it was,

McCormick's Pension bill, read second time.

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

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

Committed.

The Honourable Mr. Baldwin took the Chair.

After some time the House resumed.

The Honourable Messieurs Crookshank and McDonell, enter.

Members enter.

The Chairman reported, that the Committee had taken the last-mentioned bill into consideration, had made some progress therein, and asked leave to sit again to-morrow.

Report upon the last-mentioned bill, and leave asked to sit again.

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

Leave granted.

Friday, 23rd February, 1838.

THIRD SESSION THIRTEENTH PROVINCIAL PARLIAMENT, 1st VICTORIA.

Kingston Incorporation
bill, read second time.

Pursuant to the order of the day, the bill entitled, "An Act to incorporate the Town of Kingston, under the name of the Mayor and Common Council of the Town of Kingston," was read a second time; and it was,

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

A Member enters.

The Honourable Mr. Wells enters.

The last-mentioned bill
committed.

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

The Honourable Mr. Hamilton took the Chair.

After some time the House resumed.

Reported.

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

Ordered, that the report be received; and,

And referred to a Select
Committee.

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

Members composing same.

Ordered, that the Honourable Messieurs Burnham, Hamilton, and Macaulay, do compose the same for that purpose.

Militia Pension bill, read
second time.

Pursuant to the order of the day, the bill entitled, "An Act authorising the payment of pensions to certain Militia-men, disabled during the late war with the United States of America, under certain restrictions," was read a second time; and it was,

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

Committed.

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

The Honourable Mr. Burnham, took the Chair.

After some time the House resumed.

Reported;

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

Ordered, that the report be received; and,

And referred to a
Select Committee.

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

Members composing same.

Ordered, that the Honourable Messieurs Wells and Baldwin, do compose the same for that purpose.

Militia law repeal bill,
read second time.

Pursuant to the order of the day, the bill entitled, "An Act to repeal, alter and amend, the Militia Law of this Province," was read a second time; and it was,

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

A Member enters.

The Honourable Mr. Macaulay enters.

The last-mentioned bill
committed.

The House was then put into a Committee of the whole upon the last-mentioned bill.

The Honourable Mr. Crookshank took the Chair.

After some time the House resumed.

Reported;

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

Ordered, that the report be received; and,

And referred to a
Select Committee.

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

Members composing same.

Ordered, that the Honourable Messieurs Wells, Morris, and Macaulay, do compose the same for that purpose.

MacNab and Church's
Widows Pension bill,
read second time.

Pursuant to the order of the day, the bill entitled, "An Act to provide a pension to the Widows of the late Captains James MacNab, and William Church," was read a second time; and it was,

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

Committed.

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

The Honourable Mr. Macaulay took the Chair.

After some time the House resumed.

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

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

Ordered, that the last-mentioned bill be read a third time to-morrow.

Pursuant to order, the bill for enabling the Lieutenant Governor, by and with the advice of the Executive Council, to grant a pardon, in Her Majesty's name, to persons charged with High Treason, upon such terms and conditions as may appear proper, was read a third time and passed; and it was, High Treason conditional pardon bill, read third time and passed.

Ordered, that the title be, "An Act to enable the Government of this Province to extend a conditional pardon, in certain cases, to persons who have been concerned in the late Insurrection." Title ordered.

Whereupon the Speaker signed the bill; and it was, Bill signed; and

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

The Honourable Mr. Macaulay, from the Select Committee to whom was referred the bill entitled, "An Act to authorise the erection of a Lunatic Asylum in this Province, and for other purposes therein mentioned," presented their report. Report of the Select Committee upon Lunatic Asylum erection bill, presented.

Ordered that it be received; and,

The same was then read, as follows: Read.

The Committee to whom was referred the bill entitled, "An Act to authorise the erection of a Lunatic Asylum in this Province, and for other purposes therein mentioned," respectfully report: The Report.

That on examining the provisions of this bill, contained in fifteen sections, they find that it is proposed to construct a building for the reception of Insane Persons, on some suitable plot of ground in the vicinity of this City, either obtained by free grant from the Crown, or by purchase from private owners; and that the funds for this purpose are to be raised by means of an assessment of one farthing in the pound on all ratable property in the Province, to be collected in each District, for one year only, and placed in the hands of the Receiver General, subject to the disposal under public warrant of certain Commissioners nominated by the Government, and associated with one Medical Practitioner.

These Commissioners are directed to select a plan for the Building, and to employ a skilful Architect to superintend the work. They are further required to appoint a Board of Directors, twelve in number, of whom any three are to form a quorum, and in whom the management of the Institution, when completed, is to be vested; together with a Superintendent, whose duty it will be to watch over its internal arrangements, enforce its By-laws, and act as its Physician.

The bill proceeds to enact that insane persons residing in the Province, and being subjects of Her Majesty, shall be admitted to the Institution on proof of lunacy being established before one or more of the Directors, by the certificate of at least three practising Physicians; and the cost of maintenance is to be from time to time regulated by the Board. Payment of charges is to be secured quarterly, in advance, by Bonds given to the Treasurer; and in the case of a Pauper Lunatic, the cost of his removal to and from the Institution is to be defrayed from the funds of the District in which he may have last resided; and it would appear to be the intention of the bill, that the expense of maintaining him at the Asylum is to be borne by the Province, except in the instances in which the parties may subsequently become possessed of the means of payment, when it is to be exacted.

Such is the substance of the bill—of the importance of its object your Honourable House expressed itself fully sensible in the Address presented in answer to the Speech of His Excellency the Lieutenant Governor, at the opening of the Session, in the month of November, 1836, when the House declared that, "it would have much pleasure in uniting with the other branches of the Legislature in lightening, as far as may be done by human means, the pressure of calamity so distressing as the deprivation of reason."

Your Committee finds it stated in the Returns for the year 1837, that there are one hundred and thirty-six cases of insanity in the Province, which is in the ratio of one to three thousand of our population, but it is apprehended that this statement falls considerably short of the reality, for the general average of America is believed to be nearly in the ratio of one to a thousand.

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No information can be gathered from a satisfactory source respecting the manner in which these unhappy persons are now treated, or the duration and causes of their malady; yet it is clear that they must be exposed during their present confinement to much wretchedness, and be deprived of the chances of recovery offered by the improved modes of treatment introduced into Insane Hospitals in recent years.

Of the unfitness of our Common Gaols for the reception of Lunatics, whether furious or otherwise, it is needless to offer proof; and it is now pretty generally understood and admitted, that the management of those unfortunate persons in private families is seldom attended with much success.

The results, however, of the modern system pursued in public Hospitals have been very different. We find it stated in a work before us that the average of recoveries in certain Hospitals, in various Countries, is as follows, viz.:—In Germany, 31 per cent.; in France, 43 per cent.; in Great Britain, 35 per cent.; in the Massachusetts State Lunatic Hospital, 55 per cent.—These averages of course include all cases, whether old or new. According to the Returns of the Connecticut Retreat for the Insane, in which the old cases are distinguished from the more recent, the proportion of recoveries from the foundation of the Institution up to the year 1834, was, in new cases, 90 per cent., and in old cases, about 27 per cent.

It is remarked by Dr. Woodward, who presides over the Massachusetts Lunatic Hospital, that “in recent cases of insanity, under judicious treatment, as large a portion of recoveries take place as from any other acute disease of equal severity.” He further says—“The Records of this Institution shew that the first three months of the first year of the disease afford two chances of a cure, where the last three months of a year do one; of older cases one occasionally recovers, but a very large proportion are irremediable and hopeless.”

This is striking testimony of the advantages attending an early application of approved remedies, in cases of insanity; and it shews that in proportion to the delay that may be permitted to occur in the establishment of a Lunatic Hospital in this Province, the number of incurable cases will be multiplied among us.

In the selection of the site for the proposed Hospital or Asylum, great care is requisite to ensure healthy air, abundance of pure water, and cheerful scenery. The views from the building and grounds should, as far as practicable, be enlivened by the passing of vessels, in some Lake or River; or of vehicles on some great public road or thoroughfare, which should neither be so closely in the vicinity of the building as to disturb its quiet, nor so remote as to convert an agreeable retirement into an apparently sombre and absolute seclusion.

As labour is found to have an excellent effect in promoting cures, it is desirable that sufficient ground should be purchased for gardens, and for farming purposes. In the State of Maine, we learn that about eighty acres of land are attached to the Lunatic Hospital. In Vermont, where a similar Institution has been opened about twelve months, the farm consists of fifty acres; in Ohio, of thirty acres; and in New York, three hundred. At the MacLean Asylum, near Boston, which possesses a farm of twenty-five acres, independently of the mental benefit derived from the labour applied to tillage, the patients raised, in 1836, vegetables, &c. sufficient to supply the Institution for the year, besides a net profit from the land of five hundred dollars.

It is said that a site for an Asylum, combining the local advantages above-mentioned, is to be found on the banks of the Humber, near this City, and that the title to it still rests in the Crown. Your Committee consider this a fortunate circumstance, if correct, since it is on many accounts desirable, that the Institution should be in the immediate proximity of the Provincial Capital; otherwise, your Committee consider that a most eligible site could be selected near Burlington Bay; or on the land attached to the Penitentiary, near Kingston, where, at a point equa-distant from the Lake and the Napanee Macadamized road, the building might be substantially erected by means of the convict labour.

In adverting to the probable cost of the building, and comparing the same with the funds which the bill provides, your Committee have examined the reports of many similar Institutions in the United States; from which we are enabled to draw valuable information on many points.

With respect to the Massachusetts State Hospital, situated at Worcester, and flourishing under the able direction of Doctor Woodward, we remark that it is calculated for the reception

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of two hundred and twenty-nine patients. The original plan of the building contemplated but one hundred and twenty inmates, and the estimate for its erection was thirty thousand dollars, independently of furniture, and incidental charges. The total sum expended in its completion is, we believe, nearly triple that sum.

In Maine, we find that a contribution of forty thousand dollars was made for the Lunatic Hospital; that of Kentucky appears to have cost in its construction about thirty thousand dollars; an equal amount has been expended for a similar purpose, in Ohio. By the bill, your Committee finds that the entire fund to be provided for the construction of the Upper Canada Asylum for the Insane, consists of the nett proceeds of a Provincial rate of one farthing in the pound, assessed for one year only—which levied on the total amount of ratable property in the Province, at the present time, viz. about five millions of pounds, would yield a gross sum of five thousand pounds.

Now as the centre building must be completed in its full extent, together with two wings, moderate in size, yet capable of great future extension, as circumstances may require, and suitable furniture must be provided, your Committee conceive that the sum likely to be realized under the provisions of the bill, would be insufficient to cover the cost of the edifice; and they think it important to call the attention of your Honourable House emphatically to this point—for it does not seem, according to all that your Committee can gather, that an Asylum for the Insane can be cheaply built, and at the same time properly answer its purpose.

With respect to the expenses attendant on the Institution, after its complete organization, and under due management by efficient and economical officers, we have recurred for some information to the accounts of the American Hospitals, where we find that the charges for the cure of patients vary considerably. In some places, the charge for ordinary accommodation is two dollars a week; in others two dollars and a half. At the Massachusetts Hospital, in 1836, owing to the temporary enhancement in the price of provisions, the actual cost of supporting the patients was found to amount to nearly 16s. 3d. per week. At several Hospitals the charges range from 17s. 6d. to 60s. a week, according to the degree of accommodation and attendance that may be required.

By means of similar regulations in this Province, it is probable that the public Treasury might be relieved from a large portion of the annual sums expended in the support of the Hospital.

Before concluding this report, to the subject of which they have not been enabled to bring either the research or the ability which its great importance and general interest so amply merit, your Committee cannot omit to mention that if your Honourable House should determine in applying to the bill the principle already acted on with regard to some other bills, of not increasing, by any measure of the present Session, the amount of the District assessments, the Kingston Hospital, now completed, but unoccupied, might be used provisionally as an Asylum for the Insane. We understand that, including public and private contributions, that building has cost about £4,500; and that it might be fitted up and furnished for the temporary accommodation of Lunatics, without much delay, and at moderate expense.

It may further be observed, that in the meanwhile Commissioners might be authorised to examine various sites, and report thereupon, as well as upon plans and estimates, at the next Session of the Legislature, when the whole matter might be deliberately investigated, and the funds requisite for the completion of the building, in a suitable manner, be fully provided.

Your Committee merely offer this suggestion, in consequence of their anxiety for the relief of the Insane; and of their desire that something should be immediately effected in their behalf.

At the same time, they remain of opinion themselves, that the measure which has been sent from the other branch of the Legislature should be now proceeded with, and conceive that after undergoing a few amendments, which they are prepared to point out, it merits the concurrence of your Honourable House.

All which is respectfully submitted,

JOHN MACAULAY,
CHAIRMAN.

Committee Room, Legislative Council,
Twenty-third February, 1838.

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On motion made and seconded, it was,

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

It was moved and seconded, that it be,

Resolved—That this House has seen, with much satisfaction, the alacrity with which the Militia of the Province came forward in all directions, to support the Government and the Constitution, and to oppose the machinations of those Traitors, who hoped, by rebellion, to wrest this loyal Colony from the dominion of the Mother Country.

Resolved—That when so many of the gallant Militia, of all ranks, evinced a spirit so highly becoming the character of British Subjects, it is difficult to distinguish those who are deserving of most praise, yet this House has particularly noticed the active services and zeal of Colonel MacNab, of the Gore Militia, and Captain Drew, of the Royal Navy, on the Niagara frontier; and they therefore think it due to those Officers, in particular, that the Legislative Council should express their high sense of their valuable services.

Resolved—That the Speaker do communicate a copy of these resolutions to Colonel MacNab, and Captain Drew.

Whereupon it was,

Ordered, that the House be put into a Committee of the whole presently, to take the said resolutions into consideration; and,

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

The Honourable Mr. Macaulay took the Chair.

After some time the House resumed.

The Chairman reported, that the Committee had gone through the said resolutions, and had made an amendment thereto, and recommended the resolutions, as amended, to the adoption of the House.

Ordered, that the report be received; and,

The said resolutions, as amended, were then read as follows:

Resolved—That this House has seen, with much satisfaction, the alacrity with which the Militia of the Province came forward, in all directions, to support the Government and the Constitution, and to oppose the machinations of those Traitors, who hoped, by rebellion, to wrest this loyal Colony from the dominion of the Mother Country.

Resolved—That where so many of the gallant Militia, of all ranks, evinced a spirit so highly becoming the character of British Subjects, it is difficult to distinguish those who are deserving of most praise; yet this House has particularly noticed the active services and zeal of Colonel MacNab, of the Gore Militia, and Captain Drew, of the Royal Navy, on the Niagara frontier, and they therefore think it due to those officers in particular, that the Legislative Council should express its high sense of their valuable services.

Resolved—That the Speaker do communicate a copy of these resolutions to Captain Drew—the thanks of the Legislative Council having already been conveyed to Colonel MacNab, for these valuable services.

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

Ordered accordingly.

The Honourable Mr. Crooks, from the Select Committee to whom was referred the bill entitled, "An Act to authorise the levying of a tax upon certain lands in the District of Gore, for the improvement of certain roads therein," presented their report.

Ordered that it be received; and,

The same was then read as follows:—

The Select Committee to whom was referred the bill entitled, "An Act to authorise the levying of a tax upon certain lands in the District of Gore, for the improvement of certain roads therein," beg leave to report:

That as no petition has been presented to your Honourable House, praying for the measure, and no notice given in the Upper Canada Gazette, your Committee cannot recommend the adoption of the bill under consideration, unless the established rules of your Honourable House should be dispensed with in the present instance.

All which is respectfully submitted,

W. ALLAN,
CHAIRMAN.

Resolutions moved for expressing the thanks of the Legislative Council to the Militia of this Province in general, and to Colonel MacNab and Captain Drew, in particular, for their services during the late rebellion.

The Resolutions committed.

Amendment reported.

Read first time.

The resolutions, as amended.

Read second time, and adopted.

Report of the Select Committee upon Gore District land tax bill, presented.

Read.

The Report.

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

On motion made and seconded, it was,

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

The Honourable Mr. Morris from the Select Committee to whom was referred the bill entitled, "An Act to raise a sum of money to prepare the road for Macadamizing, between Canborough and Simcoe, in the Niagara and Talbot Districts, and for other purposes therein mentioned": also the bill entitled, "An Act to raise a sum of money to Macadamize the main road leading from the Macadamized road at Hamilton, in the Gore District, to the west boundary line of the township of Grimsby, in the Niagara District, and for other purposes therein mentioned": also the bill, entitled "An Act to authorise the construction of a Turnpike Road, in the County of Kent": and also the bill entitled, "An Act to raise a sum of money to Macadamize the Swamp Road leading from the Ten Mile Creek, in the township of Grantham, to the town of Niagara, and for other purposes therein mentioned," presented their report.

Report of the Select Committee upon Canborough and Simcoe road Macadamization bill; Hamilton and Grimsby road Macadamization bill; Kent Turnpike road construction bill; and Swamp road Macadamization bill, presented.

Ordered, that it be received; and,

The same was then read, as follows:

Read.

The Select Committee to whom was referred the bill sent up from the Commons House of Assembly, entitled "An Act to raise a sum of money to Macadamize the main road leading from the Macadamized road at Hamilton, in the Gore District, to the West boundary line of the township of Grimsby, in the Niagara District, and for other purposes therein mentioned"; also the bill, entitled, "An Act to authorise the construction of a Turnpike Road, in the County of Kent": also the bill entitled, "An Act to raise a sum of money to prepare the road for Macadamizing, between Canborough and Simcoe, in the Niagara and Talbot Districts, and for other purposes therein-mentioned": and also the bill entitled, "An Act to raise a sum of money to Macadamize the Swamp road, leading from the Ten-mile Creek, in the Township of Grantham, to the Town of Niagara, and for other purposes therein-mentioned," most respectfully beg leave to inform your Honourable House:

The Report.

That the rules which require petitions, and certain notices in the Gazette, have been observed by the respective parties making application for these bills.

The sums which it is proposed to raise by these bills, amounting in all to £52,500, are made chargeable on the tolls to be collected on the several roads, and not on the general revenue of the Province: the interest is to be payable half-yearly, by the Receiver General, from funds created by the tolls; and if they are insufficient, an additional rate is to be assessed on the people of the Districts, in which the roads are situated, if the Justices are satisfied that the interest cannot be otherwise paid—in which case the Township Collectors are to pay the amount of the assessment into the hands of the Receiver General. By the twenty-first clause of the bills, it is provided, that if these sources shall fail to meet the amount of interest accruing on the several loans, the Receiver General shall pay the necessary balance from the general funds of the Province, upon a Warrant from the Lieutenant Governor, which he shall and may issue, upon application of the Trustees of the respective roads. The twenty-second clause directs the Receiver General to charge such sums against the Trustees, who are to repay the same as they do other monies borrowed for making the roads.

How far the anticipation of an adequate revenue from these undertakings may be warranted, by the experiment of the Macadamized road on Yonge Street, and the unsettled state of the Country, your Committee will not venture to pass an opinion; although it may scarcely be thought safe to reckon upon as great a thoroughfare on the proposed roads, as that which occurs in the vicinity of the Seat of Government. The ardent spirit for public improvement which is almost every where manifested, is highly creditable to the people of the Province; and it will be the subject of regret, if a prudent regard for the credit of the Government may compel the Legislature to withhold the proposed security from these and any other similar undertakings. Your Committee cannot divest their minds of the fact, that the debt of the Province already amounts to more than One Million, Currency—occasioned principally by works of public improvement, which have hitherto, as far as revenue is concerned, greatly disappointed the hopes held out by those who promoted them, thereby subjecting the Government of the Colony to very serious inconvenience and difficulty; for should the amount of Provincial revenue materially diminish, a natural consequence of the distracted state of public affairs, it is but too certain that the ability of the Government to answer its present obligations is very doubtful.

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How, then, it can be deemed just or proper to continue holding out inducements to men of capital, to loan money on the credit of our revenue, which we know is already burthened beyond what is prudent or desirable, your Committee are at a loss to understand. There is an extent beyond which it cannot be justifiable to involve the credit of the Government; and this limit your Committee humbly conceive has already been arrived at, if not passed in Upper Canada—and therefore, it becomes a plain and obvious duty to pause, ere the Province be involved in irrecoverable difficulty. The holders of Debentures, both in this Country and in England, rely on the integrity and wisdom of the Provincial Parliament, that it will not contract debts beyond the means of our ordinary resources; and your Committee will have much satisfaction to find that there is no cause to apprehend disappointment in this respect, and that the Receiver General will have the power to pay the interest on all the public loans as it falls due. But even if he should, it ought not to be forgotten, that the period cannot be remote when some of the early Debentures will be redeemable: and when the holders of them may demand payment—where, then will be the means of the Country to fulfil its undertakings?—By borrowing again, it may be answered; but this is a system not to be approved of, whether on the part of the public or an individual, even if credit can be kept up—which may reasonably enough be thought problematical. If the revenue of the Province, during the past and preceding years, was not more than sufficient to bear the demands with which it is chargeable, what must be the condition of the public creditor, if by continuing to pass bills which increase the Provincial debt, it is found that a greatly diminished revenue during the incoming season, shall put it out of the power of the Receiver General to answer the demands on the public chest?

Your Committee viewing the financial affairs of the Country in any thing but a satisfactory light, have felt it their duty to express to the House the reasons which urge them to withhold their recommendation of these, and all other bills, which have the effect of adding in any important degree to the debt of the Province, unless with a proviso that no part of the interest shall be payable by the Receiver General, under any circumstances.

All which is respectfully submitted.

W. MORRIS,

CHAIRMAN.

Committee Room, Legislative Council,

23rd February, 1838.

On motion made and seconded, it was,

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

The Honourable Mr. Burnham, from the Select Committee to whom was referred the bill entitled, "An Act to alter and amend sundry Acts regulating the appointment and duties of Township Officers," presented their further report:

Ordered that it be received; and,

The same was then read, as follows:

The Select Committee to whom was referred the bill from the Assembly, entitled, "An Act to alter and amend sundry Acts regulating the appointment and duties of Township Officers," beg leave to make this their second report:

And in doing so consider it their duty to notice the alterations proposed by the present bill, in the Laws now in force for these purposes; such additions thereto as is proposed in the present bill; and such provisions as are wholly omitted.

It appears to your Committee that the Act passed in the fourth year of the reign of His late Majesty King William the Fourth, was intended permanently to repeal all the Acts then in force, (with some few exceptions) providing for the appointment of Parish and Town Officers, and regulating their duties, and with that view a proviso was added to the first enacting clause, in these words—"Provided also that any Act or Enactment repealed by any of the Acts herein-before recited shall be and remain repealed"; which in order to prevent any doubt hereafter they recommend being added to the first enacting clause of the present bill.

In the second clause of the bill it is provided, that all "Township Meetings shall be held in the Township Hall, if there be such public building in the township," which might be found to interfere with a subsequent provision in the bill, prohibiting Township Meetings from being held in any Corporate Town, or Town having Police regulations: and your Committee beg leave also to remark, that should an Act be hereafter passed providing for the construction of

Second report of the
Select Committee upon
Township Officers law
amendment bill,
presented.

Read.

The Report.

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public buildings in any or all the townships of this Province, which they are not aware is at present the case, it would then be the proper time to insert such a provision.

In the same clause the Magistrates are required to issue their warrant or precept ten days previous to the Township Meeting, to the Township Clerk, who is the same day required to put up the necessary notices of such Meetings, which might be found impracticable, at all events inconvenient. Your Committee would therefore recommend that the form given in the bill of the notice before alluded to, be so altered as to require his doing so eight days before the Meeting instead of ten, and that the Magistrates issue their warrant at any time previous, so that the same be done ten days before the day fixed by said clause for the Township Meeting. That the hour of twelve would be more convenient than ten o'clock for the said Meeting to be held; and that the said Township Clerks should be required to give said notice by putting it up in at least three public places within the township.

The third clause of the bill provides, that in case the Township Clerk neglects giving the necessary notices, the inhabitants of any township may, nevertheless, assemble and elect the proper Officers; and further, gives forms of the Magistrate's warrant, and of the notice of the Town Clerk, which, except in regard to the number of days notice previous to the Meeting, and hour of the day at which the Meeting is to be held, as noticed above, your Committee are of opinion will be found in practise highly beneficial.

The fourth clause provides, that no person shall vote at Township Meetings unless they have attained the full age of twenty-one years, as in the former Act, and mode of levying fines in such cases.

The fifth clause provides, that Magistrates shall not be elected to any Township Office unless with their consent; but there is no provision to prevent the same Officers being re-elected the very next year, should the Meeting think proper so to do, which might prove a hardship, and which your Committee have prepared an amendment to prevent, unless with their consent. The other matters contained in the clause meet their concurrence.

The sixth and seventh clauses of the bill your Committee have nothing to remark upon; nor indeed in—

The eighth clause, except to the word "oath," to be taken by the Township Clerk, as no oath is required by the bill to be taken: but a declaration to be subscribed in a book to be kept for that purpose, in the form prescribed in—

The ninth clause—but which, your Committee are of opinion, will require to be so amended as that the officers authorised to be appointed by two Magistrates of the division, in the event of any of those elected at the Township meeting refusing or neglecting to discharge the duties of their office, or to subscribe the said declaration, shall subscribe the said declaration in the same manner as if chosen at such meeting.

The schedule or form appended to the said clause, appears to your Committee to be wholly unnecessary.

Your Committee would also call the attention of your Honourable House to the provision contained in the tenth clause of the bill, in regard to paying over to the Town Clerk all fines, which they are of opinion is too indefinite, notwithstanding the words "except specially provided for by law," with which the clause ends.

Your Committee approve of the provision contained in the eleventh clause of the bill, in regard to the Clerk making out and putting up, at the place where the next Township meeting is appointed to be held, a copy of his account; and also that the Town Wardens shall examine the same, before any other business is proceeded with, and which makes it the more necessary that the alteration recommended in this, their report, from ten to twelve o'clock, as the hour of meeting should be made in order to give time for such investigation. The word "amounts" seems, however, to have been inserted in the bill, instead of "accounts," and is, no doubt, a clerical error; and it might be proper to insert "two Magistrates of the division," instead of "any Magistrate."

In the twelfth clause, the words "not expressly provided for by law," are inserted in a parenthesis, although no provision is made in the bill restraining, as in the former act, any particular description of cattle—and as it appears to be intended to leave this matter altogether to

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the Town meeting; these words should be struck out of the bill; and at the end of the clause an *et cetera* is used, instead of the words "and such other matters connected with the Township as may tend to promote the peace and welfare of the Township."

The thirteenth clause provides, that the three Town Wardens shall have power to bind out orphan children. How far this would be proper, without the sanction of a Magistrate, as has heretofore been the case, your Committee submit for the consideration of your Honourable House; but believing it would be a salutary check upon the Town Wardens, were the clause so amended, they submit an alteration, giving the power to any two Town Wardens, together with the assent and signature of a Magistrate.

The fourteenth clause refers to the duty of Assessors, who, as the bill is now worded, are limited to returning "lots" only, which is inapplicable to the present state of the country—inasmuch as very many lots have been subdivided. It seems therefore necessary, that the clause should be so amended, as to include after the word "lots," the words "or parts thereof," and before the words "Court of General Quarter Sessions," the words "sitting of" should be prefixed, in order to make out the sense; and for the same purpose, the words "Court of" should be prefixed before the words "Quarter Sessions," in a subsequent part of the clause.

Although provision is made in the same clause that the Assessor shall return one copy of the assessment roll to the Clerk of the Peace, yet that officer is not directed by any thing in the bill to lay the same before the Court, nor to make it necessary for the Assessor to put up, in some public place within the Township, another copy for the information of the inhabitants; which omission your Committee have endeavoured to supply, as also the words "to the Clerk of the Peace," to whom the lists are no doubt intended to be sent.

In the fifteenth clause, your Committee find provision for additional columns to be made to the Assessors' rolls, in which is to be inserted "the denomination of Christians" to which each head of a family may belong, which, as it has no reference to any thing contained in the bill, your Committee cannot recommend it to be continued in it; however desirable such return might be, yet it is evident that no correct information would thereby be obtained, unless all the members of his family were of the same denomination with himself—and although the Clerk of the Peace is directed to furnish the Assessors with blank books or forms, yet no provision is made for his being repaid the expense from the District funds, or in any other manner.

The same clause contains no provision in the event of an Assessor neglecting or refusing to do his duty, and another appointed in his stead, for the one subsequently appointed to give in his returns—unless the words "and be liable to the same responsibilities as they would have been, had they been appointed at the Township meeting," are sufficient for that purpose.

The provision made in the sixteenth clause for remuneration to the Assessor, is on the same graduated scale as in the former Act, to which your Committee are not aware of any objection: nor to that in—

The seventeenth clause, regarding the Collectors' bond, which appears satisfactory, except that the securities are not required to be freeholders; and your Committee are of opinion, that it would be proper for the Township Clerk to certify that the securities, besides being freeholders, are of such standing in regard to property, as to insure the payment of the rates into the District Treasury.

The provisions contained in the eighteenth and nineteenth clauses of the bill, in regard to Collectors paying over all monies, and settling their accounts, and in cases when persons leave the Township before the rates are collected, your Committee are of opinion, will be found highly beneficial: as also the provisions contained in—

The twentieth and twenty-first clauses, regarding Path-masters; it seems, however, necessary to provide for cases where authority has been given in the several Acts passed for Macadamizing several roads in this Province, that the power should be continued to the Commissioners named in the said Acts to collect the composition for Statute Labour, which they are now authorised to collect to certain distances along the several roads, otherwise the general powers given in the twenty-third clause of the bill might materially interfere with their powers.

The twenty-fourth clause of the bill provides that Overseers of Highways and Contractors may take materials for constructing the roads and bridges of the Province, without making

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satisfaction therefor, which is a departure from the laws heretofore enacted in that respect, which confine this privilege to the former only—the justice of which is at least doubtful. But the case of Contractors, your Committee are of opinion, is much more objectionable, and might be found, did this provision of the bill become a law, exceedingly oppressive to individuals.

In the twenty-fifth clause of the bill, no provision is made for females contributing towards the repairs of the highways, although many possess considerable estates; and as property in all Countries is the basis of taxation, your Committee see no good reason that when possessed by females, it should not be put upon the same footing as that of other inhabitants.

The twenty-sixth clause makes a trifling alteration in the season of the year when Statute Labour is to be performed, to which your Committee see no objection.

In the twenty-seventh clause it is provided, that notwithstanding persons who may have made default in the performance of their Statute Labour, are charged double the sum for which they might have compounded for the same and are liable to the payment of cost; yet they are compelled to perform the said labour afterwards—a provision certainly contained in the Act proposed to be repealed, but which your Committee are of opinion, is contrary to every principle of justice. How far it would be proper, when persons liable to perform Statute Labour on the highways, refuse or neglect to do so, and have no property whereupon to levy, ought to be imprisoned, they submit for the consideration of your Honourable House. This is likely to happen with tradesmen, and other transient persons, who, although receiving high wages, are unwilling to contribute towards the improvement of the roads, and having no personal property, escape with impunity. Formerly they were obliged to work three days in each year, but by an amendment made to the Act passed 4th King William IV. it was reduced to two days.

Heretofore provision was made in cases where trees fell out of *enclosed* lands, but none where they fell out of lands not enclosed—an omission which, your Committee are of opinion, ought to be supplied in the twenty-eighth clause of the bill, when any part of a lot is occupied by an actual settler.

The twenty-eighth clause contains the usual provisions to prevent the roads being stopped up, or destroying any guards that may be erected in dangerous places.

The twenty-ninth clause gives the same relief to indigent persons as the former laws.

The thirtieth clause provides as formerly, for cases where the name of any person has been omitted in the assessment rolls, and for emigrants.

The thirty-first clause provides that the Overseers of Highways shall make out lists of all persons in their respective divisions, liable to perform Statute Labour, but makes no provision by whom the said divisions are to be made. This seems intended by the twentieth clause: but your Committee are of opinion, that the provision therein made is insufficient for that purpose; and further suggest that a fixed day for all the Overseers of Highways to meet at a Special Session of the Magistrates of the division, to be held for that purpose, would be preferable to the mode proposed by said clause—“on or before the third Saturday in April in each year”—nor does it make it the duty of either the Town Clerk or Overseer to return a list of defaulters.

The thirty-second, thirty-third and thirty-fourth clauses, contain provisions regarding the duties of Pound-keepers, upon which your Committee have nothing to remark.

In the thirty-fifth clause, there is no protection, as in the Act proposed to be repealed, against persons impounding cattle without any cause, and which, your Committee are of opinion, would be a salutary guard against annoyance.

The thirty-sixth clause enacts penalties upon those who, after subscribing the declaration in the Town Clerk's book, shall neglect their duty.

The thirty-seventh clause provides for the inspection of any document or record in possession of the Town Clerk, upon payment of a small fee, by any person.

The thirty-eighth clause provides, that in cases where Collectors neglect their duty, their own goods and chattels shall be liable to make good any monies in arrear.

The thirty-ninth clause makes it the duty of the Township Commissioners, elected on the 1st day of January, 1838, to perform all matters and duties appertaining to the Township Wardens, who, after the present year, are substituted in their stead.

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The last clause of the bill makes provision for the collection of Township assessments, which from any cause have not been collected, and gives power to the Magistrates in Quarter Sessions, to appoint another Assessor and Collector for that purpose—the necessity for which your Committee do not see, as the assessment so recently taken will answer the purpose intended, and the Collector for the present year can, at one and the same time, collect what may be in arrear, along with the present year's rates. The necessity for this provision in the bill appears obvious, as it has come to the knowledge of your Committee, that in several Townships no assessments have been levied in one or more years.

Your Committee beg leave further to observe, that the law now in force apportioning the labour on the highways, is contained in the second clause of an Act passed in the 59th year of the reign of His Majesty King George the Third; and as the present bill proposes to embody all the laws relative to the appointment and duties of Township Officers, they submit for the consideration of your Honourable House, whether it would not be proper to repeal the said clause, and re-enact it in the present bill.

Your Committee also submit, that no provision is made in the bill for the Clerk of the Peace making out a general return of the population of the District for which he is appointed. This is contained in the twenty-first clause of the bill proposed to be repealed. Nor does it appear that any provision is made in the bill to authorise the Collector to levy by distress and sale of the goods and chattels of persons who do not pay their assessment rates, first having obtained a warrant from a Magistrate for that purpose, till the end of the year, and after he has himself made up their deficiencies. This is contained in the twenty-fourth clause of the Act before alluded to.

There are also several provisions in the bill proposed to be repealed, in regard to contracts for work on the highways, which, your Committee are of opinion, might be usefully continued; also the clause making it perjury in any matter where an oath is required to be taken by the bill, if the party shall wilfully swear falsely.

Your Committee beg leave to append such amendments to the bill submitted to them, as appears to them to be necessary, for the consideration of your Honourable House.

All which is respectfully submitted,

Z. BURNHAM,
CHAIRMAN.

Committee Room, Legislative Council,

22nd February, 1838.

On motion made and seconded, it was,

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

On motion made and seconded, it was,

Ordered, that the Honourable Mr. Crooks be added to the Select Committee upon the bill entitled, "An Act to repeal, alter and amend, the Militia Laws of this Province."

On motion made and seconded, the House adjourned.

SATURDAY, 24th FEBRUARY, 1838.

The House met pursuant to adjournment.

PRESENT:

The Honourable JOHN B. ROBINSON, SPEAKER.

The Honourable Messrs. DICKSON,

" " WELLS,

" " ALLAN,

" " JONES,

" " McDONELL,

The Honourable Messrs. BALDWIN,

" " HAMILTON,

" " ADAMSON,

" " CROOKS,

" " MORRIS.

Prayers were read.

The Minutes of yesterday were read.

To the resolutions adopted yesterday, for conveying the thanks of this House to the Honourable Colonel MacNab, and Captain Drew, for services lately rendered by them in defence of this Province—

The Hon. Mr. Crooks added to the Select Committee upon Militia Law repeal bill.

House adjourns.

House meets.

Members present.

Saturday, 24th February, 1838.

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

DISSENTIENT,

Because, those resolutions are intended to be substituted for a measure of a different kind, proposed by the House of Assembly, in a bill sent to this House for concurrence, namely, the presentation of a sword to each of the Officers whose services are thus approved of; and I should prefer uniting with the House of Assembly in the specific measure, by which they have chosen to manifest their approbation, rather than obstruct their wish, when they desire to pay a compliment to two of the Queen's Officers for services rendered to the Province.

Protest of the Honourable Speaker, against the adoption of certain resolutions for conveying the thanks of the Legislative Council to Colonel MacNab and Captain Drew, for services rendered by them in defence of the Province.

JOHN B. ROBINSON.

To the resolutions adopted by this Honourable House, as a substitution for the bill sent up for concurrence by the Commons House of Assembly, granting to Her Majesty a sum of money, to provide for the presentation of swords to Colonel MacNab, and Captain Drew:

Protest of the Hon. and Ven. The Archdeacon of York, against the adoption of the last-mentioned Resolutions.

First—Because, in my opinion, such a course is altogether without example in Parliamentary proceedings, and tends to interrupt the harmony so happily subsisting between the two Houses.

Second—Because, it seems to imply doubt as to the propriety of attacking the Steam-boat *Caroline*, a measure fully justified by the natural feeling of self-preservation, as well as by the law of nations, and publicly approved of by the other branches of the Legislature.

Third—Because, it appears most ungracious in the Legislative Council, to place itself in cold opposition to the warm and grateful expression of feeling on the part of the Representatives of the people, in favour of two gentlemen, whose gallant actions are deemed by the whole Province deserving of public acknowledgment.

Fourth—Because, such a proceeding leads to discourage the Militia volunteering special and dangerous services, when it is found that those who are the least exposed to such perils, nevertheless prevent the expression of Legislative approbation, even at the hazard, as on the present occasion, of hurting the feelings of meritorious individuals.

Fifth—Because, the resolutions place the Legislative Council in the most ludicrous point of view, inasmuch as the prevailing objection to granting the two swords, seems to have been the expense of the same, so that the solemn thanks of this branch of the Legislature, is virtually declared, by their adoption, to be of less value than the sum provided for in the rejected bill.

JOHN STRACHAN.

Pursuant to the order of the day, the bill entitled, "An Act to provide a pension to the Widows of the late Captains James MacNab, and William Church," was read a third time and passed:

MacNab and Church's Widows Pension bill, read third time, and passed.

Whereupon the Speaker signed the same; and it was,

Same signed;

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

And the Assembly acquainted thereof.

Pursuant to the order of the day, the House was again put into a Committee of the whole, upon the bill entitled, "An Act to establish a Life Assurance and Loan Company at Brockville, in the District of Johnstown."

Brockville Loan Company's establishment bill, re-committed.

The Honourable Mr. Hamilton took the Chair.

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

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

Message from the Assembly:

MR. SPEAKER,

The Commons House of Assembly acquaints the Honourable the Legislative Council, that the reasons reported by the Committee of Conference with your Honourable House, in relation to the bill sent up from this House, entitled, "An Act to provide pensions for the Widows and Children of Militia-men killed in the late Rebellion, and for other purposes therein-mentioned," are satisfactory to this House.

On the subject of the reasons reported by the Committee of Conference in relation to Militia-men's Widows pension bill.

ALLAN N. MACNAB,

SPEAKER.

Commons House of Assembly,

23rd day of February, 1838.

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Address to His Excellency, praying him to transmit the Joint Address to Her Majesty in behalf of Colonel Fitz-Gibbon, needed to by the Assembly.

The same Deputation returned the Address to His Excellency the Lieutenant Governor, praying him to be pleased to transmit the joint Address to Her Majesty, in behalf of Colonel FitzGibbon, in order that it may be laid at the foot of the Throne, and acquainted this House that they had concurred in the same, and then withdrew.

Brockville Loan Company's establishment bill, re-committed.

The House was then again put into a Committee of the whole, upon the bill entitled, "An Act to establish a Life Assurance and Loan Company at Brockville, in the District of Johnstown."

The Honourable Mr. Hamilton took the Chair.

House resumes.

After some time the House resumed.

McCormick's Pension bill, re-committed.

Pursuant to the order of the day, the House was again put into a Committee of the whole, upon the bill entitled, "An Act granting a pension to Sheppard McCormick, Esquire."

The Honourable Mr. Baldwin, took the Chair.

After some time the House resumed.

Amendment reported.

The Chairman reported, that the Committee had gone through the said bill, and had made an amendment thereto, which they recommended to the adoption of the House.

Ordered, that the report be received; and,

Read first time.

The said amendment was then read as follows:

The amendment.

Press 1, Line 18.—After "Majesty," expunge to "the same" in line nineteen, and insert, "so long as the disability of the said Sheppard McCormick, from the said wounds, shall continue equal to the loss of a limb."

Read second time, and adopted.

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

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

Lunatic Asylum erection bill, re-committed.

Pursuant to the order of the day, the House was again put into a Committee of the whole, upon the bill entitled, "An Act to authorise the erection of a Lunatic Asylum in this Province, and for other purposes therein-mentioned," together with the report of the Select Committee thereon.

The Honourable Mr. Adamson took the Chair.

After some time the House resumed.

Reported, and leave asked to sit again.

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

Leave granted.

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

Members enter.

The Honourable Messieurs Burnham and Macaulay enter.

Gore District Land tax bill, re-committed.

Pursuant to the order of the day, the House was again put into a Committee of the whole, upon the bill entitled, "An Act to authorise the levying of a tax upon certain lands in the District of Gore, for the improvement of certain roads therein," together with the report of the Select Committee thereon.

The Honourable Mr. Crooks took the Chair.

After some time the House resumed.

Reported.

The Chairman reported that the Committee had gone through the said bill, and the report of the Select Committee thereon, which said report they recommended to the adoption of the House.

Ordered, that the report be received; and,

Ordered, that the last-mentioned report of the Select Committee be adopted.

And the report of the Select Committee adopted.

Hamilton and Grimsby road Macadamization bill; Kent Turnpike road construction bill; Canborough and Simcoe road Macadamization bill; and, Swamp road Macadamization bill, committed.

Pursuant to the order of the day, the House was put into a Committee of the whole, upon the bill entitled, "An Act to raise a sum of money to Macadamize the main road leading from the Macadamized road at Hamilton, in the Gore District, to the west boundary line of the township of Grimsby, in the Niagara District, and for other purposes therein mentioned": also the bill entitled "An Act to authorise the construction of a Turnpike Road, in the County of Kent": also the bill entitled, "An Act to raise a sum of money to prepare the road for Macadamizing, between Canborough and Simcoe, in the Niagara and Talbot Districts, and for other purposes therein-mentioned": and also the bill entitled, "An Act to raise a sum of money to Macadamize the Swamp Road leading from the Ten Mile Creek, in the township of Grantham, to the town of Niagara, and for other purposes therein mentioned," together with the report of the Select Committee thereon.

The Honourable Mr. Hamilton took the Chair.

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

After some time the House resumed.

The Chairman reported, that the Committee had taken the said bills, and the report of the Select Committee thereon, into consideration, had made some progress therein, and recommended that a conference be desired with the Commons House of Assembly, on the subject matter of the several bills last mentioned. Reported;

Ordered, that the report be received; and,

Ordered, that a Conference be desired with the Commons House of Assembly, on the subject matter of the said bills; and, And a Conference ordered.

Ordered, that the Honourable Messieurs Hamilton and Crooks, be appointed the Conferrees on the part of this House, for that purpose; and, Conferrees appointed.

Ordered, that the Master in Chancery do go down to the Assembly, and acquaint that House, that the Legislative Council request a Conference with the Commons House of Assembly, on the subject matter of the said several bills, and have appointed the Honourable Messieurs Hamilton and Crooks to be the Conferrees on the part of this House, who will be ready to meet a Committee on the part of the Commons House of Assembly, on Monday next, at the hour of three of the clock, P.M. in the Committee Room of the Legislative Council, for that purpose. And the Assembly acquainted thereof.

On motion made and seconded, it was,

Ordered, that the substance of the report of the Select Committee upon the bills last-mentioned, be communicated to the Committee of Conference on the part of the Commons House of Assembly, as the instructions of the Conferrees of this House. Instructions to the last-mentioned Committee of Conference.

Pursuant to the order of the day, the House was again put into a Committee of the whole, upon the bill entitled, "An Act to alter and amend sundry Acts regulating the appointment and duties of Township Officers," together with the second report of the Select Committee thereon. Township Officers law amendment bill, re-committed.

The Honourable Mr. Morris took the Chair.

After some time the House resumed.

The Chairman reported, that the Committee had taken the said bill, and the second report of the Select Committee thereon, into consideration, had made some progress therein, and asked leave to sit again on Monday next. Reported, and leave asked to sit again.

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

The Honourable Mr. Wells, from the Select Committee to whom was referred the bill entitled, "An Act authorising the payment of pensions to certain Militia-men, disabled during the late war with the United States of America, under certain restrictions," presented their report. Report of the Select Committee upon Militia Pension bill, presented.

Ordered, that it be received; and,

The same was then read as follows:— Read.

Your Committee, to whom was referred the consideration of the bill entitled, "An Act authorising the payment of pensions to certain Militia-men, disabled during the late war with the United States of America, under certain restrictions," respectfully report: The Report.

That they have duly examined the several petitions and certificates produced in support of the respective claims of the three petitioners named in the said bill, and have further received the verbal testimony of three highly respectable individuals as to the facts of the wounds having been actually received during the late war, and of the present disabled state of the petitioners.

Your Committee, therefore, do not hesitate to recommend to your Honourable House the adoption of the said bill, inasmuch as it provides for an examination, by a Medical Board, by requiring a certificate of the Board (authorised to be established by an Act therein referred to) of the actual disability of the respective claimants.

All which is respectfully submitted,

JOSEPH WELLS,
CHAIRMAN.

On motion made and seconded, it was,

Ordered, that the last-mentioned bill, and the report of the Select Committee thereon, be referred to a Committee of the whole House on Monday next.

On motion made and seconded, it was,

Monday, 26th February, 1838.

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A Committee appointed by this House to meet a Committee of the Assembly, to wait on the Lieut. Governor, to know when His Excellency would receive the joint address to Her Majesty, in behalf of Colonel FitzGibbon, and to present the same.

Ordered, that a Committee be appointed to meet a Committee on the part of the Commons House of Assembly, on Tuesday next, at the hour of two of the clock, P.M. for the purpose of waiting on His Excellency the Lieutenant Governor, to know when His Excellency would be pleased to receive the joint Address to Her Majesty, in behalf of Colonel FitzGibbon, and to present the same; and,

Members composing the Committee on the part of the Council.

Ordered, that the Honourable Messieurs Baldwin and Hamilton, do compose the Committee on the part of this House for that purpose; and,

And the Assembly acquainted thereof.

Ordered, that the Master in Chancery do go down to the Assembly, and acquaint that House, that the Legislative Council have appointed the Honourable Messieurs Baldwin and Hamilton, to be a Committee on their part, who will be ready to meet a Committee on the part of the Commons House of Assembly, on Tuesday next, at the hour of two of the clock, P.M. for the purpose of waiting on His Excellency the Lieutenant Governor, to know when His Excellency would be pleased to receive the joint Address to Her Majesty, in behalf of Colonel FitzGibbon, and to present the same.

Petition of the Ancaster Literary Institution, read.

Pursuant to the order of the day, the petition of the Ancaster Literary Institution, praying for a grant of money in aid of the same, was read.

Petition of M. Burwell, presented.

The Honourable Mr. Macaulay brought up the petition of M. Burwell, Chairman of the Quarter Sessions for the District of London; which was laid on the table.

House Adjourns.

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

MONDAY, 26th FEBRUARY, 1838.

House meets.

The House met, pursuant to adjournment.

PRESENT:

Members present.

The Honourable JOHN B. ROBINSON, SPEAKER.
The Honourable Messrs. DICKSON,
" " ALLAN,
" " JONES,
" " BURNHAM,
" " BALDWIN,

The Honourable Messrs. HAMILTON,
" " ADAMSON,
" " CROOKS,
" " MORRIS,
" " MACAULAY.

Prayers were read.

The Minutes of Saturday last were read.

McCormick's pension bill, as amended, read third time, and passed.

Pursuant to the order of the day, the bill entitled, "An Act granting a pension to Sheppard McCormick, Esquire," was, as amended, read a third time; and,

The question being put whether this bill, as amended, should pass, it was carried in the affirmative:

Amendments signed;

Whereupon the Speaker signed the amendment; and it was,

And sent to the Assembly for concurrence.

Ordered, that the Master in Chancery do go down to the Assembly, and acquaint that House, that the Legislative Council has passed this bill, with an amendment, to which they desire the concurrence of the Commons House of Assembly.

A conference upon Common School Law repeal bill, moved.

It was moved and seconded, that a Conference be requested with the Commons House of Assembly, on the subject matter of the bill, entitled, "An Act to repeal the several Laws heretofore existing relative to Common Schools, and to provide for the establishment, maintenance and support, of Common Schools throughout this Province."

Motion in amendment thereto.

In amendment thereto, it was moved and seconded, that the said bill be restored to the order of the day.

Same negatived.

The question of concurrence being put on the amendment, it was carried in the negative:

The main question put and carried.

Whereupon the main question was put, and the same was carried in the affirmative; and it was then,

A Conference ordered.

Ordered, that a Conference be requested with the Commons House of Assembly, on the subject matter of the said bill; and,

Conferrees appointed;

Ordered, that the Honourable Messieurs Allan and Hamilton, be appointed the Conferrees on the part of this House for that purpose; and,

And the Assembly acquainted thereof.

Ordered, that the Master in Chancery do go down to the Assembly, and acquaint that House, that the Legislative Council request a Conference with the Commons House of Assembly, on the subject matter of the last-mentioned bill; and have appointed the Honourable Messieurs Allan and Hamilton, to be the Conferrees on their part, who will be ready to meet a

Monday, 26th February, 1838.

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

Committee on the part of the Commons House of Assembly, this day at four of the clock, P. M. in the Committee Room of the Legislative Council, for that purpose.

The Honourable Mr. McDonell enters.

A Member enters.

On motion made and seconded, it was,

Ordered, that the Committee of Conference last-named be instructed to represent that—

The Legislative Council desire this Conference, for the purpose of explaining to the House of Assembly, that they agree with them that the people of every Country should be made to contribute, in proportion to their means, for the support of general education, and thus enable the poorer classes of society to receive instruction, which, without some well-established system endowed by law, they can never obtain.

Instructions to the Committee of Conference last named.

With this declaration of its opinion, the Legislative Council have to acquaint the House of Assembly, that they cannot pass the bill entitled, "An Act to repeal the several laws heretofore existing relative to Common Schools, and to provide for the establishment, maintenance and support, of Common Schools throughout this Province," because it proposes to levy an assessment, at the discretion of the Justices of the Peace, to the extent of a penny half-penny in the pound, to support the Common Schools; and as Acts have lately passed, imposing additional rates on the inhabitants of several of the Districts, for the purpose of defraying the expense of building Gaols and Court Houses, and for the construction of Macadamized roads, the Legislative Council fear, that the proposed assessment for Common School education might be found burthensome, in the present disturbed state of our public affairs; and therefore it may be thought inexpedient to add immediately to the District assessments for this purpose, important as the object may be.

The Honourable Mr. Wells enters.

A Member enters.

Pursuant to the order of the day, the House was again put into a Committee of the whole, upon the bill entitled, "An Act to alter and amend sundry Acts regulating the appointment and duties of Township Officers," together with the second report of the Select Committee thereon.

Township Officers law amendment bill, re-committed.

The Honourable Mr. Hamilton took the Chair.

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

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

Message from the Assembly.

MR. SPEAKER,

The Commons House of Assembly accedes to the request of the Honourable the Legislative Council, for a Conference on the subject matter of the bill sent up from this House, entitled, "An Act to raise a sum of money to Macadamize the main road leading from the Macadamized road at Hamilton, in the Gore District, to the west boundary line of the Township of Grimsby, in the Niagara District, and for other purposes therein-mentioned"; the bill entitled, "An Act to authorise the construction of a Turnpike Road, in the County of Kent"; the bill entitled, "An Act to raise a sum of money to prepare the road for Macadamizing, between Canborough and Simcoe, in the Niagara and Talbot Districts, and for other purposes therein-mentioned"; and the bill entitled, "An Act to raise a sum of money to Macadamize the Swamp Road leading from the Ten Mile Creek, in the township of Grantham, to the town of Niagara, and for other purposes therein-mentioned," and has appointed a Committee of four of its Members, who will be ready to meet the Conferrees on the part of the Honourable the Legislative Council, at the time and place appointed.

Acceding to a Conference upon Hamilton and Grimsby road Macadamization bill; Kent Turnpike road construction bill; Canborough and Simcoe road Macadamization bill; and Swamp road Macadamization bill.

ALLAN N. MACNAB,

SPEAKER.

Commons House of Assembly,

Twenty-fourth day of February, 1838.

The House was then again put into a Committee of the whole, upon the bill entitled, "An Act to alter and amend sundry Acts, regulating the appointment and duties of Township Officers," together with the second report of the Select Committee thereon.

Township Officers law amendment bill, re-committed.

The Honourable Mr. Hamilton took the Chair.

After some time the House resumed.

Monday, 26th February, 1838.

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Reported, and leave asked to sit again.

The Chairman reported, that the Committee had taken the said bill, and the report of the Select Committee thereon, into consideration, had made some progress therein, and asked leave to sit again this day.

Leave granted.

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

On motion made and seconded, it was,

Instructions to the Committee of Conference upon the four bills for Macadamizing various roads in this Province.

Ordered, that the Committee of Conference on the part of this House, on the subject matter of four bills for Macadamizing various roads in this Province, be instructed to represent, that the Legislative Council have requested this Conference with the Commons House of Assembly, on the subject matter of the bill entitled, "An Act to raise a sum of money to Macadamize the main road leading from the Macadamized road at Hamilton, in the Gore District, to the west boundary line of the Township of Grimsby, in the Niagara District, and for other purposes therein-mentioned"; also the bill entitled, "An Act to authorise the construction of a Turnpike road, in the County of Kent"; also the bill entitled, "An Act to raise a sum of money, to prepare the road for Macadamizing, between Canborough and Simcoe, in the Niagara and Talbot Districts, and for other purposes therein-mentioned"; and also the bill entitled, "An Act to raise a sum of money to Macadamize the Swamp road, leading from the Ten-mile Creek, in the Township of Grantham, to the Town of Niagara, and for other purposes therein-mentioned," for the purpose of representing, that the Legislative Council feel desirous of meeting the wishes of the Assembly, in giving their concurrence to these bills; but how far the anticipation of an adequate revenue from these undertakings may be warranted by the experiment of the Macadamized road on Yonge Street, and the unsettled state of the Country, the Legislative Council will not venture to pass an opinion, although it may scarcely be thought safe to reckon upon as great a thoroughfare on the proposed roads, as that which occurs in the vicinity of the Seat of Government. The ardent spirit for public improvement, which is almost every where manifested, is highly creditable to the people of the Province; and it will be the subject of regret, if a prudent regard for the credit of the Government may compel the Legislature to withhold the proposed security from these and any other similar undertakings.

The Legislative Council cannot divest their minds of the fact, that the debt of the Province already amounts to more than One Million, Currency, occasioned principally by works of public improvement, which have hitherto, as far as revenue is concerned, greatly disappointed the hopes held out by those who promoted them, thereby subjecting the Government of the Colony to very serious inconvenience and difficulty: for should the amount of Provincial revenue materially diminish, a natural consequence of the distracted state of public affairs, it is but too certain that the ability of the Government to answer its present obligations is very doubtful. How, then, it can be deemed just or proper, to continue holding out inducements to men of capital to loan money on the credit of our revenue, which we know is already burthened beyond what is prudent or desirable, the Legislative Council are at a loss to understand. There is an extent beyond which it cannot be justifiable to involve the credit of the Government, and this limit, the Legislative Council humbly conceive, has already been arrived at, if not passed in Upper Canada; and therefore, it becomes a plain and obvious duty to pause, ere the Province be involved in irrecoverable difficulty. The holders of Debentures, both in this Country and in England, rely on the integrity and wisdom of the Provincial Parliament, that it will not contract debts beyond the means of our ordinary resources; and the Legislative Council will have much satisfaction to find that there is no cause to apprehend disappointment in this respect, and that the Receiver General will have the power to pay the interest on all the public loans as it falls due. But even if he should, it ought not to be forgotten that the period cannot be remote, when some of the early Debentures will be redeemable, and when the holders of them may demand payment—where, then, will be the means of the Country to fulfil its undertakings?—By borrowing again, it may be answered; but this is a system not to be approved of, whether on the part of the public or an individual, even if credit can be kept up, which may reasonably enough be thought problematical. If the revenue of the Province, during the past and preceding years, was not more than sufficient to bear the demands with which it is chargeable, what must be the condition of the public creditor, if by continuing to pass bills which increase the Provincial debt, it is found that a greatly diminished revenue during the incoming season, shall put it out of the power of the Receiver General to answer the demands on the public chest?

The Legislative Council viewing the financial affairs of the Country, in any thing but a satisfactory light, have felt it their duty to express to the House of Assembly, the reasons which

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urge them to withhold their concurrence from these and all other bills, which have the effect of adding in any important degree to the debt of the Province, unless specific means were provided for meeting the charge.

The Honourable Mr. Hamilton from the Committee of Conference last named, reported that the Honourable Mr. Crooks and he had met the Conferrees on the part of the Assembly, and delivered to them the Instructions of this House.

Report of the last-mentioned Committee of Conference.

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

Message from the Assembly:

MR. SPEAKER;

The House of Assembly has appointed a Committee of four of its Members, who will be ready to meet a Committee of the Honourable the Legislative Council to-morrow, at two of the clock P. M. to wait upon His Excellency the Lieutenant Governor, to know when His Excellency will be pleased to receive the joint Address to Her Majesty in behalf of Colonel FitzGibbon, and to present the same.

Announcing the appointment of a Committee to meet a Committee of the Council to know when His Excellency would receive the joint address to Her Majesty, in behalf of Colonel Fitz-Gibbon, and to present the same.

ALLAN N. MACNAB,

SPEAKER.

Commons House of Assembly,

26th day of February, 1838.

MR. SPEAKER,

The Commons House of Assembly accedes to the request of the Honourable the Legislative Council, for a Conference on the bill sent up from this House, entitled, "An Act to repeal the several Laws heretofore existing relative to Common Schools, and to provide for the establishment, maintenance and support, of Common Schools throughout this Province," and have appointed a Committee of four of its Members, who will be ready to meet the Conferrees of your Honourable House, at the time and place appointed.

Message from the Assembly:

According to a conference on the Common School law repeal bill.

ALLAN N. MACNAB,

SPEAKER.

Commons House of Assembly,

26th day of February, 1838.

Deputations from the Commons House of Assembly brought up a bill, entitled, "An Act to authorise the admission of John Prince, Esquire, to practise as a Barrister and Attorney, within this Province"; also a bill entitled, "An Act to alter the mode of payment of wages to Members of the House of Assembly"; also a bill entitled, "An Act to authorise a loan of money in London, and for other purposes therein mentioned"; also a bill entitled, "An Act to provide Pensions for the Widows and Children of Militia-men, killed during the late Rebellion, and for other purposes therein-mentioned"; also a bill entitled, "An Act granting a retired allowance to Colonel Coffin, Adjutant General of Militia"; also a bill entitled, "An Act to prevent the Receiver General from advancing any further sum on loans for certain public works, until the interest is paid thereon"; and also a bill entitled, "An Act to extend the period for commencing or completing public works, for which charters have been granted"; to which they requested the concurrence of this House, and then withdrew.

Prince's admission bill;

Second Members wages payment bill;

London Loan bill;

Second Militia-men's Widows' pension bill;

Colonel Coffin's retired allowance bill;

Receiver General's advances prevention bill;

And public works period extension bill, brought up from the Assembly.

Read first time.

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

Ordered, that the forty-fourth rule of this House be dispensed with, so far as regards the same, and that they be read a second time this day.

Forty-fourth rule dispensed with.

A Deputation from the Commons House of Assembly returned the bill sent down from this House, entitled, "An Act to enable the Government of this Province to extend a conditional pardon, in certain cases, to persons who have been concerned in the late Insurrection;" and they acquainted the Legislative Council, that the Commons House of Assembly had made an amendment in and to the same, to which they requested the concurrence of this House, and then withdrew.

High Treason conditional pardon bill, amended by the Assembly.

The said amendment was then read as follows:—

Amendment read first time.

Amendment made by the Commons House of Assembly in and to the bill sent down from the Honourable the Legislative Council, entitled, "An Act to enable the Government of this Province to extend a conditional pardon, in certain cases, to persons who have been concerned in the late Insurrection."

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The Amendments.	<p>Add to the Bill. "3.—And be it further enacted by the authority aforesaid, that the provision of this Act shall not extend, or be construed to extend, to such persons as have fled, and are still absent from this Province, under a charge of High Treason, and for whose apprehension a reward has been offered."</p> <p>On motion made and seconded, it was,</p>
Forty-fourth rule dispensed with.	<p>Ordered, that the forty-fourth rule of this House be dispensed with, as far as it relates to the amendment last above mentioned, and that it be read a second time this day.</p>
Township Officers law amendment bill, re-committed.	<p>Pursuant to order, the House was again put into a Committee of the whole, upon the bill entitled, "An Act to alter and amend sundry Acts regulating the appointment and duties of Township Officers," together with the second report of the Select Committee thereon.</p> <p>The Honourable Mr. Hamilton, took the Chair.</p> <p>A Message being announced, the Chairman left the Chair, and the House formed.</p>
A bill brought up from the Assembly.	<p>A Deputation from the Commons House of Assembly, brought up a bill, to which they requested the concurrence of this House, and then withdrew.</p>
Township Officers' law amendment bill, re-committed.	<p>The House was then again put into a Committee of the whole, upon the bill entitled, "An Act to alter and amend sundry Acts regulating the appointment and duties of Township Officers," together with the second report of the Select Committee thereon.</p> <p>The Honourable Mr. Hamilton took the Chair.</p> <p>After some time the House resumed.</p>
Reported, and leave asked to sit again.	<p>The Chairman reported, that the Committee had taken the said bill and the second report thereon again into consideration, had made some further progress therein, and asked leave to sit again to-morrow.</p>
Leave granted.	<p>Ordered, that the report be received, and leave granted accordingly.</p>
Speaker reports the receipt of Hamilton Market-house erection bill, from the Assembly.	<p>The Honourable the Speaker reported to the House, that a Deputation from the Commons House of Assembly had brought up a bill entitled, "An Act to enable the Corporation of the Town of Hamilton to erect a new Market-house, and to effect a loan"; to which they requested the concurrence of this House.</p>
Read first time.	<p>The said bill was then read; and it was</p> <p>Ordered, that the same be read a second time to-morrow.</p>
Prince's Admission bill; Second Members' wages payment bill; London Loan bill; Second Militia-men's Widows' pension bill; Colonel Coffin's retired allowance bill; Receiver General's advances prevention bill; And Public Works period extension bill, read second time.	<p>Pursuant to order, the bill entitled, "An Act to authorise the admission of John Prince, Esquire, to practise as a Barrister and Attorney within this Province": also the bill entitled, "An Act to alter the mode of payment of wages to Members of the House of Assembly": also the bill entitled, "An Act to authorise a loan of money in London, and for other purposes therein mentioned": also the bill entitled, "An Act to provide pensions for the Widows and Children of Militia-men killed during the late Rebellion, and for other purposes therein-mentioned": also the bill entitled, "An Act granting a retired allowance to Colonel Coffin, Adjutant General of Militia": also the bill entitled, "An Act to prevent the Receiver General from advancing any further sum on loans for certain public works, until the interest is paid thereon": and also the bill entitled, "An Act to extend the period for commencing or completing public works for which Charters have been granted"; were severally read a second time; and it was,</p> <p>Ordered, that the House be put into Committees of the whole to-morrow, to take the same into consideration.</p>
Amendment of the Assembly to High Treason conditional pardon bill, read second time.	<p>Pursuant to order, the amendment of the Commons House of Assembly made in and to the bill sent down from this House, entitled, "An Act to enable the Government of this Province to extend a conditional pardon, in certain cases, to persons who have been concerned in the late Insurrection," was read a second time, and it was,</p> <p>Ordered, that the House be put into a Committee of the whole to-morrow, to take the same into consideration.</p>
Report of the Select Committee upon Kingston Incorporation bill, presented.	<p>The Honourable Mr. Burnham, from the Select Committee to whom was referred the bill entitled, "An Act to incorporate the Town of Kingston, under the name of the Mayor and Common Council of the Town of Kingston," presented their report.</p> <p>Ordered, that it be received; and,</p>
Read.	<p>The same was then read, as follows:</p> <p>The Select Committee to whom was referred the bill entitled, "An Act to incorporate the Town of Kingston, under the name of the Mayor and Common Council of the Town of Kingston," beg leave to report:</p>

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That after ascertaining that this bill had been introduced in due conformity to the rules of the House, they proceeded to compare it with the Laws incorporating the City of Toronto, upon which they find that it is framed. The Report.

The points in which it differs from the Toronto Acts are as follows:

- 1.—The Mayor is elected from the inhabitants, by the Council.
 - 2.—The amount of the Town assessment is limited to six-pence on the pound.
 - 3.—The Council possess no judicial powers, except that with respect to the registry of votes, and the hearing of appeals against erroneous taxation, and deciding on the qualifications of voters and candidates.
 - 4.—The qualification of voters is fixed at £10 currency, which is nearly the same as that required of Electors for Members of Assembly.
 - 5.—The Mayor must be ten years resident in the town, and a freeholder of £75 yearly value, or a payer of rent to that amount.
 - 6.—Aldermen must be resident for seven years, and freeholders, or payers of rent, to the extent of £40 annually.
 - 7.—One-fourth part of the Council are to retire each year, to be determined for the first year by ballot, and afterwards in succession.
 - 8.—Neither the Mayor, nor any other Member of the Council, is permitted to receive any salary.
 - 9.—The Council are at liberty to appoint the Clerk of the Peace and Treasurer of the Midland District, as Clerk and Treasurer for the town of Kingston.
 - 10.—The valuation of lots and houses are similar to those in Toronto, but the value assessed on carriages and sleighs is considerably reduced.
 - 11.—The Council are not authorised to appoint Coroners.
- On the whole, your Committee consider the measure judicious, and well adapted to the circumstances of the town of Kingston; and they have therefore no hesitation in recommending it, with certain amendments, for the adoption of your Honourable House.

All which is respectfully submitted.

Z. BURNHAM,
CHAIRMAN.

Legislative Council Committee Room,
24th February, 1838.

Amendments to Kingston incorporation bill.

Press 1, Line 15.—After “year” insert “of the reign.”

- “ 2, “ 14.—After “respectively,” insert “the lot of land on the eastern side of the original town plot of Kingston, granted to Magdalen Ferguson.”
- “ “ “ 16.—After the word “grass,” expunge the remainder of the section.
- “ 3, “ 12.—After “river” insert “and bay.”
- “ “ “ 12.—After “town” expunge “to the.”
- “ “ “ 13.—Expunge this line.”
- “ 5, “ 23.—After “that” insert “neither.”
- “ 8, “ 10.—After “and a” insert “Sleigh.”
- “ 19, “ 10.—Expunge “City” and insert “Town.”
- “ 20, “ 22.—Expunge “City” and insert “Town.”
- “ 26, “ 18.—After “pounds” expunge “or,” and insert, “as the said Court on proof upon oath, (or affirmation, as the case may be), of the due service of such summons, and of such neglect or refusal, shall impose; and in default of payment of such fine it shall and may be lawful for the said Court to.”
- “ 31, “ 10.—After “arrear” insert, “together with interest on the sum or sums so in arrear.”

On motion made and seconded, it was,

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

The Honourable Mr. Burnham, from the Select Committee to whom was referred the bill entitled, “An Act to relieve disabled and infirm persons in the several Townships within this Province,” presented their report.

Report of the
Select Committee upon
Disabled persons relief
bill, presented.

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Ordered, that it be received; and,

Read.

The same was then read, as follows:

The Select Committee to which has been referred the bill entitled, "An Act to relieve disabled and infirm persons in the several Townships within this Province," respectfully report:

The Report.

That it is proposed by this bill to lay the foundation of a system of relief to persons incapable of supporting themselves.

An Overseer of the disabled and infirm is to be elected at the annual Town Meetings, in each township of the Province, and bound to serve under a penalty of £5, who, on application or notice from any inhabitant that a person in the township is in distressed circumstances, arising from injury or infirmity, and is unable to assist himself, is required to examine into the matter, and if he finds the facts to be as stated to him, and that the individual is really incapable of labour, or of supporting himself, he shall assume the charges of his maintenance.

He is also bound in like manner to provide a maintenance for idiots or lunatic, whose connections may be unable to maintain them.

If an able-bodied person shall, by reason of temporary illness or accident, be disabled from earning his own support, and be during the interval maintained by the Overseer, he is liable on his recovery to refund the amount expended in his behalf, and for his benefit. Attempts at imposition by persons feigning disabilities, are made punishable in a summary manner.

At the next Town Meeting a majority of the Freeholders are to determine upon the sum of money which shall be assessed upon the township for the purposes of the Act, which shall be recorded by the Town Clerk, and be apportioned by him among the Inhabitants, according to the assessment roll of the preceding year. He shall furnish a copy of the same to the Collector, who, after deducting two and a half per cent from the sum actually levied, shall place the residue in the hands of the Overseer.

The Overseer is bound to record all his proceedings, and submit his books and accounts to the Collector and Assessor, who, by the eighth section, are constituted a Board of Audit, as well as the Magistrates of the Township, under the fourth section.

The Overseer, on or before the Saturday next preceding the annual Town meeting, is also required to submit a statement of his account to the Town Clerk, by whom it is to be read at the Town meeting. The Overseer is also to present, at the same time, an estimate of the sum he may consider necessary for the support of the disabled and infirm for the ensuing year; and he is directed to pay over to his successor in office, all monies remaining in his hands, within ten days after the expiration of his term of service. If he fails in these respects, he is liable to a fine of twenty-five pounds—recoverable in the same summary manner as in the Act for the appointment and regulation of Township Officers, it is provided that money may be recovered from Collectors. All fines are to be applied to the support of the disabled and infirm; and the Overseer, before he undertakes his duties, must enter, with another person, into bonds with the Town Clerk, in the sum of one hundred pounds.

The Overseer is required, in the month of December, to return to the Clerk of the Peace the number of idiots or lunatics, disabled or infirm persons, whom he has maintained within the year, with the expenses of their maintenance, and the allowances for fees and incidental expenses; and from these returns an abstract is to be prepared by the Clerk of the Peace for the information of the Legislature.

The bill is limited in its duration to four years, or until the end of the then next ensuing Session of the Legislature; which, however, might prove a very inconvenient period for the limitation of such a measure.

On this bill your Committee beg leave to remark, that, in their opinion, it might be amended in various points, viz:

- 1.—By directing the Town Wardens to audit and approve of all accounts.
- 2.—By directing the Town Clerk to receive and pay all monies.
- 3.—By directing the Overseer to give orders on the Town Clerk, for payments of money.
- 4.—By rendering it the duty of the Town Clerk to report to the Clerk of the Peace the amount that was required to be raised, and added to the assessment roll, in a separate column, and afterwards levied by the Collector, and deposited with the Town Clerk.

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5.—By directing the Town Clerk, as the receiver and disbursing officer of the money thus raised, to give bonds to the Town Wardens.

It is extremely difficult to determine, under this bill, what persons are to be relieved by the several Townships; and your Committee are inclined to think, that were the bill to go into effect as it now stands, many clandestine removals of helpless individuals would take place, for the purpose of throwing the burthen of their maintenance from one Township upon another.

The great question of "*settlement*," is thus opened, which is the subject of voluminous Acts in England, and of endless litigation between Parishes.

In the neighbouring State of New York, the Poor Laws are founded on the principle of the Statute 43rd Elizabeth, Chapter 2, by which Overseers were, for the first time, appointed in every Parish, and the departure from which in England, has led to many abuses in the administration of the Poor Laws.

According to the revised Statute of New York, every person of full age, who shall be a resident inhabitant of any Town or Township for one year, is deemed to be settled there; and respecting minors and married women, express provisions have been made.

It is also regulated how indigent persons are to be removed; what proceedings are to be taken, in order to determine in what Township they are settled; and how Townships are to be compelled to support their own poor or necessitous persons.

At the present advanced period of the Session, your Committee feel, that to a subject so important, a due degree of attention cannot be applied, in order to mature the bill under consideration; and they are convinced that, though its objects are humane and benevolent, fifteen short sections cannot comprise the requisite regulations.

All which is respectfully submitted,

Z. BURNHAM,
CHAIRMAN.

Legislative Council, Committee Room,
26th February, 1838.

On motion made and seconded, it was,

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

The Honourable the Speaker moved certain resolutions, for thanking His Excellency the Lieutenant Governor of New Brunswick, for the warm interest which he has taken in the affairs of Canada; which, being seconded, they were then read as follows:

Resolutions moved, thanking the Lt. Governor of New Brunswick, for the warm interest taken by His Excellency in the affairs of Canada.

Resolved—That the thanks of the Legislative Council be presented to His Excellency Sir John Harvey, Lieutenant Governor of New Brunswick, (whose gallant and distinguished services in this Province, are most gratefully remembered,) for the warm interest which he has taken in the affairs of Canada, at the present eventful period; and for his generous offer to lead a portion of the loyal Militia of New Brunswick, to assist in subduing rebellion, and in maintaining the integrity of the British Empire.

The Resolutions.

Resolved—That the Legislative Council, in common with their fellow Subjects in Upper Canada, regard the Legislature and the people of the loyal Colony of New Brunswick, with affection and admiration, for the unanimity, zeal and spirit, with which they have made common cause, and avowed a common feeling with Her Majesty's Subjects in these Provinces, who are bravely struggling to support the authority of the Crown, and to defend their rights as British Subjects.

Resolved—That the Legislative Council desire to convey an expression of their thanks for the encouragement and animation, which have been thus afforded to the people of Upper Canada in their good cause, with the assurance upon which their fellow Subjects in New Brunswick may rely, that in any conflict which it may become necessary to engage in for the preservation of British Laws and British Freedom, the people of this Province will do no discredit to the great Empire, to which it is their pride to belong—but will prove to the world, that they set a just value upon institutions, which none of Her Majesty's people reverence more sincerely than her Colonial Subjects.

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Resolved—That the Speaker of this House do communicate a copy of these resolutions to His Excellency the Lieutenant Governor, with a request that they may be sent to His Excellency the Lieutenant Governor of New Brunswick.

On motion made and seconded, it was,

Ordered, that the last-mentioned resolutions be referred to a Committee of the whole House to-morrow.

House adjourns.

On motion made and seconded, the House adjourned until to-morrow, at the hour of eleven of the clock, A. M.

TUESDAY, 27th FEBRUARY, 1838.

House meets.

The House met, pursuant to adjournment.

PRESENT:

Members present.

The Honourable JOHN B. ROBINSON, SPEAKER.
The Honourable Messrs. DICKSON,
“ “ CROOKSHANK,
“ “ ALLAN,
“ “ JONES,
“ “ BURNHAM,

The Honourable Messrs. BALDWIN,
“ “ HAMILTON,
“ “ ADAMSON,
“ “ CROOKS,
“ “ MORRIS.

Prayers were read.

The Minutes of yesterday were read.

Lunatic Asylum erection bill, re-committed.

Pursuant to the order of the day, the House was again put into a Committee of the whole, upon the bill entitled, “An Act to authorise the erection of a Lunatic Asylum in this Province, and for other purposes therein-mentioned,” together with the report of the Select Committee thereon.

The Honourable Mr. Hamilton took the Chair.

After some time the House resumed.

Amendments reported.

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

Ordered, that the report be received; and,

Read first time.

The said amendments were then read as follows:

The amendments.

- Press 1, line 7—Expunge “Clerks of the Peace of the several Districts,” and insert “Court of Quarter Sessions in each District.”
- “ “ “ 25—Expunge “and” and insert “of whom”; after “one” insert “shall be an”
- “ 2, “ 4—After “that” insert “so soon as the said building shall be reported to the Lieutenant Governor, by the said Commissioners, as sufficiently completed and furnished for the reception of patients”
- “ “ “ 5—After “for” expunge to “the” in line 6.
- “ “ “ 6—After “Institution” expunge the whole to “a” in line 10.
- “ “ “ 11—After “Province” expunge “whose duty it shall be for two of their number” and insert “and it shall be the duty of the said Board, or of any two Members thereof”
- “ “ “ 18—After “that” expunge to “the” in line 19.
- “ “ “ 21—After “arrangement” insert “and management”
- “ “ “ 24—Expunge “and the Medical man”; after “shall” insert “appoint a Superintendent, who shall always reside at the Asylum, and whose duty it shall be to act as Physician to the said establishment, and to watch over the internal management thereof, and carry into effect, in so far as appertains to his office, the provisions of this Act, and the by-laws of the said institution, and the said Board shall”
- “ 3, “ 2—After “salaries” add “subject to the confirmation or disallowance of the Lieutenant Governor: provided that the salary of the said Superintendent shall not exceed the sum of three hundred pounds per annum”
- “ “ “ 10—After “of” insert “the said person”
- “ 4, “ 3—Expunge “or from the Physician to the Institution”
- “ “ “ 17—After “that” expunge to “the” in line 18, and insert “so often as application shall be made to the said Board, for admission into the Asylum, of any destitute, insane or lunatic person”

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Press 4, line 19—Expunge “or persons”

“ “ “ 21—Expunge “or persons”; after “being” expunge “inhabitants” and insert “an inhabitant”

“ “ “ 22—Expunge “subjects” and insert “subject”

“ “ “ 23—Expunge “their” and insert “his”

“ 5, “ 2—Expunge “to” and insert “that may”

“ “ “ 3—Expunge “or persons”; after “his” expunge “her or their”

“ “ “ 6—Expunge “or”

“ “ “ 7—Expunge “persons”

“ “ “ 8—Expunge “her or their”

“ “ “ 9—Expunge “or persons”; after “was” expunge “or were”

“ “ “ 11—Expunge “or persons”

“ “ “ 12—Expunge “their” and insert “his”

“ “ “ 15—Expunge “her or their”

“ “ “ 18—Expunge “or persons”

“ “ “ 23—Expunge “or persons”

“ 6, “ 9—Expunge “or persons”

“ “ “ 10—Expunge “or persons”

“ “ “ 12—Expunge “or persons”

“ “ “ 20—After “transmitted” insert “by the said Board, as soon as may be after the first Tuesday in November in each year”

“ “ “ 23—Expunge “account” and insert “copy of said accounts”

“ 7, “ 8—After “otherwise” expunge to “it” in line 9.

“ “ “ 13—After “that” expunge to “of” in line 18, and insert “it shall and may be lawful to and for the Justices of the Peace of each and every District in this Province, at their General Court of Quarter Sessions next holden after the passing of this Act, to levy, by assessment to be made on each and every inhabitant householder, within their said several Districts, in the same manner and form as by law any assessment may now or hereafter be levied for any public purpose, within the same, an additional rate or assessment.”

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

Read second time, and adopted.

Ordered, that they be engrossed, and the said bill, as amended, read a third time to-morrow.

A Deputation from the Commons House of Assembly, brought up a bill, entitled, “An Act granting a Salary to the Adjutant General of Militia of this Province, and for other purposes therein-mentioned”; and also a bill entitled, “An Act granting a pension to Sheppard McCormick, Esquire”—to which they requested the concurrence of this House, and then withdrew.

Militia Adjutant General's Salary bill; and,

Second McCormick's Pension bill, brought up from the Assembly.

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

Read first time.

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

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

Message from the Assembly:

MR. SPEAKER,

The Commons House of Assembly have passed three several Addresses to Her most Gracious Majesty, on the subject of the Post Office Department; raising, by Debentures, the sum of One Million of Pounds, Sterling; and on the levying an additional two and a half per cent. on all goods imported into the ports of Lower Canada, now paying an *ad valorem* duty, which they communicate to the Honourable the Legislative Council, for their concurrence thereto.

Transmitting for concurrence, addresses to Her Majesty, on the subjects of the Post Office Department; the raising by Debentures one million of pounds sterling; and the levying an additional duty on Goods imported into Lower Canada.

ALLAN N. MACNAB,

SPEAKER.

Commons House of Assembly,

26th day of February, 1838.

The several Addresses to Her Majesty alluded to in the foregoing Message, were then read as follows:

The several addresses read first time.

(For Addresses see Appendix A. A.)

Tuesday, 27th February, 1838.

THIRD SESSION THIRTEENTH PROVINCIAL PARLIAMENT, 1st VICTORIA.

On motion made and seconded, it was,

Forty-fourth rule dispensed with, as respects the foregoing addresses.

Ordered, that the forty-fourth rule of this House be dispensed with, as far as it respects the said Addresses, and that they be read a second time this day.

Message from the Lieutenant Governor:

A Message from His Excellency the Lieutenant Governor, was delivered by Mr. Secretary Joseph, who being retired, the Speaker read the same, and it was again read, (together with its enclosures,) as follows:

F. B. HEAD,

Transmitting a copy of a Communication from His Excellency the Lieutenant Governor of Nova Scotia.

The Lieutenant Governor has great pleasure in transmitting to the Legislative Council, a copy of a communication which he yesterday received from Major General Sir Colin Campbell, Lieutenant Governor of Nova Scotia.

Government House,
26th February, 1838.

(For Copy of Communication and Enclosure, see Appendix B. B.)

Notice of moving that the forty-fourth rule be dispensed with for the remainder of the Session.

The Honourable Mr. Baldwin gave notice that he would, on to-morrow, move that the forty-fourth rule of this House be dispensed with for the remainder of the present Session.

The Honourable Mr. Jones moved, that it be,

Motion for the appointment of a Committee of Privilege, in relation to the Protest of the Honourable and Venerable the Archdeacon of York.

Resolved.—That a Committee of Privilege, to consist of the Honourable Messieurs Allan, Hamilton and Morris, be appointed to search for precedents, and report to the House, whether the language and inferences of the protest of the Honourable and Venerable the Archdeacon of York, entered on the Journals on the 24th of the present month, on the subject of “the Resolutions adopted yesterday, for conveying the thanks of this House to the Honourable Colonel MacNab, and Captain Drew, for services lately rendered by them in defence of this Province,” is an infringement of the privileges of this House, and disrespectful to the Members thereof.

Question put and carried.

Which being seconded, the question of concurrence was put, and the same was carried in the affirmative; and it was,

Ordered, accordingly.

On motion made and seconded, it was,

An Address of thanks ordered to be presented to the Lieutenant Governor, thanking His Excellency for his Message of this day.

Ordered, that an Address be presented to His Excellency the Lieutenant Governor, respectfully thanking him for his Message received this day, transmitting a copy of a communication from Major General Sir Colin Campbell, the Lieutenant Governor of Nova Scotia; and,

Committee appointed therefor.

Ordered, that the Honourable Messieurs Baldwin and Hamilton, do present the same.

Militia Pension bill, re-committed.

Pursuant to the order of the day, the House was again put into a Committee of the whole, upon the bill entitled, “An Act authorising the payment of pensions to certain Militia-men, disabled during the late war with the United States of America, under certain restrictions,” together with the report of the Select Committee thereon.

The Honourable Mr. Burnham took the Chair.

After some time the House resumed.

Reported.

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

Adopted.

Ordered, that the report be received; and,

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

The draft of an Address to Her Majesty, on the State of the Province, reported by the Select Committee.

The Honourable Mr. Dickson, from the Select Committee appointed to draft an Address to Her Majesty, on the state of the Province, reported a draft thereof which was read; and,

On motion made and seconded, it was,

Ordered, that the last-mentioned Address be referred to a Committee of the whole presently.

The same committed.

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

The Honourable Mr. Morris took the Chair.

After some time the House resumed.

An amendment reported.

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

Adopted.

Ordered, that the report be received; and,

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

Members enter.

The Honourable and Venerable the Archdeacon of York, and the Honourable Messieurs Wells and McDonell, enter.

Tuesday, 27th February, 1838.

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

Pursuant to the order of the day, the House was again put into a Committee of the whole, upon the bill entitled, "An Act to alter and amend sundry Acts regulating the appointment and duties of Township Officers," together with the second report of the Select Committee thereon.

Township Officers law amendment bill, re-committed.

The Honourable Mr. Crooks took the Chair.

After some time the House resumed.

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

Amendments reported.

Ordered, that the report be received to-morrow.

Pursuant to the order of the day, the House was put into a Committee of the whole, upon the bill entitled, "An Act to authorise the admission of John Prince, Esquire, to practice as a Barrister and Attorney within this Province."

Prince's Admission bill, committed.

The Honourable Mr. Macaulay took the Chair.

After some time the House resumed.

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

Reported.

Ordered, that the report be received; and,

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

The Honourable Mr. Baldwin, from the Select Committee appointed to wait upon His Excellency the Lieutenant Governor, to know when he would receive the two Houses with their Address to Her Majesty, in behalf of Colonel FitzGibbon, and to present the same, reported that His Excellency had been pleased to receive it forthwith, and to return the following answer thereto:

Report of the joint Committee appointed to know when His Excellency would receive the Address of the two Houses to Her Majesty, in behalf of Colonel Fitz-Gibbon, and to present the same.

GENTLEMEN,

I will transmit to Her Majesty's Principal Secretary of State for the Colonies, in order to be laid at the foot of the Throne, your joint Address to the Queen, on behalf of Colonel Fitz-Gibbon, and in doing so I shall feel it my duty to express my unqualified approbation of the services which have been rendered to this Province by that brave and meritorious Officer.

The Lieutenant Governor's reply thereto.

Pursuant to the order of the day, the House was put into a Committee of the whole, upon the bill entitled, "An Act to alter the mode of payment of wages to Members of the House of Assembly."

Second Members' wages payment bill, committed.

The Honourable Mr. Dickson took the Chair.

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

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

Messages from the Assembly:

MR. SPEAKER,

The Commons House of Assembly have passed a resolution, on the subject of a Commission to England, which they communicate to the Honourable the Legislative Council, for the concurrence of that Honourable House thereto.

Communicating a resolution for concurrence on the subject of a Commission to England.

ALLAN N. MACNAB,

SPEAKER.

Commons House of Assembly,

27th day of February, 1838.

Resolved—That it is expedient, at this present crisis, that the Honourable Allan N. MacNab, Speaker of this House, and the Attorney General, should be sent to England, for the purpose of drawing the immediate attention of Her Majesty, and the Imperial Parliament, to a consideration of the difficulties which threaten this and the Lower Province; and to submit, for their determination, whether a re-union of the Canadas: the annexation of Montreal; and a portion of the adjoining Country, to this Province: or any other mode, will best tend to the settlement of the important questions which now affect the best interests of Upper and Lower Canada.

The Resolution.

MR. SPEAKER,

The House of Assembly have this morning received, from Christopher Alexander Hagerman, Esquire, a letter declining to proceed, for reasons therein given, on the mission to England, which they communicate to the Legislative Council.

Communicating the copy of a letter received by that House, from Christopher A. Hagerman, Esq. declining to proceed on the mission to England.

ALLAN N. MACNAB,

SPEAKER.

Commons House of Assembly,

27th day of February, 1838.

Tuesday, 27th February, 1838.

THIRD SESSION THIRTEENTH PROVINCIAL PARLIAMENT, 1st VICTORIA.

(Copy.)

HOUSE OF ASSEMBLY,
Toronto, 27th February, 1838.

SIR,

The Copy.

Considerations of both a public and private nature, render it imperative, on my part, to decline the mission proposed to me by the House of Assembly, to proceed to England, on the affairs of this Province.

In requesting you to make this communication to the House, I trust it will be believed, that I regard the confidence manifested by the Assembly, in my desire to advance the interests of my native Country, as one of the most gratifying and honourable distinctions that could be conferred upon me; and I shall ever regard it not only in that light, but as constituting a claim which shall never be forgotten, to redouble my exertions; to employ my humble abilities in advancing the happiness of my fellow Subjects; and in securing a continuance of their good opinion, and the kindness they have hitherto so generously extended towards me.

I have the honour to be,

Sir,

Your most obedient,

Humble Servant,

(Signed) CHRISTOPHER A. HAGERMAN.

The Honourable
ALLAN NAPIER MACNAB,
Speaker of the House of Assembly,
&c. &c. &c.

Second Members wages
payment bill,
re-committed.

The House was then again put into a Committee of the whole, upon the bill entitled, "An Act to alter the mode of payment of wages to Members of the House of Assembly."

The Honourable Mr. Dickson took the Chair.

After some time the House resumed.

Reported.

The Chairman reported, that the Committee had gone through the last-mentioned bill, and recommended the same, without any amendment, to the adoption of the House.

Adopted.

Ordered, that the report be received; and,

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

London Loan bill,
committed.

Pursuant to the order of the day, the House was put into a Committee of the whole, upon the bill entitled, "An Act to authorise a loan of money in London, and for other purposes therein-mentioned."

The Honourable Mr. Burnham took the Chair.

After some time the House resumed.

Reported;

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

Ordered, that the report be received; and,

And referred to a Select
Committee.

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

Members composing same.

Ordered, that the Honourable Messieurs Crooks and Morris, do compose the same for that purpose.

Second Militia-men's
Widows' pension bill,
committed.

Pursuant to the order of the day, the House was put into a Committee of the whole, upon the bill entitled, "An Act to provide Pensions for the Widows and Children of Militia-men, killed during the late Rebellion, and for other purposes therein-mentioned."

The Honourable Mr. Crooks took the Chair.

After some time the House resumed.

Reported.

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

Adopted.

Ordered, that the report be received; and,

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

Colonel Coffin's retired
allowance bill, committed.

Pursuant to the order of the day, the House was put into a Committee of the whole, upon the bill entitled, "An Act granting a retired allowance to Colonel Coffin, Adjutant General of Militia."

The Honourable Mr. Wells took the Chair.

After some time the House resumed.

Tuesday, 27th February, 1838.

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

- The Chairman reported, that the Committee had gone through the said bill, and recommended the same, without any amendment, to the adoption of the House. Reported.
- Ordered, that the report be received; and, Adopted.
- Ordered, that the said bill be read a third time to-morrow.
- Pursuant to the order of the day, the House was put into a Committee of the whole, upon the bill entitled, "An Act to prevent the Receiver General from advancing any further sum on loans for certain public works, until the interest is paid thereon." Receiver General's advances prevention bill, committed.
- The Honourable Mr. Crooks took the Chair.
- After some time the House resumed.
- The Chairman reported, that the Committee had gone through the said bill, and recommended the same, without any amendment, to the adoption of the House. Reported.
- Ordered, that the report be received; and, Adopted.
- Ordered, that the said bill be read a third time to-morrow.
- Pursuant to the order of the day, the House was put into a Committee of the whole, upon the bill entitled, "An Act to extend the period for commencing or completing public works, for which charters have been granted." Public Works period extension bill, committed.
- The Honourable Mr. Adamson took the Chair.
- After some time the House resumed.
- The Chairman reported, that the Committee had taken the said bill into consideration, had made some progress therein, and recommended that it be referred to a Select Committee, with power to send for persons and papers, and to report thereon by amendment or otherwise. Reported ;
- Ordered, that the report be received; and,
- Ordered, that the last-mentioned bill be referred to a Select Committee, with power to send for persons and papers, and to report thereon by amendment or otherwise; and, And referred to a Select Committee.
- Ordered, that the Honourable Messieurs Dickson and Burnham, do compose the same for that purpose. Members composing the same.
- Pursuant to the order of the day, the House was put into a Committee of the whole, upon the amendment made by the Commons House of Assembly in and to the bill sent down from this House, entitled, "An Act to enable the Government of this Province to extend a conditional pardon, in certain cases, to persons who have been concerned in the late Insurrection." Amendment of the Assembly to High Treason conditional pardon bill, committed.
- The Honourable Mr. Hamilton took the Chair.
- After some time the House resumed.
- The Chairman reported, that the Committee had gone through the said amendment, and recommended the same to the adoption of the House. Reported.
- Ordered, that the report be received; and, Adopted.
- Ordered, that the said amendment be read a third time to-morrow.
- Pursuant to the order of the day, the House was put into a Committee of the whole, upon the bill entitled, "An Act to incorporate the Town of Kingston, under the name of the Mayor and Common Council of the Town of Kingston," together with the report of the Select Committee thereon. Kingston Incorporation bill, committed.
- The Honourable Mr. Morris took the Chair.
- After some time the House resumed.
- The Chairman reported, that the Committee had gone through the said bill, and had made some amendments thereto, which they recommended to the adoption of the House. Amendments reported.
- Ordered, that the report be received; and,
- The said amendments were then read as follows: Read first time.
- Press 1, line 15—After "year" insert "of the reign" The amendments.
- " 2, " 14—After "respectively" insert "the lot of land on the eastern side of the original town plot of Kingston, granted to Magdalen Ferguson"
- " " 16—After the word "Grass," expunge the remainder of the section.
- " 3, " 12—After "river" insert "and bay"; after "town" expunge "to the"
- " " 13—Expunge this line.
- " 5, " 23—After "that" insert "neither"
- " 8, " 20—After "and a" insert "Sleigh"
- " 19, " 10—Expunge "City" and insert "Town"
- " 20, " 22—Expunge "City" and insert "Town"

Tuesday, 27th February, 1838.

THIRD SESSION THIRTEENTH PROVINCIAL PARLIAMENT, 1st VICTORIA.

Press 26, line 18—After "pounds" expunge "or" and insert "as the said Court on proof, upon oath, (or affirmation, as the case may be,) of the due service of such summons, and of such neglect or refusal, shall impose; and in default of payment of such fine, it shall and may be lawful for the said Court to"

" 31, " 10—After "arrear" insert "together with interest on the sum or sums so in arrear."

Read second time, and adopted.

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

Ordered, that they be engrossed, and the said bill, as amended, read a third time to-morrow.

Disabled persons relief bill, committed.

Pursuant to the order of the day, the House was put into a Committee of the whole, upon the bill entitled, "An Act to relieve disabled and infirm persons in the several Townships within this Province," together with the report of the Select Committee thereon.

The Honourable Mr. Wells took the Chair.

After some time the House resumed.

Reported, and leave asked to sit again.

The Chairman reported, that the Committee had taken the last-mentioned bill, and the report of the Select Committee thereon, into consideration, had made some progress therein, and asked leave to sit again to-morrow.

Leave granted.

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

The Resolutions of thanks to His Excellency the Lieutenant Governor of New Brunswick, committed.

Pursuant to the order of the day, the House was put into a Committee of the whole, upon the resolutions of thanks to His Excellency the Lieutenant Governor of New Brunswick.

The Honourable Mr. Adamson took the Chair.

After some time the House resumed.

Amendment reported.

The Chairman reported, that the Committee had gone through the said resolutions, and had made an amendment thereto, and recommended the resolutions to the adoption of the House.

Ordered, that the report be received; and,

Adopted.

Ordered, that the said resolutions be adopted as follows:

The Resolutions.

Resolved—That the thanks of the Legislative Council be presented to His Excellency Sir John Harvey, Lieutenant Governor of New Brunswick, (whose gallant and distinguished services in this Province, are most gratefully remembered,) for the warm interest which he has taken in the affairs of Canada, at the present eventful period; and for his generous offer to lead a portion of the loyal Militia of New Brunswick, to assist in subduing rebellion, and in maintaining the integrity of the British Empire.

Resolved—That the Legislative Council, in common with their fellow Subjects in Upper Canada, regard the Legislature and the people of the loyal Colony of New Brunswick, with affection and admiration, for the unanimity, zeal and spirit, with which they have made common cause, and avowed a common feeling with Her Majesty's Subjects in these Provinces, who are bravely struggling to support the authority of the Crown, and to defend their rights as British Subjects.

Resolved—That the Legislative Council desire to convey an expression of their thanks for the encouragement and animation, which have been thus afforded to the people of Upper Canada in their good cause, with the assurance upon which their fellow Subjects in New Brunswick may rely, that in any conflict which it may become necessary to engage in for the preservation of British Laws and British Freedom, the people of this Province will do no discredit to the great Empire, to which it is their pride to belong—but will prove to the world, that they set a just value upon institutions, which none of Her Majesty's people reverence more sincerely than her Colonial Subjects.

Resolved—That a copy of these resolutions be communicated to His Excellency the Lieutenant Governor, with a request that they may be sent to His Excellency the Lieutenant Governor of New Brunswick.

An Address ordered to be presented to the Lieut. Governor, requesting him to transmit a copy of the foregoing resolutions to the Lieutenant Governor of New Brunswick.
Committee appointed therefore.

Ordered, that an Address be presented to His Excellency the Lieutenant Governor, respectfully requesting that he will be pleased to transmit a copy of the last-mentioned resolutions to His Excellency the Lieutenant Governor of New Brunswick; and,

Ordered, that the Honourable Messieurs Wells and Hamilton, do present the said Address.

Wednesday, 28th February, 1838.

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

Pursuant to order, the Addresses to Her Majesty, received this day from the Commons House of Assembly, on the subjects of the Post Office Department; the raising, by Debentures, the sum of One Million Pounds, Sterling; and the levying an additional two and a half per cent. on all goods imported into the ports of Lower Canada, now paying an *ad valorem* duty—were severally read a second time; and it was,

Addresses of the Assembly to Her Majesty, on the subjects of the Post Office Department; the raising by Debentures one million of pounds sterling; and the levying an additional two and a half per cent. on Goods imported into Lower Canada, read second time.

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

Pursuant to the order of the day, the bill entitled, "An Act to enable the Corporation of the Town of Hamilton to erect a new Market-house, and to effect a loan," was read a second time; and it was,

Hamilton Market-House erection bill, read second time.

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

Pursuant to the order of the day, the petition of M. Burwell, Chairman of the Quarter Sessions for the District of London, praying that the Legislative Council will pass the bill entitled, "An Act granting a sum of money to provide for the presentation of Swords to Colonel MacNab, and Captain Drew," was read.

Petition of M. Burwell, read.

On motion made and seconded, the House adjourned.

House adjourns.

WEDNESDAY, 28th FEBRUARY, 1838.

The House met, pursuant to adjournment.

House meets.

PRESENT:

The Honourable JOHN B. ROBINSON, SPEAKER.
The Honourable Messrs. DICKSON,
" " MARKLAND,
" " ALLAN,

The Honourable Messrs. BURNHAM,
" " BALDWIN,
" " HAMILTON,
" " MORRIS.

Members present.

Prayers were read.

The Minutes of yesterday were read.

Pursuant to the order of the day, the bill entitled, "An Act authorising the payment of pensions to certain Militia-men, disabled during the late war with the United States of America, under certain restrictions"; also the bill entitled, "An Act to authorise the admission of John Prince, Esquire, to practice as a Barrister and Attorney within this Province"; also the bill entitled, "An Act to alter the mode of payment of wages to Members of the House of Assembly"; also the bill entitled, "An Act to provide pensions for the Widows and Children of Militia-men killed during the late Rebellion, and for other purposes therein-mentioned"; also the bill entitled, "An Act granting a retired allowance to Colonel Coffin, Adjutant General of Militia"; and also the bill entitled, "An Act to prevent the Receiver General from advancing any further sum on loans for certain public works, until the interest is paid thereon"—were severally read a third time, and passed:

Militia Pension bill;
Prince's admission bill;
Second Members wages payment bill;
Second Militia-men's Widows' pension bill;
Colonel Coffin's retired allowance bill; and,
Receiver General's advances prevention bill, read third time, and passed.

Whereupon the Speaker signed the same; and it was,

Same signed;

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

And the Assembly acquainted thereof.

Pursuant to the order of the day, the amendment made by the Commons House of Assembly, in and to the bill sent down from this House, entitled, "An Act to enable the Government of this Province to extend a conditional pardon, in certain cases, to persons who have been concerned in the late Insurrection"—was read a third time, and passed:

Amendment of the Assembly to High Treason conditional pardon bill, read third time and passed.

Whereupon the Speaker signed the same; and it was,

Same signed;

Ordered, that the Master in Chancery do go down to the Assembly, and acquaint that House, that the Legislative Council have concurred in the said amendment.

And the Assembly acquainted thereof.

Pursuant to the order of the day, the bill entitled, "An Act to incorporate the Town of Kingston, under the name of the Mayor and Common Council of the Town of Kingston"—was, as amended, read a third time; and,

Kingston Incorporation bill, as amended, read third time, and passed.

The question being put, whether this bill, as amended, should pass, it was carried in the affirmative:

Whereupon the Speaker signed the amendments; and it was,

Amendments signed.

Wednesday, 28th February, 1838.

THIRD SESSION THIRTEENTH PROVINCIAL PARLIAMENT, 1st VICTORIA.

And sent to the Assembly for concurrence.

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

Members enter.

The Honourable Messieurs Crookshank and Wells, enter.

Disabled persons relief bill, re-committed.

Pursuant to the order of the day, the House was again put into a Committee of the whole, upon the bill entitled, "An Act to relieve disabled and infirm persons in the several Townships within this Province," together with the report of the Select Committee thereon.

The Honourable Mr. Hamilton took the Chair.

House resumes.

After some time the House resumed.

The last-mentioned bill, together with Common School law repeal bill, ordered to be printed.

On motion made and seconded, it was,

Ordered, that the last-mentioned bill, and also the bill entitled, "An Act to repeal the several Laws heretofore existing relative to Common Schools, and to provide for the establishment, maintenance and support, of Common Schools throughout this Province," be printed for the use of Members.

Address of the Assembly to the Queen, on the subject of the Post Office Department, committed.

Pursuant to the order of the day, the House was put into a Committee of the whole, upon the Address of the Commons House of Assembly to Her Majesty, on the subject of the Post Office Department.

The Honourable Mr. Markland took the Chair.

After some time the House resumed.

Reported.

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

Adopted.

Ordered; that the report be received; and,

Forty-fourth rule dispensed with.

Ordered, that the forty-fourth rule of this House be dispensed with, as far as it respects the said Address, and that it be read a third time this day.

Address of the Assembly to the Queen, on the subject of raising, by Debenture, One Million of Pounds, Sterling, committed.

Pursuant to the order of the day, the House was put into a Committee of the whole, upon the Address of the Commons House of Assembly to Her Majesty, on the subject of raising, by Debenture, the sum of One Million of Pounds, Sterling.

The Honourable Mr. Morris took the Chair.

After some time the House resumed.

Reported;

The Chairman reported, that the Committee had taken the last-mentioned Address into consideration, had made some progress therein, and recommended that it be referred to the Select Committee appointed to report upon the bill entitled, "An Act to authorise a loan of money in London, and for other purposes therein-mentioned."

Ordered, that the report be received; and,

And referred to the Select Committee upon London Loan bill.

Ordered, that the said Address be referred to the Select Committee upon the bill last-mentioned.

Address of the Assembly to the Queen, on the subject of levying an additional two and a half per cent. on goods imported into Lower Canada, committed.

Pursuant to the order of the day, the House was put into a Committee of the whole, upon the Address of the Commons House of Assembly to Her Majesty, on the subject of levying an additional two and a half per cent. on goods imported into Lower Canada, now paying an *ad valorem* duty.

The Honourable Mr. Wells took the Chair.

After some time the House resumed.

Reported.

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

Adopted.

Ordered, that the report be received; and,

Forty-fourth Rule dispensed with.

Ordered, that the forty-fourth rule of this House be dispensed with, so far as respects the said Address, and that the same be read a third time this day.

Members enter.

The Honourable Messieurs Adamson, Crooks and Macaulay, enter.

Amendments to Township Officers law amendment bill, presented.

Pursuant to the order of the day, the Honourable Mr. Crooks from the Committee of the whole House, presented the Amendments made in and to the bill entitled, "An Act to alter and amend sundry Acts regulating the appointment and duties of Township Officers"; and,

The same was then read, as follows:

Read first time.

The Amendments.

Press 1, Line 4.—After "courses and" insert "to repeal"

" " " 7.—Expunge "Township" and insert "Town."

" " " 16.—After "that" expunge the remainder of the clause, and insert, "An Act passed in the fifth year of the reign of King William the Fourth, entitled, 'An Act to reduce to one Act of Parliament the several Laws relative to the appointment and duties of Township Officers in this Province, except an Act passed

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in the fourth year of the reign of William the Fourth, chapter twelve, entitled, 'An Act to regulate Line-fences and Water-courses, and to repeal so much of an Act passed in the thirty-third year of the reign of His late Majesty King George the Third, entitled, 'An Act to provide for the nomination and appointment of Parish and Town Officers within this Province, as relates to the office of Fence Viewers being discharged by Overseers of Highways and Roads; an Act passed in the sixth year of the reign of King William the Fourth, entitled, 'An Act to amend and extend the provisions of an Act passed during the last Session of the Provincial Legislature, entitled, 'An Act to reduce to one Act of Parliament the several Laws relative to the appointment and duties of Township Officers in this Province, except an Act passed in the fourth year of the reign of William the Fourth, chapter twelve, entitled, 'An Act to regulate Line-fences and Water-courses, and to repeal so much of an Act passed in the thirty-third year of the reign of His late Majesty King George the Third, entitled, 'An Act to provide for the nomination and appointment of Parish and Town Officers within this Province, as relates to the office of Fence Viewers being discharged by Overseers of Highways and Roads, and an Act passed in the seventh year of the reign of King William the Fourth, entitled, 'An Act to amend the Laws for the appointment of Parish and Township Officers': Provided always, that any prior Act or Enactment repealed by any of the Acts herein-before recited shall be and remain repealed."

Press 2, line 3—After "giving" insert "not less than."

" " " 12—After "Township" insert "out of the limits of any incorporated Town, or Town having Police regulations."

" 3, " 1—After "giving" expunge "ten," and insert, "at least eight": after "notice" insert, "by affixing the same in at least three public places within the said Parish, Township or place."

" 3, " 4—Expunge "ten" and insert "twelve": after "o'clock" expunge "in the forenoon" and insert "noon."

" " " 15—Expunge "ten" and insert "twelve"; after "o'clock" expunge "in the forenoon" and insert "noon."

" 4, " 4—After "Township" insert "Provided the complaint shall be made to the Court having jurisdiction of similar offences, within three months thereafter, unless it shall appear to the Court that the person so offending, shall not have had his vote objected to at the time of his voting, and that the offence was committed through his ignorance of the law upon this subject"

" " " 20—After "meeting" insert "nor shall be elected to serve in any Township office oftener than once in three years, unless he shall consent thereto"

" 6, " 11—After "to" expunge "take the oath of office" and insert "subscribe the declaration in the Clerk's book, as hereinafter provided"

" 7, " 16—After "shall" insert "subscribe the said declaration in the Clerk's book, and"

" " " 21—After "year" expunge to the end of line 24.

" 9, " 4—After "over" expunge "to the order of any Magistrates" and insert "according to law"

" " " 9—Expunge "dated at"

" " " 16—Expunge "not expressly provided for by law"

" " " 21—Expunge "&c." and insert "and such other matters connected with the Township as may tend to promote the peace and welfare of the Township"

" 10, " 1—After "Township" expunge the whole to "and also" in third line.

" " " 11—After "lots" insert "or parts thereof"

" " " 13—After the words "and the" insert "sitting of the"

" " " 21—After the words "of the said" insert "Court of"

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- Press 10, line 22—After “aforesaid” insert “to be by the said Clerk of the Peace laid before the Court of Quarter Sessions, at its said sitting; and shall also, within the time aforesaid, put up a correct copy thereof in some conspicuous place within the Township, for the inspection of the inhabitants”
- “ “ “ 23—Expunge “Township” and insert “Division”
- “ 11, “ 2—After the word “roll” insert “to the Clerk of the Peace”
- “ “ “ 24—After “Peace” insert “who shall charge the expense of the same in his account against the District”
- “ 12, “ 7—After “meeting” insert “which new Assessors so appointed, shall be notified by the Clerk of the Peace of their appointment, and shall proceed to take such assessment, and make their returns to the Clerk of the Peace, as hereinbefore provided, in one month after having been so notified, and shall sign the declaration in the Clerk’s book; and the Collectors shall lodge their bond, as required by this Act, before the sitting of the Court of General Quarter Sessions, next after the first day of July in each year”
- “ 13, “ 2—After “mentioned” insert “the securities to which bond shall be freeholders, and as such, certified by the Town Clerk to be good and sufficient”
- “ “ “ 9—After “first” insert “day”
- “ 14, “ 7—Expunge the words “according to law” and insert “as hereinafter provided”
- “ 15, “ 13—After “Division” insert “which Divisions the Magistrates acting within the Division are hereby authorised and empowered to make, at a Special Sessions by them for that purpose to be holden, on or before the third Saturday in the month of April, in each year; of which Special Sessions at least six days public notice shall be given, by putting up the same in at least three public places within each Township”; after “order” expunge to “notify” in line 19.
- “ 16, “ 18—After “Act” insert “Provided always, that nothing herein-contained shall affect any provision in any Act passed for Macadamizing certain roads within this Province”
- “ “ “ 21—Expunge “or Contractor”
- “ 17, “ 1—Expunge “or Contractor”
- “ 19, “ 4—After “land” insert “or other lands which shall be occupied by a resident settler”
- “ “ “ 6—After “such” expunge “enclosure” and insert “land”
- “ 20, “ 10—After “oath” insert “which oath any Magistrate of the District is hereby authorised to administer”
- “ 22, “ 16—After “aforesaid” insert “and not claimed before the expiration of fifteen days as aforesaid”
- “ 24, “ 1—Expunge “resolutions” and insert “regulations”
- “ “ “ 10—After “labour” add to the clause “Provided always, that the owner of any animal or animals not permitted to run at large by the regulations of such Township meeting, shall be liable for any damage done by such animal or animals, notwithstanding that the fence enclosing the premises, was not of the height required by the said regulations”
- “ 26, “ 16—After “to” expunge to “the said” in line 18, and insert “authorise the Collector for the current year to collect”

Add to the bill—“41. And be it further enacted by the authority aforesaid, That it shall be the duty of the Assessors of each and every Parish, Township or place, within this Province, to make out a schedule of all lands within the same, not included in their several assessment rolls; and they shall sign and deliver the same to the Clerks of the Peace of the several Districts, along with the assessment rolls, for the information of the Treasurer, in the following form:

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Schedule of Land in the Township of ———, in the District of ———, not inserted in the Assessment Rate of said Township for the year ———.

LOTS OR PARTS OF LOTS.	CONCESSION.	NUMBER OF ACRES.

“42. And be it further enacted by the authority aforesaid, That it shall and may be lawful for the Town Wardens of any Township, legally appointed according to the provisions of this Act, to compound or agree with any person or persons resident in the Township, for making in a permanent and substantial manner any part of any public road within their township, in lieu of his or their statute labour, which he or they may be by law required to perform in the Township, for any number of years not exceeding five, which agreement shall be committed to writing, and signed by the parties, and thereupon it shall be binding on the Town Wardens and their Successors, and the other person or persons being a party to such agreement, and upon the due performance and completion of such agreement, the person or persons performing the same shall be exempt from all statute labour in the Township for the full term of time agreed upon as aforesaid.”

“43. Provided always, and be it further enacted by the authority aforesaid, That in case any person or persons, after having subscribed to any agreement as aforesaid, shall neglect or refuse to perform the same in the manner and within the time specified in such agreement, he or they shall be liable to the like penalty that persons are by this Act who refuse or neglect to perform their statute labour.”

“44. And be it further enacted by the authority aforesaid, That if it shall happen that any person or persons shall enter into an agreement with the Town Wardens as aforesaid, and in pursuance of such agreement make a part or the whole of the road required by such agreement, but upon which there will arise a dispute between the Town Wardens making the agreement, or their Successors, and the other party thereto, touching the fulfilment of such agreement, such dispute shall and may be submitted to three Overseers of Highways, acting in the Township for the year, and such three Overseers of Highways shall be drawn by a public and impartial ballot, from the whole list of Overseers of Highways acting in the Township for the year, which ballot shall be made by the Township Clerk, who shall give the two contending parties due notice of the time and place where such ballot shall take place; and it shall be the duty of such Clerk to appoint a time and place for the meeting of such Overseers of Highways so balloted, giving them, and also the parties to such dispute, at least eight days notice, and thereupon it shall be the duty of such Overseers of Highways to meet, and after having the said agreement submitted to them, and examining the premises, to make such award as to them shall appear just and right, which award shall be binding on the parties, and be final.”

“45. And be it further enacted by the authority aforesaid, That it shall be the duty of the Clerk of the Peace in every District, to make out a general return of the population of his District, from the several returns which he may receive from the Assessors for the year, and to transmit the same to the office of the Governor, Lieutenant Governor, or Person Administering the Government of this Province for the time being, on or before the first day of July in

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each and every year, and if such return shall not contain the whole population of his District, he shall send in a return of such Townships as may be deficient, as soon as practicable after he shall be enabled to do so by returns of the Assessors of such Townships.

"46. And be it further enacted by the authority aforesaid, That if any person whose name is inserted upon such Assessment Roll, shall neglect or refuse to pay the sum or rate for which he or she stands rated in manner aforesaid, for the space of fourteen days after demand duly made of the same by the said Collector, or his Agent duly appointed, the said Collector, upon oath before one Magistrate, of such demand and refusal of payment as aforesaid, shall be entitled to demand an Execution for the amount of such rate or rates, which execution the said Magistrate is hereby authorised and required to grant; and upon the receipt of the same the said Collector shall, and he is hereby authorised and required to levy the same by distress and sale of the goods and chattels of the person so neglecting or refusing to pay, having eight days previous notice of such sale in three public places in the Township, and render the overplus, if any there be, to the owner thereof, after deducting the amount of the rates assessed, and the legal charges of the distress and sale."

"47. And be it further enacted by the authority aforesaid, That the Constable to whom any warrant, execution or summons, may be directed, authorised to be issued by this Act, shall be entitled to the following fees, and no more, for executing such warrant, execution or summons, viz—Four-pence per mile for every mile he may have to travel to execute the same, which travel shall be certified upon oath, if required; and for levying, advertising, selling and making returns, two shillings and six-pence; for every summons served, eight-pence."

"48. And be it further enacted by the authority aforesaid, That the Town Wardens appointed by this Act, for their respective Townships, and their successors, duly appointed, shall be as a Corporation to represent the whole inhabitants of the Township for which they are Town Wardens, and as such may have and hold the property of or belonging to the Township, and shall and may sue, prosecute or defend, in all presentments, indictments, or actions, for and on the behalf of the said Township."

"49. And be it further enacted by the authority aforesaid, That if any one to whom an oath or affirmation may be administered under the provisions of this Act, shall wilfully swear or affirm falsely, such false swearing or affirmation shall be deemed wilful and corrupt perjury, and the person guilty thereof shall and may be prosecuted and punished therefor, as for wilful and corrupt perjury."

"50. Provided always, and be it further enacted by the authority aforesaid, That in case it shall be necessary to repair any sudden breach which may be caused in any Public Highway, by reason of any bridge or causeway giving way, or from any other casualty, or to remove any obstruction on account of snow, or to fix or set up beacons or stakes, as a guide for travellers over any frozen waters, marsh, plain or other place, it shall and may be lawful for the Overseer or Overseers of Highways in whose division the same may occur, and they are hereby required to repair, remove or establish, as aforesaid, or cause the same to be done, by applying any money in their hands and applicable to the roads, and unappropriated, or to direct the application (for that purpose) of any Statute Labour subject to their control; and in case it shall happen that such Overseer or Overseers shall not at the time have any money or statute labour under his direction, which he may apply for the purposes aforesaid, it shall and may be lawful for such Overseer to direct any person in his division, and liable to perform statute labour, to repair such breach, remove such obstruction, or erect such guides as aforesaid;

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and such Overseer shall keep an account of the number of days any person or persons may work on the roads for the purposes aforesaid, which amount such Overseer shall transmit to the Clerk of the Township, to be laid before the Town Wardens of the Township; and the said Town Wardens after examining the said account, if it shall appear just and expedient, may exempt any person who may have worked as aforesaid, from performing any part of his or her statute labour for the next year; and shall give such person as aforesaid a writing to that effect, which shall be taken and considered by the Overseer under whose direction such person may be liable to work, and credited to such person for so much of his statute labour; and any person who shall neglect or refuse to perform such labour, or obey the orders of the Overseer, when required to work as aforesaid, shall be liable to the same penalties, and which may be recovered and disposed of in the same way and manner, as is provided by this Act, for neglecting to perform Statute Labour, or disobeying the Overseers of Highways, except such person can make it appear that he had a reasonable excuse for so doing; and provided also, that the said Overseer shall, and he is hereby required, to proportion such labour among the several persons within his Division, liable to perform Statute Labour, as nearly equal as circumstances will permit."

"57. And be it further enacted by the authority aforesaid, That the following fee, and no more, shall and may, by such Collectors, be taken for every distress, advertising and sale, viz—Three shillings and nine-pence."

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

Read second time, and adopted.

Ordered, that they be engrossed, and the said bill, as amended, read a third time to-morrow.

Pursuant to the order of the day, the Address to Her Majesty, on the State of the Province, was read a third time and passed:

Address to the Queen on the state of the Province, read third time and passed;

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

Same signed.

(For Address, see Appendix C. C.)

Pursuant to notice, it was moved and seconded, that the forty-fourth rule of this House be dispensed with for the remainder of the Session.

Motion for dispensing with the forty-fourth rule for the remainder of the Session.

Whereupon the question of concurrence was put, and carried in the affirmative; and it was,

Question put and carried.

Ordered accordingly.

Pursuant to the order of the day, the bill entitled, "An Act granting a Salary to the Adjutant General of Militia of this Province, and for other purposes therein-mentioned," was read a second time; and it was,

Militia Adjutant General's Salary bill, read second time.

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

Pursuant to the order of the day, the bill entitled, "An Act granting a pension to Shepard McCormick, Esquire," was read a second time; and it was,

Second McCormick's Pension bill, read second time.

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

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

Committed.

The Honourable Mr. Adamson took the Chair.

After some time the House resumed:

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

Reported.

Ordered, that the report be received; and,

Adopted.

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

On motion made and seconded, it was,

Ordered, that the House be put into a Committee of the whole presently, upon the resolution of the Commons House of Assembly, transmitted to this House yesterday, on the subject of a Commission to England.

Resolution of the Assembly on the subject of a commission to England, committed.

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

The Honourable Mr. Hamilton took the Chair.

After some time the House resumed.

Reported ;
And a conference recom-
mended.

The Chairman reported, that the Committee had taken the said resolution into consid-
eration, had made some progress therein, and recommended that a Conference be requested
with the Commons House of Assembly, on the subject matter thereof.

Ordered, that the report be received; and,

A conference ordered.

Ordered, that a Conference be requested with the Commons House of Assembly, on the
subject matter of the said resolution; and,

Conferrees appointed.

Ordered, that the Honourable Messieurs Markland and Morris, be appointed the Confer-
rees on the part of this House for that purpose; and,

And the Assembly
acquainted thereof.

Ordered, that the Master in Chancery do go down to the Assembly, and acquaint that
House, that the Legislative Council request a Conference with the Commons House of Assem-
bly, with reference to their resolution on the subject of a Commission to England; and have
appointed the Honourable Messieurs Markland and Morris, to be the Conferrees on the part of
this House, who will be ready to meet a Committee on the part of the Commons House of
Assembly, to-morrow, at the hour of two of the clock, P.M. in the Committee Room of the
Legislative Council, for that purpose.

Hamilton Market-house
erection bill, committed.

Pursuant to the order of the day, the House was put into a Committee of the whole, upon
the bill entitled, "An Act to enable the Corporation of the Town of Hamilton to erect a new
Market-house, and to effect a loan."

The Honourable Mr. Markland took the Chair.

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

A bill brought up from
the Assembly.

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

Hamilton Market-house
erection bill, re-commit-
ted.

The House was then again put into a Committee of the whole, upon the bill entitled,
"An Act to enable the Corporation of the Town of Hamilton to erect a new Market-house, and
to effect a loan."

The Honourable Mr. Markland took the Chair.

After some time the House resumed.

Reported ;

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

Ordered, that the report be received; and,

And referred to a
Select Committee.

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

Members composing the
same.

Ordered, that the Honourable Messieurs Markland and Allan, do compose the same for
that purpose.

Speaker reports the
receipt of Simcoe ad-
ditional tax bill, from the
Assembly.

The Honourable the Speaker reported to the House, that a Deputation from the Com-
mons House of Assembly had brought up a bill entitled, "An Act to authorise the levying an
additional tax on the inhabitants of the County of Simcoe, for the purposes therein-mentioned,"
to which they requested the concurrence of this House.

Read first time.

The said bill was then read; and it was,

Ordered, that the same be read a second time this day.

Addresses of the
Assembly to the Queen,
on the subjects of the
Post Office Department;
and the levying an ad-
ditional two and a half
per cent. on Goods im-
ported into Lower Canada,
read third time, and
passed.

Pursuant to order, the Addresses to Her Majesty, transmitted by the Commons House of
Assembly, on the subject of the Post Office Department; and on the subject of levying an
additional two and a half per cent. on goods imported into Lower Canada, now paying an *ad*
valorem duty, were severally read a third time and passed:

Whereupon the Speaker signed the same; and it was,

Same signed ;
And the Assembly
acquainted thereof.

Ordered, that the Master in Chancery do go down to the Assembly, and acquaint that
House, that the Legislative Council have concurred in these Addresses.

Simcoe additional tax bill,
read second time.

Pursuant to order, the bill entitled, "An Act to authorise the levying an additional tax on
the inhabitants of the County of Simcoe, for the purposes therein-mentioned," was read a
second time; and it was,

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

On motion made and seconded, it was,

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Ordered, that four hundred copies of the Address to Her Majesty, on the State of the Province, be printed for the use of Members.

Address to Her Majesty, on the state of the Province, ordered to be printed.

The Honourable Mr. Dickson, from the Select Committee to whom was referred the bill entitled, "An Act to extend the period for commencing or completing public works, for which charters have been granted," presented their report.

Report of the Select Committee upon Public Works period extension bill, presented.

Ordered, that it be received; and,

The same was then read, as follows:

Read.

The Select Committee, to whom was referred the bill entitled, "An Act to extend the period for commencing or completing public works, for which Charters have been granted," beg leave to report:

The Report.

That it might have been perhaps prudent, to have specially mentioned in the bill the several incorporated Companies affected thereby; but this bill, in its present state, may have the effect of obviating many applications from those different Corporations for the same purpose. Your Committee can see no objections to the passing of this Act—as capital may again flow into this Province, and their chartered Companies may be able to complete those public works by this extension of time—and see no good reason to object to any Stockholder withdrawing, after paying and forfeiting the first instalment; but if any Stockholder should not have paid such instalment, that he be not released or exonerated from the payment of the first, in pursuance of any call made, or hereafter made, by the President and Directors of such Company.

All which is respectfully submitted.

WILLIAM DICKSON,

CHAIRMAN.

Committee Room, Legislative Council,

28th February, 1838.

On motion made and seconded, it was,

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

On motion made and seconded, the House adjourned until to-morrow, at the hour of eleven of the clock, A. M.

House adjourns.

THURSDAY, 1st MARCH, 1838.

The House met pursuant to adjournment.

House meets.

PRESENT:

The Honourable JOHN B. ROBINSON, SPEAKER.

The Honourable Messrs. BURNHAM,

The Honourable Mr. DICKSON,

" " BALDWIN,

The Hon. & Ven. The ARCHDEACON OF YORK,

" " HAMILTON,

The Honourable Messrs. CAMERON,

" " ADAMSON,

" " ALLAN,

" " MORRIS,

" " McDONELL,

Members present.

Prayers were read.

The Minutes of yesterday were read.

Pursuant to the order of the day, the bill entitled, "An Act to authorise the erection of a Lunatic Asylum in this Province, and for other purposes therein mentioned," was, as amended, read a third time; and,

Lunatic Asylum erection bill, as amended, read third time and passed.

The question being put, whether this bill, as amended, should pass, it was carried in the affirmative:

Whereupon the Speaker signed the amendments; and it was,

Amendments signed;

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

And sent to the Assembly for concurrence.

A Deputation from the Commons House of Assembly returned the bill entitled, "An Act to incorporate the Town of Kingston, under the name of the Mayor and Common Council of the Town of Kingston," and acquainted this House, that the Commons House of Assembly had acceded to the amendments made in and to the same by the Legislative Council. The same Deputation brought up and delivered at the Bar of this House, a message in the following words, and then withdrew.

Amendments to Kingston Incorporation bill, acceded to by the Assembly.

Message from the Assembly.

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MR. SPEAKER,

According to a Conference on the subject of a Commission to England.

The Commons House of Assembly accede to the request of the Honourable the Legislative Council, for a Conference on the subject of a Commission to England, and have appointed four of their Members, who will be ready to meet the Conferrees on the part of Your Honourable House, at the time and place appointed.

ALLAN N. MACNAB,
SPEAKER.

Commons House of Assembly,
1st day of March, 1838.

Second Mr. Cormick's Pension bill, read third time and passed.

Pursuant to the order of the day, the bill entitled, "An Act granting a pension to Shepard McCormick, was read a third time, and passed:

Same signed;

Whereupon the Speaker signed the same; and it was,

And the Assembly acquainted thereof.

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

Militia Adjutant General's salary bill, committed.

Pursuant to the order of the day, the House was put into a Committee of the whole, upon the bill entitled, "An Act granting a salary to the Adjutant General of Militia of this Province, and for other purposes therein mentioned."

The Honourable Mr. Baldwin took the Chair.

After some time the House resumed.

Reported, and a conference recommended.

The Chairman reported, that the Committee had taken the said bill into consideration, had made some progress therein, and recommended that a conference be asked with the Commons House of Assembly, on the subject matter thereof.

Ordered, that the report be received; and,

A conference ordered.

Ordered, that a conference be asked with the Commons House of Assembly, on the subject matter of the last-mentioned bill; and,

Conferrees appointed;

Ordered, that the Honourable Messieurs Allan and Adamson, be appointed the Conferrees on the part of this House for that purpose; and,

And the Assembly acquainted thereof.

Ordered, that the Master in Chancery do go down to the Assembly, and acquaint that House, that the Legislative Council request a conference with the Commons House of Assembly, on the subject matter of the bill entitled, "An Act granting a salary to the Adjutant General of Militia of this Province, and for other purposes therein mentioned," and have appointed the Honourable Messieurs Allan and Adamson, to be the Conferrees on the part of this House, who will be ready to meet a Committee on the part of the Commons House of Assembly, this day, at the hour of three of the clock, P. M., in the Committee Room of the Legislative Council, for that purpose.

A Member enters.

The Honourable Mr. Crookshank enters.

Message from the Assembly:

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

MR. SPEAKER,

Transmitting certain resolutions for concurrence, on the subject of the resolutions of the Legislative Council of Nova Scotia, in relation to the state of this Province.

The Commons House of Assembly have passed the accompanying resolutions, on the subject of the resolutions of the Honourable the Legislative Council of Nova Scotia, in relation to the state of this Province, and request the concurrence of the Honourable the Legislative Council thereto.

ALLAN N. MACNAB,
SPEAKER.

Commons House of Assembly,
1st day of March, 1838.

Same read first time.

The resolutions referred to in the foregoing message were then read as follows:

(For Resolutions see Appendix D. D.)

On motion made and seconded, it was,

Ordered, that the foregoing resolutions be referred to a Committee of the whole House this day.

Simcoc additional tax bill, committed.

Pursuant to the order of the day, the House was put into a Committee of the whole, upon the bill entitled, "An Act to authorise the levying an additional tax on the inhabitants of the County of Simcoc, for the purposes therein mentioned."

The Honourable Mr. Hamilton took the Chair.

After some time the House resumed.

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

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

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

Pursuant to the order of the day, the House was again put into a Committee of the whole, upon the bill entitled, "An Act to extend the period for commencing or completing public works, for which Charters have been granted," together with the report of the Select Committee thereon. Public Works period extension bill, re-committed.

The Honourable Mr. Morris took the Chair.

After some time the House resumed.

The Chairman reported, that the Committee had gone through the said bill, and had made an amendment thereto, which they recommended to the adoption of the House. Amendment reported.

Ordered, that the report be received; and,

The said amendment was then read as follows:

Press 1, line 3—After "the" expunge "pecuniary market," and insert "commerce." Read first time.

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

Ordered, that the same be engrossed, and the said bill as amended, read a third time to-morrow. Read second time, and adopted.

Pursuant to order the House was put into a Committee of the whole, upon the resolutions of the Assembly, transmitted by message this day, on the subject of certain resolutions of the Honourable the Legislative Council of Nova Scotia. The resolutions of the Assembly, on the subject of the resolutions of the Legislative Council of Nova Scotia, in relation to the state of this Province, committed.

The Honourable Mr. Burnham took the Chair.

After some time the House resumed.

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

Ordered, that the report be received; and,

Ordered, that the last-mentioned resolutions be adopted; and, Adopted.

Ordered, that the Master in Chancery do go down to the Assembly and acquaint that House, that the Legislative Council have adopted their resolutions, transmitted by message this day, on the subject of certain resolutions of the Honourable the Legislative Council of Nova Scotia. And the Assembly acquainted thereof.

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

MR. SPEAKER,

The Commons House of Assembly accede to the request of the Honourable the Legislative Council, for a conference on the subject matter of the bill sent up from this House, entitled, "An Act granting a salary to the Adjutant General of Militia of this Province, and for other purposes therein mentioned," and have appointed a Committee of four of its Members, who will be ready to meet the Conferrees on the part of your Honourable House, at the time and place appointed. Acceding to a conference upon Militia Adjutant General's salary bill.

ALLAN N. MACNAB,

SPEAKER.

Commons House of Assembly,

1st March, 1838.

On motion made and seconded, it was,

Ordered, that the Committee of Conference on the part of this House be instructed to represent, that the Legislative Council have requested this conference with the Commons House of Assembly upon the bill entitled, "An Act granting a salary to the Adjutant General of Militia of this Province, and for other purposes therein mentioned," for the purpose of suggesting to the Assembly, whether it might not be preferable to make a proportionate increase to the salary of the Adjutant General, and Assistant Adjutant General, by making the salary of the former £500, and of the latter £300, per annum. Instructions to the Conferrees on the part of this House.

The Honourable Messieurs Wells, Markland and Macaulay, enter.

The Honourable Mr. Markland moved certain instructions for the Committee of Conference on the part of this House, in relation to the resolutions of the Assembly on the subject of a Commission to England, which being seconded, it was, Members enter.

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

The same Committed.

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

The Honourable Mr. Markland took the Chair.

After some time the House resumed.

Amendments reported.

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

Adopted.

Ordered, that the report be received; and,

The Instructions.

Ordered, that the Committee of Conference on the part of this House be instructed to represent to the Conferrees on the part of the House of Assembly, with reference to the subject of sending a Commissioner to England, that in the reports of both branches of the Legislature upon the state of the Province, and the Addresses to Her Majesty founded thereupon, the fullest information has been given, upon the present political condition of the two Provinces of Upper and Lower Canada; and the several practical measures for re-establishing tranquillity upon a firm basis for the future have been largely commented upon, and brought under the consideration of Her Majesty's Government.

That although the Legislative Council consider it absolutely necessary, that some measure should be adopted for the purpose of remedying the evils arising out of the state of Lower Canada, and feel the utmost solicitude respecting the decision of the Imperial Government on that subject, yet they hope they may rely on that Government, that no measure deeply affecting the interests of this Province will be adopted, without affording its inhabitants an opportunity of being heard upon a subject of such vital consequence.

That in order to ensure such a course, and when Her Majesty's Government shall have matured and prepared their intended measure, that the people of this Province may be afforded an opportunity of advancing their opinions, an Address of the Legislative Council to Her Majesty has been adopted, praying that Her Majesty will be graciously pleased not to come to any final decision without their knowledge.

That the sending to England a Commissioner to represent this Province, may hasten to a conclusion, measures which would otherwise lay over during the recess of the Imperial Parliament, and thereby defeat the anxious desire of the Legislative Council, that ample time should be afforded for calm consideration, during a period not interrupted by the excitement of legislation.

That for these reasons, the Legislative Council do not think the present time most proper for sending a Commissioner to England; and wish to submit their views to the House of Assembly, for their concurrence, should they deem a postponement of the present mission most advisable.

That had these reasons not occurred to the Legislative Council, however high their consideration for the Honourable Member chosen by the Assembly, they could not have felt any certain assurance that he would concur in all their views on so important a subject, and should have deemed it indispensable that a Member of their Honourable House should also proceed to England, in order to express their opinions relative to the interests of this Province.

Report of the Committee of Privilege, in relation to the Protest of the Honourable & Venerable the Archdeacon of York, presented.

The Honourable Mr. Morris, from the Committee of Privilege in relation to the Protest of the Honourable and Venerable the Archdeacon of York, presented their report.

Ordered, that it be received; and,

Read.

The same was then read, as follows:

The Report.

The Committee of Privilege appointed to search for precedents, and report to your Honourable House, whether the language and inferences of the Protest of the Honourable and Venerable the Archdeacon of York, entered on the Journals on the 24th day of last month—"To the resolutions adopted by this Honourable House, as a substitution for the bill sent up for concurrence by the Commons House of Assembly, granting to Her Majesty a sum of money to provide for the presentation of Swords to Colonel MacNab and Captain Drew,"—is an infringement of the privileges of this House, and disrespectful to the Members thereof:

Have examined innumerable proceedings in the Journals of the House of Lords, against which protests are entered, and many of them on the most stirring subjects, which might be supposed to call forth expressions of asperity against Noble Lords of opposing sentiments, did

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such a practice prevail in that august body; and your Committee have satisfaction in being able to assure your Honourable House, that they have failed to discover a single instance in which a Member of the House of Lords has, when availing himself of the right to enter a protest on the Journals, taken occasion to represent that branch of the Imperial Legislature as "ludicrous."

The effect of such a proceeding, it is too obvious, would be most injurious to the interests of society at large, inasmuch as public confidence would be withdrawn from the decisions of an Assembly, that permitted its own Members to place on its records expressions injurious to the character of the whole body. Nothing is more expressly laid down by the writers on Parliamentary Law, than that it is contrary to the rules of order and privilege, for one Member to impugn the motives of another Member or Members; and that an act of this nature, although aimed only at individual Members, is an offence against the whole House. It therefore appears to your Committee, that that part of the fifth reason, which states that "the prevailing objection to granting the two Swords seems to have been the expense of the same," is not only a breach of good order, but is contrary to the facts of the case, and the opinions which governed the majority in coming to a decision on the bill. As to that part of the fourth reason, which represents the Legislative Council as composed of persons "least exposed to such perils" as are referred to, the Committee will only remark, that the charge is not well founded; and that many of the Members of the Legislative Council, from their station in society, are just as liable to danger—and the Committee believe, as ready to face it in case of necessity, as any other individuals in the Province.

Your Committee think, they cannot close their report with observations more applicable, than by a quotation from Hatsell—that to "cavil at or throw reflections on what the House have actually decided, besides the impropriety which such a proceeding bears upon the face of it, can have no other possible effect, than to introduce reply and recrimination."

All which is respectfully submitted,

W. ALLAN,
J. HAMILTON,
W. MORRIS.

Committee Room, Legislative Council,

1st March, 1838.

On motion made and seconded, it was,

Ordered, that the last-mentioned report of the Committee of Privilege, be referred to a Committee of the whole House presently; and,

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

The Honourable Mr. Wells took the Chair.

After some time the House resumed.

Pursuant to the order of the day, the bill entitled, "An Act to alter and amend sundry Acts regulating the appointment and duties of Township Officers," was, as amended, read a third time; and,

The question being put, whether this bill, as amended, should pass, it was carried in the affirmative:

Whereupon the Speaker signed the amendments; and it was,

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

On motion made and seconded, it was,

Ordered, that an Address be presented to His Excellency the Lieutenant Governor, in the following words:

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

MAY IT PLEASE YOUR EXCELLENCY:

We, Her Majesty's dutiful and loyal Subjects, the Legislative Council, and House of Assembly of Upper Canada, in Provincial Parliament assembled, have agreed to two humble Addresses to Her Majesty, on the subjects of the Post Office Department; and the levying an

The same committed.

House resumes.

Township Officers law amendment bill, as amended, read third time and passed.

Amendments signed;

And sent to the Assembly for concurrence.

An address passed by this House, requesting His Excellency to transmit the joint addresses to Her Majesty, on the subjects of the Post Office Department, and the levying an additional two and a half per cent. on Goods imported into Lower Canada.

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additional two and a half per cent. on goods imported into Lower Canada, now paying an *ad valorem* duty—which we respectfully pray your Excellency will be pleased to transmit to the Secretary of State for the Colonies, in order that they may be laid at the foot of the Throne.

And sent to the Assembly for concurrence.

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

Report of the Select Committee upon Militia law repeal bill, presented.

The Honourable Mr. Macaulay, from the Select Committee to whom was referred the bill entitled, "An Act to repeal, alter and amend, the Militia Law of this Province," presented their report.

Ordered, that the report be received; and,

Read.

The same was then read as follows:

The Select Committee to whom was referred the bill entitled, "An Act to repeal, alter and amend, the Militia Law of this Province," respectfully report:

The Report.

That they have compared with as much attention as circumstances would at the present moment allow, the provisions of the bill, with the various Militia Acts which it is proposed to repeal, and now offer some remarks on the several clauses, as follows:

First clause—authorises the Governor to form Regiments or Battalions as he may think fit, and appoint Officers to train, discipline and command the Militia, according to such rules, orders and directions, and for such services, as may from time to time be issued by him for that purpose.

By the present Law the Officers are bound, under the first clause, to act according "to the rules, orders and directions," subsequently mentioned in the Act.

The bill thus appears intended considerably to enlarge the discretionary powers vested in the Lieutenant Governor.

The relative rank of Militia Officers when on service with Her Majesty's Regular Forces is continued the same as at present.

Second clause—the present law obliges every person from sixteen years of age to sixty to be enrolled, with the exception of aliens; but no person above the age of fifty is required to bear arms, except on the day of annual meeting, or in time of war or emergency. The second clause of the new bill includes all from eighteen to fifty years of age as liable to be enrolled; and by the forty-fourth clause, a Retired Battalion shall be attached to each Regiment, to which may be transferred all Officers incapable of actual service, and all non-commissioned Officers and Privates, from the age of fifty to sixty.

The third clause authorises the Officers commanding Regiments, to order the Captains to call out their Companies at least once in each year, viz. on the fourth day of June, for the purpose of enrollment.

The fourth clause requires all persons residing within the limits of a Company, to come forward on that day to be enrolled, and to prove their ages, if the same should be called in question.

The fifth clause provides, that the Companies may be called together, for the purpose of enrollment, oftener than once in the year; and that four days notice of the time and place of meeting shall be given by some non-commissioned Officer: Aliens not bound to enrol themselves.

The sixth clause prescribes on what occasions the Lieutenant Governor may call out and embody the Militia for actual service; the penalties for neglect or disobedience are the same as under the present law. The bill varies considerably from the present law, with respect to the calling out of Companies or detachments, and the period of service and mode of relief.

The seventh clause corresponds with the present Statute, with respect to the marching of the Militia into Lower Canada, under certain circumstances, or to attack the enemy threatening to invade this Province, or building vessels or forts to cover any attempt at invasion.

The eighth clause provides, that the Commissions of Officers shall be held during pleasure, which is not provided for by existing Acts.

The ninth clause authorises the Colonel to assemble his Regiment twice in each year, or oftener, if directed by the Lieutenant Governor, for drill or inspection: By the present Act, the Colonel has a discretionary power, to call out his Regiment as often as he may think

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necessary; and if he should be absent from the Country, the next senior Officer of the Regiment is authorised to do so. It is further provided, that if the Colonel should consider it more convenient, he may call out parts of his Regiment at different places and in separate bodies.

The tenth clause requires the Colonel to make proper returns to the Adjutant General, on or before the 14th June, in each year. The time allowed by the present Act is fourteen days after the 4th June.

The eleventh clause enables the Lieutenant Governor to appoint persons to Militia rank, not exceeding that of Colonel, independent of any rank that may be held by such person in any Regiment or Battalion, in respect of which no provision exists in the present law.

The twelfth clause prescribes, that the Lieutenant Governor may regulate the uniform to be worn by the Militia: no similar provision is to be found in the present law.

The thirteenth clause enjoins on Officers, the due observance of any regulation made under the last clause, on pain of being superseded.

The fourteenth clause authorises the formation of Regiments or Battalions of Dragoons, Artillery or Light Infantry—to be selected from, but to be independent of, the other Regiments of Militia.

The fifteenth clause directs, that such Regiments of Dragoons, Artillery and Light Infantry, shall be subject to such orders and regulations as the Lieutenant Governor may issue, apart from the other Militia Forces. This is at variance with the present law, which merely authorises the formation of Companies of Artillery, and Troops of Cavalry, to be attached to particular Regiments of Militia, in different parts of the Province.

The sixteenth clause—Officers of Militia, convicted of wilful neglect, disobedience or insubordination, in time of peace, are to be liable to a fine of not less than £1, nor exceeding £20, and to be cashiered.

The seventeenth clause—Non-commissioned Officers or Privates, guilty of misconduct during peace, are liable to a fine of not less than 5s. nor more than £5; or in default of payment of such fine, to imprisonment for three days at least, or a time not exceeding one month. The punishment is similar in cases where persons refuse to enroll their names; in the present law, the penalty for non-enrollment is 10s.: and for misconduct, a sum not less than 10s. nor more than £5.

The eighteenth clause composes a Court of three Officers, (one of whom to be of the rank of Captain,) to investigate all charges for neglect of duty or misconduct by non-commissioned Officers or Privates.

The nineteenth clause provides, that due notice of the sitting of such Court shall be given by the Colonel of the Regiment to the Officers commanding Companies.

The twentieth clause provides, that the Captain of any Company shall give eight days notice of the meeting of the Court, to any person under his command, against whom a complaint may be preferred, and prescribe the form of notice.

The twenty-first clause provides, that proof shall be given of the due service of any such notice on the party accused.

The twenty-second clause gives power to the Court to summon witnesses, administer oaths, and punish for contempt, in case of non-attendance.

The twenty-third clause allows each member of the Court, a compensation of five shillings per diem.

The twenty-fourth clause regulates the fees to be allowed the persons on whom the Court may direct to serve the notices.

The twenty-fifth clause regulates the enforcement of the judgments of the Court, in the same manner as the judgments of Justices of the Peace now are enforced under the Summary Punishment Act.

It will be observed, this is a Court authorised in Militia matters to perform duties hitherto performed by Justices of the Peace, except during the continuance of the Act 2nd Geo. IV. chap. 3rd, where a similar Court was in existence.

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The twenty-sixth clause proceeds to make provision that all fines levied by this Court shall be applied, first, to the payment of the Members thereof, and next, under the direction of the Field Officers, to the purchase of Colours, Musical Instruments, and other Regimental purposes.

The twenty-seventh clause directs semi-annual returns of fines, and the manner which they may have been disposed of.

The twenty-eighth clause provides, that Officers charged in time of peace with misconduct, shall be tried by a Court-Martial composed of seven or more Officers of the Militia of the Country, whose sentence shall not be carried into effect until approved of by the Lieutenant Governor.

The twenty-ninth clause directs the recovery of the fine imposed on the party convicted by the Court-Martial to be made by warrant of distress, signed by the senior Officer of the Court, and that the amount collected shall be appropriated in the same manner as other fines levied under this Act.

By the present Law the penalty to which an Officer convicted of any offence before a Court-Martial in time of peace, is proportioned to the offence, and may be censure, or suspension, or depriving him of his commission, and degrading him from his rank, and no other; but he cannot be tried unless he himself prays for it.

The bill now under consideration heightens the penalty, by imposing fine and degradation from rank, &c., but does not particularly prescribe the mode of proceeding, as it does in the subsequent clauses, relating to Courts-Martial held in time of actual service.

The thirtieth clause subjects the Militia, when embodied, "to all the rules and regulations, pains and penalties, of any Act or Acts of the British Parliament, that are or may be in force for the punishment of mutiny, desertion, or other crimes, in the Army of Her Majesty the Queen, her Heirs or Successors," with the exception that no one shall be sentenced to loss of life, except in certain cases, or to whipping.

The variance between this clause and the twenty-fourth clause of the Act of 1808, (48 Geo. III.) deserves special attention.

The thirty-first clause, which regulates the constitution and proceedings of Courts-Martial, in time of actual service, is in substance similar to the present Law, excepting that the number of Members of the Court is now fixed at thirteen, including the President, whereas the bill proposes, that in future there shall be a President, and not less than eight Commissioned Officers.

The thirty-second clause, which authorises the calling out of the Militia in certain cases of emergency, where it is impracticable to consult the Lieutenant Governor, corresponds with a provision contained in the ninth section of 48 Geo. III.

The thirty-third clause gives general authority to the Lieutenant Governor, to make regulations for the impressment of Carriages and Horses for the conveyance of Troops and Stores, and for billeting the Troops and Militia on actual service.

By the present Laws a certain fixed rate is prescribed for the daily hire of Carts, Carriages, Horses and Oxen. It is probably more convenient to leave this matter open to the exercise of a sound discretion, according to the exigencies of the times, and the general prices of food and labour.

The Act of 49 Geo. III. chap. 2. regulates very clearly the manner of billeting, and of obtaining redress by any inhabitant who may consider himself aggrieved. It may be doubted how far it was expedient to substitute for it the very summary clause now under consideration.

By the same Act (49 Geo. III. chap. 2) there is a penalty imposed on persons refusing to receive men who are billeted. No such provision exists in the present bill.

The same observation applies to the impressment of Boats and other Craft, provided for by the Act which it is now proposed to repeal.

The thirty-fourth clause continues in force all Commissions, and the existing organization of the Militia, until otherwise directed.

The thirty-fifth clause provides certain fees to be paid for Commissions. This is an entirely new provision.

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The thirty-sixth clause requires the Adjutant General to transmit the new Commissions to the Colonel of the Regiment, who is to remit the fees upon them, as well as the exemption money collected from the Quakers, Menonists and Tunkers, to the Receiver General, for public uses.

The thirty-seventh clause. The Colonel is, by this clause, bound to make half-yearly returns to the Adjutant General, of the fees received by him and paid into the hands of the Receiver General.

The thirty-eighth clause declares that no Officer shall muster, or be entitled to his rank, unless he shall obtain his Commission and pay the fees thereon, within six months after he shall have been Gazetted.

The thirty-ninth clause authorises the Colonels to call out their Officers and Non-Commissioned Officers, for the purpose of drill, one day in each month, exclusive of the days of general review and drill.

The fortieth clause provides that this Act shall apply to the Militia now embodied for actual service.

The forty-first clause is an exact transcript of the fifteenth section of 48 Geo. III. providing a penalty in all cases in which persons buy or sell arms delivered out of the Government Stores.

The forty-second clause renders false swearing in any proceeding under this Act wilful perjury.

The forty-third clause authorises the creation of a Provincial Marine Force, to be drilled under a Commodore and other Officers, in the use of heavy Guns, and the management of Gun Boats, in addition to their duties as Militia-men, in the use of small Arms. This clause in substance is nearly similar to the 28th section of the Act of 1808.

The forty-fourth clause has been already noticed under the second clause, as containing a new provision for the creation of a retired Battalion in each Regiment.

The forty-fifth clause authorises the formation of Volunteer Companies, to serve at the different Harbours as a Provincial Marine, each Company being commanded by a Captain, Lieutenant and Ensign, and consisting of not less than fifty, nor more than one hundred men.

The forty-sixth clause authorises the Officer commanding any Regiment or Detachment of Militia, "to confine for any time not exceeding three days any person who may wilfully molest or interrupt his men whilst on duty." It does not say where such offenders are to be confined. This is nearly the same as a provision contained in the Act 2 Geo. IV. chap. 3. now expired.

The forty-seventh clause is a transcript of the twenty-sixth clause of the Act of 1808, providing for cases of exemption from Militia Service in time of peace.

Your Committee consider that such Deputies of the Surveyor General, only, should be exempted, as may at the time be in the actual service of the Department.

We also consider it expedient that Post Masters and Mail Carriers should be exempted from Militia Service in time of peace.

The forty-eighth clause provides for the collection of exemption money from Quakers, Menonists and Tunkers. Provision on this head is now made under the twenty-seventh clause of the Act 48 Geo. III.

The difference between that clause and the present bill is chiefly this, viz.—that the names of such persons must now be returned by the parties to the Treasurer of the District, with the exemption money, while the bill intends to substitute the Colonel of the Regiment for the Treasurer of the District, and increase the exemption money in time of war from five to ten pounds.

Your Committee would request the attention of your Honourable House to the Act 50 Geo. III. chap. 11. in which relief is provided for the Minors of the Societies of Menonists and Tunkers, and which by the last section of the bill seems to be repealed.

The forty-ninth clause varies in some points from the forty-second clause of 48 Geo. III. and prescribes a limitation of actions within three months, for things done by virtue of this bill.

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The last clause of the bill repeals all Acts now in force relating to the organization of the Militia, in the same general way as we find was adopted in the last clause of 48th Geo. III.

The title of the bill does not seem quite correct, inasmuch as the bill is rather designed to reduce into one Act and amend the Militia Laws of the Province.

The Acts which are to be repealed by this bill, appear to be the following, viz:

First—Act 48th Geo. III. chap. 1, being the principal law regulating the Militia.

Second—Act 49th Geo. III. chap. 2, which regulates the quartering and billeting, on certain occasions, of the Regular and Militia Forces.

Third—Act 53rd Geo. III. chap. 10, amending the previous Act.

Fourth—Act 50th Geo. III. chap. 11, passed for the relief of minors of the societies of Menonists and Tunkers, in respect of Militia Service.

Fifth—Act 56th Geo. III. chap. 31, amending the 48th Geo. III.

Sixth—Act 59th Geo. III. chap. 12, repealing the 25th clause of 48th Geo. III. by which Courts of Inquiry were constituted, and authorising Courts Martial in time of Peace, when prayed for by any Officer against whom charges may have been preferred.

Seventh—Act 2nd Geo. IV. chap. 3: this Act, amending previous Acts, appears on the Statute-book, but has actually expired. It appears to have furnished hints for the preparation of the present bill, as noted in the consideration of 25th clause.

Eighth—Act 4th Geo. IV. chap. 5, repealing part of the last-mentioned Act, and the 10th section of 48th Geo. III. and sanctioning the formation of Artillery Companies.

There are thus seven Acts to be repealed by this bill, independent of 2nd Geo. IV. chap. 3, which has expired.

The Statutes not repealed by these bills are—

Act 4th Geo. IV. chap. 6; and,

Act 4th Geo. IV. chap. 27—which relate to the Office of Adjutant General, and are repealed by another bill, which has been under discussion during the present Session.

Your Committee do not observe, that any provision is made for the proper application of fines that may have been paid into the hands of Officers commanding Regiments, under existing Statutes, but not accounted for or applied as the provisions of the law may direct; probably this subject may, without inconvenience, be referred for consideration at a future period.

In closing their report, your Committee beg leave to state to your Honourable House, that they discover the omission of many provisions in the bill submitted to them, which are contained in the present laws, for regulating the Militia of this Province, and which might prove salutary, if re-enacted; but at this late period of the Session, and under the existing circumstances of the country, they content themselves with pointing out the most material differences between the present laws and the bill under consideration, and with submitting one amendment, which they conceive important, and which is nearly a transcript of the proviso appended to the ninth clause of the Act 48th Geo. III. for allowing substitutes in the Militia.

All which is respectfully submitted,

JOHN MACAULAY,

CHAIRMAN.

Committee Room, Legislative Council,

1st March, 1838.

On motion made and seconded, it was,

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

The Honourable Mr. Crooks brought up the petition of William Ewart, and others, inhabitants of the Township of West Flamborough; which was laid on the table.

On motion made and seconded, the House adjourned until to-morrow, at the hour of eleven of the clock, A. M.

Petition of Wm. Ewart,
and others, presented.

House adjourns.

Friday, 2nd March, 1838.

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

FRIDAY, 2nd MARCH, 1838.

The House met, pursuant to adjournment.

House meets.

PRESENT :

The Honourable JOHN B. ROBINSON, SPEAKER.*The Honourable Messrs.* HAMILTON,*The Honourable* Mr. DICKSON,

" " ADAMSON,

The Hon. & Ven. The ARCHDEACON OF YORK,

" " CROOKS,

The Honourable Messrs. MARKLAND,

" " MORRIS,

" " ALLAN,

" " MACAULAY.

" " BALDWIN,

Members present.

Prayers were read.

The Minutes of yesterday were read.

The order of the day being read for reading the bill entitled, "An Act to extend the period for commencing or completing public works, for which Charters have been granted"; it was,

Public Works period extension bill, discharged from the order of the day.

Ordered to be discharged, and that the same be again referred to a Committee of the whole House this day.

Pursuant to the order of the day, the bill entitled, "An Act to authorise the levying an additional tax on the inhabitants of the County of Simcoe, for the purposes therein-mentioned," was read a third time and passed:

Simcoe additional tax bill, read third time, and passed.

Whereupon the Speaker signed the same; and it was,

Same signed;

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

And the Assembly acquainted thereof.

Pursuant to the order of the day, the House was again put into a Committee of the whole, upon the bill entitled, "An Act to repeal, alter and amend, the Militia Laws of this Province," together with the report of the Select Committee thereon.

Militia law repeal bill, re-committed.

The Honourable Mr. Hamilton took the Chair.

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

Deputations from the Commons House of Assembly, brought up several bills, to which they requested the concurrence of this House; and they brought up and delivered at the Bar of this House, two Messages in the following words, and then withdrew :

Bills brought up from the Assembly:

And two Messages therefrom.

MR. SPEAKER,

The House of Assembly transmits to the Honourable the Legislative Council herewith, so much of the third report of the Finance Committee as refers to the Post Office Department: together with the fifth report of the said Committee on the same subject—and ordered by this House to accompany the Address to the Queen thereon.

Transmitting reports of the Finance Committee, on the subject of the Post Office Department;

ALLAN N. MACNAB,

SPEAKER.

Commons House of Assembly,

First day of March, 1838.

(For copy of report, see Appendix E. E.)

MR. SPEAKER,

The Commons House of Assembly request a free Conference with the Honourable the Legislative Council, on the subject of the bill sent up from this House, entitled, "An Act granting a salary to the Adjutant General of Militia of this Province, and for other purposes therein mentioned," and have appointed four of their Members, who will be ready to meet the Conferrees of the Honourable the Legislative Council, to be appointed at such time and place as to that Honourable House may seem meet.

And requesting a free conference with this House upon Militia Adjutant General's salary bill.

ALLAN N. MACNAB,

SPEAKER.

Commons House of Assembly,

Second day of March, 1838.

The Honourable Messieurs Crookshank and Wells, enter.

The House was then again put into a Committee of the whole, upon the bill entitled, "An Act to repeal, alter and amend, the Militia Laws of this Province," together with the report of the Select Committee thereon.

Members enter.

Militia Law repeal bill, re-committed.

Friday, 2nd March, 1838.

THIRD SESSION THIRTEENTH PROVINCIAL PARLIAMENT, 1st VICTORIA.

The Honourable Mr. Hamilton took the Chair.

After some time the House resumed.

Reported, and leave
asked to sit again.

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

Leave granted.

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

On motion made and seconded, it was,

A free conference with
this House on the subject
of the Militia Adjutant
General's salary bill,
acceded to.

Ordered, that a free Conference be acceded to with the Commons House of Assembly, on the subject matter of the bill sent up to this House, entitled, "An Act granting a Salary to the Adjutant General of Militia of this Province, and for other purposes therein-mentioned"; and,

Conferrees appointed.

Ordered, that the Honourable Messieurs Allan and Morris, be appointed the Conferrees on the part of this House for that purpose; and,

And the Assembly
acquainted of same.

Ordered, that the Master in Chancery do go down to the Assembly, and acquaint that House, that the Legislative Council have acceded to the request of the Commons House of Assembly, for a free Conference on the subject matter of the bill entitled, "An Act granting a Salary to the Adjutant General of Militia of this Province, and for other purposes therein-mentioned," and have appointed the Honourable Messieurs Allan and Morris, to manage the Conference on the part of this House, who will be ready to meet a Committee appointed on the part of the Commons House of Assembly, this day, at three of the clock, P. M. in the Committee Room of the Legislative Council, for that purpose; and,

Instructions to the Con-
ferrees on the part of this
House.

Ordered, that the Conferrees on the part of this House be instructed to represent to the Conferrees on the part of the Assembly, the irregularity of asking for a free Conference, until a second Conference had first been desired by the Assembly.

Militia law repeal bill,
re-committed.

Pursuant to order, the House was again put into a Committee of the whole, upon the bill entitled, "An Act to repeal, alter and amend, the Militia Laws of this Province," together with the report of the Select Committee thereon.

The Honourable Mr. Hamilton took the Chair.

After some time the House resumed.

Amendments reported.

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

Ordered, that the report be received; and,

Read first time.

The said amendments were then read, as follows:

The Amendments.

In the title, line 1—After "to" expunge "repeal, alter and"; after "amend" insert "and reduce into one Act"

In the bill, press 1, line 16—Expunge "and for such service"

Press 1, line 22—Expunge "eighteen" and insert "sixteen"; expunge "fifty" and insert "sixty"

" 3, " 24—Add to the clause "Provided always, that whenever it shall happen that only part of the Militia of this Province shall be called out for actual service, it shall and may be lawful for any person being of the Militia of the County or Riding that may be so called out, or of any City within the same, duly chartered by any Act of the Parliament of this Province, to provide and send an able-bodied man to serve in the said Militia in his stead; and such able-bodied man shall be taken and received as a proper substitute for such person living in the County, Riding or City, that would otherwise be obliged to serve in the said part of the Militia, called out as aforesaid"

" 10, " 10—After "Officers" insert "Provided always, and be it further enacted by the authority aforesaid, that all Officers who may be appointed to compose any Board for the trial of any offender or offenders, under this Act, shall, before proceeding to the trial of such offender or offenders, take the following oath: 'I do sincerely promise and swear, that in all such matters as shall be brought before me for trial, under the Militia Laws of this Province, I will faithfully act, and according to the best of my judgment, agreeably to the said Laws, without favour or partiality to any person—So HELP ME GOD': which oath may be administered, by any one member to the other members of the said Board"

" 16, " 6—After "service" insert "not being repugnant to the Act passed in the forty-ninth year of the reign of His late Majesty King George the Third, entitled,

Friday, 2nd March, 1838.

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

‘An Act for quartering and billeting, on certain occasions, His Majesty’s Troops; and the Militia of this Province’

Press 19, line 9—After “Commodore” insert “who shall rank with Colonels of Militia, and also”

“ 21, “ 2—After “appointed” insert “and actually engaged in public service, Deputy Post-masters and Mail-carriers”

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

Ordered, that the same be engrossed, and the said bill, as amended, read a third time this day.

On motion made and seconded, it was,

Ordered, that an Address be presented to His Excellency the Lieutenant Governor, respectfully requesting that he will be pleased to transmit the Address of this House to the Queen, on the State of the Province, to Her Majesty’s Secretary of State for the Colonies, in order that it may be laid at the foot of the Throne; and, An Address ordered to be presented to the Lieut. Governor, praying His Excellency to transmit the Address of this House to the Queen, on the State of the Province, to Her Majesty’s Secretary of State for the Colonies.Ordered, that a Select Committee be appointed to wait on the Lieutenant Governor, to know when His Excellency would be pleased to receive this House, with their last-mentioned Address to the Queen; and, A Committee appointed to know when the House would be received with the same.Ordered, that the Honourable Messieurs Markland and Baldwin, do compose the same for that purpose. Members composing it.The Honourable Messieurs Cameron and McDonell, enter. Members enter.A Deputation from the Commons House of Assembly, brought up and delivered at the Bar of this House, a Message in the following words, and then withdrew: Message from the Assembly:

MR. SPEAKER,

The Commons House of Assembly does not concur in the report of the Conferrees, on the subject of sending Commissioners to England, but is still of opinion, that the present is the fit and proper time to represent to Her Majesty’s Government, and the Imperial Parliament, by Commissioners from this Province, the wants and wishes of the inhabitants of this Colony, when it is in contemplation to make great and serious alterations in the Government of Lower Canada, which must necessarily affect the best interests of this Province. As two Commissioners have recently been sent to England by the British population of Lower Canada, it is, in the opinion of this House, incumbent upon this Province likewise to send to England, gentlemen of known ability, who may watch over the interests of the inhabitants of this portion of the dominions of our Sovereign.

On the subject of the report of the Conferrees relative to sending Commissioners to England.

To carry those views into effect it is deemed necessary by this House, that one of its Members should proceed to England, and this House also requests that the Honourable the Legislative Council do concur therein, and that that Honourable House do send a Commissioner to England, with the Commissioner appointed by this House.

ALLAN N. MACNAB,
SPEAKER.*Commons House of Assembly,*
2nd day of March, 1838.

On motion made and seconded, it was,

Ordered, that the foregoing Message be referred to a Committee of the whole House this day.

The Honourable the Speaker reported to the House, that Deputations from the Commons House of Assembly had brought up a bill entitled, “An Act to authorise the issuing bills on the credit of this Province”: also a bill entitled, “An Act to regulate the future appropriation of the Casual and Territorial Revenue, and to provide a sum for the support of the Civil Government of the Province, and for other purposes therein mentioned”: also a bill entitled, “An Act to afford relief to the Sick and Destitute Poor of the City of Toronto”: also a bill entitled, “An Act to provide for the purchase of certain Books for the use and instruction of the Militia of this Province”: also a bill entitled, “An Act granting a sum of money for the support of Common Schools for the year 1838”: also a bill entitled, “An Act granting a certain sum of money to defray the expenses of the Civil Government for the year 1838, and for other purposes therein mentioned”: also a bill entitled, “An Act granting a sum of money to complete the Dundas and Waterloo Macadamized Road, and for other purposes therein men-

Speaker reports the receipt of Provincial Bills issue bill;
Casual and Territorial Revenue regulation bill;
Toronto Poor relief bill;
Militia Books purchase bill;
Common School grant bill;
Civil List bill;
Dundas and Waterloo road grant bill;

Friday, 2nd March, 1838.

THIRD SESSION THIRTEENTH PROVINCIAL PARLIAMENT, 1st VICTORIA.

Rebellion's loss Commis-
sioners appointment bill;Penitentiary provision
bill; and,Lake Road improvement
continuation bill, from
the Assembly.

Read first time.

Casual and Territorial
Revenue regulation bill,and Civil List bill,
referred to a Select Com-
mittee.

Members composing same.

Report of the Committee
of Free Conference on the
part of this House upon
Militia Adjutant General's
salary bill, presented.

Read.

The Report.

Public Works period
extension bill,
re-committed.

Reported;

And referred to the same
Select Committee.

A Member added thereto.

tioned": also a bill entitled, "An Act to authorise the appointment of Commissioners to investigate the claims of certain inhabitants of this Province, for losses sustained during the late unnatural Rebellion": also a bill entitled, "An Act to make further provision for the support and regulation of the Provincial Penitentiary": and also a bill entitled, "An Act for continuing the improvement of the Lake Road, west of the City of Toronto," to which they requested the concurrence of this House.

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

Ordered, that the bill entitled, "An Act to regulate the future appropriation of the Casual and Territorial Revenue, and to provide a sum for the support of the Civil Government of the Province, and for other purposes therein mentioned": and also the bill entitled, "An Act granting a certain sum of money to defray the expenses of the Civil Government for the year 1838, and for other purposes therein mentioned," be referred to a Select Committee, with power to send for persons and papers, and to report thereon by amendment or otherwise; and,

Ordered, that the Honourable Messieurs Wells, Markland and Adamson, do compose the same for that purpose.

Ordered, that the bill entitled, "An Act to authorise the issuing bills on the credit of the Province": also the bill entitled, "An Act to afford relief to the Sick and Destitute Poor of the City of Toronto": also the bill entitled, "An Act to provide for the purchase of certain Books for the use and instruction of the Militia of this Province": also the bill entitled, "An Act granting a sum of money for the support of Common Schools for the year 1838": also the bill entitled, "An Act granting a sum of money to complete the Dundas and Waterloo Macadamized Road, and for other purposes therein mentioned": also the bill entitled, "An Act to authorise the appointment of Commissioners to investigate the claims of certain inhabitants of this Province, for losses sustained during the late unnatural Rebellion": also the bill entitled, "An Act to make further provision for the support and regulation of the Provincial Penitentiary": and also the bill entitled, "An Act for continuing the improvement of the Lake Road, west of the City of Toronto," be severally read a second time this day.

The Honourable Mr Allan from the Committee of Free Conference on the part of this House, upon the bill entitled, "An Act granting a salary to the Adjutant General of Militia of this Province, and for other purposes therein mentioned," presented their report.

Ordered, that it be received; and,

The same was then read, as follows:

The Managers of the Conference on the part of the Legislative Council, on the bill to increase the salary of the Adjutant General, explained to the Managers on the part of the House of Assembly, that there was a mistake in asking for a free conference before a second conference had been held, which being admitted the Conference proceeded, when the Managers of the Conference on the part of the House of Assembly mentioned, that the House of Assembly did not feel disposed to provide a less salary than £600 to the Adjutant General, but would rather increase the allowance; and that they thought the Assistant Adjutant General's salary sufficient, and that it would be better for the Department if that office was abolished, and Clerks appointed instead thereof; whereupon the Managers from the Legislative Council said, they would inform the Legislative Council of these particulars.

On motion made and seconded, it was,

Ordered, that the last-mentioned bill, together with the report of the Conferrees, be referred to a Committee of the whole House, this day.

Pursuant to order, the House was again put into a Committee of the whole, upon the bill entitled, "An Act to extend the period for commencing or completing public works, for which Charters have been granted."

The Honourable Mr. Markland took the Chair.

After some time the House resumed.

The Chairman reported, that the Committee had taken the said bill again into consideration, had made some further progress therein, and recommended that it be referred back to the same Select Committee, to report further thereon.

Ordered, that the report be received; and,

Ordered, that the last-mentioned bill be referred back to the same Select Committee, to report further thereon; and,

Ordered, that the Honourable Mr. Markland, be added to the same.

Friday, 2nd March, 1838.

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

Pursuant to order, the House was put into a Committee of the whole, upon the Message from the Assembly, on the subject of the report of the Conferrees on the part of the Legislative Council, with reference to the sending Commissioners to England.

Message of the Assembly, on the subject of report of the Conferrees relative to sending Commissioners to England, committed.

The Honourable Mr. Hamilton took the Chair.

After some time the House resumed.

House resumes.

Pursuant to order, the bill entitled, "An Act to authorise the issuing bills on the credit of this Province," was read a second time; and it was,

Provincial Bills issue bill, read second time.

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

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

Committed.

The Honourable Mr. Allan took the Chair.

After some time the House resumed.

House resumes.

Pursuant to order, the bill entitled, "An Act granting a sum of money for the support of Common Schools for the year 1838," was read a second time; and it was,

Common Schools grant bill, read second time;

Ordered, that the same be referred to the Select Committee upon the bill entitled, "An Act to regulate the future appropriation of the Casual and Territorial Revenue, and to provide a sum for the support of the Civil Government of the Province, and for other purposes therein-mentioned"; and also upon the bill entitled, "An Act granting a certain sum of money to defray the expenses of the Civil Government for the year 1838, and for other purposes therein-mentioned."

And referred to the Select Committee upon Casual and Territorial Revenue regulation bill, and Civil List bill.

Pursuant to order, the bill entitled, "An Act granting a sum of money to complete the Dundas and Waterloo Macadamized Road, and for other purposes therein-mentioned"; and also the bill entitled, "An Act to authorise the appointment of Commissioners to investigate the claims of certain inhabitants of this Province, for losses sustained during the late unnatural Rebellion"—were severally read a second time; and it was,

Dundas and Waterloo road grant bill; and,

Rebellion's loss Commissioners appointment bill, read second time.

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

Pursuant to order, the bill entitled, "An Act to make further provision for the support and regulation of the Provincial Penitentiary," was read a second time; and it was,

Penitentiary provision bill, read second time.

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

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

Committed.

The Honourable Mr. Macaulay took the Chair.

After some time the House resumed.

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

Reported.

Ordered, that the report be received; and,

Adopted.

Ordered, that the said bill be read a third time this day.

Pursuant to order, the bill entitled, "An Act for continuing the improvement of the Lake Road, west of the City of Toronto," was read a second time; and it was,

Lake Road improvement continuation bill, read second time.

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

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

Committed.

The Honourable Mr. Morris took the Chair.

After some time the House resumed.

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

Reported.

Ordered, that the report be received; and,

Adopted.

Ordered, that the said bill be read a third time this day.

Pursuant to order, the bill entitled, "An Act to provide for the purchase of certain Books for the use and instruction of the Militia of this Province," was read a second time; and it was,

Militia Books purchase bill, read second time.

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

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

Committed.

The Honourable Mr. Allan took the Chair.

After some time the House resumed.

House resumes.

Saturday, 3rd March, 1838.

THIRD SESSION THIRTEENTH PROVINCIAL PARLIAMENT, 1st VICTORIA.

Toronto Poor relief bill,
read second time.

Pursuant to order, the bill entitled, "An Act to afford relief to the Sick and Destitute Poor of the City of Toronto," was read a second time; and it was,

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

Committed.

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

The Honourable Mr. Dickson took the Chair.

After some time the House resumed.

Reported.

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

Adopted.

Ordered, that the report be received; and,

Ordered, that the last-mentioned bill be read a third time this day.

Militia Adjutant General's
salary bill, re-committed.

Pursuant to order, the House was again put into a Committee of the whole, upon the bill entitled, "An Act granting a salary to the Adjutant General of Militia of this Province, and for other purposes therein-mentioned," together with the report of the free Conference thereon.

The Honourable Mr. Macaulay took the Chair.

After some time the House resumed.

Reported, and leave
asked to sit again.

The Chairman reported, that the Committee had taken the said bill, and the report thereon, again into consideration, had made some further progress therein, and asked leave to sit again to-morrow.

Leave granted.

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

Third reading of Militia
Law repeal bill, (as amended)
discharged from the order of the day.

The order of the day being read, for reading a third time the bill entitled, "An Act to repeal, alter and amend, the Militia Laws of this Province," as amended; it was,

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

Penitentiary Provision
bill;

Pursuant to order, the bill entitled, "An Act to make further provision for the support and regulation of the Provincial Penitentiary"; also the bill entitled, "An Act for continuing the improvement of the Lake Road, west of the City of Toronto"; and also the bill entitled, "An Act to afford relief to the sick and destitute poor of the City of Toronto"—were severally read a third time and passed:

Whereupon the Speaker signed the same; and it was,

Same signed;

Ordered, that the Master in Chancery do go down to the Assembly, and acquaint that House, that the Legislative Council have passed these bills, without any amendment.

And the Assembly
acquainted thereof.

House Adjourns.

On motion made and seconded, the House adjourned until to-morrow, at the hour of ten of the clock, A.M.

SATURDAY, 3rd MARCH, 1838.

House meets.

The House met pursuant to adjournment.

PRESENT:

Members present.

The Honourable JOHN B. ROBINSON, SPEAKER.

The Honourable Messrs. DICKSON,

" " MARKLAND,

" " ALLAN,

" " BURNHAM,

The Honourable Messrs. BALDWIN,

" " HAMILTON,

" " ADAMSON,

" " MORRIS,

" " MACAULAY.

Prayers were read.

The minutes of yesterday were read.

Dundas and Waterloo
road grant bill,
re-committed.

Pursuant to the order of the day, the House was put into a Committee of the whole, upon the bill entitled, "An Act granting a sum of money to complete the Dundas and Waterloo Macadamized Road, and for other purposes therein-mentioned."

The Honourable Mr. Burnham took the Chair.

House resumes.

After some time the House resumed.

A Member enters.

The Honourable Mr. Cameron enters.

Rebellion Losses Commis-
sioners' appointment bill,
committed.

Pursuant to the order of the day, the House was put into a Committee of the whole, upon the bill entitled, "An Act to authorise the appointment of Commissioners to investigate the claims of certain inhabitants of this Province, for losses sustained during the late unnatural rebellion."

Saturday, 3rd March, 1838.

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

The Honourable Mr. Baldwin took the Chair.

After some time the House resumed.

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

Ordered, that the report be received; and,

The said amendments were then read, as follows: Read first time.

Press 1, line 1—After "rebellion" expunge "many" and insert "certain"

" " " 2—After "by" expunge to "And whereas" in line 4, and insert "the destruction of their dwellings, and other buildings by the rebels" The Amendments.

" " " 5—After "of" insert "such"

" " " 6—Expunge "sustained"

" " " 17—After "losses" insert "so"

" 3, " 10—After "the" expunge "House of Assembly" and insert "Legislature"

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

Ordered, that they be engrossed, and the said bill, as amended, read a third time this day.

The Honourable Mr. Crookshank, the Honourable and Venerable the Archdeacon of York, and the Honourable Mr. McDonell, enter. Members enter.

Pursuant to the order of the day, the House was again put into a Committee of the whole, upon the bill entitled, "An Act granting a Salary to the Adjutant General of Militia of this Province, and for other purposes therein-mentioned," together with the report of the Committee of free Conference thereon. Militia Adjutant General's salary bill, re-committed.

The Honourable Mr. Adamson took the Chair.

After some time the House resumed.

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

Ordered, that the report be received; and,

The said amendments were then read, as follows: Read first time.

Press 1, line 3—After "Province" insert "and further compensate the services of the Assistant Adjutant General of Militia" The amendments.

" 2, " 8—After "pounds" expunge the remainder of the clause, and insert "which shall be applied in manner following, that is to say—The sum of five hundred pounds to provide a salary for the Adjutant General of Militia of this Province; and the sum of one hundred pounds as an addition to the salary now provided by law for the Assistant Adjutant General of Militia."

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

Ordered, that they be engrossed, and the said bill, as amended, read a third time this day.

Pursuant to the order of the day, the petition of William Ewart, and others, inhabitants of the Township of West Flamborough, praying for an Act establishing the road usually called the Brock road, as originally surveyed by Mr. Adrian Marlet, was read. Petition of Wm. Ewart, and others, read.

On motion made and seconded, it was,

Ordered, that the bill entitled, "An Act granting a sum of money to complete the Dundas and Waterloo Macadamized Road, and for other purposes therein-mentioned," be restored to the order of the day; and,

Ordered, that the said bill be again referred to a Committee of the whole presently. Dundas and Waterloo road grant bill, re-committed.

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

The Honourable Mr. Hamilton took the Chair.

After some time the House resumed. House resumed.

The Honourable Mr. Crooks enters. A Member enters.

The Honourable Mr. Morris moved certain resolutions;

Which being seconded, they were then read as follows. Resolutions moved and read, for preventing the destruction of the Parliament Buildings by fire.

Resolved—That it is proper to inquire what steps are necessary to prevent the destruction of the Parliament Building, and the adjoining Offices by fire, and to ascertain the cause of the alarming accident which happened last Sunday. The Resolutions.

Saturday, 3rd March, 1838.

THIRD SESSION THIRTEENTH PROVINCIAL PARLIAMENT, 1st VICTORIA.

Resolved—That the foregoing resolution be communicated to the House of Assembly, with a request that they will agree to a joint Committee, with power to send for persons and papers, to take the matter into consideration, and report to both Houses.

Read second time, and adopted.

The said resolutions being read a second time; and,

The question of concurrence put on each, they were severally agreed to by the House; and it was,

And sent to the Assembly for concurrence.

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

It was moved and seconded, that it be—

Resolution moved on the subject of a message sent from the Assembly in answer to the reasons of the Council, relative to the sending Commissioners to England.

Resolved—That this House have given due consideration to the Message sent up from the House of Assembly, in answer to the reasons which induced the Legislative Council to refuse concurring in the resolution to send Commissioners to England; and although they feel themselves compelled, with much reluctance, to differ from the views of the Assembly, in a matter of this importance, they do, nevertheless, still continue to think it inexpedient, for the reasons already stated, to concur in the measure suggested by that Honourable House.

Whereupon it was ordered, that the last-mentioned resolution be referred to a Committee of the whole presently; and,

The same committed.

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

The Honourable Mr. Macaulay took the Chair.

After some time the House resumed.

Reported.

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

Ordered, that the report be received; and,

Adopted.

Ordered, that the said resolution be adopted; and,

And communicated to the Assembly

Ordered, that the same be communicated, by Message, to the Commons House of Assembly, for their information.

Third reading of Militia law repeal bill, discharged from the order of the day.

The order of the day being read, for reading the bill entitled, "An Act to repeal, alter and amend, the Militia Laws of this Province," as amended, a third time; it was,

Ordered to be discharged, and that the House be again put into a Committee of the whole presently, to take the same into further consideration.

The address acceded to by the Assembly, praying His Excellency to transmit the joint Addresses to Her Majesty, on the subject of the Post Office Department;

And for the levying an additional two and a half per cent on goods imported into Lower Canada; Amendments to Township Officer's law amendment bill, acceded to by the Assembly.

A Deputation from the Commons House of Assembly, returned the Address to His Excellency the Lieutenant Governor, praying His Excellency to transmit the joint Addresses to Her Majesty, on the subject of the Post Office Department; and for the levying an additional two and a half per cent. on goods imported into Lower Canada, now paying an *ad valorem* duty, and they acquainted this House that the Assembly had concurred therein. The same Deputation returned the bill entitled, "An Act to alter and amend sundry Acts regulating the appointment and duties of Township Officers," and acquainted this House, that the Commons House of Assembly had acceded to the amendments made by the Legislative Council in and to the same, and then withdrew.

Hust's compensation grant bill;

Deputations from the Commons House of Assembly, brought up a bill entitled, "An Act granting a sum of money to William Hust, as a compensation for loss of time, in consequence of a wound received by him while engaged in capturing a band of rebels"; also a bill entitled, "An Act authorising the payment of certain sums of money to sundry persons, for expenses incurred in the erection and completion of the Public Buildings"; also a bill entitled, "An Act granting to Her Majesty a sum of money for the erection of a Dwelling-house for the Keeper of the Point Peter Light-house"; also a bill entitled, "An Act granting to Her Majesty a certain sum of money for the purposes therein-mentioned"; also a bill entitled, "An Act to repeal part of an Act passed in the seventh year of His late Majesty's reign, entitled, 'An Act to protect the public against injury from Private Banks, and for other purposes therein-mentioned'; and also a bill entitled, "An Act granting a certain sum of money to Her Majesty for the purposes therein-mentioned"—to which they requested the concurrence of this House, and then withdrew.

Public Buildings erection payment bill;

Point Peter Light-keeper's dwelling house grant bill;

Farrel's grant bill;

Private Banking law partial repeal bill; and,

Saint Lawrence improvement grant bill; brought up from the Assembly.

Read first time.

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

Ordered, that they be read a second time this day.

Report of the Select Committee upon Civil List bill, presented.

The Honourable Mr. Markland, from the Select Committee to whom was referred the bill entitled, "An Act granting a certain sum of money to defray the expenses of the Civil

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Government for the year 1838, and for other purposes therein-mentioned," presented their report.

Ordered, that it be received; and,

The same was then read, as follows:

Your Committee, appointed to take into consideration a bill entitled, "An Act granting a certain sum of money to defray the expenses of the Civil Government for the year 1838, and for other purposes therein-mentioned," beg leave to report:

That they have examined the same, and find that it agrees with the estimate approved of by His Excellency the Lieutenant Governor, excepting in the following items:

In the appropriation for the Office of the Secretary and Registrar, no provision has been made for a second Clerk. This service has been heretofore paid out of the Casual and Territorial Revenue, but was, by direction, required to be paid out of the funds of the Province. A moderate salary has been appropriated for a Clerk to the Adjutant General of Militia. No such assistance has been before given; but at the present period, with the increased duties of that Office, it is reasonable to suppose that it is not unnecessary.

Three small sums are given to Clerks in Public Offices, to make up arrearages and deficiencies in their salaries, and render them equal to those of other servants similarly situated at that time.

The sum of three hundred and twenty pounds is appropriated to pay the Queen's Counsel, for any services that may have been performed by them during the past year. This additional expense is caused by the increased number of Circuits, which prevent the Crown Officers from performing the duties without the aid of these persons.

The Committee do not see any objection to those additions to the estimate, and therefore recommend the adoption of the bill.

All which is respectfully submitted,

GEORGE H. MARKLAND,

CHAIRMAN.

Committee Room,

3rd March, 1838.

On motion made and seconded, it was,

Ordered, that the last-mentioned bill, and the report of the Select Committee thereon, be referred to a Committee of the whole House, this day.

Pursuant to order, the bill entitled, "An Act granting a Salary to the Adjutant General of Militia of this Province, and for other purposes therein mentioned": and also the bill entitled, "An Act to authorise the appointment of Commissioners to investigate the claims of certain inhabitants of this Province, for losses sustained during the late unnatural Rebellion," were severally read a third time, as amended, and,

The question being put whether these bills, as amended, should pass, it was carried in the affirmative:

Whereupon the speaker signed the amendments; and it was,

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

To the bill just passed (as amended) entitled, "An Act granting a salary to the Adjutant General of Militia of this Province, and for other purposes therein mentioned"—

DISSENTIENT.

(Signed) W. MORRIS.

(Signed) W. ALLAN.

Pursuant to order, the House was again put into a Committee of the whole, upon the bill entitled, "An Act to repeal, alter and amend, the Militia Laws of this Province."

The Honourable Mr. Allan took the Chair.

After some time the House resumed.

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

Ordered, that the report be received; and

R 2

Read.

The Report.

Militia Adjutant General's salary bill; and,

Rebellion's loss Commissioners appointment bill, as amended, read third time, and passed.

Amendments signed;

And sent to the Assembly for concurrence.

Protest of the Honourable Messieurs Morris & Allan, against the passing of Militia Adjutant General's salary bill, as amended.

Militia law repeal bill, re-committed.

Further amendments reported.

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Read first time.

The further amendments.

The said further amendments were then read, as follows :

Press 5, line 9—After “persons” insert, “belonging to his personal Staff, or on the Staff of the Militia.”

“ “ “ 10—After “rank of” insert “Lieutenant.”

“ “ “ 25—After “direct,” add to the clause, “Provided nevertheless, that nothing in this clause contained shall be construed to prevent the formation of Companies of Artillery, or Troops of Dragoons, within the limits assigned to the several Regiments or Battalions of Militia, to be independent of or attached to such Regiments or Battalions, according to such orders or directions as the Lieutenant Governor may from time to time make in that behalf.”

“ 10, “ 4—After “shall” insert “without appeal.”

“ 11, “ 14—After “Martial” insert, “the President of which shall be a Field Officer”: after “Officers” expunge to “to investigate,” in line seventeen, and insert “belonging to one or more of the Regiments of Militia, organized or embodied within the County or District to which the accused party belongs.”

“ “ “ 22—After “Act” insert, “Provided always, that in the appointment of Judge Advocate, the administration of oaths and forms of proceeding to be observed by the said Courts-Martial, respect shall be had to the provisions hereinafter contained, for the constitution and regulation of Courts-Martial, in cases when the same shall be required, during the period of actual service, by any part of the Militia of this Province, and.”

“ “ “ 23—Expunge “always” and insert “also.”

“ 12, “ 15—After “time” insert “any portion of.”

“ 21, “ 4—After “public” insert “or common.”

“ “ “ 17—After “Tunker” insert, “or of his being the son of a Menonist or Tunker, brought up and educated in the principles of the Menonists or Tunkers, and under the age of twenty-one years.”

“ 22, “ 14—After the forty-ninth section insert, “51. And be it further enacted by the authority aforesaid, That it shall and may be lawful for the Lieutenant Governor to appoint a proper person to be Adjutant General of the Militia of this Province, who shall have the rank of Colonel, and do all matters and things appertaining to the said office of Adjutant General.”

“52. And be it further enacted by the authority aforesaid, That no person who shall have been discharged from Her Majesty’s Service as a Serjeant, shall be obliged to serve in any inferior station in the Militia of this Province, unless having been such Non-Commissioned Officer in the said Militia, he may have been reduced according to Law.”

“53. And be it further enacted by the authority aforesaid, That every Serjeant of Militia duly appointed, shall be exempt from serving as Constable, for and during such time as he shall hold such appointment as Serjeant.”

“ 22, “ 15—Expunge the 50th section, and insert “54. And be it further enacted by the authority aforesaid, That an Act of the Parliament of this Province, passed in the forty-eighth year of the reign of King George the Third, entitled, ‘An Act to explain, amend and reduce, to one Act of Parliament, the several laws now in being for raising and training the Militia of this Province’; and also an Act passed in the fiftieth year of the said reign, entitled, ‘An Act for the relief of minors of the Societies of Menonists and Tunkers’; and also an Act passed in the fifty-third year of the said reign, entitled, ‘An Act to amend an Act passed in the forty-ninth year of His Majesty’s reign, entitled, ‘An Act for quartering and billeting, on certain occasions, His Majesty’s Troops and the Militia of this Province, and to repeal part of the same’; and also so much of the first section of the said Act, passed in the forty-ninth year of the said reign, entitled, ‘An Act for quartering and billeting, on certain occasions, Her Majesty’s Troops and the Militia of this Province,’ as relates to the payment of the owners of horses and carriages, and oxen; and also an Act passed in the fifty-sixth year of the said reign, entitled, ‘An Act to amend an Act passed in the forty-eighth year of His Majesty’s reign, entitled, ‘An Act to explain, amend and reduce, to one Act of Parliament, the several laws now in being for the

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raising and training the Militia of this Province'; and also an Act passed in the fifty-ninth year of the said reign, entitled, 'An Act to repeal part of and amend an Act passed in the forty-eighth year of His Majesty's reign, entitled, 'An Act to explain, amend and reduce, to one Act of Parliament, the several laws now in being for the raising and training the Militia of this Province'; and also an Act passed in the fourth year of the reign of King George the Fourth, entitled, 'An Act to repeal part of the tenth clause of an Act passed in the forty-eighth year of His late Majesty's reign, entitled, 'An Act to explain, amend and reduce, to one Act of Parliament, the several laws now in being for the raising and training the Militia of this Province'; and also part of an Act passed in the last Session of the present Parliament, entitled, "An Act to repeal part of and amend the laws now in force for the raising and training the Militia of this Province, and to increase the strength of the Companies of Militia," shall, from and after the passing of this Act, be and the same are hereby repealed."

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

Ordered, that the same be engrossed, and the said bill, as amended, read a third time this day.

A Message from His Excellency the Lieutenant Governor, was delivered by Mr. Secretary Joseph, who being retired, the Speaker read the same, and it was again read as follows:

F. B. HEAD.

The Lieutenant Governor transmits for the information of the Legislative Council, in addition to the correspondence already communicated to the Legislative Council, relative to the destruction of the Piratical Steam Vessel "Caroline," the accompanying copy of a Despatch, and its enclosures, which he yesterday received from His Excellency Henry S. Fox, Esquire, Her Majesty's Minister at Washington, on that subject.

17th Feb'y, 1838.

Government House,
3rd March, 1838.

(For Copy of Despatch and Enclosures, see Appendix F. F.)

On motion made and seconded, it was,

Ordered, that an Address be presented to the Lieutenant Governor, respectfully thanking His Excellency for his Message of this day; and,

Ordered, that the Honourable Messieurs Burnham and Baldwin, do present the same.

The Honourable Mr. Wells enters.

Pursuant to order, the bill entitled, "An Act granting a sum of money to William Hust, as a compensation for loss of time, in consequence of a wound received by him while engaged in capturing a band of rebels," was read a second time; and it was,

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

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

The Honourable Mr. Baldwin took the Chair.

After some time the House resumed.

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

Ordered, that the report be received; and,

Ordered, that the said bill be read a third time this day.

Pursuant to order, the bill entitled, "An Act authorising the payment of certain sums of money to sundry persons, for expenses incurred in the erection and completion of the Public Buildings" was read a second time; and it was,

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

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

The Honourable Mr. Crookshank took the Chair.

After some time the House resumed.

Read second time, and adopted.

Message from the Lieutenant Governor;

Transmitting the copy of a Despatch received from Her Majesty's Minister at Washington, on the subject of the destruction of the piratical steam vessel, "Caroline."

An Address of thanks ordered to be presented to His Excellency, for the above Message.

Committee appointed therefor.

A Member enters.

Hust's compensation grant bill, read second time.

Committed.

Reported.

Adopted.

Public Buildings erection payment bill, read second time.

Committed.

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

Adopted. Ordered, that the report be received; and,
Ordered, that the said bill be read a third time this day.

Point Peter Light-keeper's dwelling house grant bill, read second time. Pursuant to order, the bill entitled, "An Act granting to Her Majesty a sum of money for the erection of a Dwelling-house for the Keeper of the Point Peter Light-house," was read a second time; and it was,

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

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

The Honourable Mr. Adamson took the Chair.

After some time the House resumed.

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

Adopted. Ordered, that the report be received; and,
Ordered, that the said bill be read a third time this day.

Provincial Bills issue bill, restored to the order of the day. On motion made and seconded, it was,
Ordered, that the bill entitled, "An Act to authorise the issuing bills on the credit of this Province," be restored to the order of the day; and,

Ordered, that the House be again put into a Committee of the whole this day, to take the same into further consideration.

Farré's grant bill; read second time. Pursuant to order, the bill entitled, "An Act granting to Her Majesty a certain sum of money for the purposes therein-mentioned," was read a second time; and it was,

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

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

The Honourable Mr. Morris took the Chair.

After some time the House resumed.

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

Adopted. Ordered, that the report be received; and,
Ordered, that the said bill be read a third time this day.

On motion made and seconded, it was,

Ordered, that an Address be presented to His Excellency the Lieutenant Governor, in the following words:

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

MAY IT PLEASE YOUR EXCELLENCY:

An Address ordered to be presented to His Excellency, praying him to transmit the joint resolutions adopted by the two Houses, to the Lieutenant Governor of Nova Scotia.

The Legislative Council, and Commons House of Assembly, have adopted the accompanying resolutions, which we respectfully pray your Excellency will be pleased to transmit to His Excellency the Lieutenant Governor of Nova Scotia.

And sent to the Assembly for concurrence.

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

A Committee appointed to meet a Committee of the Assembly, to know when His Excellency would receive the last-mentioned resolutions, and to present them.

Ordered, that a Committee be appointed on the part of this House, to meet a Committee of the Commons House of Assembly, on Monday next, at the hour of twelve of the clock, at noon, for the purpose of waiting on His Excellency, to know when he will be pleased to receive the said joint resolutions for His Excellency the Lieutenant Governor of Nova Scotia, and to present the same; and,

Members composing the same on the part of this House;

Ordered, that the Honourable Messieurs Hamilton and Macaulay, do compose such Committee on the part of this House for that purpose; and,

And the Assembly informed thereof.

Ordered, that the Master in Chancery do go down to the Assembly, and acquaint that House, that the Legislative Council have appointed the Honourable Messieurs Hamilton and Macaulay, to be a Committee on the part of this House, who will be ready to meet a Committee on the part of the Commons House of Assembly, on Monday next, at the hour of twelve of the clock, at noon, for the purpose of waiting on His Excellency, to know when he will be pleased

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

to receive the said joint resolutions for His Excellency the Lieutenant Governor of Nova Scotia, and to present the same.

Pursuant to order, the bill entitled, "An Act to repeal part of an Act passed in the seventh year of His late Majesty's reign, entitled, 'An Act to protect the public against injury from Private Banks, and for other purposes therein-mentioned,'" was read a second time; and it was, Private Banking Law partial repeal bill, read second time.

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

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

The Honourable Mr. Wells took the Chair.

After some time the House resumed.

The Chairman reported, that the Committee had gone through the said bill, and had made an amendment thereto, which they recommended to the adoption of the House. Amendment reported.

Ordered, that the report be received; and,

The said amendment was then read, as follows: Read first time.

Press 1, line 27—After "whatsoever" insert "except upon a trust in which it shall be satisfactorily shewn to the Court, that the said George Truscott and John Cleveland Green, or either of them, are in no degree interested" The amendment.

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

Ordered, that the same be engrossed, and the said bill, as amended, read a third time this day.

On motion made and seconded, it was,

Ordered, that a Committee be appointed on the part of this House, to meet a Committee of the Assembly, on Monday next, at the hour of eleven of the clock, A. M. for the purpose of waiting upon His Excellency the Lieutenant Governor, to know when he will be pleased to receive the two Houses with their joint Addresses to Her Majesty, on the subject of the Post Office Department; and relating to the levying an additional two and a half per cent. on goods imported into Lower Canada, now paying an *ad valorem* duty; and, A Committee appointed to meet a Committee of the Assembly, to know when His Excellency would receive the two Houses with their Joint Addresses to Her Majesty, on the subject of the Post-Office Department, and for the levying an additional 2½ per cent. on goods imported into Lower Canada.

Ordered, that the Honourable Messieurs Markland and Allan, be the Committee on the part of this House for that purpose; and, Members composing the sums on the part of this House;

Ordered, that the Master in Chancery do go down to the Assembly, and acquaint that House, that the Legislative Council have appointed the Honourable Messieurs Markland and Allan, to be a Committee on the part of this House, who will be ready to meet a Committee on the part of the Commons House of Assembly, on Monday next, at the Hour of eleven of the clock, A. M. for the purpose of waiting upon His Excellency the Lieutenant Governor, to know when he will be pleased to receive the two Houses, with their joint Addresses to Her Majesty, on the subject of the Post Office Department; and relating to the levying an additional two and a half per cent. on goods imported into Lower Canada, now paying an *ad valorem* duty. And the Assembly acquainted thereof.

Pursuant to order, the House was put into a Committee of the whole, upon the bill entitled, "An Act granting a certain sum of money to defray the expenses of the Civil Government for the year 1838, and for other purposes therein-mentioned," together with the report of the Select Committee thereon. Civil List bill, committed.

The Honourable Mr. Crookshank took the Chair.

After some time the House resumed.

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

Ordered, that the report be received; and,

Ordered, that the said bill be read a third time this day. Adopted.

The Honourable Mr. Markland, from the Select Committee to whom was referred the bill entitled, "An Act to regulate the future appropriation of the Casual and Territorial Revenue, and to provide a sum for the support of the Civil Government of the Province, and for other purposes therein-mentioned," presented their report. Report of the Select Committee upon Casual and Territorial Revenue regulation bill, presented.

Ordered, that it be received; and,

The same was then read, as follows: Read.

Your Committee, to whom was referred a bill entitled, "An Act to regulate the future appropriation of the Casual and Territorial Revenue, and to provide a sum for the support of The Report.

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the Civil Government of the Province, and for other purposes therein-mentioned," beg leave to report:

That at this late period of the Session, they will not take up the time of your Honourable House, by entering into the merits of so important a question as that of surrendering the hereditary rights of the Crown, since they find that the Legislature has been invited by His Excellency the Lieutenant Governor, to make them the subject of their consideration and disposal, in such a manner as will meet the gracious intentions of their Sovereign. They will, therefore, confine themselves to the more necessary duty of shewing what charges upon that fund, paid heretofore by the Government, have been omitted in the provisions of the bill before them.

They find that four Schedules were transmitted to the House of Assembly by His Excellency the Lieutenant Governor, in February, 1837, together with a Message from which the following is an extract—"The Lieutenant Governor herewith transmits to the House, an estimate which appears to him reasonable, of the expenses of the Civil Government, for which it is desirable that provision should be made, and upon the granting of which to His Majesty, together with such sum as will enable His Majesty to meet the actual charges upon the fund for which His Majesty may graciously consider the Government pledged, the Lieutenant Governor would feel himself authorised to assent to a measure for placing the revenues at the disposal of the Provincial Parliament."

In the amount required by those Schedules, some slight alterations have been made, perhaps not very important, excepting in the last, where an omission occurs of £7,195, from which provision has been hitherto made for the Clergy of four different Churches, who would thus be left without the usual allowances.

Besides this deficiency, there is not included any grant on which the following annual charges could in future be made, viz:

- Contingencies of the Secretary's Office.
- Surveys of New Townships.
- Commuted Pensioners' Allowance.
- Location of Emigrants.
- Proportion of Canada Company's Surveys borne by Government.

Most of these are exceedingly important, and are left dependent upon a vote of the Assembly, which it is not probable could be procured after the manifestation made by the present bill, of the extent to which they are disposed to charge the revenue in question. It was supposed by the originators of the measure, that if it passed, a saving would be made to the Province of about £25,000 annually. This amount appears over-rated, but at all events, your Committee are not prepared to say, that the public service would not suffer more serious inconvenience and embarrassment from fettering the Executive Government, than could be repaid by an annual increase of the revenue even to that amount. They therefore submit the question to your Honourable House, with the information which they have been enabled to obtain upon the subject.

All which is respectfully submitted,

GEORGE H. MARKLAND,

CHAIRMAN.

Committee Room,

3rd March, 1838.

UNPROVIDED FOR BY THE BILL.

Contingencies of Secretary's Office,	£ 150
Surveys of new Townships, &c.....	3,000
Commuted Pensioners,	2,400
Location of Emigrants,	5,000
Surveys by Canada Company—the Government proportion,	500
Missionaries of the Church of England,	2,600
Church of Scotland,	1,540
Presbyterian Synod,	700
Roman Catholic,	1,500
Pension—Bishop of Regiopolis,	100
Apparent deficiency in the amount appropriated for Indian securities,	1,083

£18,573

Monday, 5th March, 1838.

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

On motion made and seconded, it was,

Ordered, that the last-mentioned bill, together with the report of the Select Committee thereon, be referred to a Committee of the whole House presently.

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

The Honourable Mr. Allan took the Chair.

After some time the House resumed.

Pursuant to order, the bill entitled, "An Act granting a sum of money to William Hust, as a compensation for loss of time, in consequence of a wound received by him while engaged in capturing a band of rebels"; also the bill entitled, "An Act authorising the payment of certain sums of money to sundry persons, for expenses incurred in the erection and completion of the Public Buildings"; also the bill entitled, "An Act granting to Her Majesty a sum of money for the erection of a Dwelling-house for the Keeper of the Point Peter Light-house"; also the bill entitled, "An Act granting to Her Majesty a certain sum of money for the purposes therein-mentioned"; and also the bill entitled, "An Act granting a certain sum of money to defray the expenses of the Civil Government for the year 1838, and for other purposes therein-mentioned"—were severally read a third time, and passed:

Whereupon the Speaker signed the same; and it was,

Ordered, that the Master in Chancery do go down to the Assembly, and acquaint that House, that the Legislative Council have passed these bills, without any amendment.

Pursuant to order, the bill entitled, "An Act to repeal, alter and amend, the Militia Laws of this Province," was, as amended, read a third time; and,

The question being put whether this bill, as amended, should pass, it was carried in the affirmative:

Whereupon the speaker signed the amendments; and it was,

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

Pursuant to the order of the day, the bill entitled, "An Act granting a certain sum of money to Her Majesty, for the purposes therein-mentioned," was read a second time; and it was,

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

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

MONDAY, 5th MARCH, 1838.

The House met pursuant to adjournment.

PRESENT:

The Honourable JOHN B. ROBINSON, SPEAKER.

The Honourable Messrs. DICKSON,

" " CROOKSHANK.

" " MARKLAND.

" " ALLAN.

The Honourable Messrs. BURNHAM,

" " HAMILTON,

" " ADAMSON,

" " CROOKS,

" " MORRIS.

Prayers were read.

The minutes of Saturday last were read.

Pursuant to the order of the day, the bill entitled, "An Act to repeal part of an Act passed in the seventh year of His late Majesty's reign, entitled, 'An Act to protect the public against injury from private Banks, and for other purposes therein mentioned,'" was, as amended, read a third time; and,

The question being put, whether this bill as amended should pass, it was carried in the affirmative:

Whereupon the Speaker signed the amendment; and it was,

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

Committed.

House resumes.

Hust's compensation grant bill;

Public Buildings erection payment bill;

Point Peter Light-keeper's dwelling house grant bill;

Farrel's grant bill; and

Civil List bill, read third time and passed.

Same signed;

And the Assembly acquainted thereof.

Militia law repeal bill, as amended, read third time, and passed.

Amendments signed;

And sent to the Assembly for concurrence.

Saint Lawrence improvement grant bill, read second time.

House Adjourns.

House meets.

Members present.

Private Banking Law repeal bill, (as amended) read a third time, and passed.

Amendment signed;

And sent to the Assembly for concurrence.

Monday, 5th March, 1838.

THIRD SESSION THIRTEENTH PROVINCIAL PARLIAMENT, 1st VICTORIA.

Provincial Bills issue bill, re-committed.

Pursuant to the order of the day, the House was again put into a Committee of the whole, upon the bill entitled, "An Act to authorise the issuing bills on the credit of this Province."

The Honourable Mr. Crooks took the Chair.

After some time the House resumed.

Reported, and leave asked to sit again.

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

Leave granted.

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

Members enter.

The Honourable and Venerable the Archdeacon of York, and the Honourable Mr. Baldwin, enter.

Saint Lawrence improvement grant bill, committed.

Pursuant to the order of the day, the House was put into a Committee of the whole, upon the bill entitled, "An Act granting a certain sum of money to Her Majesty for the purposes therein-mentioned."

The Honourable Mr. Allan took the Chair.

After some time the House resumed.

Reported, and leave asked to sit again.

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

Leave granted.

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

Members enter.

The Honourable Messieurs Wells, Camron and McDonell, enter.

Report of the Select Committee upon the Contingent Accounts, presented.

The Honourable Mr. Allan from the Select Committee appointed to examine and report upon the Contingent Accounts of the Legislative Council, for the present Session, presented their report.

Ordered, that it be received; and,

Read.

The same was then read, as follows:

The Report.

The Select Committee appointed to examine and report on the Contingencies of the present Session, beg leave to inform your Honourable House, that although it is not within their province to make deductions from Tradesmen's bills, they cannot help observing the enormous cost which the House incurs every year for repairs, alterations and supplies of various kinds, and they would derive pleasure to know that a diminished expenditure in this respect is likely to take place hereafter.

As the contingent expenses have so greatly increased of late years, the Committee think proper to recommend the Officers of the Legislative Council a more economical superintendence in the management of its affairs.

The Committee respectfully suggest, that it is inexpedient to carry into effect the order to the Clerk, of the 4th March last, to procure Lamps for lighting the Legislative Council Chamber, as a correspondence which he has laid before the Committee shews that the expense would far exceed the expectation of the Legislative Council.

An unpleasant part of the duty of the Contingent Committee, is the annual task of considering the claims of the Servants of the House for remuneration, corresponding with the allowances made to the persons employed by the House of Assembly.

Your Committee cannot but know that the labour of the Messengers, and other Servants of the House of Assembly, is much more arduous and fatiguing, and of longer duration each day, than the Servants of the Legislative Council are called upon to perform.

But, even if there was no difference in this respect, your Committee are at a loss to understand why the persons employed by your Honourable House should not have stated allowances, without regard to payments made to the Servants of an other branch of the Legislature, and thereby free the Committee appointed to examine the Contingent Accounts from the disagreeable necessity, each Session, of hearing the claims of persons who seem not to be satisfied, and who should seek other employment, if the provision made for their services is thought by them insufficient.

The Clerk informs your Committee, that in consequence of the advanced age of Lewis Bright, the House Messenger, he had engaged an additional Messenger to assist; but your Committee hope it will not be thought necessary to consider that appointment as a permanent increase of the number of the Servants of the House.

There is an item of £70 for the services of W. D. Powell, in the Clerk's Office, and as he is on Military duty during the day, and only attends in the evening, your Committee think proper to submit to the House, whether the charge at the rate of thirteen shillings per day, for the services he performs, should be allowed.

Monday, 5th March, 1838.

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

Your Committee, in consequence of the great amount of the printing account, submitted one of the Reports charged in it to the opinion of a Printer in Town, and he offers to do a like job for £30 less than is charged to your Honourable House by the Queen's Printer, and this without knowing what the printing of it cost, or what the object of the Committee was in asking what it might be done for.

Your Committee regret to say, that the respective accounts put into their hands, by the Clerk, have been taken from a desk in the Committee Room, which prevents their further investigation of them.

The Clerks' accounts amount to.....	£2,277	17	0
Gentleman Usher of the Black Rod's; do.....	207	8	10
	<u>£2,485</u>	<u>5</u>	<u>10</u>

W. ALLAN,
CHAIRMAN.

Committee Room, Legislative Council,
5th March, 1838.

On motion made and seconded, it was,

Ordered, that the last-mentioned report be referred to a Committee of the whole House, presently.

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

The Honourable Mr. Baldwin took the Chair.

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

Deputations from the Commons House of Assembly brought up some bills, to which they requested the concurrence of this House; and they returned the bill entitled, "An Act to authorise the appointment of Commissioners to investigate the claims of certain inhabitants of this Province, for losses sustained during the late unnatural Rebellion": and also the bill entitled, "An Act to postpone the sale of Lands in arrear for Taxes, and to amend the Law relative to the sale of such Lands," and acquainted this House, that the Commons House of Assembly had acceded to the amendments made by the Legislative Council in and to the same, and then withdrew.

Committed.

Bills brought up from the Assembly.

Amendments to Rebellion's loss Commissioners appointment bill; and,

Land tax sale postponement bill, acceded to by the Assembly.

The House was then again put into a Committee of the whole, upon the report of the Select Committee appointed to examine and report upon the Contingent Accounts of the Legislative Council for the present Session.

Report of the Select Committee upon the Contingent Accounts, re-committed.

The Honourable Mr. Markland took the Chair.

After some time the House resumed.

The Chairman reported, that the Committee had gone through the said report of the Select Committee, and recommended the same, together with certain resolutions, to the adoption of the House.

Resolutions reported.

Ordered, that the report be received; and,

The said resolutions were then read, as follows:

Read first time.

Resolved—That the sum of fifty pounds be paid to the Usher of the Black Rod, agreeably to a recommendation of the Select Committee upon the contingent accounts of the third Session of the eleventh Parliament.

The Resolutions.

Resolved—That twelve pounds ten shillings be granted to the Door-keeper of the Legislative Council, as a compensation for his services during the summer Session of last year.

Resolved—That the resolution of the 4th March last, authorising the Clerk to procure lamps for lighting the Legislative Council Chamber, be rescinded.

Resolved—That the sum of fifty pounds be paid to the Reverend Chaplain of this House, for extra services.

Resolved—That the Journals of the House be printed, and that one hundred pounds be allowed to the Clerk thereof, for his trouble in superintending the same, and that he be directed to send to the Clerk of the Assembly a copy for each Member of that House.

Resolved—That one hundred pounds be paid to the Clerk of the Legislative Council, agreeably to a recommendation of the Committee upon the contingent accounts of the third Session of the eleventh Parliament.

Monday, 5th March, 1838.

THIRD SESSION THIRTEENTH PROVINCIAL PARLIAMENT, 1st VICTORIA.

Resolved—That the Master in Chancery be allowed fifty pounds, in addition to his present salary, agreeably to a recommendation of the Committee upon the contingent accounts of the third Session of the eleventh Parliament.

Resolved—That the Door-keeper be allowed the sum of forty pounds, for extra services during the last and present Sessions.

Read second time, and adopted.

The said resolutions being read a second time; and,

The question of concurrence put on each, they were severally agreed to by the House; and it was,

Ordered accordingly.

A Member enters.

The Honourable Mr. Macaulay enters.

Speaker reports the receipt of Public Commissioner's appointment bill;

The Honourable the Speaker reported to the House, that a Deputation from the Commons House of Assembly had brought up a bill entitled, "An Act to appoint certain Commissioners to proceed to England, touching the public affairs of this Province, and for other purposes therein-mentioned"; also a bill entitled, "An Act extending relief to Sheriffs and Gaolers, in certain cases, where by law they may be liable to actions for escapes"; and also a bill entitled, "An Act to determine the route of the Welland Canal, and for other purposes therein-mentioned"—to which they requested the concurrence of this House.

Sheriff's and Gaoler's relief bill; and,

Welland Canal route determination bill, from the Assembly.

Read first time.

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

Ordered, that they be read a second time this day.

Petition of the President and Directors of the Bank of Upper Canada, presented.

The Honourable Mr. Macaulay brought up the petition of the President and Directors of the Bank of Upper Canada, praying for an Act authorising the Chartered Banks to issue their Notes to an amount not exceeding twice the amount of Capital paid up, notwithstanding their suspension of cash payments; which was laid on the table.

On motion made and seconded, it was,

Forty-eighth rule dispensed with, and the last-mentioned petition read.

Ordered, that the forty-eighth rule of this House be dispensed with, as far as it regards the last-mentioned petition, and that the same be now read.

The said petition was then read accordingly.

Report of the Select Committee upon London Loan bill, presented.

The Honourable Mr. Crooks, from the Select Committee to whom was referred the bill entitled, "An Act to authorise a loan of money in London, and for other purposes therein-mentioned," presented their report.

Ordered, that it be received; and,

Read.

The same was then read, as follows:

The Select Committee to whom was referred the bill entitled, "An Act to authorise a loan of money in London, and for other purposes therein mentioned," beg leave to report:

The Report.

That the bill seems predicated upon the expectation that borrowing a sum of money in England, at a low rate of interest, sufficient to reduce the public debt of the Province, not exceeding in the whole £1,000,000, would conduce to the advantage of the Province, and with a special view to provide for the redemption of the Debentures already issued; and although this appears to be the sole object of the bill, yet in the preamble the words "and proceed in the public improvements thereof" are added.

Your Committee beg further to report to your Honourable House, that much matter is contained in the report of the Finance Committee of the House of Assembly, on the operation of the bill, should it become a law, which your Committee have had before them, and to which they beg leave to refer your Honourable House.

It seems doubtful, by the provisions of the bill, whether it is intended that the Debentures authorised under it shall be disposed of only at a par value. If confined in this manner, it is hardly possible that any good can result from its passage—as capitalists in England can hardly be expected to purchase securities, however undoubted they may be, at three per cent. for £100, when they can invest their money in the public funds of Great Britain, receiving therefor three pounds for £92, or it may be a less sum, according to the marketable value of their funds.

If the third clause of the bill so framed, with a view to the Debentures being disposed of at the best price that can be got, your Committee are of opinion it should be so expressed.

All which is respectfully submitted,

Committee Room, Legislative Council,
5th March, 1838.

JAMES CROOKS,
CHAIRMAN.

Monday, 5th March, 1838.

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

On motion made and seconded, it was,

Ordered, that the last-mentioned bill, and the report of the Select Committee thereon, be referred to a Committee of the whole House presently.

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

The Honourable Mr. Morris took the Chair.

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

A Deputation from the Commons House of Assembly, returned the bill entitled, "An Act to repeal, alter and amend, the Militia Laws of this Province," and acquainted the House that the Commons House of Assembly had made an amendment to the amendments of the Legislative Council in and to the said bill, to which they requested the concurrence of this House. The same Deputation brought up and delivered at the Bar of this House, a Message in the following words, and then withdrew.

Committed.

Amendments of the Council to Militia Law repeal bill, amended by the Assembly.

Message from the Assembly.

MR. SPEAKER,

The Commons House of Assembly have passed an Address to Her Majesty, on the subject of the Harbour at Port Dalhousie, which they communicate to the Honourable the Legislative Council, for their concurrence thereto.

Transmitting an Address to Her Majesty for concurrence, on the subject of the Harbour at Port Dalhousie.

ALLAN N. MACNAB,
SPEAKER.

Commons House of Assembly,
Fifth day of March, 1838.

The House was then again put into a Committee of the whole, upon the bill entitled, "An Act to authorise a loan of money in London, and for other purposes therein mentioned," together with the report of the Select Committee thereon.

London Loan bill, re-committed.

The Honourable Mr. Morris took the Chair.

After some time the House resumed.

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

Amendments reported.

Ordered, that the report be received; and,

The said amendments were then read as follows:

Read first time.

Press 1, line 4—Expunge from "Debentures" to "be," in line five.

" 2, " 5—After "direct" insert, "and for the best price that can be obtained for the same."

The Amendments.

" " 10—After "purchase" insert, "and for no other purpose whatever."

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

Read second time, and adopted.

Ordered, that they be engrossed, and the said bill, as amended, read a third time this day.

The amendment of the Commons House of Assembly, made in and to the amendments of the Legislative Council, in and to the bill entitled, "An Act to repeal, alter and amend, the Militia Laws of this Province," was then read as follows:

Amendment of the Assembly to the Amendments of the Council to Militia Law repeal bill, read first time.

Amendment made by the Commons House of Assembly in and to the amendments made by the Honourable the Legislative Council, in and to the bill entitled, "An Act to repeal, alter and amend, the Militia Laws of this Province."

Press 4, line 10—After "a" insert "Quaker."

The Amendment to the Amendments.

On motion made and seconded, it was,

Ordered, that the foregoing amendment of the Assembly be read a second time this day.

The Address to Her Majesty on the subject of the Harbour at Port Dalhousie, received by message from the Commons House of Assembly this day, was then read as follows:

Address of the Assembly to Her Majesty, on the subject of the Harbour at Port Dalhousie, read first time.

(For Address, see Appendix, G. G.)

On motion made and seconded, it was,

Ordered, that the last-mentioned Address be referred to a Committee of the whole House this day.

Pursuant to order, the House was again put into a Committee of the whole, upon the bill entitled, "An Act to authorise the issuing bills on the credit of this Province."

Provincial Bills issue bill, re-committed.

The Honourable Mr. Allan took the Chair.

After some time the House resumed.

Monday, 5th March, 1838.

THIRD SESSION THIRTEENTH PROVINCIAL PARLIAMENT, 1st VICTORIA.

Reported, and leave asked to sit again.

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

Leave granted.

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

Saint Lawrence improvement grant bill, re-committed.

Pursuant to order, the House was again put into a Committee of the whole, upon the bill entitled, "An Act granting a certain sum of money to Her Majesty for the purposes therein-mentioned."

The Honourable Mr. Allan took the Chair.

After some time the House resumed.

Reported.

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

Adopted.

Ordered, that the report be received; and,

Ordered, that the said bill be read a third time this day.

Public Commissioners appointment bill, read second time.

Pursuant to order, the bill entitled, "An Act to appoint certain Commissioners to proceed to England, touching the public affairs of this Province, and for other purposes therein mentioned," was read a second time, and it was,

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

Committed.

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

The Honourable Mr. Dickson took the Chair.

After some time the House resumed.

Reported, and leave asked to sit again on Monday next.

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

Leave granted.

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

Protest of the Honourable and Venerable the Archdeacon of York, against the rejection of the last-mentioned bill.

To the rejection of the bill entitled, "An Act to appoint certain Commissioners to proceed to England, touching the public affairs of this Province, and for other purposes therein mentioned"—

DISSENTIENT.

First—Because the present situation of the Canadas will, of necessity, force upon Her Majesty's Government, during the present and next Session of the Imperial Parliament, the adoption of new measures for their peace and good Government.

Second—Because I do not desire, at such a crisis, to share any part of the responsibility incurred by rejecting a measure which I consider essential to the future welfare of the Colony.

Third—Because there never was, in my opinion, a period in the history of the Province, in which it was so necessary as the present to send able Commissioners to London, to supply information to the Imperial Government respecting various questions of the very first importance, which must be almost immediately decided, among others those of the piratical Steam-boat "Caroline," and the Finances, &c. &c. and this the more especially as the Gentlemen selected for the duty possess the confidence of the Colony, for they are the Speakers of their respective branches of the Legislature.

(Signed) JOHN STRACHAN.

Sheriffs' and Gaolers' relief bill, read second time.

Pursuant to order, the bill entitled, "An Act extending relief to Sheriffs and Gaolers, in certain cases, where by law they may be liable to actions for escapes," was read a second time; and it was,

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

Committed.

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

The Honourable Mr. Crooks took the Chair.

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

Address to His Excellency, requesting him to transmit the joint resolutions to the Lieutenant Governor of Nova Scotia, acceded to by the Assembly.

A Deputation from the Commons House of Assembly, returned the Address to His Excellency the Lieutenant Governor, requesting him to transmit certain joint resolutions of both Houses to His Excellency the Lieutenant Governor of Nova Scotia, and acquainted this House that they had concurred in the same. The same Deputation brought up and delivered at the Bar of this House, a Message in the following words, and then withdrew:

Message from the Assembly:

MR. SPEAKER,

The Commons House of Assembly have appointed a Committee of four of its Members,

Monday, 5th March, 1838.

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

who will, with the Committee appointed by the Honourable the Legislative Council, wait upon His Excellency the Lieutenant Governor, to know when His Excellency will be pleased to receive the two Houses, with their Addresses to Her Majesty; on the subject of the Post Office Department, and the imposition of an additional duty on certain goods imported at the Port of Quebec.

Acquainting this House of the appointment of a Committee to meet the Committee of the Council to know when His Excellency would receive the two Houses with their Addresses to Her Majesty, on the subjects of the Post Office Department; and the imposition of an additional duty on certain goods imported at Quebec.

ALLAN N. MACNAB,
SPEAKER.

Commons House of Assembly,
Fifth day of March, 1838.

A Deputation from the Commons House of Assembly, returned the bill entitled, "An Act to repeal part of an Act passed in the seventh year of His late Majesty's reign, entitled, 'An Act to protect the public against injury from Private Banks, and for other purposes therein-mentioned,'" and acquainted this House, that the Commons House of Assembly had acceded to the amendments made by the Legislative Council in and to the same; and then withdrew.

Amendments to Private Banking Law partial repeal bill, acceded to by the Assembly.

The House was then again put into a Committee of the whole, upon the bill entitled, "An Act extending relief to Sheriffs and Gaolers, in certain cases, where by law they may be liable to actions for escapes."

Sheriffs' and Gaolers' relief bill, re-committed.

The Honourable Mr. Crooks took the Chair.

After some time the House resumed.

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

Reported, and leave asked to sit again.

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

Leave granted.

Pursuant to order, the bill entitled, "An Act to determine the route of the Welland Canal, and for other purposes therein-mentioned," was read a second time; and it was,

Welland Canal route determination bill, read second time;

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

Referred to a Select Committee.

Ordered, that the Honourable Messieurs Markland and Morris, do compose the same for that purpose.

Members composing same.

Pursuant to order, the bill entitled, "An Act to authorise a loan of money in London, and for other purposes therein-mentioned," was, as amended, read a third time; and,

London Loan bill, as amended, read third time, and passed.

The question being put, whether this bill as amended, should pass, it was carried in the affirmative:

Whereupon the Speaker signed the amendments; and it was,

Amendment signed;

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

And sent to the Assembly for concurrence.

Pursuant to order, the amendment of the Commons House of Assembly, made to the amendments of the Legislative Council, in and to the bill entitled, "An Act to repeal, alter and amend, the Militia Laws of this Province," was read a second time; and it was,

Amendment of the Assembly to the Amendments of this House to Militia Law repeal bill, read second time.

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

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

Committed.

The Honourable Mr. Crookshank took the Chair.

After some time the House resumed.

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

Reported.

Ordered, that the report be received; and,

Adopted.

Ordered, that the said amendment of the Assembly be read a third time presently.

The same was then read a third time accordingly, and passed:

Read third time, and passed:

Whereupon the Speaker signed the amendment of the Assembly; and it was,

Amendment to the Amendments signed; And the Assembly acquainted thereof.

Ordered, that the Master in Chancery do go down to the Assembly, and acquaint that House, that the Legislative Council have acceded to the amendment made by the Commons House of Assembly, in and to the amendments of this House, made in and to the bill last-mentioned.

Pursuant to order, the House was put into a Committee of the whole, upon the Address to Her Majesty, on the subject of the Harbour at Port Dalhousie, received by Message from the Commons House of Assembly this day.

Address to Her Majesty, on the subject of the Harbour at Port Dalhousie, committed.

Tuesday, 6th March, 1838.

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The Honourable Mr. Allan took the Chair.

After some time the House resumed.

Reported.

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

Adopted.

Ordered, that the report be received; and,

Ordered, that the said Address be read a third time presently.

Read third time, and passed:

The same was then read a third time accordingly, and passed:

Same signed;

Whereupon the Speaker signed the Address; and it was,

And the Assembly acquainted thereof.

Ordered, that the Master in Chancery do go down to the Assembly, and acquaint that House, that the Legislative Council have concurred therein.

Provincial Bills issue bill, re-committed.

Pursuant to order, the House was again put into a Committee of the whole, upon the bill entitled, "An Act to authorise the issuing Bills on the credit of this Province."

The Honourable Mr. Wells took the Chair.

After some time the House resumed.

Reported;

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

Ordered, that the report be received; and,

And referred to a Select Committee.

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

Members composing same.

Ordered, that the Honourable Messieurs Markland and Macaulay, do compose the same for that purpose.

Saint Lawrence improvement grant bill, read third time:

Pursuant to order, the bill entitled, "An Act granting a certain sum of money to Her Majesty, for the purposes therein-mentioned," was read a third time; and,

Question for passing it.

Upon the question being put, whether this bill should now pass, it was,

Motion in amendment thereto.

Moved, in amendment thereto, that the said bill do not now pass, but that the same be again referred to a Committee of the whole House, on Monday next; which being seconded,

Same negatived.

The question of concurrence was put on the amendment, and carried in the negative.

Main question put and carried.

The main question then being put, it was carried in the affirmative; and,

Bill passed;

The bill passed accordingly:

Signed;

Whereupon the Speaker signed the same; and it was,

And the Assembly acquainted thereof.

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

Protest of the Honourable Mr. Morris, against the passing of the last-mentioned bill.

To the bill just passed, entitled, "An Act granting a certain sum of money to Her Majesty for the purposes therein-mentioned"—

DISSENTIENT.

(Signed) W. MORRIS.

House Adjourns.

On motion made and seconded, the House adjourned until to-morrow, at the hour of ten of the clock, A. M.

TUESDAY, 6th MARCH, 1838.

House meets.

The House met pursuant to adjournment.

PRESENT:

Members present.

The Honourable JOHN B. ROBINSON, SPEAKER.

The Honourable Messrs. ELMSLEY,

The Honourable Messrs. DICKSON,

" " BALDWIN,

" " CROOKSHANK,

" " HAMILTON,

" " MARKLAND,

" " ADAMSON,

" " ALLAN,

" " MORRIS,

" " BURNHAM,

" " MACAULAY.

Prayers were read.

The Minutes of yesterday were read.

On motion made and seconded, it was,

An Address to His Excellency passed:

Ordered, that an Address be presented to His Excellency the Lieutenant Governor, in the following words:

Tuesday, 6th March, 1838.

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

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

MAY IT PLEASE YOUR EXCELLENCY:

We, Her Majesty's dutiful and loyal Subjects, the Legislative Council and Commons House of Assembly, in Provincial Parliament assembled, have agreed to an humble Address to the Queen, relating to the improvement of the Harbour at Port Dalhousie, which we respectfully pray Your Excellency will be pleased to transmit to the Secretary of State for the Colonies, in order that it may be laid at the foot of the Throne.

Requesting him to transmit the joint Address to the Queen, on the subject of the Harbour at Port Dalhousie.

Ordered, that the foregoing Address be sent to the Commons House of Assembly, by the Master in Chancery, for their concurrence; and,

And sent to the Assembly for concurrence.

Ordered, that a Committee be appointed on the part of this House, to meet a Committee of the Assembly, to wait upon His Excellency the Lieutenant Governor, to know when he will be pleased to receive the two Houses with their joint Address to Her Majesty, on the subject of the improvement of the Harbour at Port Dalhousie; and,

A Committee appointed on the part of this House, to meet a Committee of the Assembly, to know when His Excellency would receive the two Houses with their last-mentioned Address.

Ordered, that the Honourable Messieurs Hamilton and Macaulay, do compose the Committee on the part of this House for that purpose; and,

Members composing it;

Ordered, that the Master in Chancery do go down to the Assembly, and acquaint that House, that the Legislative Council have appointed the Honourable Messieurs Hamilton and Macaulay, to be a Committee on the part of this House, who will be ready this day, at twelve of the clock at noon, to meet a Committee of the Assembly, to wait upon His Excellency the Lieutenant Governor, to know when he will be pleased to receive the two Houses with their joint Address to Her Majesty, on the subject of the improvement of the Harbour at Port Dalhousie.

And the Assembly acquainted thereof.

The Honourable Mr. Markland, from the Select Committee to whom was referred the bill entitled, "An Act granting a sum of money for the support of Common Schools for the year 1838," presented their report.

Report of the Select Committee upon Common School grant bill, presented.

Ordered, that it be received; and,

The same was then read, as follows:

Read.

Your Committee appointed to report upon a bill entitled, "An Act granting a sum of money for the support of Common Schools for the year 1838," beg leave to state:—

The Report.

That the bill is in conformity with the usual annual grants in aid of Common Schools, and therefore recommend it to the adoption of your Honourable House.

All which is respectfully submitted.

GEORGE H. MARKLAND,
CHAIRMAN.

Committee Room,

5th March, 1838.

On motion made and seconded, it was,

Ordered, that the last-mentioned bill, and the report of the Select Committee thereon, be referred to a Committee of the whole presently.

The bill committed.

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

The Honourable Mr. Markland took the Chair.

After some time the House resumed.

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

Reported.

Ordered, that the report be received; and,

Adopted.

Ordered, that the said bill be read a third time presently.

The same was then read a third time accordingly, and passed:

Read third time, and passed:

Whereupon the Speaker signed the bill; and it was,

Same signed;

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

And the Assembly acquainted thereof.

The Honourable Mr. Markland, from the Select Committee to whom was referred the bill entitled, "An Act to determine the route of the Welland Canal, and for other purposes therein-mentioned," presented their report.

Report of the Select Committee upon Welland Canal route determination bill, presented.

Ordered, that it be received; and,

The same was then read, as follows:

Read.

Tuesday, 6th March, 1838.

THIRD SESSION THIRTEENTH PROVINCIAL PARLIAMENT, 1st VICTORIA.

The Report.

Your Committee, appointed to report upon a bill entitled, "An Act to determine the route of the Welland Canal, and for other purposes therein-mentioned," beg leave to state—

That by the provisions of an Act, entitled, "An Act for completing the Welland Canal, &c." certain sums of money were authorised to be expended during the first Session of the present Parliament, and the remainder of the grant was to be reserved until certain conditions of survey were complied with.

Those surveys have been made, and the report confirms the route which was chosen; and therefore the bill requires the remaining sum of one hundred and forty-five thousand pounds should be paid. The grant has already been made, and it only remains for your Honourable House to decide whether the whole or any portion shall at present be paid. There is reason to believe that the original Act may be sufficient to authorise the payment of the remainder of the sum, but your Committee have desired to leave that consideration to the decision of your Honourable House; and trust that, under any circumstances, sufficient means will be provided to keep the work in proper repair; and prevent it from being rendered useless, by any accident which may occur before provision can be made at the next meeting of the Legislature.

All which is respectfully submitted,

GEORGE H. MARKLAND,
CHAIRMAN.

Committee Room,
5th March, 1838.

On motion made and seconded, it was,

Ordered, that the last-mentioned bill, and the report of the Select Committee thereon, be referred to a Committee of the whole House presently.

The bill committed.

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

The Honourable Mr. Hamilton took the Chair.

After some time the House resumed.

Reported, and leave asked to sit again on Monday.

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

Leave granted.

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

Provincial Bank Stock security loan bill; and,

A Deputation from the Commons House of Assembly, brought up a bill entitled, "An Act to authorise the Receiver General to raise a sum of money, by way of loan, on the security of the Provincial Stock in the Bank of Upper Canada"; and also a bill entitled, "An Act to repeal and amend part of an Act, passed in the last Session, entitled, 'An Act to authorise the Chartered Banks in this Province to suspend the redemption of their Notes in Specie, under certain regulations, for a limited time, and for other purposes therein-mentioned'"—to which they requested the concurrence of this House, and then withdrew.

Chartered Banks Specie Payment suspension amendment bill, brought up from the Assembly.

Read first time.

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

Ordered, that they be read a second time this day.

Provincial Bank Stock security loan bill, read second time.

Pursuant to order, the bill entitled, "An Act to authorise the Receiver General to raise a sum of money, by way of loan, on the security of the Provincial Stock in the Bank of Upper Canada," was read a second time; and it was,

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

Committed.

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

The Honourable Mr. Crookshank took the Chair.

After some time the House resumed.

Reported.

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

Adopted.

Ordered, that the report be received; and,

Ordered, that the said bill be read a third time this day.

Chartered Banks Specie Payment suspension amendment bill, read second time.

Pursuant to order, the bill entitled, "An Act to repeal and amend part of an Act passed in the last Session, entitled, 'An Act to authorise the Chartered Banks in this Province to suspend the redemption of their Notes in Specie, under certain regulations, for a limited time, and for other purposes therein-mentioned,'" was read a second time; and it was,

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

Committed.

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

The Honourable Mr. Allan took the Chair.

Tuesday, 6th March, 1838.

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

After some time the House resumed.

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

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

Ordered, that the said bill be read a third time presently.

The same was then read a third time accordingly, and passed: Read third time, and passed:

Whereupon the Speaker signed the bill; and it was, Same signed;

Ordered, that the Master in Chancery do go down to the Assembly, and acquaint that House, that the Legislative Council have passed this bill, without any amendment. And the Assembly acquainted thereof.

Pursuant to order, the bill entitled, "An Act to authorise the Receiver General to raise a sum of money, by way of loan, on the security of the Provincial Stock in the Bank of Upper Canada," was read a third time, and passed: Provincial Bank Stock security loan bill, read third time, and passed:

Whereupon the Speaker signed the same; and it was, Same signed;

Ordered, that the Master in Chancery do go down to the Assembly, and acquaint that House, that the Legislative Council have passed this bill, without any amendment. And the Assembly acquainted thereof.

The Honourable Mr. Wells, from the Select Committee appointed to wait upon the Lieutenant Governor, to know when His Excellency would receive the Resolutions of this House, for His Excellency the Lieutenant Governor of New Brunswick, and to present the same, reported that they had done so; and that His Excellency had been pleased to receive the Resolutions forthwith, and to return the following answer to the Address of the Legislative Council, requesting him to transmit the same. Report of the Select Committee appointed to know when the resolutions for the Lieutenant Governor of New Brunswick, would be received by His Excellency. The same presented.

GENTLEMEN,

I shall have great pleasure in transmitting to the Lieutenant Governor of New Brunswick, these Resolutions of the Legislative Council. Reply of His Excellency to the Address requesting him to transmit the resolutions.

The Honourable Mr. Markland, from the Select Committee to whom was referred the bill entitled, "An Act to authorise the issuing Bills on the credit of this Province," presented their report. Report of the Select Committee upon Provincial Bills issue bill, presented.

Ordered, that it be received; and,

The same was then read as follows: Read.

The Committee appointed to report upon the bill entitled, "An Act to authorise the issuing Bills on the credit of this Province," beg leave to state—

That the provisions of the bill are not such as could have been satisfactorily recommended to the adoption of your Honourable House, and would therefore have required important amendments. While your Committee were about to prepare the same, they learned, from information which may be relied upon, that since the signification of the desire of the Bank of Upper Canada to suspend Specie Payment, and the approval thereof by His Excellency the Lieutenant Governor in Council, any such issue, as was contemplated by the present bill, has become less necessary, and under the circumstances not desirable: it is therefore recommended, for the before-mentioned reasons, that no further proceeding be had thereon. The Report.

All which is respectfully submitted,

GEORGE H. MARKLAND,

CHAIRMAN.

Committee Room,
5th March, 1838.

Ordered, that the last-mentioned report be adopted. Same adopted.

A Deputation from the Commons House of Assembly, returned the bill entitled, "An Act to authorise a loan of money in London, and for other purposes therein-mentioned," and acquainted this House, that the Commons House of Assembly had acceded to the amendments made by the Legislative Council in and to the same. They also returned the Address to His Excellency the Lieutenant Governor, requesting him to transmit the joint Address to the Queen, relating to the improvement of the Harbour at Port Dalhousie, and acquainted this House, that the Commons House of Assembly had adopted the same; and then withdrew. Amendments to London Loan bill, acceded to by the Assembly. Address to the Lieutenant Governor, requesting him to transmit the joint Address to the Queen, relating to the improvement of the Harbour at Port Dalhousie, adopted by the Assembly.

A Deputation from the Commons House of Assembly, brought up a bill entitled, "An Act to continue in force the Act of last Session, entitled, 'An Act to alter and amend an Act passed during the last Session of the Legislature, entitled, 'An Act granting to His Majesty a sum of money for the improvement of the Roads and Bridges in the several Districts of this Province,'" Road and Bridge Law continuation bill, brought up from the Assembly.

Tuesday, 6th March, 1838.

THIRD SESSION THIRTEENTH PROVINCIAL PARLIAMENT, 1st VICTORIA.

Message from the
Assembly:

with certain amendments, to which they requested the concurrence of this House. The same Deputation brought up and delivered at the Bar of this House, a Message in the following words, and then withdrew:

MR. SPEAKER,

Acquainting this House of the appointment of a Committee, to meet the Committee on the part of the Council, to know when His Excellency would receive the two Houses, with their joint Address to Her Majesty, relating to the improvement of the Harbour at Port Dalhousie.

The Commons House of Assembly has appointed Messieurs Sherwood, Malloch, Rykert and Salmon, as a Committee to meet the Committee of the Honourable the Legislative Council, to wait on His Excellency the Lieutenant Governor, to know when he will be pleased to receive the two Houses, with their joint Address to Her Majesty, relating to the improvement of the Harbour at Port Dalhousie.

ALLAN N. MACNAB,

SPEAKER.

Commons House of Assembly,
Sixth day of March, 1838.

Road and Bridge Law
continuation bill,
read first time.

The bill entitled, "An Act to continue in force the Act of last Session, entitled, "An Act to alter and amend an Act passed during the last Session of the Legislature, entitled, "An Act granting to His Majesty a sum of money for the improvement of the Roads and Bridges in the several Districts of this Province," with certain amendments, was read, and it was,

Ordered, that the same be read a second time this day.

Report of the Select
Committee appointed to
know when His Excel-
lency would receive this
House, with their Address
to the Queen, on the state
of the Province.

The Honourable Mr. Markland, from the Select Committee appointed to wait upon the Lieutenant Governor, to know when His Excellency would receive this House, with their Address upon the State of the Province, reported that His Excellency had been pleased to appoint the hour of two of the clock this day, for that purpose.

On motion made and seconded, it was,

Message to the Assembly:

Ordered, that the following Message be sent to the Commons House of Assembly, by the Master in Chancery.

MR. SPEAKER,

On the subject of the
Contingencies of this
House.

The Contingent expenses of the Legislative Council during the present Session, having, by some inadvertency, been estimated for by the House of Assembly in their Address, before information of their amount had been transmitted from the Legislative Council, an error it will be perceived has been committed, in assuming £2,200 to be the amount of the Contingencies of the Office of the Clerk of the Legislative Council, when in fact they amounted to £2,680 7s. and the Contingencies of the Gentleman Usher of the Black Rod were erroneously assumed to be £350, when in truth they amounted only to £207 8s. 10d. The Legislative Council now sends the true amounts, hoping that the errors may be corrected.

Report of the joint
Committee appointed to
know when His Excel-
lency would receive the
two Houses, with their
Addresses to the Queen,
on the subjects of the Post
Office Department; and
the levying an additional
two and a half per cent.
on goods imported into
Lower Canada.

The Honourable Mr. Markland, from the joint Committee appointed to wait upon the Lieutenant Governor, to know when His Excellency would be pleased to receive the two Houses, with their several joint Addresses to Her Majesty, on the subject of the Post Office Department; and relating to the levying an additional two and a half per cent. on goods imported into Lower Canada, now paying an *ad valorem* duty, reported that they had done so, and that His Excellency had been pleased to appoint half an hour past two of the clock, P. M. this day, for that purpose.

Report of the joint
Committee appointed to
know when His Excel-
lency would receive the
two Houses, with their
Address to the Queen,
on the subject of the
improvement of the
Harbour at Port Dalhousie.

The Honourable Mr. Hamilton, from the joint Committee appointed to wait upon the Lieutenant Governor, to know when His Excellency would be pleased to receive the two Houses, with their joint Address to Her Majesty, on the subject of the improvement of the Harbour at Port Dalhousie, reported that they had done so, and that His Excellency had been pleased to appoint half an hour past two of the clock, P. M. this day, for that purpose.

At the time appointed, the Legislative Council proceeded to the Government House, with their Address to Her Majesty, on the State of the Province.

The four last-mentioned
Addresses presented.

At the time appointed, the Legislative Council, and Commons House of Assembly, proceeded to the Government House, with their several joint Addresses to Her Majesty, on the subjects of the Post Office Department; the levying an additional duty of two and a half per cent. on goods imported into Lower Canada, now paying an *ad valorem* duty; and the improvement of the Harbour at Port Dalhousie.

House forms.

The Legislative Council having returned, the House formed.

Tuesday, 6th March, 1838.

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

PRESENT :

The Honourable JOHN B. ROBINSON, SPEAKER.

The Honourable Messrs. DICKSON,

“ “ CROOKSHANK,

The Hon. & Ven. The ARCHDEACON OF YORK,

The Honourable Messrs. WELLS,

“ “ CAMERON,

“ “ MARKLAND,

“ “ ALLAN,

The Honourable Messrs. McDONELL,

“ “ BURNHAM,

“ “ ELMSLEY,

“ “ BALDWIN,

“ “ HAMILTON,

“ “ ADAMSON,

“ “ MORRIS,

“ “ MACAULAY.

Members present.

The Honourable the Speaker reported to the House, that His Excellency the Lieutenant Governor had been pleased to receive the several above-mentioned Addresses to Her Majesty, and to reply as follows to certain Addresses, requesting him to cause the same to be laid at the foot of the Throne :

Speaker reports His Excellency's replies to certain Addresses, requesting him to transmit the foregoing Addresses to the Queen.

Honourable Gentlemen of the Legislative Council :

I shall lose no time in transmitting, in compliance with your request, to the Secretary of State for the Colonies, to be laid at the foot of the Throne, your Address to Her most Gracious Majesty, on the State of the Province.

His Excellency's reply with reference to the Address of this House to the Queen, on the state of the Province.

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

I shall avail myself of the earliest opportunity to transmit to the Secretary of State for the Colonies, to be laid at the foot of the Throne, your joint Addresses to Her most Gracious Majesty, on the subjects of the Post Office Department ; and the levying an additional duty on goods imported into Lower Canada.

His Excellency's reply with reference to the joint Addresses to the Queen, on the subjects of the Post Office Department ; and the levying an additional two and a half per cent. on goods imported into Lower Canada.

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

In compliance with your request, I will transmit to the Secretary of State for the Colonies, to be laid at the foot of the Throne, your joint Address to Her most Gracious Majesty, respecting the improvement of the Harbour at Port Dalhousie.

Reply of His Excellency with reference to the joint Address to the Queen, on the subject of improving the Harbour at Port Dalhousie.

The Honourable Mr. Macaulay, from the joint Committee appointed to wait upon the Lieutenant Governor, to know when His Excellency would receive the Resolutions of the two Houses, for His Excellency the Lieutenant Governor of Nova Scotia, and to present the same, reported that they had done so ; and that His Excellency had been pleased to receive the Resolutions forthwith, and to return the following answer to the joint Address, requesting him to transmit the same :

Report of the joint Committee appointed to present His Excellency with certain resolutions for the Lieutenant Governor of Nova Scotia.

*Honourable Gentlemen ; and,
Gentlemen :*

I shall have great pleasure in transmitting to His Excellency the Lieutenant Governor of Nova Scotia, these joint Resolutions of the Legislative Council, and House of Assembly.

Reply of His Excellency to a certain Address of the two Houses requesting him to transmit the last-mentioned resolutions.

At four of the clock, P. M. His Excellency the Lieutenant Governor, being come to the Legislative Council Chamber, and seated on the Throne, the Gentleman Usher of the Black Rod was ordered to direct the immediate attendance of the Assembly ; who being come—

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

His Excellency was pleased, in Her Majesty's name, to Assent to the following bills :

Bills received the Royal Assent, viz :

8.—An Act to authorise the erection of the County of Huron, and certain other territory adjacent thereto, into a separate District.

District of Huron erection bill.

9.—An Act for indemnifying persons, who, since the second of December, one thousand eight hundred and thirty-seven, have acted in apprehending, imprisoning or detaining in custody, persons suspected of High Treason or Treasonable Practices, and in the suppression of unlawful assemblies, and for other purposes therein-mentioned.

High Treason imprisonment indemnification bill.

10.—An Act to prevent the unlawful training of persons to the use of Arms, and to the practice of Military evolutions and exercises, and to authorise Justices of the Peace to seize and detain Arms, collected or kept for purposes dangerous to the public peace.

Fire-arms Training prevention bill.

Tuesday, 6th March, 1838.

THIRD SESSION THIRTEENTH PROVINCIAL PARLIAMENT, 1st VICTORIA.

- Brockville Roads Macadamization amendment bill. 11.—An Act to amend an Act passed in the seventh year of the reign of His late Majesty King William the Fourth, entitled, "An Act to raise a sum of money to Macadamize the roads leading from Brockville to Saint Francis, Charleston, Lyndhurst, Beverly and Portland, in the District of Johnstown, and to authorise the erection of Toll-gates on the said roads."
- Distress levying regulation bill. 12.—An Act to regulate the costs of levying distresses for small rents and penalties.
- District of Dalhousie erection bill. 13.—An Act to erect certain Townships, now forming parts of the Districts of Bathurst, Johnstown and Ottawa, into a separate District, to be called the District of Dalhousie, and for other purposes therein-mentioned.
- Boundary Line Commissioners establishment bill. 14.—An Act to authorise the establishment of Boards of Boundary Line Commissioners, within the several Districts of this Province.
- City Council Elections validity bill. 15.—An Act to remove doubts respecting the validity of the late Elections for Aldermen and Councilmen of the City of Toronto.
- Machinery Safe-guard bill. 16.—An Act to protect the Public against accidental injury from Machinery used in Mills, and for other purposes.
- Land Tax Sale postponement bill. 17.—An Act to postpone the sale of Lands in arrear for Taxes.
- Kingston Marine Railway Company's incorporation bill. 18.—An Act to incorporate sundry persons under the name of the Kingston Marine Railway Company.
- Waterloo Bridge Company's incorporation bill. 19.—An Act to incorporate certain persons under the style and title of the Waterloo Bridge Company.
- District of Talbot Gaol and Court House erection bill. 20.—An Act to authorise the Justices of the Peace of the District of Talbot to levy an additional Assessment, to liquidate the cost of the erection of the Gaol and Court House for that District, and other purposes therein-mentioned.
- Bond Head Harbour Company's incorporation bill. 21.—An Act to incorporate certain persons under the style and title of the Bond Head Harbour Company.
- Brockville Gaol and Court House erection bill. 22.—An Act to authorise the erection of a Gaol and Court House at Brockville, in the District of Johnstown.
- Township Officers Law amendment bill. 23.—An Act to alter and amend sundry Acts regulating the appointment and duties of Township Officers.
- High Treason attainder bill. 24.—An Act to provide for the more speedy attainder of persons indicted for High Treason, who have fled from this Province, or remain concealed therein, to escape from justice.
- Covering bill. 25.—An Act to make good certain monies, advanced in compliance with the Addresses of the House of Assembly, during the first and second Sessions of the present Parliament, for the contingent expenses of the Legislature of this Province.
- Grantham Navigation Company's incorporation bill. 26.—An Act to incorporate sundry persons under the style and title of the Grantham Navigation Company, and for other purposes therein-mentioned.
- Welland Canal Company's Charter amendment bill. 27.—An Act to amend the Charter of the Welland Canal Company.
- Windsor Road Company's incorporation bill. 28.—An Act to incorporate certain persons under the style and title of the Windsor Road Company.
- MacNab's road allowance bill. 29.—An Act to authorise the Surveyor of Highways, in and for the County of Wentworth, to convey to Allan N. MacNab, Esquire, certain allowances for road in the Township of Barton, in the District of Gore.
- District of Hastings Gaol exemption bill. 30.—An Act to exempt the District of Hastings from the operation of a bill passed during the present Session, to regulate the future erection of Gaols in this Province.
- Chancery Court establishment amendment bill. 31.—An Act to amend an Act, entitled, "An Act to establish a Court of Chancery in this Province."
- Hilary Term alteration bill. 32.—An Act to amend so much of an Act passed in the seventh year of His late Majesty's reign, entitled, "An Act to increase the present number of the Judges of His Majesty's Court of King's Bench in this Province, to alter the Terms for the sitting of the said Court, and for other purposes therein-mentioned," as relates to Hilary Term.
- Penitentiary Warden's increased salary bill. 33.—An Act to enable Her Majesty to remunerate Henry Smith, Esquire, Warden of the Provincial Penitentiary, for past services performed, and disbursements made by him, and to increase the salary of that Officer.
- Widow Moodie's Pension bill. 34.—An Act to grant a Pension to the Widow and Children of the late Colonel Robert Moodie.

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

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| 35.—An Act to provide for the erection of a new Gaol at the Town of London, in the District of London. | London District new Gaol erection bill. |
| 36.—An Act to incorporate the Town of Kingston, under the name of the Mayor and Common Council of the Town of Kingston. | Kingston Incorporation bill. |
| 37.—An Act authorising the payment of Pensions to certain Militia-men, disabled during the late War with the United States of America, under certain restrictions. | Militia Pension bill. |
| 38.—An Act to amend and reduce into one Act, the Militia Laws of this Province. | Militia Law repeal bill. |
| 39.—An Act to provide a Pension to the Widows of the late Captains James MacNab, and William Church. | MacNab and Church's Widows Pension bill. |
| 40.—An Act to authorise the admission of John Prince, Esquire, to practise as a Barrister and Attorney within this Province. | Prince's Admission bill. |
| 41.—An Act to alter the mode of payment of Wages to Members of the House of Assembly. | Members Wages payment bill. |
| 42.—An Act to authorise a loan of money in London, and for other purposes therein-mentioned. | London Loan bill. |
| 43.—An Act to provide Pensions for the Widows and Children of Militia-men killed during the late rebellion, and for other purposes therein-mentioned. | Militia-men's Widows Pension bill. |
| 44.—An Act granting a retired allowance to Colonel Coffin, Adjutant General of Militia. | Colonel Coffin's retired allowance bill. |
| 45.—An Act to prevent the Receiver General from advancing any further sum on loans for certain public works, until the interest is paid thereon. | Receiver General's advance's prevention bill. |
| 46.—An Act granting a Pension to Sheppard McCormick, Esquire. | McCormick's Pension bill. |
| 47.—An Act to authorise the levying an additional tax on the inhabitants of the County of Simcoe, for the purposes therein-mentioned. | Simcoe additional tax bill. |
| 48.—An Act to afford relief to the sick and destitute Poor of the City of Toronto. | Toronto Poor relief bill. |
| 49.—An Act granting a sum of money for the support of Common Schools, for the year one thousand eight hundred and thirty-eight. | Common School grant bill. |
| 50.—An Act granting a certain sum of money to defray the expenses of the Civil Government for the year one thousand eight hundred and thirty-eight, and for other purposes therein-mentioned. | Civil List bill. |
| 51.—An Act to authorise the appointment of Commissioners to investigate the claims of certain inhabitants of this Province, for losses sustained during the late unnatural rebellion. | Rebellion loss Commissioners appointment bill. |
| 52.—An Act to make further provision for the support and regulation of the Provincial Penitentiary. | Penitentiary provision bill. |
| 53.—An Act for continuing the improvement of the Lake Road, west of the City of Toronto. | Lake Road improvement continuation bill. |
| 54.—An Act granting a sum of money to William Hust, as a compensation for loss of time, in consequence of a wound received by him while engaged in capturing a band of rebels. | Hust's compensation grant bill. |
| 55.—An Act authorising the payment of certain sums of money to sundry persons, for expenses incurred in the erection and completion of the Public Buildings. | Public Buildings erection payment bill. |
| 56.—An Act granting to Her Majesty a sum of money for the erection of a Dwelling-house for the Keeper of the Point Peter Light-house. | Point Peter Light-keeper's dwelling house grant bill. |
| 57.—An Act granting to Her Majesty a certain sum of money, for the purposes therein-mentioned. | Saint Lawrence improvement grant bill. |
| 58.—An Act to repeal part of an Act passed in the seventh year of His late Majesty's reign, entitled, "An Act to protect the public against injury from Private Banks, and for other purposes therein-mentioned." | Private Banking law partial repeal bill. |
| 59.—An Act granting a certain sum of money to Her Majesty, for the purposes therein-mentioned. | Farrol's grant bill. |
| 60.—An Act to authorise the Receiver General to raise a sum of money, by way of loan, on the security of the Provincial Stock in the Bank of Upper Canada. | Provincial Bank Stock security loan bill. |
| 61.—An Act to repeal and amend part of an Act passed in the last Session, entitled, "An Act to authorise the Chartered Banks in this Province to suspend the redemption of their Notes in Specie, under certain regulations, for a limited time, and for other purposes therein-mentioned." | Chartered Banks Specie Payment suspension amendment bill. |

Tuesday, 6th March, 1838.

THIRD SESSION THIRTEENTH PROVINCIAL PARLIAMENT, 1st VICTORIA.

High Treason conditional pardon bill. 62.—An Act to enable the Government of this Province to extend a conditional pardon, in certain cases, to persons who have been concerned in the late insurrection.

After which His Excellency the Lieutenant Governor, was pleased to address the two Houses of the Legislature in the following words:

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

His Excellency's Speech at the Prorogation.

Considering the circumstances under which you were hastily assembled, it is satisfactory to me to observe that you have been enabled, notwithstanding occasional anxiety from attempted invasions of our frontier, to give your deliberate attention to the public interests, and to mature some valuable measures.

The Act for the amendment of the Militia Law, will I trust remove any obstacles that may have prevented the full efficiency of a force, upon which this Province must principally rely for its safety and independence. The other measures which late events have induced you to adopt, will be found, I doubt not, well suited to the exigency; and nothing can be more satisfactory than the readiness and unanimity with which the Legislature have applied themselves to meet the emergencies of the present remarkable crisis.

Gentlemen of the House of Assembly:

I thank you for the Supplies which you have granted for the support of the Civil Government during the present year.

It is much to be lamented that at a moment when the disturbed state of Lower Canada, and the depression of commerce occasioned by it, must tend materially to diminish our Revenue, the necessity for new charges should be created to an inconvenient extent, by the unexpected hostility of our allies, which has forced us, for a continued length of time, into a state of actual warfare along the whole extent of our frontier.

Honourable Gentlemen, and Gentlemen:

I regret to say that there still exists among a portion of the American people, so strong a desire to force upon the free inhabitants of this Province Republican institutions; that with scarcely an exception, every Government Arsenal from Lake Champlain to Lake Michigan, has within the last two months been broken open and plundered, to furnish arms for the invasion of this portion of the British Empire; and however the circumstance may be explained, it is certainly a remarkable fact, that all these robberies have been effected without the sacrifice of a single life, and without even the imprisonment of the person, who is notoriously the instigator of these acts.

The wrong which citizens of the neighbouring States have committed, by thus attempting to dictate to the inhabitants of Upper Canada the form of Government under which they are henceforward to exist, will, as the assertion of a new theory, be condemned by the civilized world as severely, as in practice it has been repudiated by the people of this Province.

What right, it will be calmly asked, have the inhabitants of one country, armed with the artillery and weapons of their Government, to interfere with the political institutions of another? What excuse, it will be gravely considered, had citizens of the United States for invading the territory of Upper Canada?

When our Coloured population were informed that American citizens, sympathising with their sufferings, had taken violent possession of Navy Island, for the double object of liberating them from the domination of British rule, and of imparting to them the blessings of Republican institutions, based upon the principle, that all men are born equal, did our coloured brethren hail their approach?—No! on the contrary, they hastened as Volunteers, in waggon loads, to the Niagara frontier, to beg from me permission, that in the intended attack upon Navy Island they might be permitted to form the forlorn hope; in short, they supplicated that they might be allowed to be foremost to defend the glorious institutions of Great Britain.

When the mild Aborigines of this Continent, who live among us uninjured and respected, were informed that citizens of the United States, disregarding the wampum-belt which was sacredly connecting them with Great Britain, had invaded our shores, to sympathise with the

Tuesday, 6th March, 1838.

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

sufferings of the red tenants of the forest, and to offer them American friendship instead of the enmity of British rule, did our Indian brethren hail their approach?—No! their chiefs and warriors instantly painted their faces for battle, and with rifles in their hands, these free-born defenders of their virgin soil appeared before me with a solitary request, namely, that in case of their death their wives and children might be pensioned. The Six Nations Indians, the Mississaguas, the Chippawas, the Hurons and the Ottawas, spontaneously competed with each other in a determination to die, if necessary, in defending the British Government, under whose parental protection they and their fathers had been born.

When the Canadian farmers and yeomen of British origin, were informed that citizens of the United States, sympathising with their sufferings, had, in three instances, taken forcible possession of Her Majesty's territory, for the purpose of liberating them from British domination—that, with this object in view, the American leaders had issued proclamations, promising to each liberator three hundred acres of the best lands of Upper Canada, with one hundred dollars in silver—that the American self-styled General, in command of the liberators, had called upon the citizens of Upper Canada "*to free their land from tyranny*"—"to rally round the standard of liberty"—"*to lay down their arms*"—in which case, it was beneficently promised to them, that "*their persons and property should be protected,*" and that if they would "*cease resistance, all would be well with them*"—Did the Canadian inhabitants hail their approach?—No! on the contrary, their brave and loyal Militia, although totally deprived of the assistance of Her Majesty's regular troops, rose simultaneously, and regardless of every private consideration, wherever the invaders appeared, thousands of bayonets were seen bristling on our shore, ready to receive them. On the eastern, as well as on the western frontier, but one feeling prevailed: it was a noble determination on the part of free men, to conquer or die in defence of their religion—their constitution—their character—their families—and their farms; yet, notwithstanding their excited feelings, when the American citizens, who, from an armed schooner, had cruelly battered the Town of Amherstburgh, fell into the hands of the brave Militia of the Western District, (in which not a single rebel had been in arms,) did these prisoners fall victims to popular fury, or were they even insulted?—No! the instant our invaders surrendered to British power, they experienced that mercy which adorns the British name—their wounds were healed at our hospitals—and from the western extremity of Upper Canada, they were conducted unharmed through the Province, safe under the protecting ægis of our laws!

When a band of Rebels, defeated in their cruel object to reduce this Capital to ashes in the depth of a Canadian winter, were, after the conflict at Gallows-hill, brought to me as prisoners on the field, was any distinction made between American-born and our other Canadian Subjects?—No! all were released. Before the assembled Militia of Upper Canada, all were equally pardoned; and though many of our brave men, smarting under feelings natural at the moment, evidently disapproved of the decision, yet all bowed in obedience to the Administrator of their laws, and, under the noble influence of Monarchical Government, they allowed their assailants to pass uninjured through their ranks.

When the gallant Inhabitants of the Provinces of New Brunswick and Nova Scotia received intelligence, that American citizens had commenced an attempt to free the British North American Colonies "*from the tyranny of British rule,*" did they rejoice at the event?—No! a burst of loyalty resounded through their lands, and a general desire to assist us was evinced.

If Upper Canada were merely a young, healthy Province, with no protection on the Continent of America but its character, its industry, and the agricultural difficulties it has to contend with—its filial attachment to its Government—the bravery it has shewn in its defence—and the mercy it has extended to its captured assailants, ought to be sufficient to make its aggressors ashamed of their late attempt to force upon their neighbours, institutions which they conscientiously and unequivocally reject. But when it is considered that Upper Canada is an integral portion of the British Empire, and that the two countries are at this moment bound together, by a solemn treaty of peace, the faithless attack of citizens of the United States upon the Province, after it had completely quelled a slight domestic insurrection, will, if persisted in, excite feelings among the generous Nations of Europe, which will add but little to the character of Republican institutions: for surely the smile of a nation should not be more dreaded than its frown, or its extended hand be more fatal than its uplifted arm.

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When the facts just stated are clearly comprehended by intelligent men, how will the American citizens, who have so wantonly attacked the British Empire, find it possible to explain, that the Province of Upper Canada required them to interfere in its concerns?

But it seems now to be admitted, that our invaders have been deceived—that they falsely estimated the Canadian people—and that they have at last learned, that the Yeomen, Farmers, Militia, Indians, and Coloured population of this Province, prefer British Institutions to Democracy; nevertheless, as an *ex post facto* excuse for the sinful and repeated invasion of the Province, it is urged, that the crew of the *Caroline* Steam-boat, (which was captured more than fourteen days after Navy Island had been forcibly taken from us,) have been “assassinated,” and that “an extraordinary outrage” has been committed upon the Americans by our Militia, who so ably and gallantly cut out that pirate vessel.

If Navy Island had been violently taken possession of by Canadian rebels, instead of by a body of Americans, armed, fed and commanded, by American citizens—if these Canadian rebels had then thought proper to invade the United States—to break open half a dozen of their State arsenals—to rob each of many hundred stand of arms—to plunder from the American Government twenty-two pieces of cannon—and to set the laws and authorities of the Republic at defiance—could any reasonable man declare, that we should offer, or that we could be supposed to intend to offer, any offence to our allies, if, in a moment of profound peace, we were to pursue in the Niagara River, the guilty vessel which had transported to the Island these American arms, and capture her, whether she were in British waters—in American waters—moored to the British shore—or to the American shore?—would it not be our bounden duty to the American people, to capture this pirate vessel?—and if we were to fail to do so, might not our allies hold us responsible for acts of such unprovoked aggression, committed upon them by British Subjects, inhabiting a British Island?

Again, supposing that the Americans were to co-operate with us (as under such circumstances of course they would have done) in chasing this pirate vessel, could it be supposed for a moment, that each power would only be permitted by the other to capture her, so long only as she continued in their own half of the River: and that if our British boat-men, at the peril of their lives, were to capture the vessel in American waters, or on the American shore, it would be considered by the Americans as a “violent outrage”? There can be no doubt in the mind of any reasonable man, that we should only perform our duty to the Americans, by destroying a vessel belonging to our own Islanders, which had so grossly insulted them—which had completely overpowered their Government, and which, in a moment of peace, had so flagrantly violated the laws of nations. And if we should be justified in capturing the vessel of our Islanders, on account of the wrongs they had perpetrated upon the American nation, surely we should have additional right to do so on our own account, if the twenty-two pieces of cannon, forcibly wrested from the American Government, had not only been employed for a fortnight, in firing from the Island upon the peaceable Subjects of Her Majesty, but to our certain knowledge, were about to be transported to our main land, for the purpose of committing murder, arson and robbery, in this Province!

It is, however, declared by our allies, that because these lawless possessors of our Island turned out to be American citizens, and because their own Government was totally unable to control them, the capture of their vessel by us, became a “violent outrage”!

It would not have been considered by them an outrage, had we, by force of arms, prevented Canadian Islanders from violating American arsenals—from insulting American authorities—and from firing twenty-two pieces of the United States’ cannon upon British Subjects—but it is considered as an outrage, for us to prevent an *American* vessel from enabling *American citizens* to commit these unparalleled aggressions.

In the history of this Province, the capture of the *Caroline*, (whoever might have been her crew,) will, I maintain, be respected by future ages, as a noble proof of the sincerity of the Canadian people to fulfil their engagements, by crushing a pirate force, which, in violation of existing treaties, was insulting, from a British Island, their American allies—and which General Arcularius, Governor Mason, Governor Marey, the President, and Legislature of the United States, had absolutely found too powerful for the Executive force of the Republic to control.

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The fact that the pirate force was composed of and commanded by American citizens, adds to the aggression committed against the Canadians, but subtracts nothing from the crime of robbery perpetrated upon the United States arsenals, unless indeed the American people, or the American authorities, should deem it proper to declare that it was no robbery at all, for that the aggression was approved of—that the State cannon and State muskets were knowingly and wilfully lent to the invaders of Navy Island, for the purpose of forcing Republican Institutions upon the people of Upper Canada—and that under these circumstances, (which are incredible,) the attack of Canadian Militia upon the American citizens who were on board the *Caroline*, was “an extraordinary outrage”!

But supposing for a moment this false reasoning to be unanswerable—supposing even that the commission of the outrage were to be admitted by the Canadians—and that it were also to be admitted by them that the capture, by Canadians, of a small steam-boat, moored to the American shore, was an outrage, equal in magnitude to the capture of Navy Island by American citizens—still, to make the Canadian outrage as flagrant as that which had been committed upon us by citizens of the United States, it would have been necessary for the Canadians, after they had taken possession of the *Caroline*, to have fired from her deck with twenty-two pieces of cannon, for more than a fortnight, upon the American shore; and even then, though the outrages would certainly have been rendered apparently equal, still the former would have been an outrage of retaliation upon an enemy—the latter an outrage of unprovoked attack upon a friend.

There are two facts which the American Nation have not power to deny:

1st—That it is their interest, as well as their duty, to fulfil their treaties.

2nd—That if their people be permitted to rob the United States arsenals, in order to invade a friendly power, the lawless body will very soon find out, that it is easier to plunder their own wealthy, defenceless citizens, than the poor, brave, well-armed people of Upper Canada.

I have felt it to be the especial duty of the legislative station I hold, not only to protest against the unprincipled invasion of this Province by its allies, but to vindicate the inhabitants from the unreasonable accusation, which, without due inquiry, was made against them by the Federal Government of the United States, of having “assassinated” the crew of the *Caroline*.

The memoir of the attack which has just been made upon us, offers a moral to the Mother Country, which, I feel confident, will create throughout the Empire considerable sensation; for although the old Country is not without its share of human mis-apprehension and prejudice, particularly as regards its transatlantic possessions, yet when facts are clearly submitted to it, its judgment is always sound, and its verdict nobly impartial.

The struggle on this Continent between Monarchy and Democracy, has been a problem which Upper Canada has just solved.

It had been very strongly argued, even in England, that Democracy was the only form of Government indigenous to the soil of America, and that Monarchy was a power which required here artificial support.

With a view to subvert this theory, the whole of the Queen’s troops were allowed to retire from the Province—and the result, as had been anticipated, was, that the people of Upper Canada were no sooner left uncontrolled, than they proclaimed themselves in favour of Monarchical Institutions. Surrounded by temptations on almost every side, they indignantly rejected them all. In a few hours, they successfully put down insurrection in their own land: and when American citizens, astonished as well as disappointed at their loyalty, determined to *force* them to become Republicans, people of all religions, and of all politics, rushed to the frontier, to die in defence of their glorious Constitution.

The conduct of the Militia of Upper Canada attracted the attention of the gallant and loyal Inhabitants of New Brunswick and Nova Scotia, whose Legislatures have done themselves, as well as this Province, the honour of promptly expressing their unqualified approbation of the attachment which has been evinced here to the British Constitution.

When these facts shall arrive before the English people, and when they shall also have taken into their consideration, the devoted and unalterable attachment which the British population of Lower Canada have evinced for our revered institutions, surely they will come to the

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conclusion, that the concurrent opinions of Her Majesty's North American Colonies, respecting the relative advantages between Monarchy and Democracy in America, must be sounder than their own can be, inasmuch as eye-witnesses judge more correctly than people can possibly do who are living 4,000 miles off.

The people of England will, I trust, not fail to admire the calmness, the resolution, the generosity, and the honourable subjection to their laws, which have distinguished the inhabitants of Upper Canada; and on the other hand, they certainly can not fail to observe, that the Republican project of our English Reformers, namely, to make the people bit by bit responsible only to themselves, has ended in America, by the Government of the United States confessing its total inability to restrain the passions of its citizens, to guard its State arsenals, or to maintain its treaties with its oldest and most natural ally.

Lastly—the British people will, I trust, observe with considerable alarm, that the leading advocates for organic changes in our institutions are either at this moment lying in our gaols as traitors, or from having absconded, are self-banished from the Province; in short, that their pretended efforts to obtain in Upper Canada, what they called “LIBERTY FOR THE PEOPLE,” has ended in a most infamous and self-interested attempt to plunder private property, rob the Banks, and burn to ashes the rising Capitol of their Country!

With this experience before our eyes, I must confess I join with the Legislature and people of Upper Canada, in shuddering at the abused name of “*reform*,” just as we now recoil with abhorrence, when we hear suddenly pronounced, the word “*sympathy*.”

As my Successor is hourly expected here, I return to the Mother Country as I left it, totally unconnected with party or with politics; but in retirement I shall remember the lessons which the people of Upper Canada have taught me: and I feel it my duty to declare, that I leave the Continent of America with my judgment perfectly convinced, that the inhabitants of Europe, Asia and Africa, are right in their opinion, that all men are not by nature equal—that the assertion of the contrary in America is a fallacy—and that talent, industry and character, must elevate individuals, as they do nations, in the graduated scale of society.

May the resplendent genius of the British Constitution ever continue to illuminate this noble land; and animated by its influence, may its inhabitants continue to be distinguished for humility of demeanor—nobility of mind—fidelity to their allies—courage before their enemy—mercy in victory—integrity in commerce—reverence for their religion—and at all times, and under all circumstances, implicit obedience to their laws.

Honourable Gentlemen, and Gentlemen:

FAREWELL!

The Honourable the Speaker of the Legislative Council then said, it is His Excellency the Lieutenant Governor's will and pleasure, that this Provincial Parliament be prorogued to Thursday, the twelfth day of April next, to be then here holden; and this Provincial Parliament is prorogued accordingly.

APPENDIX

TO THE

JOURNAL OF THE LEGISLATIVE COUNCIL:

1837-8.

APPENDIX A.—(See Journal, page 33.)

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Copy of a Despatch, from His Excellency Sir FRANCIS B. HEAD, Baronet, Lieutenant Governor of Upper Canada, to His Excellency HENRY S. FOX, Her Majesty's Minister at Washington.

APPENDIX A.

TORONTO, UPPER CANADA,
8th January, 1838.

SIR,

I have the honour to enclose you the copy of a Special Message, sent by His Excellency Governor Marcy to the Legislature of the State of New York, in relation to a matter on which your Excellency will desire the earliest and most authentic information. The Message only reached this place yesterday, and I lose no time in communicating with your Excellency on the subject.

Despatch from His Excellency Sir Francis B. Head, to His Excellency Henry S. Fox, Her Majesty's Minister at Washington, on the subject of the destruction of the piratical Steam-boat Caroline; and on the subject of the occupation of Navy Island by a piratical force.

The Governor of the State of New York complains of the cutting out and burning of the Steam-boat *Caroline*, by order of Colonel MacNab, commanding Her Majesty's Forces at Chippawa, in the Province of Upper Canada, and of the destruction of the lives of some American citizens, who were on board of the boat at the time she was attacked. The act complained of was done under the following circumstances:

In Upper Canada, which contains a population of about 450,000 souls, the most perfect tranquillity prevailed up to the 4th day of December last, although in the adjoining Province of Lower Canada, many of the French Canadian inhabitants had been in open rebellion against the Government for about a month preceding.

At no time since the treaty of peace with the United States, in 1815, had Upper Canada been more undisturbed. The real causes of the insurrection in Lower Canada, namely, the national antipathy of the French inhabitants, did not in any degree apply in the Upper Province, whose population, like the British and American inhabitants of Lower Canada, were wholly opposed to the revolt, and anxious to render every service in their power in support of the Queen's authority. It had been reported to the Government, some time before the 4th of December, that in a remote portion of the Home District, a number of persons occasionally met and drilled, with arms, under leaders known to be disaffected, but it was not believed by the Government that any thing more could be intended, than to make a shew of threatened revolt, in order to create a diversion in favour of the rebels in Lower Canada. The feeling of loyalty throughout this Province was known to be so prevalent and decided, that it was not thought unsafe to forbear, for the time at least, to take any notice of the proceedings of this party.

On the night of the 4th December, the inhabitants of the City of Toronto were alarmed by the intelligence that about five hundred persons, armed with rifles, were approaching the City—that they had murdered a gentleman of great respectability in the highway, and had made several persons prisoners. The inhabitants rushed immediately to arms—there were no soldiers in the Province, and no Militia had been called out. The Home District, from which this party of armed men came, contains 60,000 inhabitants—the City of Toronto, 10,000. In a few hours a respectable force, although undisciplined, was collected and armed in self-defence, and awaited the threatened attack. It seems now to admit of no doubt, that if they had at once advanced against the insurgents, they would have met with no formidable resistance, but it was thought more prudent to wait until a sufficient force should be collected, to put the success of an attack beyond question. In the mean time, people poured in from all quarters to oppose the insurgents, who obtained no increase of numbers, but on the contrary, were deserted by many of their body, in consequence of the acts of devastation and plunder into which their leader had forced them.

On the 7th of December, an overwhelming force of Militia went against them, and dispersed them without losing a man—taking many prisoners, who were instantly released by my order, and suffered to depart to their homes. The rest, with their leaders, fled—some have since surrendered themselves to justice—many have been taken—and some have escaped from the Province.

It was reported about this time, that in the District of London a similar disposition to rise had been observed: and in consequence, a Militia force of about four hundred men was sent into that District, where it was speedily joined by three times as many of the inhabitants of the District, who assembled voluntarily, and came to their aid with the greatest alacrity. It was

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discovered that about three hundred persons, under Doctor Duncombe, an American by birth, were assembled, with arms; but before the Militia could reach them, they dispersed themselves and fled—of these, by far the greater number came in immediately, and submitted themselves to the Government, declaring that they had been misled and deceived, and praying for forgiveness.

Despatch from His Excellency Sir Francis B. Head, to His Excellency Henry S. Fox, Her Majesty's Minister at Washington, on the subject of the destruction of the piratical Steamboat Caroline; and on the subject of the occupation of Navy Island by a piratical force.

In about a week, perfect tranquillity was restored, and from that moment not a man has been seen in arms against the Government in any part of the Province, with the exception of the hostile aggression upon Navy Island, which I shall presently notice—nor has there been the slightest resistance offered to the execution of legal process, in a single instance.

After the dispersion of the armed insurgents, near Toronto, Mr. Mackenzie, their leader, escaped in disguise to the Niagara River, and crossed over to Buffalo. Reports had been spread there, and elsewhere along the American frontier, that Toronto had been burnt, and that the rebels were completely successful; but the falsehood of these absurd rumours was well known before Mackenzie arrived on the American side. It was known also that the ridiculous attempt of four hundred men to revolutionize a country containing nearly half a million of inhabitants, had been put down by the people instantly and decidedly, without the loss of a man.

Nevertheless, a number of American citizens in Buffalo, and other Towns on the frontier of the State of New York, enlisted as soldiers, with the avowed object of invading Canada, and establishing a Provisional Government. Public meetings were held to forward this design of invading a country, with which the United States were at peace. Volunteers were called for, and arms, ammunition and provisions, were supplied by contributions openly made. All this was in direct and flagrant violation of the express laws of the United States, as well as of the law of Nations.

The civil authority of Buffalo offered some slight shew of resistance to the movement, being urged to interpose by many of the most respectable citizens, but no real impediment was offered; and on the 13th of December, some hundred of the citizens of the State of New York, as an armed body, under the command of a Mr. Van Rensselaer, an American citizen, openly invaded and took possession of Navy Island, a part of Upper Canada, situate in the River Niagara. Not believing that such an outrage would really be committed, no force whatever was assembled at the time to counteract this hostile movement.

In a very short time, this lawless band obtained from some of the Arsenals of the State of New York, clandestinely as it is said, several pieces of artillery and other arms, which, in broad day-light, were openly transported to Navy Island, without resistance from the American authorities. The people of Buffalo, and the adjacent country, continued to supply them with stores of various kinds, and additional men enlisted in their ranks. In a few days, their force was variously stated from five to fifteen hundred, of whom a small proportion were rebels, who had fled from Upper Canada. They began to entrench themselves, and threatened that they would, in a short time, make a landing on the Canadian side of the Niagara River.

To prevent this, and keep them in check, a body of Militia was hastily collected, and stationed on the frontier, under the command of Colonel Cameron, Assistant Adjutant General of Militia, who was succeeded in this command by Colonel MacNab, the Speaker of the House of Assembly, an Officer whose humanity and discretion, as well as his activity, have been proved by his conduct in putting down the insurrection in the London District; and have been acknowledged in warm terms of gratitude by the misguided persons who had surrendered themselves into his hands. He received orders to act on the defensive only, and to be careful not to do any act which the American Government could justly complain of as a breach of neutrality.

An official statement of the unfriendly proceedings at Buffalo, was without delay (on the 13th December,) made by me to His Excellency the Governor of the State of New-York, and after this open invasion of our territory, and when it became evident that nothing was effected at Buffalo for preventing the violation of neutrality, a special Messenger was sent to Your Excellency at Washington, to urge your interposition in the matter. Sufficient time has not yet elapsed to admit of his return. Soon after his departure, this band of outlaws on Navy Island—acting in defiance of the laws and government of both countries—opened a fire from several pieces of ordnance upon the Canadian shore, which in this part is thickly settled: the

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distance from the Island being about six hundred yards, and within sight of the populous village of Chippewa. They put several balls (six pound shot) through a house, in which a party of Militia-men were quartered, and which is the dwelling-house of Captain Usher, a respectable inhabitant. They killed a horse on which a man at the time was riding, but happily did no further mischief, though they fired also repeatedly with cannon and musquetry upon our boats. They continued daily to render their position more formidable—receiving constant supplies of men and warlike stores from the State of New-York, which were chiefly embarked at a landing-place on the American main shore, called Fort Schlosser, nearly opposite to Navy Island. This place was once, I believe, a military position, before the conquest of Canada from the French; but there is now neither Fort nor Village there, but merely a single house, occupied as a tavern, and a wharf in front of it, to which boats and vessels are moored. The tavern had been, during these lawless proceedings, a rendezvous for the band, who cannot be called by any name more appropriate than pirates; and was, in fact, openly and notoriously resorted to as their head quarters on the main land, and is so to this time. On the 28th December, positive information was given to Colonel MacNab, by persons from Buffalo, that a small steam-boat, called the *Caroline*, of about fifty tons burthen, had been hired by the pirates, who call themselves “Patriots,” and was to be employed in carrying down cannon and other stores, and in transporting men and any thing else that might be required between Fort Schlosser and Navy Island.

Despatch from His Excellency Sir Francis B. Head, to His Excellency Henry S. Fox, Her Majesty's Minister at Washington, on the subject of the destruction of the piratical Steam-boat *Caroline*; and on the subject of the occupation of Navy Island by a piratical force.

He resolved if she came down, and engaged in this service, to take or destroy her. She did come down, agreeably to the information he received. She transported a piece of artillery and other stores to the Island, and made repeated passages during the day between the Island and the main shore. In the night he sent a party of Militia, in boats, with orders to take or destroy her. They proceeded to execute the order. They found the *Caroline* moored to the wharf, opposite to the inn, at Fort Schlosser. In the inn there was a guard of armed men to protect her, part of the pirate force, or acting in their support. On her deck there was an armed party, and a sentinel, who demanded the countersign. Thus identified as she was with the force, which, in defiance of the law of nations, and every principle of natural justice, had invaded Upper Canada, and made war upon its unoffending inhabitants, she was boarded—and after a resistance, in which some desperate wounds were inflicted upon the assailants, she was carried.

If any peaceable citizens of the United States perished in the conflict, it was and is unknown to the captors; and it was and is equally unknown to them, whether any such were there. Before this vessel was thus taken, not a gun had been fired by the force under the orders of Colonel MacNab, even upon this gang of pirates—much less upon any peaceable citizen of the United States. It must, therefore, have been a consciousness of the guilty service she was engaged in, that led those who were employing her to think an armed guard necessary for her defence. Peaceable citizens of the United States were not likely to be found in a vessel so employed at such a place, and in such a juncture: and if they were there, their presence, especially unknown as it was to the captors, could not prevent, in law or reason, this necessary act of self-defence. Fifteen days had elapsed since the invasion of Upper Canada by a force enlisted, armed and equipped, openly in the State of New York. The country where this outrage upon the law of Nations was committed, is populous. Buffalo alone contains 15,000 inhabitants. The public authorities, it is true, gave no countenance to these flagrant acts; but they did not prevent them, or in the slightest degree obstruct them, farther than by issuing Proclamations, which were disregarded. Perhaps they could not—but in either case, the insult and injury to the inhabitants of Canada were the same, and their right to defend themselves equally unquestionable.

No wanton injury was committed by the party who gallantly effected this service. They loosed the vessel from the wharf, and finding they could not tow her against the rapid current of the Niagara, they abandoned the effort to secure her, set her on fire, and let her drift down the stream.

The prisoners taken were a man, who, it will be seen by the documents accompanying this Despatch, avowed himself to be a subject of Her Majesty, inhabiting Upper Canada, who had lately been traitorously in arms in that Province, and having fled to the United States, was then on board for the purpose of going to the camp at Navy Island—and a boy, who being

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born in Lower Canada, was probably residing in the United States, and who, being afraid to land from the boat in consequence of the firing kept up by the guard on the shore, was placed in one of the boats under Captain Drew, and taken over to our side, from whence he was sent home the next day, by the Falls Ferry, with money given him to bear his expenses.

I send with this letter—

1st.—A copy of my first communication to His Excellency Governor Marcy, to which no reply has reached me.

2nd.—The official reports, correspondence and Militia General Order, respecting the destruction of the *Caroline*, with other documents.

3rd.—The correspondence between Commissary General Arcularius, of the State of New York, respecting the Artillery belonging to the Government of the State of New York, which has been and is still used in making war upon this Province.

4th.—Other correspondence arising out of the state of things on the Niagara frontier.

5th.—The Special Message of Governor Marcy.

It will be seen from these documents, that a high Officer of the Government of the State of New York, has been sent by His Excellency the Governor, for the express purpose of regaining possession of the Artillery of that State, which is now employed in hostile aggressions upon this portion of Her Majesty's dominions; and that being aided and favoured, as he acknowledges, by the most friendly co-operation which the Commanding Officer of Her Majesty's Forces could give him, he has been successfully defied by this army of American citizens, and has abandoned the object of his mission in despair.

It can hardly fail to be also observed by your Excellency, that in the course of this negotiation between Mr. Van Rensselaer and the Commissary General of the State of New York, this individual (Mr. Van Rensselaer) has not hesitated to place himself within the immediate jurisdiction of the Government whose laws he had violated, and in direct personal communication with the Officer of that Government, and has, nevertheless, been allowed to return unmolested, to continue in command of American citizens engaged in open hostilities against Great Britain.

The exact position, then, of affairs on our frontier, may be thus described:

An army of American citizens, joined to a very few traitors from Upper Canada, and under the command of a Subject of the United States, has been raised and equipped in the State of New York, against the laws of the United States, and the treaties now subsisting, and are using artillery plundered from the arsenals of the State of New York, in carrying on this piratical warfare against a friendly Country.

The Officers and Government of the United States, and of the State of New York, have attempted to arrest these proceedings, and to control their citizens, but they have failed. Although this piratical assemblage are thus defying the civil authorities of both Countries, Upper Canada alone is the object of their hostilities. The Government of the United States has failed to enforce its authority by any means, Civil or Military; and the single question, if it be a question, is—whether Upper Canada was bound to refrain from necessary acts of self-defence against a people whom their own Government either could not, or would not control.

In perusing the Message of His Excellency Governor Marcy to the Legislature of the State of New York, your Excellency will probably feel some degree of surprise, that after three weeks' continued hostility carried on by the citizens of New York, against the people of Upper Canada, His Excellency seems to have considered himself not called upon to make this aggression the subject of remark for any other purpose than to complain of a solitary act of self-defence on the part of Her Majesty's Province of Upper Canada, to which such unprovoked hostilities have unavoidably led.

I have, &c.

(Signed) F. B. HEAD.

His Excellency HENRY S. FOX,

Her Majesty's Minister at Washington.

A true Copy.

J. JOSEPH.

Despatch from His Excellency Sir Francis B. Head, to His Excellency Henry S. Fox, Her Majesty's Minister at Washington, on the subject of the destruction of the piratical Steam-boat *Caroline*; and on the subject of the occupation of Navy Island by a piratical force.

APPENDIX A.—(See Journal, page 33.)

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

Copy of a Letter from H. W. ROGERS, Esquire, District Attorney of the County of Erie, to the Honourable Colonel MACNAB, Commanding Her Majesty's Forces at Chippawa.

APPENDIX A.

BUFFALO, December 29th, 1837.

SIR,

Our City has been thrown into commotion this morning, by a report that certain forces under your command, had within the last twelve hours, landed upon Grand Island, within the territory of the United States. I have no confidence in the report, and believe it utterly without foundation, but to quell the apprehensions of our citizens, I have pledged myself, as an acting Officer of the Government, to take every possible means to ascertain the truth of the report, and to prevent such an occurrence. In the absence of the Marshal, I have commissioned Judge McLean of this City to wait on you immediately, and to make you acquainted with the present attitude of affairs. The Judge will bear this to you, and upon his statements and representations you can rely with the most perfect confidence. Be assured Sir, that the public authorities upon this frontier will put forth every effort to restrain our citizens, and to maintain a strict neutrality.

Despatch from His Excellency Sir Francis B. Head, to His Excellency Henry S. Fox, Her Majesty's Minister at Washington, on the subject of the destruction of the piratical Steam-boat Caroline; and on the subject of the occupation of Navy Island by a piratical force.

With great consideration,

I have, &c.

(Signed) H. W. ROGERS,

District Attorney of the County of Erie,
and Acting Attorney for U. S.

To Colonel A. N. MACNAB,
Commander of Her Majesty's Forces at Chippawa.

A true Copy.

J. JOSEPH.

Reply of Colonel MACNAB, to H. W. ROGERS, Esquire.

HEAD QUARTERS, CHIPPAWA,

29th December, 1837.

SIR,

I have the honour to acknowledge the receipt of your letter of this morning, just handed to me by the Honourable Mr. Justice McLean.

With respect to the report in the City of Buffalo, that certain forces under my command had landed upon Grand Island—an Island within the territory of the United States—I can assure you, that it is entirely without foundation, and that so far from my having any intention of the kind, such a proceeding would be in direct opposition to the wishes and instructions of Her Britannic Majesty's Government in this Colony, whose servant I have the honour to be.

Entering at once into the feelings which induced you to address me upon this subject, I beg leave to call your attention to the following facts; that so far from occupying, or intending to occupy, that or any other portion of the American Country, aggressions of a most serious and hostile nature have been made upon the forces under my command from that Island. Two affidavits are now before me, stating that a volley of musquetry from Grand Island was yesterday fired upon a party of unarmed persons, some of whom were females, without the slightest provocation having been offered. That on the same day, one of my boats, manned by British Subjects, passing along the American shore, and without any cause being given, was fired upon from the American side near Fort Schlosser, by cannon, the property, I am told, of the United States.

I have also before me most positive information, that a steam-boat called the Caroline, was sold to the pirates who have joined the rebels on Navy Island, and loaded with provisions and munitions of war, not only within your Country, but immediately under the notice of the authorities of the United States, and of the citizens of Buffalo, whom you state to have been thrown into commotion by the report mentioned in your communication, and that these stores and munitions had been forwarded to Navy Island, for the use and assistance of the band of pirates

B

APPENDIX A.—(See Journal, page 33.)

THIRD SESSION THIRTEENTH PROVINCIAL PARLIAMENT, 1st VICTORIA.

APPENDIX A.

assembled there, for the avowed purpose of invading and plundering the Country, and dividing Her Britannic Majesty's lands amongst their deluded followers.

I have the honour to be, Sir,

With the highest consideration,

Your obedient humble servant,

Despatch from His Excellency Sir Francis B. Head, to His Excellency Henry S. Fox, Her Majesty's Minister at Washington, on the subject of the destruction of the piratical Steamboat Caroline; and on the subject of the occupation of Navy Island by a piratical force.

To H. W. ROGERS, Esquire,

District Attorney, &c. &c. &c.

A true Copy. J. JOSEPH.

A. N. MACNAB,

Colonel Commanding Her Majesty's Forces on the Niagara Frontier.

Copy of a Letter from the Honourable A. N. MACNAB, Colonel Commanding, to Lieutenant Colonel JAMES M. STRACHAN, Military Secretary.

HEAD QUARTERS, CHIPPAWA,

December 30th, 1837.

(Saturday Morning, Three o'clock.)

SIR,

I have the honour to report, for the information of His Excellency the Lieutenant Governor, that having received positive information that the pirates and rebels at Navy Island had purchased a Steam-boat called the *Caroline*, to facilitate their intended invasion of this Country, and being confirmed in my information yesterday, by the boat (which sailed under British colours) appearing at the Island, I determined upon cutting her out; and having sent Captain Drew, of the Royal Navy, he, in the most gallant manner, with a crew of Volunteers (whose names I shall hereafter mention) performed this dangerous service, which was handsomely effected. In consequence of the heavy current, it was found to be impossible to get the vessel over to this place, and it was therefore necessary to set her on fire. Her colours are now in my possession.

I have, &c.

(Signed) A. N. MACNAB,

Colonel Commanding.

P. S.—We have two or three wounded, and the pirates about the same number killed.

(Signed) A. N. MACNAB.

A true Copy. J. JOSEPH.

Copy of a Letter from the Honourable A. N. MACNAB, to Colonel STRACHAN.

HEAD QUARTERS, CHIPPAWA,

January 1st, 1838.

SIR,

I have the honour to enclose to you, for the information of His Excellency the Lieutenant Governor, the report of Captain Drew, R. N. of the capture and destruction, by fire, of the Piratical Steamer *Caroline*, whilst engaged in the service of the rebels at Navy Island.

The report of that gallant Officer, His Excellency will observe, is written with that modesty which always distinguishes the accounts of a brave man of his own valour, but I beg to assure His Excellency, that it was a most daring and spirited action, and for which I feel most grateful to Captain Drew, and the brave followers under his command, who so nobly volunteered to perform this desperate service.

I shall take an early opportunity of forwarding to His Excellency the names of the party under Captain Drew, that the Country may know every actor in this gallant affair.

It affords me the greatest satisfaction to state, that Captain McCormick, although severely wounded, is in a fair way of recovery. Captain Arnold's wounds will I trust soon be healed. Captain Warren, (late of the 66th) is doing duty as usual.

I have, &c.

(Signed) ALLAN N. MACNAB,

Colonel Commanding.

To Colonel STRACHAN,

Military Secretary, &c. &c.

A true Copy.

J. JOSEPH.

APPENDIX A.—(See Journal, page 33.)

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

Copy of Letter from Captain DREW, Commander Royal Navy, to the Honourable ALLAN N. MACNAB, Colonel Commanding Her Majesty's Forces.

APPENDIX A.

HEAD QUARTERS, CHIPPAWA,
30th December, 1837.

SIR,

I have the honour to inform you, that in obedience to your commands, to burn, sink or destroy, the piratical Steam-vessel which had been plying between Navy Island and the American Shore the whole of yesterday, I ordered a look out to be kept upon her, and about five P. M. of yesterday, when the day had closed in, Mr. Harris, of the Royal Navy, reported the vessel to me, as having moved off Navy Island. I immediately directed five boats to be armed, and manned with forty-five volunteers, and at about eleven o'clock P. M. we pushed off from the shore for Navy Island, when not finding her there as expected, we went in search, and found her moored between an Island and the main shore.

Despatch from His Excellency Sir Francis B. Head, to His Excellency Henry S. Fox, Her Majesty's Minister at Washington, on the subject of the destruction of the piratical Steam-boat Caroline; and on the subject of the occupation of Navy Island by a piratical force.

I then assembled the boats off the point of the Island, and dropped quietly down upon the Steamer. We were not discovered until within twenty yards of her, when the sentry upon the gang-way hailed us, and asked for the countersign, which I told him we would give when we got on board; he then fired upon us, when we immediately boarded, and found from twenty to thirty men upon her decks, who were easily overcome, and in two minutes she was in our possession. As the current was running strong, and our position close to the Falls of Niagara, I deemed it most prudent to burn the vessel; but previously to setting her on fire, we took the precaution to loose her from her moorings, and turn her out into the stream, to prevent the possibility of the destruction of any thing like American property. In short, all those on board the Steamer, who did not resist, were quietly put on shore, as I thought it possible there might be some American citizens on board. Those who assailed us were of course dealt with according to the usages of war.

I cannot speak too highly of the conduct of the officers and men, who accompanied me: their coolness and bravery shews what may be expected from them, when their country requires their services. When all behaved so well, it would be invidious in me to particularize any one, but I may be excused for mentioning the gallant conduct of Lieutenant Shepherd McCormick, of the Royal Navy, who nobly seconded me, and had to encounter several of the pirates in the fore part of the vessel, by which, I regret to say, he has received five desperate wounds; we have also two others wounded, and I regret to add, that five or six of the enemy were killed. A return of our wounded I beg to subjoin.

I have, &c.

(Signed) ANDREW DREW,
Commander, Royal Navy.

P. S.—I beg to add, that we brought one prisoner away, a British Subject, in consequence of his acknowledging that he had belonged to Duncombe's Army, and was on board the Steamer to join Mackenzie, upon Navy Island.

(Signed) ANDREW DREW.

Return of Wounded:

Lieutenant Shepherd McCormick,	Desperately.
Captain Warren,	Slightly.
“ John Arnold,	Severely.

(Signed) ANDREW DREW.

A true Copy.

J. JOSEPH.

(Copy.)

NIAGARA, 1st January, 1838.

SIR,

The Lieutenant Governor, on his arrival here, has this moment received your despatch of this day, enclosing to His Excellency the report by Captain Drew, R. N. of the capture and destruction of the piratical steamer *Caroline*, whilst engaged in the service of the rebels on Navy Island.

APPENDIX A.—(See Journal, page 33.)

THIRD SESSION THIRTEENTH PROVINCIAL PARLIAMENT, 1st VICTORIA.

APPENDIX A.

His Excellency desires me to express to you his unqualified approbation of this proceeding, and he desires that you will convey to Captain Drew, to Lieutenant McCormick, and to the other brave volunteers who accompanied him, his thanks for the important service they have rendered this Province, and which His Excellency will lose no time in making known to Her Majesty's Government.

I have, &c.

(Signed)

J. M. STRACHAN,

Military Secretary.

Colonel the Honourable ALLAN N. MACNAB.

A true Copy.

J. JOSEPH.

Despatch from His Excellency Sir Francis B. Head, to His Excellency Henry S. Fox, Her Majesty's Minister at Washington, on the subject of the destruction of the piratical Steam-boat Caroline; and on the subject of the occupation of Navy Island by a piratical force.

(Copy.)

GENERAL ORDER.

HEAD QUARTERS, CHIPPAWA,

3rd January, 1838.

Colonel MacNab has great satisfaction in announcing to the Forces under his command, that the destruction of the steam-boat *Caroline*, in the employment of the pirates on Navy Island, which was effected in a manner so highly creditable to the gallant volunteers from the Naval Brigade and Troops, on the night of the 29th December, 1837, has met with the unqualified approbation of His Excellency the Lieutenant Governor, and that His Excellency desires to express to Captain Drew, and to the brave volunteers who accompanied him, his thanks, for the important service they have rendered this Province, and which His Excellency will lose no time in making known to Her Majesty's Government.

(Signed)

K. CAMERON,

Assistant Adjutant General.

A true copy.

J. JOSEPH.

The following are the Affidavits referred to in Colonel MACNAB's Correspondence:

Upper Canada, } SILVANUS FEARN'S WRIGLEY, late of the Township of Dumfries, in the
District of Niagara, } District of Gore, labourer, deposes and saith, that he is a British Subject;
to wit. } that he enlisted with Charles Duncombe, and joined him in the London
District; that after Duncombe's men were dispersed, he went with Alfred Luce, another of
Duncombe's men, down to Chippawa, and crossed the Niagara River, to join the Patriots; that
he was on board the Steam-boat *Caroline*, with the said Alfred Luce, on their way to Navy
Island, at the time she was captured; that he believes said Luce was killed in the engagement;
that he understood the boat to be the property of the patriots; that on the same day she was
captured she had taken a six-pounder to the Island, from Fort Schlosser, on the American
shore, with provisions and other necessaries for Mackenzie's army; that the flag they had on
board was a British flag; that deponent saw the cannon put on board; that the cannon, as he
understood, was the property of the United States—and that when the boats approached the
steam-boat a rifle was fired at them from the steam-boat; that he then ran forward to the
front of the steam-boat, when he was made prisoner.

(Signed)

SILVANUS FEARN'S WRIGLEY.

The only fire-locks deponent saw on board were muskets and rifles.

(Signed)

SILVANUS FEARN'S WRIGLEY.

Sworn before me, at Chippawa,
this 30th December, 1837.

(Signed)

W. H. MERRITT, J. P.

A true copy.

J. JOSEPH.

(Copy.)

Upper Canada, } GEORGE NOLOP, of the Village of Brantford, in the District of Gore,
District of Niagara, } yeoman, deposes and saith, that he is a British Subject; that on the
to wit. } twenty-eighth of this present month, he went over on business to the
United States; that on arriving at Fort Schlosser, in the said United States, he was taken

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

prisoner by a body of armed men, who said they were citizens of the United States; that he was put under guard, and detained about twenty-four hours; that he, this deponent, repeatedly applied to be liberated, but was told by the guard that they would not let any damned Tory go; that whilst he was a prisoner at Fort Schlosser, he saw a six-pounder belonging, as his guard informed him, to the United States, taken from the Fort, put on board the Steam-boat *Caroline*, and taken to Navy Island; that while he was a prisoner he heard the men belonging to the Boat state, that the Boat belonged to the Patriots, and that she was to be employed in taking stores, guns and other necessaries to Navy Island, for the use of the Patriot army; that while deponent was a prisoner, some armed men came up to the tavern where he was and said, that the Tories had got the Boat; that the men turned out, and fired upon the persons they called Tories; that deponent heard from his guard, that there were about thirty armed men on board the Boat; that during the confusion he made his escape; that when the men of the boat went down to man her, they marched in regular order; that in the guard-room in the tavern where he was confined, there was a cask filled with six pound shot, and two casks of grape and canister—and the men belonging to the Steam-boat said, that said shot had been taken out of the Arsenal at Buffalo, and was to be sent to the Patriots; that one of the crew told the deponent, after the Steam-boat had been taken, that he was sentry on the deck when the attack was made, and demanded the countersign several times from the attacking party, but they did not give it.

APPENDIX A.

Despatch from His Excellency Sir Francis B. Head, to His Excellency Henry S. Fox, Her Majesty's Minister at Washington, on the subject of the destruction of the piratical Steam-boat *Caroline*; and on the subject of the occupation of Navy Island by a piratical force.

(Signed) GEORGE NOLOP.

Sworn before me, at Chippawa, this
30th day of December, 1837.

(Signed) GEORGE RYKERT, J.P.

A true Copy.

J. JOSEPH.

(Copy.)

Upper Canada, } LUKE WALKER, of the City of Buffalo, in the State of New York, in the
District of Niagara, } United States of America, labourer, maketh oath and saith, that he was on board the Steam-boat *Caroline* last night, when she was captured; that there were about thirty armed men on board; that the said Boat, as he understood, was the property of the Patriots, in Navy Island; she had been employed during the day, in taking provisions and stores to the Island; that deponent was in the cabin lying down, when he heard the watch on deck cry—"Hurra, boys! here come the enemy!"; that he heard the Captain say to the men—"Sleep well to-night, for we shall have hard work to-morrow—there are many gentlemen coming from Rochester, and we shall have to take them over."

(Signed) LUKE ~~X~~ WALKER.
his
mark.

Sworn before me, at Chippawa, first having
been fully read and explained to him,
this 30th December, 1837.

(Signed) W. HAMILTON MERRITT, J.P.

A true Copy.

J. JOSEPH.

(Copy.)

District of Niagara, } JAMES WOOD, late of the City of Buffalo, in the State of New York,
to wit. } mariner, but now of the Village of Chippawa, in the Province of Upper Canada, maketh oath and saith, that he was at Buffalo when the Steamer *Caroline* was cut out of the ice; he saw the men working at her, and in his opinion, the numbers employed could not be much less than one thousand; that it was generally understood that they were volunteers, working for Mackenzie, and the Patriots, on Navy Island; and it was the common talk of the Town, that the *Caroline* was intended for the use of the Patriots on the Island; that he, this deponent, saw on board of the said Boat, when she left, muskets, swords and flour; that he asked

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Captain Appleby, who commanded the Boat, where she was going, and that Appleby said to Dunkirk, which is forty-five miles above Buffalo; that deponent replied, that he believed the Dunkirk he meant would be in another direction, meaning Navy Island; that the Captain then smiled and made no reply; deponent further saith, that he has heard many rich people in Buffalo say, that if the Patriots would fight, they would find them.

(Signed) JAMES WOOD.

Despatch from His Excellency Sir Francis B. Head, to His Excellency Henry S. Fox, Her Majesty's Minister at Washington, on the subject of the destruction of the piratical Steamboat *Caroline*; and on the subject of the occupation of Navy Island by a piratical force.

Sworn before me, at Chippawa, in
the District of Niagara, this
5th January, 1838.

(Signed) WARNER NELLIS, J.P.

A true Copy.

J. JOSEPH.

District of Niagara, } ANDREW DREW, of the Village of Woodstock, in the District of London,
to wit. } Esquire, Commander in the Royal Navy, deposeseth and saith, that on the night of the twenty-ninth of December last, he proceeded, by direction of Colonel Allan Napier MacNab, Commanding Her Majesty's Forces on the Niagara frontier, to take possession of the Steam-boat *Caroline*, and that deponent did take possession of her accordingly; that he immediately gave orders for her to be cast off from the wharf to which she was moored, and to be set on fire; that previously to her being cast off from the wharf, the cabin below was searched, and the colours brought from it; that there was a man found lying in the cabin on deck, severely wounded, and that he was carefully lifted on to the wharf before the vessel was unmoored; that one fire was made in the cabin abaft, and another below in the fore part of the vessel where the machinery was, and where a quantity of cord-wood was piled together, which was lighted from the coals of the fire-place; that full ten minutes elapsed before the fire started into a blaze, and that one of deponent's own men was there the whole time kindling the fire; that deponent does not believe any living being was on board the *Caroline* after his party left her, and that it was impossible to suppose any person would have remained there, knowing that a fire was lighting to burn the vessel; that deponent was the last person who left the vessel, except one, and that man stepped into the boat immediately after him—and that deponent does not believe that any person on board the *Caroline* jumped or was thrown overboard.

(Signed) ANDREW DREW,
Commander, Royal Navy.

Sworn before me, at Chippawa, this
10th day of January, 1838.

(Signed) JAMES CUMMINGS, J.P.

Copy of a Letter from the Honourable A. N. MACNAB, Colonel Commanding, to Lieutenant Colonel STRACHAN.

HEAD QUARTERS, CHIPPAWA,
2nd January, 1838.

SIR,

I beg leave to report, that I have just been called upon by Mr. Smith, one of the Deputy Marshals of the State of New York, and Collector of Customs for the port of Manchester, with a letter from Henry Arcularius, Esquire, Commissary General of Military Stores for the State of New York, which, with my reply, I have the honour to enclose.

I have, &c.

(Signed) A. N. MACNAB,
Colonel Commanding.

Lieutenant Colonel STRACHAN,
&c. &c. &c.

A true Copy.

J. JOSEPH.

APPENDIX A.—(See Journal, page 33.)

SIR FRANCIS BOND HEAD, BARONET, K. C. H. *Lieutenant Governor.**Copy of a Letter from General ARCULARIUS, Commissary General of the State of New York, to the Honourable Colonel A. N. MACNAB.*

APPENDIX A.

STATE OF NEW YORK, NIAGARA FALLS,
January 2nd, 1838.

SIR,

Having just arrived in this part of the State of New York, pursuant to the commands of the Governor of the State, (a copy of which I have the honour herewith to enclose,) I would most respectfully solicit from you the suspension of an attack of the assemblage now lodged on Navy Island, bordering this frontier, until I can demand the surrender of any and all the arms, ordnance, and ordnance stores, belonging to the people of this State, of which this assemblage have obtained the clandestine possession; and permission to withdraw the same, if they should be given up. The application will be made immediately, and without any delay on my part, or the part of those citizens to whom the communication is addressed.

Despatch from His Excellency Sir Francis B. Head, to His Excellency Henry S. Fox, Her Majesty's Minister at Washington, on the subject of the destruction of the piratical Steam-boat Caroline; and on the subject of the occupation of Navy Island by a piratical force.

I have, &c.

(Signed) HENRY ARCULARIUS,

Com'y. Gen. Military Stores,
State of New York.

A true copy.

J. JOSEPH.

Copy of a Letter from His Excellency WILLIAM L. MARCY, Governor of the State of New York, to General J. GOULD, of Rochester, Judge HUNT, of Lockport, His Honor J. TROWBRIDGE, Mayor of Buffalo, and others.

ALBANY, December 29th, 1837.

To General J. Gould, of Rochester, Judge Hunt, of Lockport, His Honor J. Trowbridge, Mayor of Buffalo, and others.

GENTLEMEN,

Permit me to introduce to you respectively, the bearer hereof, General Arcularius, the Commissary General of this State. Understanding from various persons, that some of the pieces of ordnance, and other Military property belonging to the State, and situated in the western part of it, had been taken from those who had the custody of them, and carried beyond our territorial limits, I have directed the Commissary General to visit that section of the State, for the purpose of ascertaining the truth of these reports, and to take proper measures to reclaim such portion of the public property as may have been taken away, and to place it in a safe condition.

I shall be much obliged to you for any aid or information, that you shall have it in your power to afford him.

I have, &c.

(Signed) W. L. MARCY.

A true Copy.

J. JOSEPH.

Copy of a reply from the Honourable A. N. MACNAB, to Commissary General ARCULARIUS.

HEAD QUARTERS, CHIPPAWA,
2nd January, 1838.

SIR,

I have this moment had the honour to receive your communication of this day, in which you solicit a suspension of an attack on the assemblage now lodged on Navy Island, until you can demand the surrender of any and all the arms, ordnance, and ordnance-stores, belonging to the people of the State of New York, of which the assemblage have obtained the clandestine possession, with permission to withdraw the same if they shall be given up; and assuring me that the above application will be made immediately, and without any delay on your part, or on the part of those citizens to whom the communication is addressed.

As the above application evinces a noble desire, on the part of the State of New York, sincerely to co-operate with the Government of Her Britannic Majesty, in maintaining the

APPENDIX A.—(See Journal, page 33.)

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Despatch from His Excellency Sir Francis B. Head, to His Excellency Henry S. Fox, Her Majesty's Minister at Washington, on the subject of the destruction of the piratical Steam-boat Caroline; and on the subject of the occupation of Navy Island by a piratical force.

laws of Nations, against the atrocious attack of a band of pirates, who have equally insulted the American as well as the British authorities, by plundering their property, and by openly setting their laws at defiance—I lose no time in assuring you, that having been directed cordially to co-operate with the authorities, as well as with the citizens of the United States, in maintaining the treaty which happily exists between them and the British Empire, and to do every thing in my power to avoid, if possible, the effusion of human blood, I shall have great pleasure in suspending my attack on the pirates on Navy Island; and will cheerfully consent, on the part of Her Majesty's Government, that any arms or property they may have stolen from your Government, or from your citizens, may be withdrawn by you from the Island, for the purpose of being immediately restored to their rightful owners.

Relying upon receiving from you the earliest possible notice of the result of your laudable exertions, and trusting that the same good feeling which has determined your Government to deprive these people of the arms of the United States, which you acknowledge they have clandestinely possessed themselves of, will induce you to prevent them from receiving from your shores, any further assistance or supplies.

I have, &c.

(Signed) ALLAN N. MACNAB,

Colonel Commanding Her Majesty's
Forces on the Niagara Frontier.

To Commissary General HENRY ARCULARIUS, Esq.

&c. &c. &c.

A true Copy.

J. JOSEPH.

(Copy.)

HEAD QUARTERS, CHIPPAWA,
7th January, 1838.

SIR,

I have the honour to enclose, for the information of His Excellency the Lieutenant Governor, copies of communications which I yesterday received from Commissary General Arcularius.

I also enclose a copy of a printed letter, from Judge McLean, of Buffalo, in order that His Excellency may be in full possession of every thing that has transpired here.

After a careful perusal of the whole, I would respectfully call the attention of His Excellency to the situation in which the forces under my command are placed.

I have, &c.

(Signed) ALLAN N. MACNAB,

Colonel Commanding.

Lieutenant Colonel STRACHAN,

Military Secretary.

A true Copy.

J. JOSEPH.

(Copy.)

STATE OF NEW YORK, NIAGARA FALLS,
January 5th, 1838.

Colonel ALLAN MACNAB, Commanding Her Majesty's Forces on the Niagara Frontier.

SIR,

Enclosed I send you a copy of a letter received this morning from Van Rensselaer, that you may the better appreciate the embarrassing situation in which I am placed.

From the first moment after my arrival on this frontier, down to the present time, I have sedulously endeavoured to accomplish the purposes of my mission, by every pacific, mild and moderate measure, which my own, or the ingenuity and wisdom of my advisers could suggest, and all without the slightest success.

For your kind and generous forbearance and courtesy, during the pendency of our negotiations, I tender you my grateful acknowledgments.

APPENDIX A.—(See Journal, page 33.)

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

I can ask for nothing more at your hands, and if the poor deluded beings who have encamped on Navy Island are slain, their blood be upon their own head, not mine.

I have, &c.

(Signed) HENRY ARCULARIUS,

Commissary General.

A true Copy.

J. JOSEPH.

(Copy.)

HEAD QUARTERS, NAVY ISLAND,
4th January, 1838.

HENRY ARCULARIUS, *Esquire, Commissary General of the State of New York.*

Sir,

When I accepted the command of the forces now on this Island, I found them in possession of ordnance and arms, some of which, I believe, were considered as donations from private individuals, others as loans, to be returned whenever the object which called us together might be accomplished. Since then many additions have been made upon the same terms, as I understand it, but my vocations have been so manifold, it has not been in my power to know, in all cases, to whom we are obliged for the articles in question.

Since I had the honour to receive your communication of the 2nd instant, however, I have consulted the Provisionary Government, and am to make the necessary enquiries to ascertain whether any of the property on the Island belongs to the people of the State of New York, the earliest leisure opportunity; and if such shall be the case, I am to take the necessary steps to put them in a position where they may be reclaimed, when I shall communicate with you again.

I have, &c.

(Signed) RENSS. VAN RENSSELAER,

Commanding, &c.

A true Copy.

J. JOSEPH.

Copy of a Letter from the Honourable JOHN ELMSLEY, Lieutenant, Royal Navy, to the Honourable Colonel A. N. MACNAB.

CHIPPAWA, 29th December, 1837.

Eight, A. M.

Sir,

I have the honour to inform you, that I have just returned from the neighbourhood of Navy Island, to which point I proceeded at day-break, with my spy-glass, to inspect the position of the rebel forces.

Soon after my arrival there, I perceived our eight-oared gig just rounding the northern extremity of Navy Island. She had been all round the Island, and was fired at from all parts of it, with round shot, grape and canister, and musquetry.

On our coming abreast of Fort Schlosser, I distinctly saw two discharges of heavy ordnance from a point on the main shore, on the American side, not far from that Fort.

As soon as our boat had passed, the firing ceased.

I have deemed it no more than my duty to call your attention to this fact, to the truth of which I am prepared to make affidavit, when called upon.

I have, &c.

(Signed) J. ELMSLEY,

Lieutenant, R. N.

Honourable Colonel A. N. MACNAB,

&c. &c. &c.

A true copy.

J. JOSEPH.

D

APPENDIX A.

Despatch from His Excellency Sir Francis B. Head, to His Excellency Henry S. Fox, Her Majesty's Minister at Washington, on the subject of the destruction of the piratical Steam-boat Caroline; and on the subject of the occupation of Navy Island by a piratical force.

APPENDIX A.—(See Journal, page 33.)

THIRD SESSION THIRTEENTH PROVINCIAL PARLIAMENT, 1st VICTORIA.

APPENDIX A.

Copy of a Letter from WILLIAM LOCKWOOD, Esquire, First Lieutenant of the Saint Catharines Troop of Cavalry, to the Honourable A. N. MACNAB, &c. &c. &c.

SIR,

I have the honour to inform you, that this morning at eight o'clock, about twenty men appeared on Grand Island, (two miles below Black Creek,) constructing a bridge across a ravine, and when they saw a party of men on the Canada shore, watching their movements, they fired a volley of musquetry towards them; after having completed their work, they left two men on the bridge, and retired towards the lower part of the Island.

(Signed) WILLIAM LOCKWOOD,

First Lieutenant of the St. Catharines
Troop of Cavalry.

Honourable Colonel A. N. MACNAB,

Commanding, &c.

A true Copy.

J. JOSEPH.

(Copy.)

SPECIAL MESSAGE.

TO THE LEGISLATURE:

I received last evening, after my annual Message was prepared, information of an occurrence, which I hasten to communicate to you.

The territory of this State has been invaded, and some of our citizens murdered, by an armed force from the Province of Upper Canada.

By the documents accompanying this communication it will be perceived, that the Steamboat *Caroline*, owned by one of our citizens, while lying at Schlosser, on the Niagara River, within the limits of the State, on the night of the 29th December last, was forcibly seized by a party of seventy or eighty armed men in boats, which came from and returned to the Canadian shore. The crew and other persons in this Steam-boat, amounting to thirty-three, were suddenly attacked at midnight, after they had retired to repose, and probably more than one-third of them wantonly massacred. The boat was detached from the wharf to which it had been secured—set on fire—taken into the middle of the River, and by the force of its current carried over the Niagara Falls.

Twelve of the persons who were on board of it are missing, and there is ground to fear they were killed by the invaders in their attack upon it, or perished in its descent over the cataract. Of those who escaped from the boat one was killed on the wharf, and several others were wounded.

I am warranted in assuring you, that the authorities not only of this State, but of the United States, have felt an anxious solicitude to maintain the relations of peace and strict neutrality with the British Provinces of Upper and Lower Canada at all times since the commencement of the Civil disturbances therein; and have in all respects done what was incumbent upon them to do, to sustain these relations. The occurrence to which I have alluded is an outrage that has not been provoked by any act done or duty neglected by the Government of this State or of the Union. If it should appear that this boat was intended to be used for the purpose of keeping up an intercourse between this State and Navy Island, which is now held by an assemblage of persons in defiance of the Canadian Government, this circumstance would furnish no justification for the hostile invasion of our territory, and the destruction of the lives of our citizens. The General Government is entrusted with the maintenance of our foreign relations, and will undoubtedly take the necessary steps to redress the wrong and sustain the honour of the country.

Though I have received no official information of the fact, I have good reason to believe that the local authorities of this State have taken prompt and efficient means, not only to protect our soil from further invasion, but to repress any retaliative measures of aggression which our citizens, under the impulse of deeply excited and indignant feelings, might rashly resolve to adopt.

The patriotic Militia in the vicinity of the scene of the outrage, have obeyed with alacrity the call which has been made upon them for these purposes.

Despatch from His
Excellency Sir Francis B.
Head, to His Excellency
Henry S. Fox, Her
Majesty's Minister at
Washington, on the sub-
ject of the destruction of
the piratical Steamboat
Caroline; and on the
subject of the occupation
of Navy Island by a
piratical force.

APPENDIX A.—(See Journal, page 33.)

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

APPENDIX A.

It will probably be necessary for this State to keep up a military force for the protection of our citizens, and the maintenance of peace, until an opportunity is given to the General Government to interfere with its power. In that event, I apprehend it will be necessary for you to provide by law, for the payment and maintenance of such forces as the occasion may require.

I shall doubtless, within a short time, receive official information of what the local authorities have done, and shall be better enabled to form an opinion of what will be necessary on the part of the State, to preserve our rights and the public tranquillity. I shall then communicate further with you on the subject, and suggest such matters in relation to it as may require your consideration.

Despatch from His Excellency Sir Francis B. Head, to His Excellency Henry S. Fox, Her Majesty's Minister at Washington, on the subject of the destruction of the piratical Steam-boat Caroline; and on the subject of the occupation of Navy Island by a piratical force.

(Signed) W. L. MARCY.

Albany, January 2nd, 1838.

A true Copy.

J. JOSEPH.

(Copy.)

GOVERNMENT HOUSE,
13th December, 1837.

SIR,

Your Excellency has doubtless received intelligence, though not of an authentic character, of an insurrectionary movement which, within the last few days, has been made in this Province, and which the loyal feeling of the great mass of Her Majesty's Subjects has enabled me promptly to suppress. Though an occurrence of this particular nature, in a country immediately adjoining the State under your Excellency's Government, must naturally excite a considerable degree of interest, I might not have felt myself called upon to communicate with your Excellency upon the subject, if I had not received an official report from the Magistracy of the District of Niagara, that efforts are made, by calling public meetings in Buffalo, to procure countenance and support among the inhabitants of that City to the efforts of the disaffected in Upper Canada.

I am perfectly persuaded that, under any circumstances, the public authorities in the United States would exert themselves to strengthen, rather than to disturb, the kind feeling which has for so many years united the natives of Great Britain and the United States in the most amicable relations; and when I acquaint your Excellency, that the armed party of traitors which are now dispersed, during the few days that they remained embodied, were guilty of such unprovoked and wanton acts of murder, arson and robbery, as disgusted their adherents and occasioned their rapid desertion, I feel no doubt, that whatever may be justly done by the Government of one friendly and enlightened Nation, towards restraining its subjects from disturbing the peace and injuring the unoffending inhabitants of an other, may confidently be expected from Your Excellency.

It is fit I should apprise Your Excellency that there is not at this moment, to my knowledge, within the whole extent of Upper Canada, a single body of men assembled with arms, or otherwise, in opposition to the Government. Before the 5th December, there had been about five or six hundred men hastily got together, at the instigation of a Mr. Mackenzie, the editor of a seditious newspaper here, but these have been wholly dispersed, and their leader we understand is now in Buffalo, endeavouring to excite there a support which he fails to meet with in this Province.

I have, &c.

(Signed) F. B. HEAD.

To His Excellency Governor MARCY,
State of New York, Albany.

A true copy.

J. JOSEPH.

APPENDIX A.—(See Journal, page 33.)

THIRD SESSION THIRTEENTH PROVINCIAL PARLIAMENT, 1st VICTORIA.

APPENDIX A.

(Copy.)

STATE OF NEW YORK, EXECUTIVE DEPARTMENT,
ALBANY, 21st December, 1837.*His Excellency* SIR FRANCIS B. HEAD, *Lieutenant Governor, &c. &c.*

Despatch from His
Excellency Sir Francis B.
Head, to His Excellency
Henry S. Fox, Her
Majesty's Minister at
Washington, on the sub-
ject of the destruction of
the piratical Steam-boat
Caroline; and on the
subject of the occupation
of Navy Island by a
piratical force.

SIR,

I have received your communication, dated 16th December, giving me information of the movements of certain persons at Buffalo, or in its vicinity, having relation to the disturbances in Her Britannic Majesty's Province of Upper Canada. You are aware, I presume, that the Federal Government is solely intrusted with the maintenance of our foreign and exterior relations, and there is very little that the State Governments can do on the subject, but co-operate with it in sustaining its character of neutrality. This, I, as Chief Magistrate of New York, shall most cheerfully do. Before your communication was received, I had prepared the accompanying proclamation, which has since been issued to the Sheriffs of the frontier counties, with directions to give it general publicity. I was also apprised, before I received your letter, that the General Government were acting with vigour on the subject, and that the Marshall of the Western District of New York had been ordered to repair to Buffalo, and cause such persons as were guilty of violating the laws of the United States, enacted to preserve its relations of amity and neutrality with Foreign Powers, to be arrested, for the purpose of being brought to punishment.

I have the honour to be,

Your Excellency's obd't. Servant,

(Signed)

W. L. MARCY.

A true Copy.

J. JOSEPH.

(Copy.)

PROCLAMATION.

By WILLIAM L. MARCY, *Governor of the State of New-York.*

WHEREAS information has been received, that an armed body of men assembled at or near the city of Buffalo, with the avowed intention of taking part in the disturbances which prevail in the neighbouring Province of Upper Canada, and that similar movements are to be apprehended in other parts of the State adjoining the Province of Lower Canada: And whereas any attempt to set on foot such military expeditions or enterprises, is in direct violation of the laws of the land, and of the relations of amity subsisting between the Kingdom of Great Britain and the United States: I do hereby call upon the persons who may be assembled, or who may design to assemble as aforesaid, to desist from their unlawful proceedings, and upon the citizens of this State, to co-operate with the Officers and Magistrates of the United States, in their efforts to suppress all such violations of law, and to bring the offenders to punishment. I do also enjoin upon the good people of this State, to abstain from all illegal interference with the domestic concerns of the said Provinces; and they are hereby cautioned not to allow their feelings of sympathy for those, who, for political causes, have fled from other countries and taken refuge in our own, to mislead them into any infraction of the laws, or of those principles of neutrality which it is the duty of the Government to maintain, in relation to the dissensions, whether external or domestic, of Foreign States.

[L. s.]

Given under my Hand, and the Great Seal of the State, at Albany,
this nineteenth day of December, one thousand eight hundred
and thirty-seven.

(Signed)

W. L. MARCY.

By the Governor.

(Signed)

JOHN A. DIX,

Secretary of State.

A true Copy.

J. JOSEPH.

APPENDIX A.—(See Journal, page 33.)

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

Copy of a Despatch, from His Excellency SIR FRANCIS B. HEAD, Bart. Lieutenant Governor of Upper Canada, to His Excellency HENRY S. FOX, Her Majesty's Minister at Washington.

APPENDIX A.

GOVERNMENT HOUSE,

Toronto, 23rd December, 1837.

SIR,

It is my duty to lose no time in apprising Your Excellency, that the peace and security of this Province are at this moment threatened, and that its territory is actually invaded by a large band of American citizens from Buffalo, who have taken up arms, and established themselves in a hostile manner on Navy Island, in the Niagara River, and within the territory of Upper Canada.

Your Excellency has no doubt learned from the public papers, that in consequence of the insurrection unhappily commenced in Lower Canada, but which, I have reason to believe, is now effectually suppressed, an attempt, as rash and hopeless as it was wicked, was lately made by three or four hundred persons in this vicinity, to involve this Province also in the miseries of a civil war. In concert with this movement, an endeavour was also made to excite the people in another District to take up arms against the Government. Both these attempts were promptly and effectually suppressed by the loyal Militia of this Province, unaided by any Military force. Most of the deluded persons who were engaged in these rash and criminal enterprizes have surrendered themselves when taken prisoners; but the principal leader, William Lyon Mackenzie, and some of the most active of his followers, succeeded, with great difficulty, in making their escape to the adjoining State of New-York. It was soon reported to me, that at Buffalo, to which place these traitors fled, strong symptoms were shewn by numbers of American citizens, of an inclination to aid them with men and arms, and to supply them with other necessaries, in order to enable them to make a hostile invasion of this Province.

That the public authorities in Buffalo, and the more respectable of the inhabitants would discountenance such proceedings, I had no doubt—and their conduct since has justified that expectation; but as it was doubtful how far they might be able promptly to control this ebullition of hostile feeling towards a Nation, with which the United States held the strictest relations of amity and peace, I immediately addressed an official letter to His Excellency Governor Marcy, at Albany, of which a copy is herewith sent. No reply to this has yet reached me, nor do I know what steps, if any, have been taken on the part of the American Government, at Buffalo, to repress this hostile rising of their people.

Since that letter was written, Mackenzie has been joined by some hundreds of American citizens from Buffalo, and the adjacent villages, and have established themselves on Navy Island, as I have before mentioned, with artillery and arms procured in the United States.

The paper printed at Buffalo, which I send you, will shew the spirit in which this movement is urged forward.

I am, of course, taking all possible measures to repel invasion and insult; and I believe that in a few days, a considerable Military force will be at hand to sustain our gallant Militia in this extraordinary and unlooked-for conflict. I need not remark to your Excellency, how unfair and unjust it is, that a rebellion which, within this Province was so insignificant, that it was instantly crushed by the civil inhabitants of the Colony, should be revived and rendered formidable by the direct and active management of the American people; and that during the existence, not only of peace, but of the most friendly relations between Great Britain and the Government of the United States, the peaceful population of this Province should be threatened with devastation and plunder, and all the miseries of civil war, by the unjustifiable interference of American citizens.

Though inhabiting a remote portion of the British Dominions, the people of Upper Canada feel that they may rest assured of being ultimately protected by the whole force of the Empire, if it be necessary: they are conscious also, that they deserve kinder offices at the hands of the American people; and I appeal to you, in their name, and as the Representative of their Sovereign, to urge upon the Government of the United States, the immediate exertion of

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Despatch from His Excellency Sir Francis B. Head, to His Excellency Henry S. Fox, Her Majesty's Minister at Washington, on the subject of the destruction of the piratical Steam-boat Caroline; and on the subject of the occupation of Navy Island by a piratical force.

APPENDIX A.—(See Journal, page 33.)

THIRD SESSION THIRTEENTH PROVINCIAL PARLIAMENT, 1st VICTORIA.

APPENDIX A.

Military force to suppress a movement of their people so insulting and injurious to a neighbouring Nation: and which, whatever temporary calamity it may inflict, must inevitably, unless promptly checked, lead to a violent war. Any wrongs which may be committed against the people of this Colony, will, under the protection of a just Providence, be amply redressed.

Despatch from His Excellency Sir Francis B. Head, to His Excellency Henry S. Fox, Her Majesty's Minister at Washington, on the subject of the destruction of the piratical Steamboat Caroline; and on the subject of the occupation of Navy Island by a piratical force.

I beg your Excellency will not fail to assure the American Government of my sincere conviction, that the facts of which I complain, will certainly meet with their most unqualified reprobation.

I have, &c.

(Signed) F. B. HEAD.

A true Copy.

J. JOSEPH.

(Copy.)

HEAD QUARTERS, CHIPPAWA,
10th January, 1838.

SIR,

I have the honour to enclose you herewith, copies of reports furnished to me by Officers under my command, in relation to the manner in which the Militia and citizens of the United States preserved that neutrality which you called upon them to observe between British Subjects and the rebels and pirates assembled upon Navy Island.

The outrage committed by the Militia of the United States, stationed upon Grand Island, upon Lieutenant Elmsley, of the Royal Navy, and the boat's crew under his command, is of such a character as calls for immediate investigation by the authorities of the United States; and I trust, from the disposition you have heretofore manifested to maintain inviolate the existing treaties between Great Britain and the United States, that you will immediately investigate this serious charge—and I beg to request that you will be pleased to communicate the result of your investigation to me, with the least possible delay.

You must, I am sure, feel the necessity of withdrawing from Grand Island, the Militia placed there, and who have been guilty of so wanton and wicked an attempt to take the lives of unoffending persons, and of placing men in their stead, upon whose honour and discretion reliance can be placed.

I have the honour to be,

Sir,

Your obedient,

Humble Servant,

(Signed) A. N. MACNAB,

Colonel Commanding.

General ACULARIUS,

Or Officer in Command of the United States
Militia Force, Niagara Frontier.

(Copy.)

H. M. Schooner QUEEN—Off Navy Island,
10th January, 1838.

SIR,

I have the honour to report to you, that in obedience to your commands, I proceeded at two o'clock, P.M. this day, in two of the boats of Her Majesty's Schooner under my command, unarmed, to examine the channel between Grand Island and Navy Island.

On arriving within two hundred yards of the American shore, I laid upon my oars, and allowed the current to drift the boats down, heaving the lead now and then.

Upon arriving opposite to the American flag, hoisted upon Grand Island, about one mile above the south point of Navy Island, I was hailed by some Officers in uniform, who had around them about twenty men—they demanded what we were about; I told them that we were examining the channel between the two Islands, whereupon they desired us to come ashore. I told them that our only orders were to examine the channel; and that we could not land.

APPENDIX A.—(See Journal, page 33.)

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

I then perceived that they were preparing to fire upon us, and without loss of time I ordered my men to give way; this instantly brought upon us a discharge of fire-arms from the men assembled on the bank: one of the balls struck the rudder-head of the boat in which I was, and they continued to fire at both boats until we were out of their reach. The batteries on Navy Island also fired on us.

I have also the honour to inform you, that from the position in which we were at the commencement of the firing, I could plainly see the houses on the American main land, between the two Islands.

I have, &c.

(Signed) J. ELMSLEY,

Lieut. R. N. Com'g.

Captain DREW, R. N.

APPENDIX A.

Despatch from His Excellency Sir Francis B. Head, to His Excellency Henry S. Fox, Her Majesty's Minister at Washington, on the subject of the destruction of the piratical Steam-boat *Caroline*; and on the subject of the occupation of Navy Island by a piratical force.

District of Niagara, } THOMAS MOXEY, of the Township of Stamford, in the District of Niagara,
to wit. } Inn-keeper, maketh oath and saith, that on Sunday, the seventh day of January, instant, he, this deponent, crossed the ferry to the American shore, and passed to the Village of Manchester, in the State of New York; that while at the Inn, he saw eleven waggons draw up, in which waggons were upwards of sixty persons, besides the drivers, who, it was currently reported, had come from Lockport and Rochester, as volunteers, to join the force on Navy Island; that he heard some of them say, that they were then on their way to Navy Island, and hurra'd for Van Rensselaer and Mackenzie; that the said party left Manchester almost immediately, and proceeded, as it was generally supposed and believed, to join the said Van Rensselaer; this deponent further saith, that he heard that Van Rensselaer and Mackenzie had both been at Manchester that day, and that a schooner, laden with flour and pikes, was on the way from Buffalo to Navy Island; and that a Steam-boat was also to come down to ply between Navy Island and the American shore—and that if the said Boat was fired upon by the British forces, they (the Americans) would immediately proceed to hostilities: this deponent further saith, that he went to Manchester on his own private business—that upon his arrival at the Inn at Manchester, the moment it was known that he was from Canada, very abusive language was used towards him by certain inhabitants of Manchester, accusing him of being a spy; and an officer, or person in military apparel, declared that he ought to be arrested and sent to the States Prison; this deponent further saith, that one Parsons, of the said Village, generally known as "Patriot Parsons," was in the house where this deponent was, and used most violent language respecting the Government of Canada, and appeared to be exciting the minds of the people present against the inhabitants of Canada; this deponent further saith, that it was the current report, that American citizens were enlisting in the service of General Van Rensselaer, who is an American citizen; and that from fifty to one hundred men had joined daily, for some days back; also, that three pieces of cannon had gone to the Island from the American shore, during the past week; and this deponent further saith, that from what he saw and heard from the people of Manchester, that not only they, (the people of Manchester,) but the citizens of various towns and villages of the State of New York, are openly aiding, abetting and assisting, the rebels on Navy Island; and further the deponent saith not.

(Signed) THOMAS MOXEY.

Sworn before me, at Stamford, in the
 District of Niagara, this ninth
 January, 1838.

(Signed) JOHN POWELL,

A Commissioner for taking Affidavits
 in the King's Bench.

APPENDIX B.—(See Journal, page 48.)

THIRD SESSION THIRTEENTH PROVINCIAL PARLIAMENT, 1st VICTORIA.

APPENDIX B.

APPENDIX B.—(See Journal, Page 48.)

(Copy.)

No. 150.

DOWNING STREET,

1st March, 1837.

SIR,

Among the Acts passed by the Legislature of Upper Canada, during the Session of 1836, and received at this Department on the 14th November last, was one, the object of which was to repeal and amend the existing Laws of the Province, in regard to Gold and Silver Coin, and to determine the rate at which such coins should in future pass current. As the provisions of this Act could not fail to have an important effect on all financial operations connected with the Province, not only within its limits, but elsewhere; and as they must obviously have an influence on the transactions of those departments which are engaged in the collection of duties imposed by the Imperial Parliament, I felt it my duty, before tendering to His Majesty any advice respecting it, to submit the Act for the consideration of the Lords Commissioners of the Treasury. The enclosed letter will explain to you the views which their Lordships, in concurrence with the Lords of the Committee of Privy Council for Trade, have adopted on the subject.

You will observe that the Lords Commissioners of the Treasury, and the Lords of the Committee of Privy Council for Trade, express considerable doubts as to the propriety of advising His Majesty to give his assent to this Act, but before coming to any decided opinion they desire to be furnished with full information as to the causes which led to its adoption.

As your Despatches do not enable me to supply this information, I have to request that you will, at your earliest convenience, transmit to me a full report on the subject, stating the grounds on which this change in the existing Currency Laws is proposed—the nature of the inconvenience which it is intended to remove—and the probable effect which it will have on the financial relations of the Province.

I have, &c.

(Signed)

GLENELG.

A true Copy.

J. JOSEPH.

Sir F. B. HEAD,

&c. &c. &c.

(Copy.)

TREASURY CHAMBERS,

22nd February, 1837.

SIR,

The Lords Commissioners of His Majesty's Treasury having communicated with the Lords of the Committee of Privy Council for Trade, on the subject of the Act of the Legislature of Upper Canada, for regulating the rates at which Gold and Silver Coins should pass current in that Province, which was transmitted to this Board by direction of Lord Glenelg, in your letter of the 23rd November last, and having at the request of the Lords of the Committee furnished them with all the information this Department possessed, relating to this Act, or to the previous Act of 1826, by which the currency of the Province would appear to have been principally regulated. I am commanded by their Lordships to transmit herewith, for the information of Lord Glenelg, copy of the reply which has been addressed to this Board by that Department. In laying the same before his Lordship, I am to request that you will observe that the Act of 1826, which was framed in conformity with the arrangements adopted by His Majesty's Government in the preceding year, for the introduction of the use of British Silver Coin, in the transactions of the Military Chests on the Colonial Stations, and for facilitating the circulation of that coin in the Colonies, expressly declared and provided, with obvious reference to the rate of 4s. 4d. assigned in that arrangement to the dollar, and to the then existing valuation of the pound currency, at four Spanish or United States dollars, that the sum of 17s. 4d. of British Silver or Copper money, should pass as equivalent, and be equal to the sum of 20s. of the current money of the Province, and the rates at which the British Silver coins of each denomination should be current and a legal tender, were accordingly adjusted, as nearly as the avoidance of small fractions would admit, to this valuation.

Copies of two Despatches, transmitted by His Excellency the Lieut. Governor, relative to the Act passed in the 2nd Session of the 12th Parliament, for regulating the rate at which Gold and Silver Coins should in future pass current within this Province.

APPENDIX B.—(See *Journal*, page 48.)SIR FRANCIS BOND HEAD, BARONET, K. C. H. *Lieutenant Governor.*

The present Act, however, deviating from this course, constitutes the British Crown piece a legal tender at the rate of 6s. currency, and the Half-crown at the same proportionate rate, while the British Shilling is constituted a tender at the rate of 1s. 3d. currency, and the Sixpenny piece in proportion, at 7½d. The Pound Currency, therefore, although still rated as before at four Spanish or United States dollars, is reduced from the former valuation of 17s. 4d. British to 16s. 8d., if the tender is made in Crowns or Half-crowns, but to 16s. only if the tender be made in Shillings and Sixpenny pieces. My Lords do not find that any explanation is afforded for the Act, or by any other documents that have come under their cognizance, of the grounds on which an alteration so materially affecting all the pecuniary transactions of the Province, both public and private, has been thought advisable; and although their Lordships would consider it most inexpedient that the confirmation of a Law which has met with the concurrence of the Legislature of a Colony should be in any respect unnecessarily delayed, yet when they advert to the detriment that all creditors under pre-existing contracts will apparently suffer from the provisions of the Act now in question, and to the effect which, owing to the arrangements for conducting the financial operations of the Military Chests and Commissariat, in the Canadian Provinces, through the instrumentality of the local Banks, those provisions will have on that very important branch of the public service, their Lordships cannot but concur in opinion with the Lords of the Committee for Trade, that it would not be expedient that the Act should be confirmed without further and full explanation of the circumstances that have led to its adoption, and that decision as to its confirmation or disallowance should be deferred, as suggested by that Board, provided the requisite explanation can be obtained before the period during which its disallowance is still within the power of the Crown shall have expired.

I am, &c.

(Signed) A. G. SPEARMAN.

OFFICE OF COM. OF P. COUNCIL FOR TRADE,
10th February, 1837.

SIR,

Your letter of the 4th instant has been laid before the Lords of the Committee of Privy Council for Trade, together with its enclosure.

I am directed by their Lordships to state, that on a perusal of the correspondence which has passed between Mr. Spearman and Mr. Stephen, it does not appear that any reason has been assigned by the Governor of Upper Canada, tending to show the grounds on which so great a change has been made in the legal value in British money of the different denominations of coins, both British and Foreign, in the State of Upper Canada.

It appears, however, from the documents with which you have furnished this Board, that the value affixed to the dollar by the Act of 1826, which the Act now under consideration proposes so essentially to alter, was adopted after mature consideration, in this country, and upon the principle of the fineness of Silver, ascertained by the mint, and calculated at 62s. per oz., the old standard of Silver in the United Kingdom: and there is also reason to believe that the relative value in British Silver money of the other coins, in which alteration is now proposed, were fixed under the Act of 1796; also with reference to calculations made at the time, and on some fixed principle, of the relative value of these coins to the British standard of Gold, and the old British standard of Silver.

Now, without expressing any opinion on the propriety of the course then followed, or of the principle adopted, still, under these circumstances, their Lordships cannot recommend to the Lords of the Treasury, to give their concurrence to the Act in question; and certainly they would feel it their duty, when the Act comes before their Lordships for confirmation, not to recommend it for His Majesty's approval, until such further explanation of the grounds on which the change is proposed, be afforded to them by the Secretary of State for the Colonies, as should satisfy them of the propriety of now effecting the change. Pending the receipt of such information, however, they do not consider it necessary to disallow the Act: subject to the conditions that there will remain sufficient time between the passing of the Act by the Assembly, and the Governor in the Colony, and the period when its disallowance is still within the

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APPENDIX B.

Copies of two Despatches transmitted by His Excellency the Lieut. Governor, relative to the Act passed in the 2nd Session of the 12th Parliament, for regulating the rate at which Gold and Silver Coins should in future pass current within this Province.

APPENDIX B.—(See Journal, page 48.)

THIRD SESSION THIRTEENTH PROVINCIAL PARLIAMENT, 1st VICTORIA.

APPENDIX B.

power of the Crown, to enable them to recommend its disallowance, if that, in their opinion, should be necessary.

In conclusion, I am directed to request, that you will inform the Lords of the Treasury, that the Lords of the Committee highly approve of and entirely concur with the general instructions submitted to the Secretary of State, in Mr. Spearman's letter to Mr. Stephen, of the 27th July.

It appears to their Lordships most important, not only with a view to the Military Chest, and to the various payments on Treasury accounts, made to Civil Officers in the Colonies, but to the trading and commercial interests, and in fact to those of all property, that no changes in the Currency, or above all, in the standard, should receive the consent of the Governor of any Colony, until they have first been submitted Home, for the consideration and approval of His Majesty's Government.

It is obvious, that if this rule be not rigidly adhered to, changes unwarrantable in principle, and most detrimental in practice, may be effected before any power of correction can be exerted from Home; and after an act of injustice and wrong has been committed, the final decision of the Crown, intended to correct what has been done, and disallow the proceedings, may be itself the cause of fresh injustice and hardship.

I have, &c.

(Signed) DENIS LE MARCHANT.

F. T. BARING, Esquire.

(Copy.)

No. 152.

DOWNING STREET,
6th March, 1837.

SIR,

With reference to my Despatch of the 1st ultimo, (No. 150,) I transmit to you herewith, a copy of a further communication from the Treasury, on the subject of the Act of the Legislature of Upper Canada, altering the value of Coins current in that Province.

29th February.

I have, &c.

(Signed) GLENELG.

SIR F. B. HEAD,
&c. &c. &c.

A true Copy.

J. JOSEPH.

(Copy.)

TREASURY CHAMBERS,
28th February, 1837.

SIR,

I am commanded by the Lords Commissioners of His Majesty's Treasury, to transmit herewith, for the information of Lord Glenelg, with reference to the letter of this Board of the 22nd instant, on the subject of the Act of the Legislature of Upper Canada, altering the value of Coins current in that Province, copies of a correspondence which took place on the subject between Mr. Marks, in charge of the Dock-yard, and the Officers of the Commissariat and Cashier of the Bank at Kingston.

I am, &c.

(Signed) A. G. SPEARMAN.

J. STEPHEN, Esquire.

(Copy.)

KINGSTON DOCK-YARD,
15th August, 1836.

SIR,

I beg leave to represent to you, that on presenting your Draft of the 13th instant, for £500, at the Bank of Upper Canada, I could only obtain in payment for the same, British

Copies of two Despatches, transmitted by His Excellency the Lieut. Governor, relative to the Act passed in the 2nd Session of the 13th Parliament, for regulating the rate at which Gold and Silver Coins should in future pass current within this Province.

APPENDIX B.—(See Journal, page 48.)

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

Silver in Half Crown pieces, charged at the rate of 3s. Currency each, thereby making the Half Crown 2s. 7d. and $\frac{1}{2}$ of a farthing, Sterling, instead of its actual value, 2s. 6d. Sterling. All payments at the Dock-yard are made in Specie, and when made in British Silver, the Coins are issued at their British Sterling value, without reference to the rate of Exchange; therefore I request you will be pleased to supply the amount of my estimate for the service of the Navy accordingly: or if that cannot be done, to substitute other Coin at the rate of 4s. 4d. to the Dollar.

I have, &c.

(Signed) JOHN MARKS,
In Charge.Assistant Commissary General CLARKE,
Kingston.

APPENDIX B.

Copies of two Despatches, transmitted by His Excellency the Lieut. Governor, relative to the Act passed in the 2nd Session of the 12th Parliament, for regulating the rate at which Gold and Silver Coins should in future pass current within this Province.

(Copy.)

KINGSTON, UPPER CANADA,
20th September, 1836.

MY DEAR SIR,

I am in receipt of your favour of this morning, and beg to say, in reply, that the Bank declines paying Specie at any other than its rate as established by Law—the Dollar being calculated at 4s. 4d. in account with the Commissariat Department; the Silver Coin now in hand here is the British Crown, and its parts, as I formerly mentioned, and in that only can I answer the Commissariat Checks.

I am, &c.

(Signed) J. MACAULAY,
Cashier.

(Copy.)

COMMISSARIAT, KINGSTON,
17th August, 1836.

SIR,

I have the honour to enclose herewith, a copy of a letter, dated the 15th instant, from Mr. Marks, in charge of His Majesty's Dock-yard at this place, on the subject of the Bank tendering him payment in Half Crown pieces, at the rate of 3s. Currency, on account of my Check in his favour for £500, Sterling.

Mr. Marks being required to make his public disbursements in British Silver at 5s. the Crown, or in other Coins at 4s. 4d. the Dollar, occasions this difficulty, as by receiving the Half Crown at the Currency rate rendered, a loss to Mr. Marks of $1\frac{2}{3}$ d. Sterling, on each Half Crown, would be the result.

The subject has been referred to the President and Directors of the Bank, at Toronto—from these, I presume, you will receive a communication.

A copy of my letter, in reply to Mr. Marks, I beg leave to enclose.

I have, &c.

(Signed) C. A. CLARKE.

The Commissary General,
&c. &c. &c.

(Copy.)

COMMISSARIAT, QUEBEC,
29th August, 1836.

Certainly it was a very mistaken view of the case, to raise the value of the Coins, agreeably to the late Act; and which, I understand, to have been carried at the instigation of the Upper Canada Bank.

It must recoil on themselves, for it will cause a discount on their Notes.

Notwithstanding any nominal rate you may chose to assign, you cannot raise the real value of a Coin.

APPENDIX C. & D.—(See Journal, page 49.)

THIRD SESSION THIRTEENTH PROVINCIAL PARLIAMENT, 1st VICTORIA.

I spoke to the Cashier on the subject, and as the only present remedy, he offered to pay all Commissariat Checks in American Half Dollars; and this, though a very incomplete remedy to the evil, will, I trust, in the particular instance of which this letter is the subject, afford relief.

I have, &c.

(Signed) R. J. ROUTH.

APPENDIX C.

APPENDIX C.—(See Journal, Page 49.)

(Copy.)

No. 130.

DOWNING STREET,
12th January, 1837.

SIR,

Copy of a Despatch, transmitted by His Excellency the Lieut. Governor, relative to certain Military Pensioners who had accepted a commuted allowance for their Pensions, and came out to settle in this Province.

With reference to your Despatch of the 19th October last, (No. 84,) and to the Address to His Majesty, enclosed therein, on the subject of certain Military Pensioners, who had disposed of their pensions, and proceeded to Upper Canada, I have the honour to transmit to you the copy of a letter from the Deputy Secretary at War, requesting to be furnished with more ample information respecting these persons, in order that it may be ascertained whether there is any possibility of affording relief to any of them.

I have the honour to be,

Sir,

Your most obedient,

Humble Servant,

(Signed) GLENELG.

SIR F. B. HEAD, K. C. H.

&c. &c. &c.

(Copy.)

WAR OFFICE,
9th January, 1837.

SIR,

I am directed to acknowledge the receipt of your letter of the 3rd instant, enclosing an extract of a Despatch from Sir F. B. Head, on the subject of certain Military Pensioners, who appear to have disposed of their Pensions under the Statute 1 William IV. Chap. 41, and to have proceeded to Upper Canada, where they now are in a state of great destitution, and to acquaint you, that upon being furnished with a list of the men alluded to, with full particulars of each man's case, the Secretary at War will consider whether any mode of relief to any of them is within his power.

I have, &c.

(Signed) L. SULLIVAN.

APPENDIX D.

APPENDIX D.—(See Journal, Page 49.)

(Copy.)

No. 185.

DOWNING STREET,
29th May, 1837.

SIR,

Copy of a Despatch, transmitted by His Excellency the Lieut. Governor, on the subject of the Post Office within the North American Provinces.

I have received, and have had the honour to lay at the foot of the Throne, the Address from the Legislative Council, and House of Assembly, of Upper Canada, forwarded by you on the 4th March, praying His Majesty to recommend to the Imperial Parliament such measures as may be best calculated to establish a satisfactory system of Post Office arrangement within the North American Provinces. His Majesty was pleased to receive this Address very graciously, and he has commanded me to inform the Legislature of Upper Canada in reply, that although having referred this question to the Legislature of the respective North American Colonies, he would be unwilling, except at the instance of all those bodies, collectively, to recommend to the Imperial Parliament to pass any general enactment respecting it; yet, that in the measures which he has directed His Minister to submit to Parliament, he has not been

APPENDIX E.—(See Journal, page 49.)

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

unmindful of this important subject. The provisions which it is intended to introduce into the proposed bill, respecting the affairs of Lower Canada, by enabling the North American Colonies easily to co-operate in making regulations for the conveyance of letters by the Post, will, as His Majesty confidently trusts, be calculated to remove the inconveniences complained of by the Legislature of Upper Canada.

APPENDIX D.

I have the honour to be,
Sir,
Your most obedient,
Humble Servant,

(Signed) GLENELG.

Lieutenant Governor Sir FRANCIS HEAD,
&c. &c. &c.

APPENDIX E.—(See Journal, Page 49.)

(Copy.)

APPENDIX E.

GOVERNMENT HOUSE, FREDERICTON, N. B.
6th January, 1838.

SIR,

With the highest satisfaction, I comply with the wishes of the Legislative Council, and House of Assembly, of this Province, by transmitting to your Excellency, Resolutions jointly concurred in by these Bodies, tendering to your Excellency, and to the gallant Militia of Upper Canada, the unanimous thanks of the Legislature, and of the people of New Brunswick, for the able, prompt and energetic suppression, by them and by your Excellency, unaided by any portion of Her Majesty's Troops, of the late insurrection in the neighbourhood of Toronto.

Communications transmitted by His Excellency the Lieutenant Governor, from His Excellency the Lieutenant Governor of New Brunswick, with reference to the gallant conduct of the Militia of this Province, during the late rebellion.

In doing this, I beg to add the expression of my warmest concurrence in the sentiments embodied in these Resolutions, with the assurance, that while we feel the most entire confidence in the ability of Her Majesty's loyal Subjects of Upper Canada, under your Excellency's guidance, to put down rebellion wherever it may shew itself, yet we cannot but regret, that our remote position with respect to that Province, prevents our offering our more active co-operation.

I have the honour to be,
Your Excellency's
Most faithful, and
Obedient Servant,

(Signed) J. HARVEY,
M. General,
Lieutenant Governor.

His Excellency Sir F. B. HEAD, Bart.
&c. &c. &c.
Lieutenant Governor of Upper Canada.

NEW BRUNSWICK,
HOUSE OF ASSEMBLY,
Friday, 5th January, 1838.

Resolved, unanimously—That the thanks of this Province are due and should be presented to Sir Francis Bond Head, and the gallant Militia of Upper Canada, for their able, prompt and energetic suppression of the Insurrection, which lately took place in the neighbourhood of Toronto.

Resolved, unanimously—That the conduct of our fellow Subjects in Upper Canada, on this memorable occasion, so fully in accordance with their former high spirit and character, affords a glorious example to the Sister Colonies; and cannot fail to quicken the zeal, and animate the exertions of every loyal heart in these Colonies, in support and defence of the liberties they enjoy under British Laws and Institutions.

APPENDIX F. & G.—(See Journal, page 52. & 62.)

THIRD SESSION THIRTEENTH PROVINCIAL PARLIAMENT, 1st VICTORIA.

APPENDIX E.

Resolved, unanimously—That our fellow Subjects in Upper Canada, may rest assured of the lively sympathy of the inhabitants of this Province in their loyalty and patriotic ardour, and of our most zealous co-operation in maintaining the Royal authority, and the inestimable advantages of our connexion with the Mother Country.

CHA'S. P. WETMORE,
Clerk, Assembly.

NEW BRUNSWICK,
HOUSE OF ASSEMBLY,
Friday, 5th January, 1838.

Resolved, unanimously—That an humble Address be presented to His Excellency the Lieutenant Governor, praying that His Excellency will be pleased to transmit these Resolutions to His Excellency Sir Francis Bond Head, Lieutenant Governor of Upper Canada.

Resolved—That the Legislative Council be requested to join in these Resolutions.

CHA'S. P. WETMORE,
Clerk, Assembly.

NEW BRUNSWICK,
LEGISLATIVE COUNCIL CHAMBER,
5th January, 1838.

Resolved, unanimously—That this House doth most heartily concur in the Resolutions of the House of Assembly, on the subject of the Insurrection in Upper Canada.

WM. TYNG PETERS,
Clerk.

APPENDIX F.

APPENDIX F.—(See Journal, Page 52.)

TO THE QUEEN'S MOST EXCELLENT MAJESTY.

MOST GRACIOUS SOVEREIGN:

Address to Her Majesty,
in behalf of Colonel
FitzGibbon, transmitted
by the Assembly.

We, Your Majesty's most dutiful and loyal Subjects, the Legislative Council and Commons House of Assembly of Upper Canada, in Provincial Parliament assembled, hereby beg leave unanimously to represent to Your Majesty, that James FitzGibbon, Esquire, rendered so great services to this Province, in a Military capacity, on various occasions, when he was an Officer of the Regular Forces of the Empire, during the late war with the United States of America, and subsequently in several civil capacities; and also very recently, as Colonel of Militia, in the breaking out of the late rebellion in the Home District.

We therefore most humbly pray, that Your Majesty will be graciously pleased to grant to the said James FitzGibbon, five thousand acres of the waste lands of the Crown, in this Province, as a mark of Your Majesty's Royal favour, for the honourable, efficient and faithful services of that gentleman, during a period of twenty-six years.

H. RUTTAN,
Speaker.

Commons House of Assembly,
23rd day of January, 1838.

APPENDIX G.

APPENDIX G.—(See Journal, Page 62.)

(Copy.)

No. 170.

DOWNING STREET,
21st April, 1837.

Copy of a Despatch
transmitted by His Excel-
lency the Lieutenant
Governor, on the subject
of an Union between the
two Provinces of Upper
and Lower Canada.

SIR,

I have the honour to acknowledge your Despatch, (No. 26.) of the 4th ultimo, in which you transmit to me an Address to His Majesty from the Legislative Council, and House of Assembly of Upper Canada, deprecating an union between the two Provinces of Upper and Lower Canada.

APPENDIX H. & I.—(See Journal, page 62.)

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

APPENDIX G.

I beg leave to acquaint you, that having laid this Address before the King, His Majesty has been pleased to receive the same very graciously, and to command me to observe that the project of an union between the two Provinces has not been contemplated by His Majesty as fit to be recommended for the sanction of Parliament.

I have, &c.

(Signed) GLENELG.

Sir F. HEAD,
&c. &c. &c.

A true Copy.

J. JOSEPH.

APPENDIX H.—(See Journal, Page 62.)

(Copy.)

No. 171.

DOWNING STREET,
21st April, 1837.

APPENDIX H.

SIR,

I have the honour to acknowledge the receipt of your Despatch, (No. 27,) of the 4th ultimo, in which you transmit to me a joint Address from the Legislative Council, and House of Assembly, of Upper Canada, to the King, relative to the local Currency and Banking Corporations.

Copy of a Despatch, transmitted by His Excellency the Lieutenant Governor, on the subject of the local Currency.

I have had the honour of laying this Address before the King, who was pleased to receive it very graciously, and to direct that it should be referred to the Lords Commissioners of His Majesty's Treasury, and to the Lords of the Committee of His Privy Council for Trade, for their reports on the question to which it adverts.

I have the honour to be, &c.

(Signed) GLENELG.

Lieutenant Governor Sir FRANCIS HEAD, K. C. H.
&c. &c. &c.

A true Copy.

J. JOSEPH.

APPENDIX I.—(See Journal, Page 62.)

(Copy.)

No. 222.

DOWNING STREET,
26th August, 1837.

APPENDIX I.

SIR,

I have received your Despatches, dated 12th and 20th July, (Nos. 82 and 84,) and have had the honour to lay before the Queen, the report contained in the former of these Despatches, of the proceedings of the Legislature of Upper Canada, in the second Session of the present year. Her Majesty has received, with great satisfaction, the proof which has thus been given of the adherence, under circumstances of no ordinary difficulty, of the Legislature of that important portion of the British Empire to the principles of commercial faith and national honour. Her Majesty is pleased to regard it as no ordinary felicity, that the first act of Her Government, in reference to that part of Her Dominions, should be to give Her assent to a law conceived in such a spirit, and calculated, as She trusts, by sustaining public confidence, to avert the danger, in the contemplation of which it was passed.

Copy of a Despatch, transmitted by His Excellency the Lieutenant Governor, communicating Her Majesty's approbation of the proceedings of the Legislature, at their last Session, relating to the commercial difficulties existing in the Province.

It has been very satisfactory to the Queen to learn, that the Chartered Banks of the Province had, down to so late a period as the 20th July, persevered in the honourable course of fulfilling their engagements, regardless of the risk and the losses to which they might be exposed, by keeping faith with their creditors. Her Majesty is convinced, that this sacrifice will be amply repaid by the just reliance which will be reposed in the honour of the conductors of those establishments. I am honoured by the commands of the Queen, to convey to you the

APPENDIX K. & L.—(See Journal, page 62.)

THIRD SESSION THIRTEENTH PROVINCIAL PARLIAMENT, 1st VICTORIA.

APPENDIX I.

expression of Her Majesty's entire approbation of the firmness and ability by which your conduct in this trying exigency has been distinguished.

I have the honour to be,

Sir,

Your most obedient,

Humble Servant,

(Signed) GLENELG.

SIR F. B. HEAD,

&c. &c. &c.

A true Copy.

J. JOSEPH.

APPENDIX K.—(See Journal, Page 62.)

APPENDIX K.

(Copy.)

No. 172.

DOWNING STREET,
21st April, 1837.

SIR,

Copy of a Despatch, transmitted by His Excellency the Lieutenant Governor, on the subject of the improvement of that part of the River Saint Lawrence, within the boundary of Lower Canada.

I have received and have laid at the foot of the Throne, the joint Address from the Legislative Council, and House of Assembly, of Upper Canada, to the King, transmitted in your Despatch, (No. 28,) of the 4th ultimo, relative to the necessity of improving the navigation of that part of the River St. Lawrence within the boundary of Lower Canada.

His Majesty was pleased to receive this Address very graciously, and to command me to acquaint you, for the information of the Legislature, that the measures submitted, by His command, for the consideration of Parliament, will, as His Majesty trusts, provide effectually for the redress of the grievance of which the two Houses complain.

I have the honour, &c.

(Signed) GLENELG.

Lieutenant Governor Sir FRANCIS HEAD, K. C. H.

&c. &c. &c.

A true Copy.

J. JOSEPH.

APPENDIX L.—(See Journal, page 62.)

APPENDIX L.

(Copy.)

Circular.

DOWNING STREET,
25th May, 1837.

SIR,

Copy of a Circular Despatch, transmitted by His Excellency the Lieutenant Governor, on the subject of prison discipline, and the inefficiency of the system of transportation as a secondary punishment.

The attention of the Colonial Legislatures having been recently directed to the improvement of Prison discipline, it appears to me desirable to take an early opportunity of pointing out to you the evils and inconveniences which result from the system of transportation so frequently resorted to in the Colonies for the punishment of offences.

It has been repeatedly brought to my knowledge, that this mode of punishment fails to possess most of the essential qualities of an efficient secondary punishment; but, besides this decisive objection in principle, it has frequently happened, owing to difficulties which have either been actually experienced, or have been supposed to exist, in effecting the removal of Convicts sentenced to transportation, that Convicts have been detained in prison for several years before their sentences were carried into execution. Cases have also occurred in which sentences thus pronounced have been found on investigation to be altogether illegal, in consequence of which a necessity has arisen for granting His Majesty's Free Pardon, and for providing for the expense of sending such persons back to the Colony from whence they came.

Independently, however, of considerations of this nature, the interest of the Australian Colonies requires that the present system of transportation should at least undergo considerable modification, with a view to the reduction of the number of Convicts annually sent there, and the substitution of some other and more efficient punishment.

APPENDIX M.—(See Journal, page 62.)

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

For these reasons I have to desire, that at the same time that you bring under the consideration of the Legislature of Upper Canada the subject of Prison Decipline, you will invite their attention to a revision of those Laws by which the punishment of transportation is sanctioned, and recommend the adoption of such measures as may be requisite for the purpose of substituting in its place some other secondary punishment. You will, of course, consult with the Judges of the Colony under your Government, and co-operate with them in the consideration of this subject. In the mean time, and until such Laws are passed as are necessary for the change, you will in any case in which the sentence of transportation has been pronounced, commute it for a reasonable length of imprisonment, or such other punishment as according to the Law of the Colony may be practicable.

I have the honour to be,

Sir,

Your most obedient,

Humble Servant,

(Signed) GLENELG.

Lieut. Governor Sir FRANCIS B. HEAD, Bart.

&c. &c. &c.

A true copy.

J. JOSEPH.

APPENDIX L.

APPENDIX M.—(See Journal, Page 62.)

APPENDIX M.

No. 157.

DOWNING STREET,

4th April, 1837.

SIR,

Mr. Spearman, 4th Jan.
Mr. Stephen, 31st Jan.
Mr. Spearman, 27th Mar.

I have the honour to transmit to you herewith, the copies of a correspondence which has passed between this Department and the Treasury, on the subject of the adjustment of claims for damages caused by the construction of the Rideau Canal, and in conformity with the opinion expressed in the minute of the Lords Commissioners of the Treasury, of the 21st ultimo, I have to desire that you will bring the subject under the notice of the Legislature of Upper Canada, at the earliest opportunity, and move them to pass such an Act for defining the period within which these claims may be prepared, as shall appear to them most calculated to secure a due consideration of the interests both of the public and of private individuals.

Copy of a Despatch, transmitted by His Excellency the Lieutenant Governor, on the subject of the adjustment of claims for damages caused by the construction of the Rideau Canal.

I have, &c.

(Signed) GLENELG.

Sir FRANCIS HEAD, Bart.

&c. &c. &c.

A true copy.

J. JOSEPH.

(Copy.)

TREASURY CHAMBERS,

4th January, 1837.

SIR,

I am commanded by the Lords Commissioners of His Majesty's Treasury, to transmit to you herewith, copy of a letter, with its enclosures, from the Secretary of the Board of Ordnance, dated 27th July last, relating to the adjustment of claims for damages caused by the construction of the Rideau Canal, together with copy of a minute of this Board, of the 27th ultimo, relative thereto, and I am to request you will lay the same before Lord Glenelg, and move his Lordship to make such a communication to the Lieutenant Governor of Upper Canada, on the subject, as his Lordship may deem advisable, if he should be of opinion that any such Instructions as the Board of Ordnance suggest may properly be given.

I have, &c.

(Signed) A. G. SPEARMAN.

J. STEPHEN, Esquire.

&c. &c. &c.
Colonial Office.

H

APPENDIX M.—(See Journal, page 62.)

THIRD SESSION THIRTEENTH PROVINCIAL PARLIAMENT, 1st VICTORIA.

APPENDIX M.

(Copy.)

OFFICE OF ORDNANCE,
27th July, 1836.

SIR,

With reference to your letter, dated the 7th December, 1835, communicating the desire of the Lords Commissioners of His Majesty's Treasury, to be informed of the probable duration of Deputy Assistant Commissary General Adam's employment as Government Arbitrator, for the adjustment of claims for damages caused by the construction of the Rideau Canal, I have the honour, by command of the Master General and Board of Ordnance, to transmit to you herewith, for their Lordships information, the copy of a Report which has been received on the subject, from the Officers of this Department at Quebec, dated 20th May last, together with copies of the correspondence therein referred to.

In forwarding these papers to the Lords Commissioners, the Master General and Board beg to state their opinion, that as there is nothing in the Rideau Act limiting the period at which claims shall be sent in for compensation for damages sustained by the original construction of the Canal, and as the extent of these damages, after an experience of four years, must be pretty well ascertained, it would on every account be highly desirable to pursue the course pointed out in Captain Bolton's letter of the 21st March last, namely, that all claims should be sent in to the Arbitrators by the 30th June, 1837, at *latest*.

Should the Lords Commissioners concur in this suggestion, the Master General and Board have to request their Lordships will be pleased to give such directions to the Lieutenant Governor of Upper Canada as shall ensure the above object, by Proclamation or Order of the Executive Council, the same to be published in all the papers of the two Provinces, at intervals, up to that date, it being at the same time notified, *if not contrary to Law*, that no claim sent in after that period will be entertained.

The Master General and Board conceive it may be of some advantage, moreover, that the necessity of ascertaining the state and value of the Land before the Canal was constructed, as compared to its present state and value, according to the ninth clause of the Rideau Act, (a copy of which is enclosed,) should be strongly impressed on the Arbitrator employed by the Ordnance, as from the nature of the country through which the Canal passes many parts of it must have been in a swampy state originally, and the whole of the land in the vicinity of the Canal, with some very few exceptions, has doubtless been so greatly enhanced in value by its construction, that if the 9th clause were acted on in the true spirit evidently intended by the introduction of the latter part of the clause, to protect individuals from being called on to pay a sum in consideration of the advantages, over and above the amount at which the damages may be estimated, the amount to be paid by Government for compensations would not be to any considerable extent, for the instances must, it is conceived, be but few, in which the advantages to the proprietors of the adjoining lands do not exceed the disadvantages.

The Master General and Board propose, also, to instruct their Officers at By-town to make known as widely as possible, by advertisement and every other possible means, that the amount of all claims founded on the spirit of the ninth clause of the Rideau Act, will as soon as arbitrated, meet with prompt payment, by which means parties may possibly be induced to moderate their demands.

With respect to the enquiry of the Lords Commissioners as to the period which the arbitration of the remaining claims will occupy, it will be perceived that the Officers of this Department at Quebec, state it may probably extend to the year 1837-8; but assuming even that the period for sending in claims is limited to 30th June, 1837, as they will still have to undergo arbitration, and some of them may probably be referred to a Jury, a correct opinion as to the time it will occupy, cannot be formed in this country, yet judging from past practice, the Master General and Board, are doubtful whether the arbitration will be completed at so early a period as that stated by their Officers in Quebec.

In making this communication, the Master General and Board, request that they may forthwith be apprised of their Lordships sentiments and decision on the subject, in order that the requisite directions may be given to the Ordnance Officer at Quebec, in accordance therewith.

I have, &c.

(Signed) R. BYHAM.

E. J. STANLEY, Esq.

&c. &c. &c.

Copy of a Despatch transmitted by His Excellency the Lieutenant Governor, on the subject of the adjustment of claims for damages caused by the construction of the Rideau Canal.

APPENDIX M.—(See Journal, page 62.)

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

(Copy.)

OFFICE OF ORDNANCE, QUEBEC,
28th March, 1836.

APPENDIX M.

SIR,

The Honourable Board of Ordnance, being at considerable expense in paying an Arbitrator to award, in conjunction with one named by the parties concerned, remuneration for damages sustained by the construction of the Rideau Canal, &c. agreeably to the Rideau Act, passed 17th February, 1827, and it being very desirable to bring this matter to a close as early as can be done, with justice to all parties, we have the honour to submit to His Excellency the Lieutenant Governor of Upper Canada, the expediency of fixing, by an Order in Council, a limited period for the delivering in claims for such damages; and we would suggest for the same, 31st December, 1836; 31st March, 1837—or any other, in case His Excellency should deem it more proper.

Copy of a Despatch, transmitted by His Excellency the Lieutenant Governor, on the subject of the adjustment of claims for damages caused by the construction of the Rideau Canal.

We have, &c.

(Signed) G. NICHOLS,
Colonel Commanding, R. E.
“ C. H. GODLEY,
Lieutenant Colonel Commanding, R. A.
“ R. PENN,
Store-keeper.
“ M. HEATHFIELD,
Deputy Store-keeper.

(Copy.)

Copy of Treasury Minute, dated 27th December, 1836.

My Lords, refer to the former papers relative to the employment of Mr. Adams, as Arbitrator for the Crown, and read their minute of 3rd July, 1835, on the subject.

Write to Commissary General Routh, referring him to the letter of this Board of 6th July, 1835, (12,820,) and acquaint him, that My Lords having communicated with the Master General, and Board of Ordnance, respecting the appointment of Mr. Adams, as Arbitrator for the Government, in the adjustment of claims for damages, caused by the construction of the Rideau Canal, their Lordships are pleased to authorise Mr. Routh to issue to Mr. Adams, the full pay of his rank as a Deputy Assistant, on his establishment, from 1st June, 1835, and during the time he may be employed as Arbitrator, but deducting therefrom the amount of the expenses incurred for the services of the temporary Clerk, employed during the absence of Mr. Adams from his Commissariat duties.

Write to the Secretary of the Ordnance, acquainting him that My Lords have had under consideration, his letter of the 27th July, and its enclosures, relating to the adjustment of claims for damages, caused by the construction of the Rideau Canal; and their Lordships have to observe, that they concur in the opinion expressed by the Master General, and Board of Ordnance, that it is highly desirable that all claims on this account should be sent in to the Arbitrator by the 30th June, 1837, at the latest, and will communicate with the Secretary of State for the Colonies, in order that any instructions which may be necessary, with a view to that object, may be issued to the Lieutenant Governor, by the authority of Lord Glenelg, if his Lordship shall be of opinion that any such instructions can properly be given, and steps taken by the Lieutenant Governor for enforcing them.

My Lords entirely concur in the opinion with the Master General, and Board of Ordnance, as to the necessity of ascertaining the state and value of the land, before the Canal was constructed, as compared with its present state and value, according to the 9th clause of the Rideau Act; they presume that the Master General and Board, have strongly impressed on the Arbitrator, the necessity of his particular attention to this point; and that in adjudications already given, the Arbitrator has been guided by the principle prescribed in the clause alluded to.

With respect to the instructions which the Master General and Board, propose to give to their Officers at Bytown, with a view to induce the parties interested to moderate their demands, state that My Lords would see no objection whatever to such notice being given, if the Board of Ordnance are satisfied that the monies already granted by Parliament to meet

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this charge, the whole of which has been placed at their disposal, in consequence of their letter of 1st June, 1836, are sufficient for the purpose; but that otherwise, My Lords cannot sanction such a notice being given, because they must authorise payments to be made, for which no provision has been made by Parliament.

Copy of a Despatch, transmitted by His Excellency the Lieutenant Governor, on the subject of the adjustment of claims for damages caused by the construction of the Rideau Canal.

(Copy.)

OFFICE OF ORDNANCE, QUEBEC,
20th May, 1836.

SIR,

In reply to your letter of the 14th December, 1835, [379] (No. 152,) we have the honour to forward a correspondence (No. 1 a 5) on the subject of the probable duration of Mr. Adams' employment, for the adjustment of claims arising from the construction of the Rideau Canal; and we beg to state, that on the receipt of Captain Bolton's letter, (No. 2,) we wrote to the Secretary of the Lieutenant Governor of Upper Canada, (No. 5,) submitting the expediency of fixing, by an Order in Council, a limited period for the delivering in claims for such damages, and to observe, that until this is done, it is not possible to afford the information called for by the Lords Commissioners of the Treasury; but we are of opinion, that the whole of the claims will not be arbitrated before the end of the year 1837.

2. We have delayed our report thereon in expectation of a reply to (No. 5.) which we will communicate to the Honourable Board as soon as it reaches this office.

3. We beg leave in addition to the above, to refer the Honourable Board to our letter dated 30th March, 1836, No. 18.

We have, &c.

(Signed)

G. NICHOLLS,

Colonel Commanding R. E.

"

C. H. GODLEY,

Lieutenant Colonel Commanding R. A.

"

R. PENN,

Store-keeper.

"

M. HEATHFIELD,

Deputy Store-keeper.

No. 1.

Minute of the respective Officers on Mr. Byhams letter, No 152, dated—

OFFICE OF ORDNANCE,

14th December, 1835. [379]

Forwarded to Captain Bolton, who is requested to report his opinion as to the probable duration of Mr. Adams' employment, for the adjustment of the whole of the claims of individuals for damages caused by the construction of the Rideau Canal, and as far as he has the means, the number of the claims remaining to be arbitrated. Captain Bolton will also report in what manner Mr. Adams has been employed since the last arbitrations received from him of November. The respective Officers hoping that he has been able to make many preparations to forward the service as soon as the season will permit.

Office of Ordnance, Quebec,

9th March, 1836.

By order of the respective Officers,

(Signed)

M. HEATHFIELD,

Deputy Storekeeper.

No. 2.

No. 22.

ROYAL ENGINEER OFFICE,

RIDEAU CANAL,

21st March, 1836.

GENTLEMEN,

With reference to your minute of the 9th instant, on a communication from R. Byham, Esquire, dated 14th December, 1835, [379], I have the honour to state, that it is quite out of my power to afford the information called for, as to the probable duration of Mr. Adams' employ-

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

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ment for the adjustment of claims arising from the construction of the Rideau Canal, as at present it depends entirely on the will and pleasure of individuals having claims to make.

There are forty-eight claims which Mr. Adams will enter upon as soon as the navigation opens, and one hundred other claims received, but which are not in a fit state for arbitration, requiring the diagram and certificates of sworn Surveyors, and other information pointed out in the public notice on the subject, as necessary to be furnished by claimants.

Copy of a Despatch, transmitted by His Excellency the Lieutenant Governor, on the subject of the adjustment of claims for damages caused by the construction of the Rideau Canal.

As far as I have been able to ascertain there are still a great number of claims, but which have not yet been made, in consequence of the delay in paying the awards, many individuals stating they could not afford to pay the Surveyor, and lay out of the money for years. This difficulty is partly removed, and claimants will, no doubt, be induced to come forward more readily. At the same time I beg to submit for consideration, whether it might not be proper, (if it can legally be done according to the spirit of the Rideau Act), to limit the period for receiving claims, instead of leaving it to the option or the will of individuals, which must entail a considerable additional and unnecessary expense on the Government.

If such a course be considered advisable, I beg to suggest, 1st—That the 30th June 1837, be the period fixed upon, as it would afford all claimants the winter of 1836-7, in which to have their lots surveyed.

2nd—That the respective Officers at Quebec, be authorised to order the payment of awards without previous reference to England. No claimant could then urge what is now constantly the case, that it is quite useless to send in a claim, for if arbitrated upon, years may elapse before the amount awarded is paid.

3rd—That notices of such determination be published in every known paper in both Provinces for six months, and in five or six of the leading papers to the 30th June, 1837.

With respect to the manner in which Mr. Adams has been employed, I herewith transmit the accompanying copy of a letter from him, on that subject, for your information.

I have, &c.

(Signed) D. BOLTON, *Captain,*

Senior Royal Engineer
Rideau and Ottawa Canal.

No. 3.

No. 10.

RIDEAU CANAL, BYTOWN,
18th *March*, 1836.

SIR,

In obedience to the Instructions conveyed to you by the respective Officers of the Ordnance at Quebec, under date of the 9th instant, in consequence of a communication from R. Byham, Esquire, of the 11th December, 1835, [379], and referred to me for my report thereon, I beg to submit, that I am not prepared to form an opinion in the present stage of the arbitrations as to the probable duration of this Special Service, but I think I may safely state, that the payment of the awards which have been authorised will very much expedite it. The claimants will now be induced to an early transmission of their respective claims, and the apprehension under which they laboured, as to the intention of Government to come to an early adjustment of them, has been dispelled by the measure adverted to.

In regard to the second paragraph, I trust it will satisfactorily appear to the respective Officers, that from the commencement of my appointment I have urged, by all the means in my power, the rendering of the claims. I submitted the suggestion of calling for them through the medium of the Official Gazettes and public Newspapers, and which they were pleased to adopt. I did not quit the Canal until the navigation had closed, and that I had completed the arbitrations as far as it was practicable, in all claims sent in between Bytown and the Rideau Lake, the last awards having been concluded at Maitland's Rapids, on the 20th November; since that period I have made every preparation within my control to forward this service: during the ensuing season it is my intention to return to it immediately the navigation will permit, and the experience and local information I have acquired will greatly facilitate its progress.

I beg to annex, for their information, copy of a circular addressed to a number of the principal claimants dispersed throughout the Townships along the line of the Canal, and also to several influential Magistrates and Arbitrators.

30th Jan. 1836.

I

APPENDIX M.—(See Journal, page 62.)

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APPENDIX M.

There are up to this date forty-eight claims entered for arbitration, and as far as it is possible to give an idea, I should say, that there may be about one hundred still to be rendered; some of those received, particularly in the Townships of Kingston and Pittsburgh, are of considerable extent, but as the claimants have not included the damage sustained on all their property, it will be prudent to proceed in the first instance with the minor claims in the neighbourhood, by which means I shall be enabled to gain information which will materially assist the decisions on the others.

I would again beg to advert to my suggestion, whether it may not be practicable and expedient to limit the period for the admission of claims.

In conclusion I beg to assure the respective Officers, that they may rely upon my most strenuous exertions to bring this service (surrounded as it is by so many difficulties and impediments) to as speedy a termination as possible, consistent with the interests of His Majesty's Government.

I have, &c.

(Signed) G. ADAMS,
Government Arbitrator.

Captain BOLTON,
Royal Engineer, Commanding,
Rideau and Ottawa Canal.

No. 4.

Circular.

RIDEAU CANAL BY-TOWN,
9th January, 1836.

SIR,

Adverting to a claim made by you for damage sustained by the construction of the Rideau Canal in ———, I beg to acquaint you that it cannot be arbitrated upon (under the fourth and ninth clauses of the Rideau Act,) until the direction published by the respective Officers of Ordnance at Quebec, on the 6th July 1835, are complied with, by transmitting, with as little delay as possible, a diagram and certificate of a sworn Surveyor, as to the nature and extent of the damage, and it should at the same time be stated to be all the damages sustained on the whole of the claimants property in the line of the Canal; to be addressed—

<p style="text-align: center;">On His Majesty's Service.</p> <hr/> <p style="text-align: center;">CAPTAIN BOLTON, Senior Royal Engineer, <i>By-town.</i></p> <p style="text-align: center;"><i>Claim for Damages.</i></p>

I am, &c.

(Signed) G. ADAMS,
Government Arbitrator.

NOTE.—By Claimants making known at the same time, in their respective neighbourhoods, to the sworn Surveyor in the vicinity, their desire to have their drowned land Surveyed, the expense of Survey would be materially lessened. Claimants cannot act as Arbitrators.

A true copy.

(Signed) G. ADAMS,
Government Arbitrator.

(Copy.)

TREASURY CHAMBERS,
27th March, 1837.

SIR,

I am commanded by the Lords Commissioners of His Majesty's Treasury, to transmit to you copy of their Lordships minute of 21st instant, on the subject of the claims for damages caused by the construction of the Rideau Canal, and to desire you will lay the same before Lord Glenelg, with reference to your letter of 31st January last on that subject, in order that his Lordship may be aware of the instructions given to the Master General and Board of Ordnance.

APPENDIX N.—(See *Journal*, page 63.)SIR FRANCIS BOND HEAD, BARONET, K.C.H. *Lieutenant Governor.*

I am at the same time to request that you will move Lord Glenelg, to give such directions as may appear to his Lordship to be most expedient, with a view to the early settlement of these claims, with justice to the public on the one hand, and to the parties on the other, apprising my Lords of the instructions he may issue to the local authorities on that subject.

I have, &c.

(Signed)

A. G. SPEARMAN.

APPENDIX M.

Copy of a Despatch, transmitted by His Excellency the Lieutenant Governor, on the subject of the adjustment of claims for damages caused by the construction of the Rideau Canal.

(Copy.)

Copy of Treasury Minute, of 21st March, 1837.

Read letter from Secretary of the Ordnance, dated 17th of last February, on the subject of the adjustment of the claims for damages caused by the construction of the Rideau Canal.

Read also letter from Mr. Stephen, dated the 31st of last January, in reply to letter of this Board, of 4th December 1836, conveying Lord Glenelg's opinion as to an early period being fixed for the adjustment of the above claims. Transmit to the Secretary of the Ordnance, to be laid before the Master General and Board, copy of Mr. Stephen's letter of the 31st last January on this subject, and state that under the circumstances set forth in that letter, it will not be possible by any order of the Government to limit the period within which claims for compensation shall be made by parties in Canada, but that as my Lords feel all the importance of having all these claims settled as quickly as possible, they are of opinion that every step should be taken for that purpose which is consistent with justice to the public on the one hand, and to the parties on the other. It does not appear to my Lords that justice to the public would permit the indefinite postponement of such claims, and in fact such a postponement would be contrary to the principles by which this Board has on that account been always guided in all such cases. On the other hand, it is equally clear that it would in no degree be unjust to the parties that they should be required to give in and support by proper evidence any claims they may have, within a reasonable period.

My Lords will therefore request the Secretary of State to make such communication on the subject to the Colonial Authorities, as he may judge expedient, in order that such limited period may be fixed by the authority of the local Legislature, after due notice to be given, as may be just to the public, and not unjust to the individuals concerned. And in the mean time, they are of opinion, that such arrangements may be made by the Master General and Board, as will afford to all parties an inducement to make their application for consideration and determination.

With this view, my Lords are of opinion, that distinct notice should be given, that payment will be in every case made according to the order of priority in which the claim is made, whether for land taken or for consequential damage, and that such payments should be made forthwith, to the extent of the sum voted by Parliament for the purpose.

Any claims beyond that amount, if any shall be made, must be postponed until it shall be seen whether any future grant will be required for defraying the charge; and my Lords are pleased to authorize the Master General and Board, to make a communication to that effect to their Officers in Canada.

APPENDIX N.—(See *Journal*, Page 63.)

(Copy.)

No. 217.

DOWNING STREET,
5th August, 1837.

APPENDIX N.

4th April, 1837—No. 34.
4th do. 1837—No. 36.
4th do. 1837—No. 37.
5th do. 1837—No. 39.
5th do. 1837—No. 40.
6th do. 1837—No. 43.
25th do. 1837—No. 50.
4th May, 1837—No. 54.
26th do. 1837—No. 64.

SIR,

I have received the various Despatches communicated in the margin: I acknowledge them together because they all relate to the various Acts passed during the last Session of the Assembly of Upper Canada.

Anticipating the solicitude which must be felt in the Province, respecting the fate of the various bills reserved for the signification of His late Majesty's pleasure, I cannot longer postpone my communication on that subject, although, I regret to add, that I am not yet prepared to address you respecting it in any decisive terms.

Copy of a Despatch, transmitted by His Excellency the Lieutenant Governor, on the subject of the bills which passed the two branches of the Legislature, during the first Session of the present Parliament, and were reserved for the Royal Assent.

APPENDIX N.—(See Journal, page 63.)

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APPENDIX N.

The extraordinary bulk of the transcripts of these Laws, having induced you to despatch them to England through the ordinary Packet from Quebec, they did not reach this Country until the 14th of June. At that period the declining health of the King made it evident that a demise of the Crown would shortly take place, followed by an early dissolution of the Parliament.

Copy of a Despatch, transmitted by His Excellency the Lieutenant Governor, on the subject of the bills which passed the two branches of the Legislature, during the first Session of the present Parliament, and were reserved for the Royal Assent.

Under such circumstances, it became impossible for me to lay before the two Houses, in conformity with the Act of 1791, the bill for the disposal of the Public Lands in Upper Canada.

Copies of the bills which passed in the last Session, had indeed reached me for the purpose in the month of May, with your Despatch (No. 37) of the 4th April, but it appeared to me necessary to await the arrival of your promised report on them, and of the original transcript, authenticated under the Great Seal of the Province, before laying this Public Land bill before the Houses of Lords and Commons; and that transcript did not arrive until the Session was drawing to a close, and the period for complying with the provisions of the Statute of 1791, had passed away. It is necessary, therefore, that the decision of the Queen on this Act should be suspended, until the expiration of thirty days from the time when it shall have been laid before both Houses of Parliament, in the ensuing Session.

The reserved bills comprise a series of Banking Charters far more numerous and important than probably were ever the fruit of a single Session of the Legislature, in any part of Her Majesty's Dominions. The records of the British Parliament certainly do not furnish any exception to this statement. The consideration of them will, of course, require some time, but Her Majesty's Government are engaged in a careful examination of them: and it will be my earnest endeavour to communicate the result to you, with the least possible delay. I refer to the number, and the great importance of these bills, as affording an apology for that degree of postponement, which I find to be absolutely inevitable on the present occasion.

This postponement indeed is perhaps, under the circumstances in which the Province has recently been placed, more a subject of congratulation than regret. You have been obliged, though with extreme and laudable reluctance, to convene the Provincial Legislature, to deliberate on suspending the cash payments of the existing Banks. It is well that any thing should have occurred to arrest the immediate establishment of so large a number of similar institutions; considered in this light, I cannot look back without some satisfaction on the restraint which my instructions of August, 1836, imposed on you, in assenting to laws of this nature.

The financial embarrassments of the Province would have been greatly enhanced, if these additional Banks had all been in action in the spring of the present year, and had availed themselves of their power of augmenting the paper Currency of Upper Canada.

I lament that I should be compelled to close this communication, without announcing to you, the decision of Her Majesty in Council on the reserved bills, and on the Acts of the Session.

The circumstances already mentioned, may partly explain that delay, which is further accounted for by the general election, now in progress throughout the United Kingdom.

Among the members of Her Majesty's Government, whom it is especially necessary to consult on this occasion, a large proportion have been called away from London, to meet their constituents in different parts of the Country. This difficulty being now removed, I trust that it will be found possible to proceed, without any further loss of time, to the determination of questions in which the people of Upper Canada must feel the deepest interest; and which cannot, therefore, but be viewed as of great importance by the Government and people of this Country.

I have the honour, &c.

(Signed) GLENELG.

Sir F. HEAD,

&c. &c. &c.

A true Copy.

J. JOSEPH.

APPENDIX O.—(See Journal, page 63.)

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

APPENDIX O.—(See Journal, Page 63.)

APPENDIX O.

No. 218.

DOWNING STREET,
9th August, 1837.

SIR,

I have the honour to inform you, that Her Majesty's Government have recently had under their consideration, the Act passed by the Legislature of Upper Canada, during the Session of 1836, for the establishment of Mutual Insurance Companies in the several Districts of that Province.

To this Act, in its present form, it has appeared to Her Majesty's Government, that there are several objections of considerable importance:

By the sixteenth clause of the Act, the responsibility of the shareholders is limited to one per cent. on their deposit notes, beyond the amount of their respective insurances. This is the more to be deprecated, because there is at the same time no realized capital, except a percentage on the deposit notes; and although a distinction may be drawn between public companies and those which are founded on the principle of Mutual Assurance, Her Majesty's Government would be most reluctant to concede to either class a privilege which might probably be productive of injurious consequences: and they cannot but apprehend that embarrassments would result from so inadequate a provision as that which is made in this Act against the losses incidental to establishments of this description. Her Majesty's Government are also unwilling to sanction that provision of the third clause, which authorises the Companies to become the proprietors of land, as they conceive that such a power might eventually lead, in a country like Upper Canada, to much public inconvenience.

Nor are these the only objections to which this Act appears to be liable. The design of it is, in the opinion of Her Majesty's Government, far too general. Instead of being confined, as is the general practice, to a single Company, it extends to as many Companies as there are Districts in Upper Canada: any forty freeholders in a District being authorised to form a Company, under the Act—provided only, that there be but one Company in each District. It would seem necessary, that this power of multiplying Companies should at least be controlled, by requiring the previous consent of some public Officer, to be named for that purpose, in which case it would be possible to dispense with the restriction as to the number of Companies in any District: a restriction which is liable to the objections urged against monopolies in general—and which might become very inconvenient in a country rapidly increasing in population and wealth.

Lastly—the arrangement sanctioned by the twelfth clause, by which a capital of deposit notes is constituted, appears to Her Majesty's Government to be objectionable. It is, in their opinion, indispensable that a fixed amount of realized capital should be paid up.

Admitting the difficulty of raising money in Upper Canada, to be an argument against any unnecessary appropriation of it in public Companies, and that the shares would be very slowly taken if any larger portion of their amount were required to be paid on the formation of each Company, Her Majesty's Government still think that the same cause would place equal difficulties in the way of realizing the deposit notes: so that in the absence of any standing capital, or confining it to a percentage on the deposit notes, as proposed in section twelve, the losses of the Company would not be defrayed without great delay, and constant litigation.

I have thought it my duty, before advising Her Majesty to adopt any decision respecting this Act, distinctly to bring under the notice of the Legislature of Upper Canada, the objections to which it has appeared to be liable.

If those objections should, in their opinion, be well founded, they will no doubt take the necessary steps for amending this Act; but if, after considering my present Despatch, the Legislative Council and Assembly should deliberately dissent from the views expressed in it, you will, without delay, give me notice of such result.

I have the honour to be, &c.

(Signed) GLENELG

Sir F. B. HEAD,
&c. &c. &c.

A true copy.

J. JOSEPH.

K

Copy of a Despatch transmitted by His Excellency the Lieutenant Governor, on the subject of the Act passed by the Provincial Legislature, in the Session of 1836, for the establishment of Mutual Insurance Companies in the several Districts of this Province.

APPENDIX P. & Q.—(See Journal, page 63.)

THIRD SESSION THIRTEENTH PROVINCIAL PARLIAMENT, 1st VICTORIA.

APPENDIX P.

APPENDIX P.—(See Journal, Page 63.)

(Copy.)

No. 121.

DOWNING STREET,
22nd December, 1836.

Sir,

Copies of two Despatches transmitted by His Excellency the Lieutenant Governor, on the subject of the duty upon Tobacco.

I have to acknowledge the receipt of your Despatch of the 19th October, (No. 84,) enclosing three Addresses to His Majesty. I have had the honour to lay these Addresses at the foot of the Throne, and His Majesty was pleased to receive them very graciously.

The joint Addresses from the Council and Assembly, respecting the duty levied on Tobacco, the growth of the Province; and respecting certain military Pensioners, who commuted their pensions under the Act Wm. IV. Chap. 41. together with those parts of your Despatch which especially relate to them, have, by His Majesty's command, been referred to the respective departments of the Government; to which the consideration of such subjects more exclusively belongs; and so soon as answers shall have been received from those departments I shall again communicate with you respecting these Addresses.

With regard to the Address from the Legislative Council, relating to the system under which the Crown Lands are at present disposed of, I shall of course suspend my decision until I have received that further communication which you announce your intention of transmitting to me.

I have, &c.

(Signed) GLENELG.

Lieutenant Governor Sir F. B. HEAD,

&c. &c. &c.

A true Copy.

J. JOSEPH.

(Copy.)

No. 132.

DOWNING STREET,
25th January, 1837.

Sir,

With reference to my Despatch of the 22nd ultimo, I have the honour to inform you that the Lords of the Committee of Privy Council for Trade, to whom the Address from the Council and Assembly of Upper Canada on the subject of the duty on Tobacco grown in that Province was referred by His Majesty's command, have reported to His Majesty, that as the duty on Tobacco is imposed solely for the purpose of Revenue, with which object its cultivation is prohibited within the United Kingdom, their Lordships cannot advise His Majesty to hold out to the Legislature of Upper Canada any expectation that the prayer of their petition will be conceded to them.

I have the honour, &c.

(Signed) GLENELG.

Lieut. Governor Sir F. B. HEAD, K. C. H.

&c. &c. &c.

A true Copy.

J. JOSEPH.

APPENDIX Q.

APPENDIX Q.—(See Journal, page 63.)

(Copy.)

No. 142.

DOWNING STREET,
7th February, 1837.

Sir,

Copy of a Despatch, transmitted by His Excellency the Lieutenant Governor, relating to the appropriation of the revenue by the Provincial Parliament, arising from the sale of land and timber, within this Province.

With reference to the concluding paragraph of my Despatch of the 5th December, 1835, and to my Despatch of the 30th September, 1836, I have the honour to inform you, that on a reference to the Law Officers of the Crown in this Country, they have given it as their opinion that any bill passed by the Legislature of Upper Canada, by which the appropriation of the Revenue arising from the sale of land and timber, should, in exchange for a Civil List, be

APPENDIX R.—(See Journal, page 64.)

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

transferred from His Majesty to the House of Assembly, would come within the provision of the forty-second section of the Act 31 Geo. III. chap. 31. In the event, therefore, of any such bill being introduced into the Legislature of Upper Canada, you will take the necessary steps for ensuring the observance of the forms required by that section, in the presentation of the bill to you; and you will immediately transmit it to me, in order that it may be laid before the two Houses of Parliament.

APPENDIX Q.

I have, &c.

(Signed) GLENELG.

Sir F. HEAD.

A true Copy.

J. JOSEPH.

APPENDIX R.—(See Journal, Page 64.)

(Copy.)

No. 173.

DOWNING STREET,
28th April, 1837.

APPENDIX R.

SIR,

I have the honour to transmit to you, herewith, the copy of a letter addressed to me by Mr. Ryerson, relative to a bill for granting a loan to the Upper Canada Academy, which passed the House of Assembly during the last Session, but which was subsequently lost in consequence of a proviso added by the Legislative Council, prohibiting the Receiver General from advancing the sum therein granted, unless he should have in his hands money for which he had no other use.

Copy of a Despatch, transmitted by His Excellency the Lieutenant Governor, directing an advance to the Trustees of the Upper Canada Academy, of £4,100, from the Crown Revenue.

I trust that there is no ground to anticipate the serious inconvenience which Mr. Ryerson apprehends from the loss of this bill, nor can I allow myself to assume, as he has done, that the object of the amendment introduced by the Council was indirectly to defeat the liberal intentions of the Assembly towards the Upper Canada Academy.

But in order to obviate all risk of embarrassment to that institution, I have to desire, that unless some objection, which I do not anticipate, should suggest itself to you, you will advance the amount of the loan intended to have been granted by the bill in question, to the Trustees of the Upper Canada Academy, out of any unappropriated portion of the Casual and Territorial Revenue of the Province, and on the first meeting of the Legislature you will report the circumstance to them. I have no doubt that the Council and Assembly of Upper Canada will at once recognize the propriety of this proceeding, the object of which is to carry out the spirit of the measure which has already met their concurrence.

I have, &c.

(Signed) GLENELG.

Lieut. Governor Sir FRANCIS HEAD, K. C. H.

A true Copy.

J. JOSEPH.

(Copy.)

20, GUILFORD STREET, RUSSELL SQUARE,
April 18th, 1837.

My LORD,

I humbly implore your Lordship's early and gracious attention to the following statement, occasioned by recent intelligence from Upper Canada, and the entreaties of benevolent and suffering individuals.

Having just returned to Town from the north, in order to prepare to embark by the Liverpool and New York packet of the 1st instant, I have received advices respecting the proceedings of the Upper Canadian Legislature, relative to the Upper Canada Academy. It appears that, in accordance with your Lordship's gracious recommendation, on application of the Principal and Trustees of the Institution, the House of Assembly appointed a Select Committee to investigate the subject. The Committee reported in favour of aiding the Institution;

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APPENDIX R.

and the House of Assembly, by a majority of thirty-one to ten, passed a bill authorising a loan of £4,100 to the Trustees of the Institution for ten years.

The Legislative Council, however, at the eleventh hour of the Session, sent the bill back to the Assembly, so amended as completely to defeat the object of it, by providing that the Receiver General should not advance any of the money granted by the Act, unless he had money in his hands for which he had no other use.

Copy of a Despatch, transmitted by His Excellency the Lieutenant Governor, directing an advance to the Trustees of the Upper Canada Academy, of £4,100, from the Crown Revenue.

Thus, my Lord, the matter stands; and your Lordship's recommendation, and the recommendation of three-fourths of the representatives of the people, and an object of so much expense and labour and importance, are set aside and defeated by a majority of the Council, consisting of ten or twelve persons present: and a majority of whom, whenever the questions of religion and education have come before them, have really shewn a disposition to leave the inhabitants in total ignorance, rather than they should be instructed by any other than a High Church agency. As a specimen of the bigotted exclusiveness of this party in the Council, I may observe, that the leader of it has written strongly against Clergymen or members of the Church of England having any connexion with the British and Foreign Bible Society. I had hoped that the successive liberal and parental Despatches of His Majesty's Government, on educational and religious questions, and past experience, would have prevented a repetition of such ultraism on the part of the ruling party in the Legislative Council. I did not even anticipate any opposition whatever from that quarter. But I confess myself most egregiously and painfully disappointed.

I herewith enclose two Canadian newspapers, to which I beg to draw your Lordship's attention. The one dated 22nd February, contains the report of the Select Committee of the Assembly, on the subject of the Upper Canada Academy; the other, dated the 1st of March, contains a report of the debate in the House of Assembly, on the passing of the bill in aid of the said Academy. Mr. Draper, the Chairman of the Committee, is Member for the City of Toronto, a strict Churchman, and Executive Councillor. Mr. Ruttan, who brought the bill into the House, is also a Churchman, and is, and has been for many years, Sheriff of the Newcastle District. So likewise are the Solicitor General, Mr. Prince and Mr. Gowan, members of the Church of England. Mr. Cameron is a member of the Church of Scotland; and Mr. Manahan is a Roman Catholic. To the testimony of these gentlemen—to the vote of the House of Assembly—and to the strong language of the report of the Select Committee—I beg to refer your Lordship, in corroboration and confirmation of all that I have stated to your Lordship on this subject, and in support of our humble applications for relief and assistance.

The whole case, which I presume once more to submit to your Lordship's favourable consideration, stands at the present moment as follows:

First.—The demands against the Trustees of the Upper Canada Academy, are such as must cause the discontinuance of these, its operations, if not the sacrifice of the whole establishment itself, at the close of the term ending in June next, unless assistance can be obtained. This is positively and affectingly stated in my letters from the individuals concerned. They say, there is no other alternative before them.

Second.—The Upper Canada House of Assembly have, by a very large majority of thirty-one to ten, expressed a cordial desire to aid the Institution out of the public funds of the Province; and the evidence taken before the Select Committee of the House, and put into the hands of each Member before the bill was passed, together with the report itself, and the testimony of the various speakers in the Assembly, amply justify your Lordship's former estimate of the value and utility of the Institution—and to those unbiassed and unquestionable authorities I refer for all that I can desire to urge in its behalf.

Third.—As the question of the Casual and Territorial Revenue has not been disposed of, or even taken into consideration, during the recent Session of the Upper Canadian Legislature, that revenue remains, of course, at the disposal of your Lordship—and to apply a portion of it in aid of the Upper Canada Academy, cannot possibly give the slightest offence to the Representatives of the Canadian people, since they have done all in their power to afford it relief and assistance, out of funds which have been placed at their disposal.

Fourth.—The buildings of the Upper Canada College have been erected from funds at the disposal of the Crown, at an expense of £17,000. It is supported from the same sources at an expense of nearly £2,000, and is also endowed with 35,000 acres of land. The Students,

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

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including Boarders and Day-scholars, number 110, (for which please see the letter of the Rev. Dr. Harris, the highly esteemed Principal of the College, in the accompanying paper of the 22nd of February—also the high recommendation of that excellent establishment by the Editor of the Guardian.) The Upper Canada Academy has been thus far promoted by the voluntary contributions of individuals; the course of study for the Students, as appears from the report of the Select Committee of the Assembly, is as extensive as the course of study for the Students of the Upper Canada College, with the addition of Lectures. The Upper Canada Academy is in no respect a rival, but a coadjutor of the Upper Canada College—educating quite a different class of Students, and contains already, even in the infancy of its operations, 80 Boarders, and 40 Day-scholars—making a total of 120. The one institution is under the superintendence of Clergymen of the Church of England—the other institution is under the superintendence of the Wesleyan Ministers. The one institution is equally appreciated with the other by the Upper Canadian House of Assembly, though not by a majority in the Council. Surely the one ought not to be left to languish, whilst the other is so abundantly provided for.

Copy of a Despatch, transmitted by His Excellency the Lieutenant Governor, directing an advance to the Trustees of the Upper Canada Academy, of £4,100, from the Crown Revenue.

Fifth.—The annual conference of the Wesleyan body in Canada meets the second Wednesday in June. From recent intelligence, and on several accounts, I find it necessary to be present at the Assembly. I must therefore leave for Liverpool by the 23th instant.

If your Lordship will reach out the hand of relief in this crisis and extremity of what I think I may fairly term Christian and patriotic exertion, the announcement in Canada will be hailed by tens of thousands, with feelings of inexpressible gratitude and animated encouragement,—whilst the aid afforded will secure the final accomplishment (to use the language of the Select Committee of the Assembly) of “the greatest undertaking hitherto successfully prosecuted in Upper Canada upon the plan of voluntary contributions alone.”

I have the honour to be,

My Lord,

Your obedient humble Servant,

(Signed) EGERTON RYERSON.

The Right Honourable, The Lord GLENELG,

&c. &c. &c.

(Copy.)

No. 87.

TORONTO, UPPER CANADA,

20th July, 1837.

My Lord,

I have the honour to acknowledge the receipt of your Lordship's Despatch, (No. 173, dated 28th April, 1837,) in which is transmitted to me a copy of a letter addressed to your Lordship by Mr. Egerton Ryerson, complaining of the conduct of the Legislative Council, in having “at the eleventh hour of the Session sent a bill authorising a loan of £4,100 to the Trustees of the Upper Canada Academy back to the Assembly, so amended as completely to defeat the object of it, by providing that the Receiver General should not advance any of the money granted by the Act, unless he had money in his hands for which he had no other use.”

Having, as your Lordship is aware, advanced from the Casual and Territorial Revenue fund the balance necessary for the payment of the War Losses, I had no means of immediately paying to Mr. Ryerson the sum of £4,100. Nevertheless being desirous that your Lordship's wishes should be carried into effect, I have given to Mr. Ryerson such a statement of my intention to advance the money in question so soon as it can be procured, as will, I am happy to understand from him, enable him easily to obtain the amount from one of the Provincial Banks.

Having, I trust, thus fulfilled the spirit (although it has not been in my power to obey the letter) of your Lordship's Instructions, I feel it due to the Legislative Council to explain to your Lordship, that Mr. Ryerson's declarations against that branch of the Legislature are unmerited and incorrect. The impression which Mr. Ryerson's letter to your Lordship seems designed to produce is, that the Assembly being eager to encourage the Upper Canada Academy, had readily passed a bill to that effect through their House, and had in good time

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APPENDIX R.—(See Journal, page 64.)

THIRD SESSION THIRTEENTH PROVINCIAL PARLIAMENT, 1st VICTORIA.

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sent it up to the Legislative Council—that an amendment was there made to the bill which was calculated and contrived to defeat it—that the bill and amendment were purposely kept back “till the eleventh hour,” and then sent down to the Assembly when it was too late to remove any difficulty.

Copy of a Despatch, transmitted by His Excellency the Lieutenant Governor, directing an advance to the Trustees of the Upper Canada Academy, of £4,100, from the Crown Revenue.

The facts are as follows: the Session commenced on the 8th of November, and ended on the 4th of March. On the 24th of February the bill for granting aid to the Acadèmy came up to the Legislative Council from the Assembly, that is, within the last eight or nine days of a Session of one hundred and sixteen days, and when the Legislative Council had probably forty or fifty other bills before them. It was read a second time on the 25th of February, was discussed in Committee on the 27th, (the 26th being Sunday) and was amended and returned to the Assembly on the 28th. On the same day that this bill was sent up, many other bills were sent from the Assembly, and after the 28th of February, when it was returned amended by the Council, I understand that the Assembly sent no less than twenty-six bills, which, with very few exceptions, were passed through the Council and became laws.

From the foregoing statement it is clear—1st. That the Legislative Council could not have returned the bill in question early, because it came to them late. 2nd. That the bill, when it did come, was passed through all its stages without delay.

Now, with respect to the merits of the amendment, on adverting to the Acts passed in the last Session, your Lordship will perceive that about a million and a half of money was granted by the Legislature; and the Province being already in debt, the Acts, generally speaking, provided for raising by loan the monies required to meet these new grants.

The bill to which Mr. Ryerson refers simply granted £4,000, out of the unappropriated monies in the hands of the Receiver General, and made no provision for borrowing the £4,000 on debenture.

The Legislative Council knew that after the grants which the Assembly had made, there would not be £4,000 in the Receiver General's hands unappropriated, and consequently, that if the bill passed into a Law, either it would be a delusion, or the Receiver General would be embarrassed by the conflicting demands of persons claiming money granted by several Acts passed on the same day.

Under these circumstances the Council added the following proviso to the bill:

“Provided always, nevertheless, that the monies granted by this Act shall not be paid by the Receiver General, unless there shall remain in his hands, unappropriated monies, after the payment of the charges imposed upon the Provincial Revenue under an Act or Acts heretofore passed, and also of any monies granted during the present Session for the support of the Civil Government, or to defray any charges attending the Public Revenue.”

This precautionary limitation, that in case there should not be unappropriated money for all the claimants, the charges for the Public Service voted during the same Session, should be first defrayed, is what Mr. Ryerson in his letter to your Lordship terms a proviso that the Receiver General should not advance any money granted by the Act, unless he had money in his hands for which he had no other use.

I understand that the Archdeacon of York (alluded to so severely by Mr. Ryerson, as having been hostile to the bill,) was not even present when the amendment was framed, discussed and passed. I am informed that he took no part in the bill, except voting for it, as he did for an Act of Incorporation of a Roman Catholic College, passed in the same Session; that the amendment was framed by the Speaker of the Council, who is a private contributor to the building of the Academy, and who, I understand, strongly advocated in the Council the expediency of giving to the Institution the public support that had been prayed for.

I feel confident your Lordship will read with interest and with satisfaction this vindication of a branch of a Legislature which I respectfully assure your Lordship requires the firmest possible support, in order to encourage it to continue uncompromising hostility and opposition to the House of Assembly, whenever it may be constitutionally necessary to do so.

I have, &c.

(Signed) F. B. HEAD.

To the Right Honourable, The Lord GLENELG,

A true copy.

J. JOSEPH.

APPENDIX R.—(See Journal, page 64.)

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

(Copy)

No. 221.

DOWNING STREET,
23rd August, 1837.

APPENDIX R.

SIR,

I have received your Despatch No. 87, of the 20th July, reporting the steps which you have taken for advancing the sum of £4,100 to the Upper Canada Academy, and replying to the representations of Mr. Ryerson, relative to the conduct and disposition of the Legislative Council towards that Establishment.

Copy of a Despatch, transmitted by His Excellency the Lieutenant Governor, directing an advance to the Trustees of the Upper Canada Academy, of £4,100, from the Crown Revenue.

I entirely approve of your proceedings on this occasion. You have accurately anticipated the feelings with which I have read the defence of the conduct of the Legislative Council, which your Despatch contains. I cannot suppose it possible that Mr. Ryerson's mis-statement of the fact could have been intentional; but as he was not in the Province when the discussion in question occurred, I have no doubt that he was misled by erroneous information. It is at all times my anxious endeavour to exercise the utmost vigilance against the admission of any statement injurious to any of the authorities of the Province, without subjecting it to the most rigid scrutiny; and I feel that such a suspension of my judgment can never be more imperatively required than when charges are made tending, in any degree, to detract from the respect and confidence so justly due to that branch of the Canadian Legislature.

I have the honour to be,

Sir,

Your most obedient, humble Servant,

(Signed) GLENELG.

Lieutenant Governor Sir FRANCIS B. HEAD, Bart.

&c. &c. &c.

A true Copy.

J. JOSEPH.

(Copy.)

GOVERNMENT HOUSE,
August 16th, 1837.

SIR,

The Reverend Ephraim Evans, having in an interview he had with His Excellency this morning, requested the Lieutenant Governor to issue his warrant for the sum appropriated to the Cobourg Academy, or for a portion of it; and His Excellency being anxious to carry into effect, with as little delay as may be, the instructions conveyed to him in the recent Despatch from Her Majesty's Principal Secretary of State for the Colonies, with which you have already been made acquainted, I am commanded by His Excellency to enquire of you, whether you are able to meet the demand for £4,100, or any part of it.

I have, &c.

(Signed) J. JOSEPH.

B. TURQUAND, Esq.

(Copy.)

RECEIVER GENERAL'S OFFICE, TORONTO,
17th August, 1837.

SIR,

In reply to your letter of yesterday's date, requesting to be informed whether this Office is able to meet the demand made for the sum (or a portion) of the £4,100, appropriated by the recent Despatch from the Principal Secretary of State for the Colonies, for the Cobourg Academy—I have the honour to acquaint you, for the information of His Excellency the Lieutenant Governor, that after deducting the advances made to the Clergy fund from those under the control of the Lords Commissioners of Her Majesty's Treasury, there appears to be, at this time, an advance on the whole of about £1,137, Sterling, as shewn by the accompanying statement.

APPENDIX R.—(See Journal, page 64.)

THIRD SESSION THIRTEENTH PROVINCIAL PARLIAMENT, 1st VICTORIA.

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The sums paid into these funds since the 1st July last are very trifling, and being aware of His Excellency's anxiety to aid the Cobourg Academy, this Office will not fail to report to the Lieutenant Governor, the moment it may be enabled to meet His Excellency's wishes.

I have, &c.

In absence of the Receiver General,

(Signed) B. TURQUAND,
Senior Clerk.

Copy of a Despatch,
transmitted by His Excel-
lency the Lieutenant
Governor, directing an
advance to the Trustees
of the Upper Canada
Academy, of £4,100,
from the Crown Revenue.

JOHN JOSEPH, Esq.
Civil Secretary.*Statement of Crown Funds, 17th August, 1837.*

Balance in Fund D. on 30th June,	£64,768	Sterling.
Do. do. F.	477	
	<u>£65,245</u>	
Advance on K. 30th June,	£54,368	Sterling.
Do. on E.	4,303	
<i>Payments since 30th June.</i>		
From Fund D.	1,771	
" " E.	483	
" " K.	5,457	
	<u>66,382</u>	
Total advance on the Crown Fund, 17th August, 1837,	£1,137	Sterling.

E. E.

B. TURQUAND.

(Copy.)

TORONTO, January 21st, 1838.

SIR,

In pursuance of your kind suggestion, in this morning's conversation, on the subject of the moiety of £2,050 due of the Royal Grant to the Upper Canada Academy, I waited upon the Receiver General, and was given to understand by him that there are funds in his hands, upon which he knows of no claim prior to that of the Upper Canada Academy.

The Treasurer of that Institution has just come to the City, in order to obtain some relief and assistance to pay debts which have been long due, and the payment of which cannot be longer delayed without serious injury to all parties concerned. The Managers of the Institution are really distressed, from not being able to meet just and pressing demands against them, on account of the unexpected and protracted delay which has, from occurrences which they could not foresee, attended the payment of the grant so graciously made by His late Majesty in April last. I therefore most humbly and earnestly pray, that His Excellency would have the goodness to issue the necessary warrant for the remaining moiety of the grant, and thereby confer a lasting benefit upon the Upper Canada Academy, and a great favour upon its Managers and friends.

I have, &c.

(Signed) EGERTON RYERSON.

(Copy.)

TORONTO, 23rd January, 1838.

MY DEAR SIR,

Mr. Ryerson wishes to know, for your information, if a warrant can issue on the Territorial Fund. I beg to say, that I have sufficient in my hands to meet Mr. Ryerson's claims, and all other demands that I am aware of.

I remain, &c.

(Signed) JOHN H. DUNN.

JOHN JOSEPH, Esq.

APPENDIX R.—(See Journal, page 64.)

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

(Copy,)

APPENDIX R.

TORONTO, January 25th, 1838.

SIR,

According to your suggestion, yesterday morning, the Rev. Mr. Green and myself called upon the Attorney General, and were alarmed and grieved to learn that the ground of objection and delay in respect to the payment of the remaining moiety of £2,050, on the grant of His late Majesty to the Upper Canada Academy, has been entirely changed, and is now such as has never before been hinted at to us, though I delivered to His Excellency the instructions of Her Majesty's Secretary of State on the subject in June last. I beg to recapitulate the facts of this painful affair, for His Excellency's consideration.

Copy of a Despatch, transmitted by His Excellency the Lieutenant Governor, directing an advance to the Trustees of the Upper Canada Academy, of £4,100, from the Crown Revenue.

In the winter of 1836, a committee of the House of Assembly recommended a grant in aid of the Upper Canada Academy; debates took place in the House, principally in reference to a grant, though the bill which was passed by the House was only for a loan. The Legislative Council amended the bill so that it was never taken up again by the House of Assembly, consequently there was no bill agreed to by both Houses on the subject. On the arrival of the intelligence of these proceedings in England, I laid them before Her Majesty's Secretary of State for the Colonies. A copy of my communication on the subject was enclosed by Lord Glenelg to His Excellency. Upon the strength of my representation, and the Committee's report, and the debates of the Assembly, His Lordship instructed His Excellency to advance the sum of four thousand one hundred pounds, out of the Crown Revenue, to the Trustees of the Upper Canada Academy. Whether Lord Glenelg intended it as a loan, or a free grant, is a matter between the Trustees of that Institution and Her Majesty's Secretary of State for the Colonies. In Sir George Grey's answer to myself, which I showed to His Excellency, and in Lord Glenelg's instructions to His Excellency, with a perusal of that which relates to the payment of the grant His Excellency favoured me, it is simply stated that His Excellency is instructed to advance the amount of the grant, without the least mention, from beginning to end, that he is to exact security of the Trustees, for the re-payment of it at the end of four years or ten years.

That this was the understanding of His Excellency is clear, not only from what passed at various interviews, but from your letter addressed by His Excellency's direction to the Receiver General, dated the 16th or 17th of August last, and the Receiver General's answer of the same date, with the perusal of both of which you favoured Mr. Green and myself. From your letter it is clear, 1st. That His Excellency had received Royal Instructions to pay £4,100 to the Trustees of the Upper Canada Academy. 2. That the only obstacle to His Excellency's immediate fulfilment of the benevolent intentions of Her Majesty's Government, was the want of funds at the disposal of the Crown. 3. That as soon as the Receiver General should report funds sufficient, the warrant would be forthwith issued for the payment of the amount. Accordingly when the Receiver General afterwards reported that there were funds sufficient to pay part of the amount, His Excellency issued his warrant for the payment of £2,050. During all this time not a word was said to any of the parties concerned about security for re-payment.

It will also be in His Excellency's recollection, that after the payment of the first £2,050, when subsequently applied to for a warrant upon the Receiver General, for the remaining £2,050 of the grant, His Excellency at different times informed the Rev. Mr. Stinson, the Rev. Mr. Evans, and myself, that he had given the Receiver General all the directions and authority which were necessary to pay the sum the very moment that Officer might have Crown Funds in his hands to do so; and on the Receiver General's repeatedly declining to advance it without a warrant from His Excellency, you stated, on Monday morning, the 22nd instant, to the Rev. Mr. Green and myself, that the Receiver General must report that there were funds in his hands sufficient to pay it before the warrant could be issued. We immediately waited upon the Receiver General, and were authorised to inform you, in reply, that there were funds. You then informed us that the Receiver General must report that there were no claims upon the fund prior to that of the Upper Canada Academy. We again waited upon the Receiver General, and were authorised to inform you, that he was prepared to report, should His Excellency desire it, that he knew of no claims upon the fund prior to that of the Upper Canada Academy. You then directed me to commit what we had stated to writing.

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APPENDIX R.—(See Journal, page 64.)

THIRD SESSION THIRTEENTH PROVINCIAL PARLIAMENT, 1st VICTORIA.

APPENDIX R.

Copy of a Despatch, transmitted by His Excellency the Lieutenant Governor, directing an advance to the Trustees of the Upper Canada Academy, of £4,100, from the Crown Revenue.

and you would inclose it to the Receiver General for his report. I sent you the statement in writing the same afternoon, and Mr. Green and myself called upon you again on Tuesday afternoon to inquire if the warrant could now be issued, when you showed us, in reply, the letter addressed by you to the Receiver General, in August last, together with his reply, and informed us that His Excellency was waiting for the report of the Receiver General there referred to; and at the moment of receiving that report, His Excellency would issue the warrant for the amount. We forthwith waited upon the Receiver General, when he addressed a note to you, informing His Excellency that he had funds in his hands to meet the claim of the Upper Canada Academy, and all other demands that he knew of. His Excellency then informed Mr. Green, who delivered the note, and who waited His Excellency's commands at your request, that he must lay the subject before his Councillors, who it seems have referred it to the Attorney General for his opinion—as to the expediency of requiring security from the Trustees of the Upper Canada Academy for the re-payment of the grant—and as to the expediency of bringing the question under the consideration of the House of Assembly.

Now, I must most respectfully and solemnly protest, against any one or more of Executive Councillors interposing between Her Majesty's Government and the accomplishment of this benevolent object. The grant has been made out of funds at the disposal of the Crown, independent of the Executive Council: the instructions of Her Majesty's Secretary of State for the Colonies were not given to the Council. It is, I submit, with Her Majesty's Government, and with Her Majesty's Government alone, to demand at any time, or not, the repayment of a part or the whole of the grant to the Upper Canada Academy, although I am prepared to state, in any form, that I inquired particularly of Lord Glenelg and Mr. Stephen, three days before the official answer of Sir George Grey was dated, whether this gracious compliance with my application was to be a loan or a grant, and was informed in reply that it was a grant; that though the House of Assembly had passed a bill for a loan only, the case was so clear and strong, that they thought the Trustees of the Upper Canada Academy really ought to have a grant. The rough draft of Lord Glenelg's official answer, by Sir George Grey, was shown to me before its final adoption, in which it was stated that his Lordship would direct the Lieutenant Governor to advance, if necessary, the amount intended to have been loaned by the Assembly's bill. At my request, the words "if necessary" were struck out, and the answer was made positive. I mention these circumstances to show, as far as my information and testimony may have weight, what must have been the intentions of the Home Government. If I had thought a more full, satisfactory and simple answer could have been given by Lord Glenelg, I have not the slightest doubt but I could have had it.

The entire silence of the Home Government on the subject of security for the repayment of the grant—the actual warrant of His Excellency for £2,050, without the intimation of such security—and the facts of the whole case, in support of every one of which ample evidence can be adduced, show, I submit, beyond a doubt, what were the intentions of Her Majesty's Government, and what has been His Excellency's own understanding of them from the beginning.

I do therefore protest against the interference of Executive Councillors in the matter. I do not wish, on the one hand, to see the Upper Canada Academy crippled, if not ruined, by such a proceeding, nor, on the other hand, to be involved in collision with Members of the local Executive before Her Majesty's Government. I therefore entreat once more that His Excellency will again take the whole case into consideration, and issue the requisite warrant for the payment of the remainder of the grant.

I have, &c.

(Signed) EGERTON RYERSON,

JOHN JOSEPH, Esq.

&c. &c. &c.

(Copy.)

GOVERNMENT HOUSE,
26th January, 1838.

SIR,

Having laid before His Excellency the Lieutenant Governor, your letter of yesterday, soliciting His Excellency to issue his warrant on the Receiver General, for the advance of the

APPENDIX S.—(See Journal, page 67.)

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

remaining moiety of the sum of £4,100, in aid of the Upper Canada Academy, I am directed by His Excellency, in reply, to acquaint you, that it is his intention, in compliance with the instructions of Lord Glenelg, to lay before the Legislature copies of the communications which have taken place between the Secretary of State and himself, on the subject of the Upper Canada Academy.

These communications will be accompanied with the information requisite for placing the Legislature in possession of the transactions which have taken place, in carrying into effect Lord Glenelg's intentions in favour of that Institution.

When His Excellency, in November last, issued his warrant on the Crown Revenue, for such a portion of the £4,100 as that fund was able to meet, consistently with prior claims, it was on the erroneous supposition that Lord Glenelg had directed the advance to be made as a grant—an error into which His Excellency had been led by your having, both in your personal interviews and your written communications, invariably spoke of the aid granted to the Upper Canada Academy, not as a loan, but as a grant, and His Excellency having no reason to doubt your accuracy, acted on that supposition: and it was not till his attention was yesterday more particularly directed to the terms of Lord Glenelg's Despatch, that he perceived that by misconstruing the intention of the Secretary of State, you had unconsciously misled him. It appears therefore to His Excellency, that, as the money he was directed to advance was in fact a loan from the Crown Revenue, made with a view to carry out the spirit of the measure which had met with the concurrence of the House of Assembly, it becomes his duty to lay the subject forthwith before the Legislature. His Excellency therefore directs me to inform you, that he must decline to make any further advance from the Crown Revenues, until the subject shall have been under the consideration of the Provincial Parliament.

I have, &c.

(Signed) J. JOSEPH.

Reverend E. RYERSON.

APPENDIX R.

Copy of a Despatch, transmitted by His Excellency the Lieutenant Governor, directing an advance to the Trustees of the Upper Canada Academy, of £4,100, from the Crown Revenue.

APPENDIX S.—(See Journal, Page 67.)

(Copy.)

No. 168.

DOWNING STREET,
20th April, 1837.

APPENDIX S.

SIR,

I have had the honour to lay at the foot of the Throne the Address from the Legislative Council to yourself, transmitted in your Despatch (No. 24.) of the 4th ultimo, explanatory of their conduct in having concurred in a bill sent up from the House of Assembly, for altering the Charter granted by His Majesty to King's College.

I have received the King's commands, to express the high satisfaction with which His Majesty regards the laudable solicitude, manifested by the Legislative Council, to avoid any encroachment on the prerogatives of the Crown, in the form of the proceeding in which they concurred for the amendment of the Charter of incorporation of King's College.

Considering however, that the Act originated in the express suggestion and recommendation of the King, conveyed through His Majesty's Secretary of State, it has not appeared to His Majesty to involve the departure from the constitutional principle to which the Legislative Council advert in their Address, and which His Majesty is well persuaded will at all times be maintained inviolate by the Legislature of Upper Canada.

I have, &c.

(Signed) GLENELG.

Lieut. Governor Sir F. B. HEAD, K. C. H.

cc. &c. &c.

A true Copy.

J. JOSEPH.

Copy of a Despatch, transmitted by His Excellency the Lieutenant Governor, having reference to the Address of the Legislative Council, explanatory of their conduct, in having passed the bill for altering the Charter of King's College.

APPENDIX T.—(See Journal, page 67.)

THIRD SESSION THIRTEENTH PROVINCIAL PARLIAMENT, 1st VICTORIA.

APPENDIX T.

APPENDIX T.—(See Journal, page 67.)

(Copy.)

No. 248.

DOWNING STREET,
27th November, 1837.

Copy of a Despatch transmitted by His Excellency the Lieutenant Governor, on the subject of the bills reserved for the signification of His Majesty's pleasure, during the first Session of the present Parliament.

SIR,

The various bills passed by the Legislature of the Province of Upper Canada, in the first session of the present year, which were reserved by you for the signification of His late Majesty's pleasure, of which I subjoin a list, have engaged the very serious attention of Her Majesty's Government; and I had indulged the hope that long ere now, it would have been in my power to have conveyed to you the decision of the Queen in Council on that subject. But the extraordinary difficulties in which the commercial world has been involved throughout the whole of the North American Continent during the present year, has rendered it at once impossible and useless to determine in what manner these bills should be disposed of—impossible, because facts essential to a correct decision of the question have hitherto been unascertained—and useless, because if the Royal Assent had been given to these bills, they could not in the existing state of trade, have been carried into effect.

On referring to the bills, it appears that the effect of them, if confirmed, would be to increase the aggregate capital of the Chartered Banking Establishments in the Province from £500,000, to £4,500,000, Currency, or in the proportion of nine to one, and to confer a power of issuing and circulating notes to the extent of £13,500,000. To introduce, at once, changes of such magnitude in the commercial and financial operations of a country possessing not more than 400,000 inhabitants—and to take that measure at a time when the local Legislature has been compelled, by the irresistible pressure of circumstances, to provide for the suspension of cash payments, by the existing Chartered Banks—is evidently impossible. To disallow the whole series of bills collectively, would be to defeat some plans which appear not only unobjectionable, but wise and well considered.

To select from the list any particular laws for confirmation, to the exclusion of the rest, would be to undertake an office, for the right discharge of which Her Majesty's Government are not prepared—since it would require a minute acquaintance with many facts, which can be accurately ascertained only within the limits of the Province itself.

Under these circumstances, the only course which it has remained for Her Majesty's Government to adopt, is that of humbly advising the Queen to suspend Her Majesty's decision on the whole of these reserved bills, until the subject should have been referred back to both Houses of local Legislature, as well as to the Lieutenant Governor of the Province, for re-consideration. In the present state of the monetary system of the whole North American Continent, so unexampled in its nature, and apparently so little expected when these laws were passed, the different branches of the local Legislature will probably be themselves desirous to resume their deliberations, regarding the measures which it would be right to adopt on the applications of the authors of these various plans.

Her Majesty has therefore been graciously pleased to command me, to instruct you to request the Legislative Council, and House of General Assembly, under the altered circumstances of the case, to take these reserved bills again into their consideration.

I am especially commanded to invite the attention of the Legislative Council, and Assembly, to the bill (No. 1,063) which would make the Provincial Government a Shareholder to a very large extent in the Upper Canada Bank, and would, in effect, render that establishment, one of the chief Departments of the local Administration. If the two Houses should finally adhere to this measure, and should express their wish to the confirmation of the bill by Her Majesty in Council, it will be your duty to deliberate, with the assistance of the Executive Council of the Province, on the various consequences, political, financial and commercial, of so remarkable an innovation—and to communicate to me, for Her Majesty's information, the result of those deliberations. A similar report should be made respecting every other bill in this series, which either House of local Legislature may still think ought to be finally enacted.

In the event of any new bill, having for its object the establishment of any Chartered Bank, being presented for your acceptance, you will have the goodness to exercise your own judgment as to the propriety of refusing your assent, or of reserving it for the signification of

APPENDIX U.—(See Journal, page 67.)

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

Her Majesty's pleasure; and which ever course may be taken, you will transmit to me a full report of the grounds and motives of your decision.

I have the honour to be,

Sir,

Your most obedient,

Humble Servant,

(Signed) GLENELG.

Sir FRANCIS HEAD,
&c. &c. &c.

A true Copy.

J. JOSEPH.

APPENDIX T.

Copy of a Despatch transmitted by His Excellency the Lieutenant Governor, on the subject of the bills reserved for the signification of His Majesty's pleasure, during the first Session of the present Parliament.

UPPER CANADA.

List of Reserved Bills, referred to in Lord Glenelg's Despatch to Sir Francis Head, of the 27th November, 1837.—(No. 248.)

- 1063.—An Act to increase the Capital Stock of the Bank of Upper Canada, and to alter and amend the Charter thereof.
- 1065.—An Act for increasing the Capital Stock of the Commercial Bank of the Midland District.
- 1066.—An Act to establish a Bank at Brockville, in the District of Johnstown.
- 1067.—An Act to incorporate certain persons under the style of the Upper Canada Loan and Trust Company.
- 1068.—An Act to incorporate sundry persons under the style and title of the President, Directors and Company, of the Bank of the Newcastle District.
- 1069.—An Act to incorporate sundry persons under the style and title of the President and Directors of the Upper Canada Life Insurance and Trust Company.
- 1070.—An Act to incorporate sundry persons under the style and title of the President, Directors and Company, of the Erie and Ontario Bank of the Niagara District.
- 1071.—An Act to incorporate sundry persons under the style and title of the President, Directors and Company, of the Prescott Bank.
- 1072.—An Act to incorporate sundry persons under the style and title of the President, Directors and Company, of the Prince Edward District Bank.
- 1073.—An Act incorporating a Joint Stock Company, under the style and title of the President Directors and Company, of the London District Bank.
- 1074.—An Act to amend the Charter, and increase the Capital Stock of the Gore Bank.
- 1075.—An Act to incorporate sundry persons under the style and title of the President, Directors and Company, of the Western District Bank.
- 1076.—An Act to incorporate sundry persons under the style and title of the Niagara District Bank.
- 1080.—An Act to incorporate sundry persons under the style and title of the President, Directors and Company, of the Freeholders' Bank of Upper Canada.

APPENDIX U.—(See Journal, Page 67.)

(Copy.)

No. 191.

DOWNING STREET,
17th June, 1837.

APPENDIX U.

SIR,

I have received your Despatch (No. 20.) of the 4th March last, reporting that in compliance with a Joint Address of the Legislature of Upper Canada you had advanced from the Provincial Chest the balance of £19,910, promised to be paid by the Imperial Parliament, on account of the War Losses in Upper Canada. I lost no time in calling the attention of the Lords Commissioners of the Treasury to the subject, in a letter, of which the enclosed is a copy, and their Lordships have recently informed me, that they will cause an estimate to be submitted forthwith to the House of Commons for the grant required

Copy of a Despatch, transmitted by His Excellency the Lieutenant Governor, having reference to the making good to this Province the sum advanced from the Provincial Chest, in compliance with the Address of the House of Assembly, to satisfy, in full, the claims for War Losses.

24th April.

N

APPENDIX U.—(See Journal, page 67.)

THIRD SESSION THIRTEENTH PROVINCIAL PARLIAMENT, 1st VICTORIA.

APPENDIX U. to make good that balance. For the reasons stated in the letter to the Treasury, the grant will be limited to £17,412 Os. 10½d.

I have the honour to be,

Sir,

Your most obedient, humble Servant,

(Signed)

GLENELG.

Lieutenant Governor Sir FRANCIS B. HEAD, Bart.

&c. &c. &c.

A true Copy.

J. JOSEPH.

Copy of a Despatch, transmitted by His Excellency the Lieutenant Governor, having reference to the making good to this Province the sum advanced from the Provincial Chest, in compliance with the Address of the House of Assembly, to satisfy, in full, the claims for War Losses.

(Copy)

DOWNING STREET,
24th April, 1837.

SIR,

With reference to the correspondence mentioned in the margin, I am directed by Lord Glenelg to enclose to you, for the information of the Lords Commissioners of the Treasury, the copy of a Despatch from Sir Francis Head, on the subject of the claims of certain parties resident in Upper Canada, to indemnification for losses sustained during the War. The Lords Commissioners of the Treasury will recollect, that by the arrangement to which they gave their sanction in January 1834, it was agreed, that whenever the Assembly of Upper Canada should raise the sum of £20,000 towards this service, an equal amount should be contributed from the Casual and Territorial Revenue of the Province; and that when this joint payment of £40,000 should have been effected, application should be made to Parliament for the sum necessary to complete the liquidation of the War Claims.

In the year 1835, a slight modification of this scheme took place, but that portion of it by which Her Majesty's Government were pledged to apply to Parliament for the excess of the claims beyond the above mentioned £40,000, was not disturbed. From the Despatch which forms the enclosure to this letter, it appears that the conditions prescribed by His Majesty's Government have been actually fulfilled by the Legislature of Upper Canada, and that anticipating the completion of the pledge heretofore given by His Majesty's Government, the Lieutenant Governor, in compliance with an Address from the House of Assembly, has advanced from the Provincial Chest the sum of £17,910, as the balance necessary to satisfy the remainder of these claims. It will consequently be necessary to apply to Parliament during the present Session, for the fulfilment of the promise made by His Majesty's Government in the year 1834, and am therefore to request that you will move the Lords Commissioners of the Treasury to direct that an estimate for that purpose should be accordingly prepared.

In the preparation of that estimate, Lord Glenelg directs me to call the attention of the Lords Commissioners of the Treasury to what appears to be an error in the calculation of the sum now due on account of the War Losses. In the abstract attached to Sir J. Colborne's Despatch of 10th April, 1833, which was transmitted to the Treasurer on the 11th of the following June, it was stated that the sum then remaining due was £57,910 8s. 1½d.; but on a careful examination of that abstract it would appear that the amount actually due was £57,412 Os. 10½d. Lord Glenelg is unable to discover in what manner this miscalculation arose in the first instance, but it would appear to have escaped Sir F. Head's notice, on the presentation to him of the Address from the Assembly.

I am also to remind you that there was paid back to the Commissariat, in 1823, the sum of £663 10s. 3½d. out of the amount granted in that year.

The total sum therefore for which it would seem necessary now to apply to Parliament would be £16,748 10s. 7d., which, with the amount paid back in 1823, would make up the sum of £17,412 Os. 10½d. required to complete the payment of these long pending claims.

I am, &c.

(Signed)

J. STEPHEN.

A. G. SPEARMAN, Esq.

APPENDIX V.—(See Journal, page 67.)

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

APPENDIX V.—(See Journal, Page 67.)

APPENDIX V.

(Copy.)

No. 249.

DOWNING STREET,
28th November, 1837.

SIR,

With reference to my Despatch (No. 240) of the 30th October last, I have the honour to transmit to you, an order passed by Her Majesty in Council, on the 18th instant, disallowing the Act (969) of the Provincial Parliament, for granting the privilege of Franking to the Members of the Legislature. The order is accompanied by an extract from the report of the Lords of the Committee of Privy Council for Trade, stating their Lordship's reasons for advising Her Majesty to disallow this Act.

Copy of a Despatch, transmitted by His Excellency the Lieutenant Governor, and an Order of Her Majesty in Council, disallowing the Act passed during the first Session of the present Parliament, for granting the privilege of Franking to the Members of the Legislature.

I also transmit, in accordance with the provisions of the Act, 31 Geo. III. Chap. 31, my certificate as to the day on which the said Act was received at this Department.

I have the honour to be,

Sir,

Your most obedient Servant,

(Signed) GLENELG.

To Sir F. HEAD, Bart.

&c. &c. &c.

A true Copy.

J. JOSEPH.

(Copy.)

AT THE COURT AT BUCKINGHAM PALACE, THE 18TH NOVEMBER, 1837.

PRESENT:

THE QUEEN'S MOST EXCELLENT MAJESTY.

LORD CHANCELLOR,
LORD PRESIDENT,
LORD PRIVY SEAL,
LORD STEWARD,
LORD CHAMBERLAIN,
EARL OF ALBEMARLE,
EARL SPENCER,
EARL OF MINTO,LORD JOHN RUSSELL,
VISCOUNT MELBOURNE,
VISCOUNT HOWICK,
LORD HOLLAND,
LORD GLENELG,
SIR CHARLES VAUGHAN,
MR. POULETT THOMPSON,
SIR JOHN HOBHOUSE, BART.

MR. CHANCELLOR OF THE EXCHEQUER.

Whereas the Governor of Her Majesty's Province of Upper Canada, with the Council and Assembly of the said Province, did, in the month of March last, pass an Act, which has been transmitted; entitled as follows, viz:

No. 969.—“An Act to authorise the Members of the Legislative Council, and House of Assembly of this Province, to frank letters by the General Post, during the Sessions of the Legislature”;

And whereas, the said Act has been referred to the Committee of the Lords of Her Majesty's Most Honourable Privy Council, appointed for the consideration of all matters relating to Trade and Foreign Plantations: and the said Committee have reported as their opinion to Her Majesty, that the said Act should not receive Her Majesty's Royal confirmation.

Her Majesty was thereupon this day pleased, by and with the advice of Her Privy Council, to declare Her disallowance of the said Act, and the same is hereby disallowed accordingly: Whereof the Governor, Lieutenant Governor, or Commander-in-Chief, for the time being, of Her Majesty's Province of Upper Canada, and all other persons whom it may concern, are to take notice, and govern themselves accordingly.

(Signed) WILLIAM L. BATHURST.

Extract from a Report of the Lords of the Committee of Privy Council for Trade, upon Upper Canada Act, (No. 969,) bearing date 17th November, 1837.

The Lords of the Committee having taken the said Act into consideration, humbly take leave to report as their opinion to Your Majesty, that this Act should be disallowed, because the power of franking given by this Act will be exercised in respect of the charge to which letters are liable, in respect of their conveyance beyond the limits of the Province of Upper Canada.

APPENDIX W.—(See Journal, page 68.)

THIRD SESSION THIRTEENTH PROVINCIAL PARLIAMENT, 1st VICTORIA.

APPENDIX V. (Copy.)

I, CHARLES, BARON GLENELG, one of Her Majesty's Principal Secretaries of State, having the Department of War and the Colonies, DO HEREBY CERTIFY, that the Act passed by the Legislature of the Province of Upper Canada, on the 4th March, 1837, entitled, "An Act " to authorise the Members of the Legislative Council, and House of Assembly of this Province, " to frank letters by the General Post, during the Sessions of the Legislature," was received at this Department, on the thirty-first day of May, one thousand eight hundred and thirty-seven.

Given under my Hand and Seal, this twenty-third day of November, one thousand eight hundred and thirty-seven.

(Signed) GLENELG.

APPENDIX W.

APPENDIX W.—(See Journal, Page 68.)

TORONTO, 25th January, 1838.

SIR,

Letter from James Fitz-Gibbon, Esquire, to the Honourable the Speaker, on the subject of the vote of thanks of the Legislative Council, of the 2nd day of January, 1838.

I yesterday received from the Adjutant General of Militia, a copy of the Resolutions of the Honourable the Legislative Council, of the 2nd instant, thanking me for my services in defence of the Province.

This honour was wholly unexpected by me: I therefore feel the more gratified by it;— But when I saw how even the aged men, and the youths of the City, hastened to take Arms— and how all classes of our fellow-citizens formed themselves together in the same ranks— and when I saw you, Sir, the most elevated individual belonging to our Province, armed and accoutered as a Private Militia-man, and standing in the ranks of one of the companies—my mind was excited and stimulated in the highest degree, to aid in organizing our force, and directing the zeal and the energies of men who only wanted Military instruction.

If, with the share of Military knowledge gleaned by me in early life, and with a constitution strengthened by early hardships, and ever active habits, I have been enabled to endure and to labour more than many of my neighbours, I cannot therefore consider myself deserving of much more distinction on that account; but if any thing could be more gratifying to me than the expression of the Council's approbation, it was the ready—the cheerful—the animated obedience of every man, of every condition—then promptly, and I can truly say, affectionately assembling together, to punish the enemies of our peace and of our happiness, and of the Institutions by which that peace and happiness are secured to us.

To men whose public spirit produced such excellent conduct, no praise can be too great; and now, after a lapse of nearly two months, while many thousands of our Militia, comprising all classes of Her Majesty's Subjects in this Province, are performing Military duty in the depth of a Canadian winter, and in this exciting time of civil commotion, exposed to many hardships and privations, when I can now declare that I have not heard of one crime being committed by them in the Province, I think I may claim for them the admiration of all their fellow Subjects of the great Empire to which they belong. To these men I feel chiefly indebted, under Divine Providence, for my share of the success which has attended the few operations under my direction; and to the Legislative Council my gratitude is due for the generous notice they have been pleased to take of my humble efforts in the public service.

I have the honour to be,

Sir,

Your most obedient,

Humble Servant,

JAMES FITZGIBBON.

To the Honourable JOHN BEVERLEY ROBINSON,

Speaker of the Honourable the Legislative Council,
&c. &c. &c.

APPENDIX X.—(See Journal, page 80.)

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

APPENDIX X.—(See Journal, Page 80.)

APPENDIX X.

TORONTO, 27th January, 1838.

SIR,

I have the honour to acknowledge the receipt of your letter of the 26th instant, conveying His Excellency's answer to my application respecting the issuing of his warrant for the remainder of the grant to the Upper Canada Academy, and beg to say in reply, that I delivered to His Excellency Lord Glenelg's instructions on the subject within an hour after my arrival from England; that His Excellency read them, and then desired a day to consider them.

Copy of a letter addressed to the Private Secretary of His Excellency the Lieutenant Governor, and the reply thereto.

I waited upon His Excellency the following day, when he expressed his ardent wish to give immediate effect to Lord Glenelg's instructions, but stated the reasons of his inability to do so—want of funds.

Then, and not till then, did any conversation, to the best of my recollection, take place on the subject of the grant; but that conversation had reference to the proceedings of the local Legislature, His Excellency endeavouring to convince me that I had an erroneous view of the intentions of the Legislative Council in relation to the Upper Canada Academy bill.—On my immediately referring to Sir George Grey's answer to my application, His Excellency expressed a desire to see it—a day or two afterwards I showed it to His Excellency, upon which he remarked, that it left him no discretion but to advance the amount as soon as he had it at command, which it was his wish to do. Then reading a part of Lord Glenelg's instructions, His Excellency observed, that they did leave him "a loop hole" (to use His Excellency's own phrase) if he chose to avail himself of it; but that it was quite clear from Sir George Grey's letter that he had no discretion in the business. His Excellency has at various times repeated this statement in almost every form of speech to the Reverend Messrs. Stinson and Evans, as well as to myself. At the same interview, in which I showed His Excellency Sir George Grey's letter, His Excellency assured me that, though he thought Lord Glenelg had not treated the Legislative Council well in the business, yet he would not delay the fulfilment of His Lordship's instructions on that account, but would give effect to them as early as possible. I must therefore disclaim all responsibility in either leading or "misleading" His Excellency in his understanding of Lord Glenelg's instructions. I submit that His Excellency's reading and re-reading of Lord Glenelg's instructions, and twenty-four hours consideration of them, with his acknowledged acuteness of understanding and his subsequent perusal of Sir George Grey's letter, was ample to an unbiassed interpretation of His Lordship's benevolent intentions. How any casual observations of mine, with a view to "mislead" His Excellency—a thought which never entered my breast—could have led him into so egregious an error, in connexion with such documents and facts, is, I confess, beyond my comprehension, even upon the assumption that I had made observations of that character.

I think it just also to observe, that when I published in the *Guardian* of the 4th of July—four weeks after the delivery of Lord Glenelg's instructions to His Excellency—the communications between Her Majesty's Government and myself on the subject, I made not one word of comment upon them. I made some observations on the proceedings of the Legislative Council; but simply observed in reference to the documents—"I transmit for insertion in the *Guardian*, the conclusion of my correspondence with His Majesty's Government, on the subject of the Upper Canada Academy." The impression therefore of the public, in relation to this affair, was derived from reading the official documents themselves.

I have indeed, always spoken of the aid given by Her Majesty's Government as a grant, because I so understood it in my interviews with Lord Glenelg and Mr. Stephen, as stated in my letter of the 25th instant, because Sir George Grey's letter made no allusion whatever to that aid being suspended upon the compliance of the Trustees with certain conditions, and because that letter itself was worded in accordance with my own wishes—I not suspecting for one moment, that legal skill was hereafter to be employed in the matter to the disadvantage of the Institution, and to the disparagement of that liberality which best comports with the dignity of the British Crown: and I must respectfully repeat, that it is a circumstance, I believe, without precedent, in the annals of British Colonial History, for a Governor to derive his views of the instructions of the Secretary of State for the Colonies, from a private individual, instead of the

APPENDIX X.—(See Journal, page 80.)

THIRD SESSION THIRTEENTH PROVINCIAL PARLIAMENT, 1st VICTORIA.

APPENDIX X.

Copy of a letter addressed
to the Private Secretary
of His Excellency the
Lieutenant Governor, and
the reply thereto.

Royal written instructions before him—views, too, essentially at variance with his instructions; and especially when, in the very nature of things, he must have read those instructions before he had any conversation with that individual, and without the perusal of which instructions, he could not possibly have known the special object for which that individual had waited upon him—had waited upon him also within an hour after his arrival in this Country, and had arrived two days before the mail, so that information of his object could have been derived from no other source than the very Despatches which he then delivered, and which were read and considered twenty-four hours before any expression of opinion respecting them.

I must therefore decline the honour and responsibility of directing His Excellency's understanding of Lord Glenelg's instructions, from the 9th of June last until the day before yesterday morning, when, by the note addressed from the Government House to the Attorney General, it appears that "one or two Councillors" thought that Lord Glenelg's instructions might be interpreted as a loan, as well as a grant; although it is known that the people of Upper Canada have been appealed to, and Councillors have been dismissed by His Excellency, because they insisted upon giving their advice in other than land matters.

Nor do I think it foreign to the present subject to remark, that during my stay of eighteen months in England, I did, to the best of my humble ability and judgment, and at the expense of much personal inconvenience, bestow diligent attention to matters of importance to the interests of the Province—as has been acknowledged by many competent judges; and the spontaneous exertions of the general body, under whose auspices the Upper Canada Academy has been established, during a most eventful crisis of our Provincial history, have been such as to render the present attitude of His Excellency, and certain Executive Councillors, as unexpected as it is undeserved—an attitude, it will be remembered, assumed since the announcement of His Excellency's retirement from the Government of this Province, and since the publication by Ministers of the Wesleyan Methodist Church of a feasible, but in some quarters not popular plan, for settling the Clergy Reserve question—an attitude, the object of which cannot be mistaken, whatever may be the reasons assigned for it, and under whatever profession of regard to the interests of that Institution it may be assumed.

And the present course adopted by His Excellency will appear still more extraordinary, when it is recollected, that his capital error in the interpretation of Lord Glenelg's instructions was not discovered, nor the advice of Executive Councillors called for, until after I had succeeded in removing every variety of previous objection which had been urged against issuing the requisite warrant upon the Receiver General, and even after His Excellency had, some weeks since, assured two respectable gentlemen beside myself, that he had, even at that time, given the Receiver General every necessary authority to pay the amount, without any further instructions or warrant.

Having thus vindicated myself from the unexpected and very extraordinary imputations involved in your letter, I have only further to observe, that I shall, as in duty bound, appeal to Lord Glenelg himself, for the interpretation of his benevolent intentions; although, in the mean time, at the close of the present term, the operations of the Upper Canada Academy must be suspended until His Lordship's pleasure shall have been obtained.

I have, &c.

EGERTON RYERSON.

J. JOSEPH, Esq.

&c. &c. &c.

A true Copy.

(Signed) J. JOSEPH.

(Copy.)

GOVERNMENT HOUSE, TORONTO,
30th January, 1838.

SIR,

I have the honour to acknowledge the receipt of your letter of the 27th instant, which I have laid before His Excellency the Lieutenant Governor.

His Excellency, in reply, desires me to inform you, that all you state as having transpired at your first interview with him, on your return from England, is correctly detailed; and His

APPENDIX Y.—(See *Journal*, page 80.)SIR FRANCIS BOND HEAD, BARONET, K. C. H. *Lieutenant Governor.*

Excellency having no other desire than to carry into effect Lord Glenelg's instructions, would, without hesitation, have then paid to the Trustees of the Upper Canada Academy, the whole of the sum directed to be advanced, had the fund on which the warrant was to issue, admitted of that disbursement—conceiving, as he did, that the advance was to be made as a grant. His Excellency, up to the date of your application of 21st instant, and indeed up to the present moment, had, and has every disposition to comply with the request of the Trustees, for the advance of the remaining moiety of the sum in question; but on his attention having been particularly directed to the terms of Lord Glenelg's Despatch, (as I mentioned to you in my letter of the 26th instant,) he perceived he had hitherto been in error. It therefore became imperative on His Excellency to lay the subject before the Legislature; and it is with regret he perceives that his having so done is regarded by you as a proceeding adopted with a view to embarrass the benevolent intentions of Lord Glenelg, or cripple the exertions of the Trustees of the Upper Canada Academy.

The feelings which His Excellency entertains towards the great body of the Wesleyan Methodists throughout the Province, would at all times induce him to give his most cordial support to their praiseworthy endeavours, for promoting the religious and moral education of the youth of Upper Canada.

I have, &c.

(Signed) J. JOSEPH.

A true Copy.

J. JOSEPH.

APPENDIX Y.—(See *Journal*, Page 80.)GOVERNMENT HOUSE, TORONTO,
30th, *January*, 1838.

SIR,

When I had the honour of addressing Your Excellency on the subject of the destruction of the *Caroline*, I contented myself with sending you a statement of the facts as they were reported to me officially, corroborated by several affidavits. I did not think it necessary to trouble you, either with arguments of my own upon the unreasonableness of the complaint which was made on account of that transaction, or with any contradiction or notice of the extraordinary misstatements which were going the rounds of some of the American Newspapers.

Upon this latter point, I was the less careful to put you on your guard, because from numerous remarks made in respectable American papers, I perceived it to be very notorious there, as well as here, that no credit could be attached to the accounts given of Canadian affairs, in the papers printed along the frontier of the United States. I believe I should scarcely err, if I were to say, that in most of them nothing has been stated truly from the beginning, and that in many of them not the slightest regard appears to have been paid to truth.

Since I wrote to you, I have learned nothing that would authorize my receding in any point from the statement then given; and it was with no less astonishment than disappointment that I found either the Government of the State of New York, or the Federal Government, adopting as true, the most false and exaggerated statement of the destruction of the *Caroline*, and not hesitating to speak of that just and rightful act of self-defence, as an assassination of American Citizens. I must confess that I cannot but look upon the application of such a term to such an act, as scarcely a less outrage than any of those gross infractions of their rights, which have compelled the people of Upper Canada to arm in their defence.

Though it has been variously stated, that from twelve to twenty-two peaceable Citizens of Buffalo were murdered in the *Caroline*, I have not yet found that the name of a single person has been ascertained, or even mentioned, as having perished on that occasion, except one Durfee, who, I am informed, was killed in arms, and who, moreover, was really a British Subject, usually resident in Canada until within the last few months. I only recur to these circumstances, because I am desirous of vindicating the gallant men who performed this plain and necessary act of duty to their Country, from the charge of wanton cruelty. If the resistance they met with had led to a further loss of life, their conduct would not have been the less justifiable. It is almost too obvious an observation to make, that if an army of American

APPENDIX X.

APPENDIX Y.

Copy of a Despatch,
from His Excellency Sir
Francis B. Head, Bart.
Lieutenant Governor of
Upper Canada, to His
Excellency Henry S. Fox,
Her Majesty's Minister at
Washington.

APPENDIX Y.—(See Journal, page 80.)

THIRD SESSION THIRTEENTH PROVINCIAL PARLIAMENT, 1st VICTORIA.

APPENDIX Y.

Citizens had taken up a position on their side of the Niagara River, at a point where no island intervened, and had begun battering the houses and people upon our shore, and if this shameful aggression, with guns taken from the United States' arsenals, had continued for weeks, without any effectual interposition on the part of the American Government, Her Majesty's Subjects would have had an unquestionable right to attack the batteries, and disperse the lawless band which carried on this disgraceful warfare—and of course a right to attack any boat or vessel employed in their service, and carrying them guns or men. To call so necessary an act of self-defence a violation of neutrality, would of course be absurd—whatever insult or injury it would occasion to American territory must be ascribed to that portion of their own Citizens who were in arms against their authority, and committing outrages on their unoffending neighbours. This being so, it can surely make no difference favourable to the United States, that the army of American Citizens did in this instance, first commit the gross wrong of taking forcible possession of British ground, that they might fire more effectively from thence—it was merely taking two steps in committing the injury, instead of one.

Your Excellency, I dare say, has not failed to observe, that at a criminal court in the State of New York, an indictment has been found for murder against Captain Drew, and others who are supposed (but some of them erroneously) to have been present at the capture of the *Caroline*. I cannot but believe that the American Government will feel it to be due, no less to their own character than to their relations with Great Britain, to interest themselves in arresting any such proceeding. The act was done by public authority, in the prosecution of a warfare to which this Province was driven by the outrageous aggressions of American Citizens. The British Nation is to answer for it, and not individuals zealously acting in her service.

Your Excellency will have learnt from various channels, the occurrences which have taken place on our western frontier, opposite to the State of Michigan. There a large force, stated in the newspapers of Detroit not to be less than 1,000 or 1,200 in number, with arms and artillery taken from one or more public arsenals, attempted to invade this Province, and did, indeed, actually possess themselves of the Island of Bois Blanc, in the River Detroit. With an armed Schooner they commenced battering the town of Amherstburgh, and intended on the next day to have made a descent on the main land, but their further progress was arrested by the gallant conduct of some Militia volunteers, who attacked and boarded the Schooner, and took several prisoners, together with the guns, arms and military stores on board of her. A considerable military force is now stationed on our western frontier.

I send you the Proclamations issued by Mr. Sutherland, an American Citizen, who styled himself General of the 2nd Division of the Patriot Army, VanRensselaer's band of ruffians, I suppose, forming the first. These will shew you the nature and object of the expeditions to whose attacks the people of Upper Canada have been exposed.

Among the prisoners taken on this last occasion were several American Citizens.

I need scarcely state to you, that the necessity of being armed at all points along our extensive frontier, has occasioned an enormous expenditure to the British Government. The American, I perceive, has called on Congress to provide \$600,000 for the pay and outfit of a force necessary to keep down the excitement on the Niagara frontier alone. You will readily understand, therefore, how much greater must be the expense which this Government is put to by the preparations necessary to meet attacks at various points. The hostile spirit manifested in Michigan, appeared likely to be attended with more serious consequences than the movements along the Niagara frontier.

I send Your Excellency a copy of some correspondence which has taken place since Major General Scott's arrival at Buffalo. Fortunately the pirates have dispersed without any thing farther occurring that can give rise to controversy, and I have no doubt their removal was hastened by the active measures at length taken by the American Government for preventing their receiving supplies of arms and provisions. It would give me pleasure if I could add, that in the conduct of the American Militia stationed on Grand Island, or in the construction which the Officers of the American Government seemed disposed to put upon the relative rights of the two Countries, under the extraordinary circumstances in which they were placed, I have discovered satisfactory proof of a spirit calculated to contribute to the restoration of permanent tranquillity.

Copy of a Despatch,
from His Excellency Sir
Francis B. Head, Bart.
Lieutenant Governor of
Upper Canada, to His
Excellency Henry S. Fox,
Her Majesty's Minister at
Washington.

APPENDIX Y.—(See Journal, page 80.)

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

APPENDIX Y.

When a people has been insulted and aggrieved, as the people of Upper Canada have been, it is not to be supposed that they can feel it necessary to perplex themselves with researches into books upon the law of Nations—they will follow a more unerring guide in obeying the irresistible natural instinct of self-preservation. By the cannonading from Navy Island three inhabitants of this Province have been killed—there is no extenuating circumstance which can make the offence less than murder; and if it can be claimed as a right on this, or upon other occasions, that the perpetrators shall be allowed to escape with impunity into the country from whence they came in an armed body, to commit these flagitious outrages—if it be maintained that to cross the line of division through the waters of the Niagara to destroy them, or to cut off their resources, is a violation of American neutrality, then it can only follow, that when the American people are suffered to commit such gross outrages upon the Province of Upper Canada, they must bring upon themselves the consequences of a public war, for unquestionably the right of self-defence will be exercised—it is not in the nature of things that it should be forborne.

Copy of a Despatch,
from His Excellency Sir
Francis B. Head, Bart.
Lieutenant Governor of
Upper Canada, to His
Excellency Henry S. Fox,
Her Majesty's Minister at
Washington.

I am upon the point of being succeeded in the Government of Upper Canada, by Colonel Sir George Arthur, and I cannot depart from the Province without offering to Your Excellency, on the part of its inhabitants, my most grateful thanks for your prompt and able interposition to protect them from foreign aggression. I have been extremely gratified by the earnest solicitude shown by Your Excellency, to discharge your delicate and important duties satisfactorily and with effect. I can assure Your Excellency, that the people of Upper Canada feel deeply how much they are indebted to you, as the Minister of their Sovereign, for your conduct on this anxious and important occasion.

I have the honour to be,
With the highest consideration,
Your Excellency's most obedient humble Servant,

(Signed) F. B. HEAD.

His Excellency HENRY S. FOX,

&c. &c. &c. Washington.

P R O C L A M A T I O N .

T O T H E P A T R I O T A R M Y O F U P P E R C A N A D A .

Companions in Arms!

True courage is always accompanied with high honour, and with mercy to a subdued enemy.

We fight not for plunder, or power to oppress, but for liberty and sacred rights, and the common cause of all mankind.

Our friends have been plundered, and driven from their homes—their wives and daughters dragged from their beds, and exposed to the most outrageous insults—and almost every part of our territory is groaning under the most insupportable tyranny.

To redress these wrongs we are assembled in arms. Let us behave like men who love justice, and scorn and defy oppression.

Soldiers of Liberty!—In order to ensure success and a glorious victory, it will be necessary to enforce the most rigid military discipline.

No one, having joined the Army, will be allowed, without permission of the Commanding Officers, to leave the ranks. Every desertion will be punished with death.

All orders must be strictly obeyed. No one must act, under any circumstances, but in obedience to the orders of the Officer having command.

Every person NOT IN ARMS must be protected in his person from all harm.

All private property must be respected. Not a single infringement of private rights or possession will escape the most severe punishment.

No one not in arms or regularly enrolled, will be permitted to follow the camp. Every idler will be taken up and punished.

APPENDIX Y.—(See Journal, page 80.)

THIRD SESSION THIRTEENTH PROVINCIAL PARLIAMENT, 1st VICTORIA.

APPENDIX Y.

Companions and Soldiers!—We march to restore, not to destroy good order—to preserve, not to violate wholesome laws—to establish equal rights and justice—yielding to others as rigidly as we demand our own.

THO'S. J. SUTHERLAND,

Brigadier General,

Commanding Second Division, Patriot Army, U. C.

Head Quarters, Second Division,

Bois Blanc, U. C. January 9th, 1838.

Copy of a Despatch, from His Excellency Sir Francis B. Head, Bart. Lieutenant Governor of Upper Canada, to His Excellency Henry S. Fox, Her Majesty's Minister at Washington.

P R O C L A M A T I O N .

T O T H E P A T R I O T I C C I T I Z E N S O F U P P E R C A N A D A .

You are called upon by the voice of your bleeding country to join the Patriot Forces, and free your land from tyranny. Hordes of worthless parasites of the British Crown are quartered upon you to devour your substance—to outrage your rights—to let loose upon your defenceless wives and daughters a brutal Soldiery!

Rally then around the Standard of Liberty! and victory, and a glorious future of independence and prosperity, will be yours.

THO'S. J. SUTHERLAND,

Brigadier General,

Commanding Second Division, Patriot Army, U. C.

Head Quarters, Second Division,

Bois Blanc, U. C. January 9th, 1838.

P R O C L A M A T I O N .

T O T H E D E L U D E D S U P P O R T E R S O F B R I T I S H T Y R A N N Y I N U P P E R C A N A D A .

You are required to lay down your arms, and return quietly to your homes. The Patriot Army of Upper Canada desire not bloodshed. We fight only for liberty, and personal and public safety.

Your persons and property shall be protected—all your private rights preserved to you—your homes secured—your possessions untouched—on condition that you yield up your weapons, and return to your accustomed occupations.

You are now enjoying a moiety of liberty vouchsafed to you from motives of caprice or interest on the part of your Rulers. We will secure to you all the blessings of freedom by a permanent and honourable tenure.

Avoid, then, the horrors of war. Enrage not soldiers already exasperated by oppression. Save yourselves from confiscation. Cease resistance, and all will be well with you.

THO'S. J. SUTHERLAND,

Brigadier General,

Commanding Second Division, Patriot Army, U. C.

Head Quarters, Second Division,

Bois Blanc, U. C. January 10th, 1838.

(Copy.)

SANDWICH, U. C.

6th January, 1838.

To His Excellency STEVENS T. MASON, Governor of the State of Michigan:

DEAR SIR,

As the organ of the Magistrates here, and by their desire, I lose not a moment to inform you, that from clear and unquestionable authority, who were eye-witnesses to the fact last night, we learn that a schooner, laden with arms, ammunition, provisions, and from eighty to one hundred men, left Detroit this morning, on her way down the River, with the intention of either attacking this frontier, or taking possession of the Islands belonging to our Sovereign called Bois Blanc, and Fighting Island, or one of them. The schooner, I am informed, is called

APPENDIX Y.—(See Journal, page 80.)

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

the "Anne."—She is at this moment slowly proceeding down the River, and close upon your side, below Spring-well, and is towed by a boat with several men in it; she has also two cannon on board. I am also credibly informed, that a large body of men are met at Fort Gratiot, for the express purpose of joining the rebels and fugitives from this Country—and that the Steam-boat "Macomb" has proceeded from Detroit to afford them succour; and we are also correctly informed, that our enemies possessed themselves last night, from the Gaol in Detroit, of a large quantity of arms, and also a waggon-load of gun-powder, from the Powder-house in your City. We are further correctly informed, that they are raising volunteers, arms and ammunition, at Munroe, to support the rebels and their adherents.

We rely on the sincerity of your declaration, that you, as Chief Magistrate of the opposite State, will do all in your power to preserve the peace—to prevent your people from committing a breach of their laws—and to maintain the amity which at present subsists between Great Britain and the United States. We beg leave to repeat our former assertion, that we are prepared for any attack; but we again earnestly call upon you to take such immediate and energetic steps as will prevent bloodshed, and secure the peace of your countrymen and ours from being broken and destroyed. We at the same time beg to assure you, that no exertions on our part shall be wanting to attain that very desirable object; but unless prompt and immediate steps are taken, we will not conceal from you our firm conviction, that hostilities will have commenced, and blood be shed within the next few hours.

I have the honour to be,

Dear Sir,

Your very obedient Servant,

(Signed) JOHN PRINCE.

(Copy.)

DETROIT,
January 6th, 1838.

DEAR SIR,

Your favour of this morning has been received. I most sincerely regret that matters are assuming so serious an aspect on our borders. We have despatched a Marshal* to seize the Schooner now proceeding down the river. The "Macomb" was stopped, her Captain arrested, and her lading examined, but nothing could be found to justify detaining her in port. A Deputy Marshal has been despatched to Monroe, and one to Fort Gratiot, with authority to call out the power of the respective Counties, to arrest all persons found in arms. A meeting of our Citizens will be held at three o'clock this afternoon, to enrol a volunteer force to aid in enforcing the Laws in this City. I need not again express my determination to do all in my power to prevent the violation of the amity now existing between our Governments.

Very respectfully,

I am, &c.

(Signed) STEVENS T. MASON.

JOHN PRINCE, Esquire, Sandwich.

N. B.—The Marshal did go down with about twenty-five unarmed men; when he got within hail of the Schooner, they cautioned him and his party not to come within thirty rods of her, stating that she knew nobody, and would not recognise any law or people; and that if he and his boat advanced nearer they would fire on him. He then returned to Detroit the same evening.

(Signed) JOHN PRINCE.

(Copy.)

BOIS BLANC ISLAND,
Malden, 8th January, 1838.
Six o'clock, A.M.

GOVERNOR MASON, &c.

DEAR SIR,

On the return of the Steam-boat "United" from her unsuccessful attempt last Saturday, to bring back to Detroit the Schooner "Anne," pursuant to Your Excellency's instructions, three companies of our Militia, besides several volunteers, (of whom I form one) proceeded to Amherstburgh, with a view of defending that Town, and in hopes of meeting the rebels and their adherents and supporters at this place.

APPENDIX Y.

Copy of a Despatch, from His Excellency Sir Francis B. Head, Bart. Lieutenant Governor of Upper Canada, to His Excellency Henry S. Fox, Her Majesty's Minister at Washington.

APPENDIX Y.—(See Journal, page 80.)

THIRD SESSION THIRTEENTH PROVINCIAL PARLIAMENT, 1st VICTORIA.

APPENDIX Y.

Copy of a Despatch,
from His Excellency Sir
Francis B. Head, Bart.
Lieutenant Governor of
Upper Canada, to His
Excellency Henry S. Fox,
Her Majesty's Minister at
Washington.

But I regret to say that we have, for the present, been disappointed; I however deem it proper to inform Your Excellency, as Governor of the State of Michigan, that the above-mentioned Schooner was at anchor last evening opposite the lower end of Grosse Isle, at a wharf near Gibraltar, and that she had on board seven hundred stand of arms, being no doubt the same arms of which she possessed herself from the gaol at Detroit. There are, moreover, many hundred of our enemies there, and they have some heavy cannon, which they fired about ten times last evening, and twice during the night. All these facts are within our knowledge. From the conversation which my friend, Mr. Charles Baby, had with Your Excellency on Saturday last, I was greatly in hopes that the Schooner and her cargo, as well as many of her crew, would ere this have been taken under your authority, and dealt with according to law. I now, with the concurrence of my brother Magistrates, beg to enquire whether Your Excellency will permit our Forces on this side to attack the Schooner,† with a view of taking her, and those who may attempt to defend her. If you consent to this our request, we will at once proceed to the attack; and we solicit this favour at your hands, because we are unwilling to commit any act which may be construed into aggression, or a breach, by us, of that amicable understanding which subsists between our Government and yours, notwithstanding our conviction that the Men, and Schooner, and Arms in question, are intended to act hostilely towards us. Mr. Mercer, one of our Magistrates, has undertaken to deliver this to Your Excellency, and a reply to him will be thankfully received by—

Your Excellency's most Obedient
Humble Servant,

(Signed) JOHN PRINCE.

† She was at this time anchored on the American shore, and it was with the utmost difficulty that I was able, by my advice, to restrain our Men (Officers and all) from going from Amherstburgh in a large Schooner, to attack and capture the "Anne," so lying on the opposite side.

(Signed) J. PRINCE.

(Copy.)

ADJUTANT GENERAL'S OFFICE,
Detroit, January, 8th 1838.

To the Civil Authority of Sandwich, Upper Canada.

I have the honour to inform you, by direction of His Excellency the Commander-in-Chief, that by twelve o'clock at noon, this day, the Steam-boats *Erie* and *General Brady*, will leave this City, with a sufficient armed force, to proceed to the mouth of this river, to enforce the laws of the United States against armed men who attempt a violation of the same. This communication is given with the view of informing you of the fact, that His Excellency the Governor is with the detachment, and will do all in his power to allay this unfortunate excitement, and that you may understand this movement.*

Very respectfully,
Your Obedient Servant,

J. E. SCHWARZ,
Adjutant General, Michigan.

* This movement was not attended with any good result.

(Signed) J. PRINCE.

(Copy.)

AMHERSTBURGH, UPPER CANADA,
9th January, 1838.

(Four o'clock, A. M.)

To His Excellency STEVENS T. MASON, Governor of the State of Michigan.

DEAR SIR,

I presume that you have received my letter of yesterday's date. The enemy commenced her attack upon us, about sun-set last evening, by firing two cannon shots. Her force, we are informed, consists of the Schooner or Sloop, believed to be the "Anne," referred to in my former letter, also two Scows, and divers Boats, a large Schooner, three Field-pieces, two Twelve-pounders, and one Six-pounder, besides a large quantity of Arms, and some hundreds of Men. One Schooner (the "Anne") sailed up in front of Amherstburgh, along the British channel, between the town and Bois Blanc; this evening our people fired upon her, (knowing her to be

APPENDIX Y.—(See Journal, page 80.)

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

the enemy,) and she returned the salutation by two cannon shots. The Steam-boat "United," which was very innocently bringing down some passengers from Sandwich to Amherstburgh, was also complimented with two musket shots from (as it is supposed) one or two American Steamers proceeding up the river. The Schooner, supposed to be the "Anne," then steered from Amherstburgh round the northern end of Bois Blanc. The large Schooner is at anchor at the south end of Bois Blanc, and there are lights on Hickory Island, which induce a belief by us, that she has moved near her the Scows and small Boats above referred to. We assume that the enemy will possess himself (if he has not already done so) of Bois Blanc forthwith. He is lying at anchor opposite to us. We have no hesitation in pronouncing him to be regardless of all laws, and a plunderer and pirate. My object is to secure him, to make him amenable to the laws of this Country, and in the name of the Civil Authorities of Upper Canada, as well as in the name of common justice, I now call upon your Excellency, as the Governor of Michigan, to assist us, the Subjects of your natural ally, in preventing this enemy from touching upon, or holding any intercourse with the shores of Michigan, whereby we* hope to be enabled to capture her, and to bring her to that bar of justice which will deal with her according to her merits.

I have the honour to be,
Your Excellency's
Most obedient humble Serv't.

(Signed) JOHN PRINCE.

* Colonel Radcliffe, (the Commandant) here, among others.

(Signed) J. PRINCE.

(Copy.)

DETROIT, *January 9th, 1838.*

DEAR SIR,

Your letter of this date has been received, and laid before the District Attorney of the United States. For your further information, I enclose you the copy of a letter which I have addressed to the Magistrates of Sandwich, in reply to their communication of the same date.

Very respectfully,
Your obedient Servant,

(Signed) STEVENS T. MASON.

To JOHN PRINCE, Esquire,
Sandwich, Upper Canada.

(Official.)

EXECUTIVE DEPARTMENT, DETROIT,
January 9th, 1838.

GENTLEMEN,

The controversy now pending in the Province of Upper Canada, and immediately on the frontier of this State, is beginning to assume so serious a character, that I deem it my duty officially to communicate to you my positive relatives and duties in the premises. Heretofore I have as an individual, rather than in my official capacity, expressed to you and others my desire to preserve the friendly relations existing between the Government of the United States and that of Great Britain, but in the ground now taken, I maintain the position of Governor of a sovereign and independent State of the American Confederacy. I will abide by it, and give you my assurance that I will not abandon that position. You are perhaps well aware, that the General Government of the United States is composed of separate and independent States, with certain delegated powers to the Federal Head: amongst these delegated powers are all the relatives of peace and war, and intercourse with foreign nations. In furtherance of the powers which have been surrendered by the States, the General Government have enacted certain laws for the preservation of neutrality, and the guarantees of the faith of treaties between itself and other Governments. The executive of these laws does not belong immediately to the State Authorities, but is vested in a District Judge, District Attorney and Marshal, of the United States. When these Officers call on me, as the Executive of the State of Michigan,

Q

APPENDIX Y.

Copy of a Despatch,
from His Excellency Sir
Francis B. Head, Bart.
Lieutenant Governor of
Upper Canada, to His
Excellency Henry S. Fox,
Her Majesty's Minister at
Washington.

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THIRD SESSION THIRTEENTH PROVINCIAL PARLIAMENT, 1st VICTORIA.

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conveying the information that the process of the United States Courts cannot be enforced without executive aid, my official duties begin, and not till then; but on every occasion when the contingency stated arises, you will find the constituted authorities of Michigan prompt and ready to discharge every duty incumbent upon them by the laws of their Country.

In obedience to the requisition made on the Executive of this State, I have ordered the Marshal of the United States for this District, to enforce the process of this Court, and have dispersed* the armed force stated by you to have been assembled within the jurisdiction of this State, in violation of the Acts of Congress of the United States. It will, therefore, readily occur to you, that all further communication on this unpleasant subject must be addressed to the District Attorney of the United States. In reply to the immediate enquiries of your letter, I must state that whilst all persons proceeding from this State, and found in arms within the jurisdiction of the Province of Upper Canada, have lost all claim to the protection of the laws of the United States, and of this State, and whilst all intercourse between the United States and foreign powers belong to the Federal Government, I cannot permit, without resistance, any invasion upon the soil of the sovereign and independent State over which I preside as Chief Magistrate.

I am, respectfully,
Your obedient Servant,

(Signed) STEVENS T. MASON.

* They were dispersed for a few hours, but soon all collected together again.

(Signed) JOHN PRINCE.

† Meaning my request, that he would allow us to attack and take the Schooner anchored on their Shore.

(Signed) J. P.

(Copy.)

CHIPPAWA, January 16th, 1838.

SIR,

Captain Drew, of the Royal Navy, who commands the Naval Department here, in the service of Her Majesty, has just informed me, that he has received a letter from you, stating that Her Majesty's Schooners are anchored in the waters of the United States, and that you anticipate a breach of neutrality between the two Nations.

I have the honour to inform you, that the rebels in arms against Her Majesty's Government abandoned Navy Island on the night of the 14th instant—that their arms and munitions of war are now on board the Barcelona Steam-vessel, in the port of Whitehaven, Grand Island—and that it is the intention of the rebels to proceed in the same vessel, to effect a landing in the western part of Upper Canada; under these circumstances, it is my duty to watch the rebels, and to endeavour, by every possible and legal means, to arrest their progress, and to prevent their carrying their designs against Her Majesty's Government into execution.

If, however, to prevent the possibility of the breach of neutrality which you apprehend, you will undertake to stop the said Steam-boat, or any other vessel which may be employed in the same cause, and have her examined, to ascertain whether or not they have any of the rebels on board, lately in arms upon Navy Island, or any of their arms or munitions of war, I will immediately give orders that Her Majesty's vessels shall merely remain in the Niagara River, as a squadron of observation, and without interfering in any manner with any vessel that may pass or repass upon any business whatever.

I have the honour, &c.

C. HUGHES,

Lieutenant Colonel Commanding 24th Regiment,
And Colonel Commanding Niagara Frontier.

Major General SCOTT,

&c. &c.
Commanding United States Army, Buffalo.

(Copy.)

CHIPPAWA, January 21st, 1838.

SIR,

I have the honour to enclose the last communications between myself and General Scott, Commanding the United States Troops at Buffalo, which last answer I have only now received, and of which I request you will inform His Excellency the Lieutenant Governor.

I herewith forward the same to His Excellency the Lieutenant General.

Copy of a Despatch,
from His Excellency Sir
Francis B. Head, Bart.
Lieutenant Governor of
Upper Canada, to His
Excellency Henry S. Fox,
Her Majesty's Minister at
Washington.

APPENDIX Y.—(See Journal, page 80.)

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

APPENDIX Y.

I have the honour to acknowledge the receipt of your letter of the 19th instant. I have ordered twenty-five men of the Artillery to proceed to Niagara to-morrow morning, to embark for Toronto, under Captain Glasgow; and have given directions to Lieutenant Colonel Cameron, R. A. that the ordnance, and ordnance stores, may be forwarded to Toronto, agreeable to your orders.

Lieutenant Crawley, R. E. is at present at Niagara, for the purpose of inspecting and reporting to you the state of Fort Mississagua; and I agree with you, that a Subaltern of the Royal Artillery should for the present be stationed there, and more Artillery-men than will remain from those to be taken by Captain Glasgow, on account of the number of guns which you propose to leave there.

I have the honour to be,

Sir,

Your most obedient, &c.

(Signed) C. HUGHES,

Lieutenant Colonel, 24th Regiment,
And Colonel Commanding Niagara Frontier.

Colonel FOSTER,

&c. &c.
Commanding in Upper Canada.

(Copy.)

HEAD QUARTERS,
Eastern Division, U. S. Army,
BUFFALO, January 20th, 1838.

SIR,

I had the honour to receive, by the hands of Captain Maitland, your letter of the 16th instant, which enclosed one of the same date from Captain Drew, of the Royal Navy, and I have since received the communication of Colonel MacNab, Commanding Her Majesty's Militia and Naval Forces on the Niagara Frontier, dated the 18th.

I begged Captain Maitland to offer you my numerous and pressing engagements as an apology for my not giving, at the time, a more formal acknowledgment of the first and second notes; and the same apology was repeated through Captain Glasgow, whom I have since had the pleasure to receive as a visitor.

Both Captains Maitland and Glasgow had opportunities, (and I was pleased that it was so,) to witness the character of my occupations, which had for object the defeat, by harmonizing all the authorities, Civil and Military, both of the General and State Governments, of the hostile expedition on foot within our jurisdiction, against Her Majesty's neighbouring Province.

From the measures taken, and really to be applied, I am happy to repeat what I orally communicated through Captains Maitland and Glasgow—that I entertain a well-grounded hope that we shall be able to prevent the embarkation of any considerable portion of the men and arms of that expedition, on this side of Cleaveland; and Brigadier General Brady, United States Army, under my command at Detroit, has taken measures, in conjunction with His Excellency the Governor of Michigan, to maintain the obligations of neutrality in that quarter.

At this place, I think, we shall certainly be able to prevent any hostile embarkation; and the Steamer *Barcelona* has already been out, and will proceed again, the moment the wind shall permit, with a detachment of United States Troops, and the proper Civil Officers, as high up the Lake as Dunkirk, looking into Cataraqui and Silver Creeks on the way. Another, and a better Steamer, the *Robert Fulton*, will follow to-night, or early on the morning, with a larger detachment. The latter may go as far as Detroit: and certainly, the weather permitting, as high as Cleaveland. The object of both boats and detachments is the same—to prevent the embarkation of the hostile expedition.

As was explained to Captains Maitland and Glasgow, my powers to effect that object have been much enlarged since I had the honour to address to you my former note, and we, (the Civil Authorities and myself) are daily in the expectation of receiving a new Act of Congress, giving us yet more ample authority.

The Steamer *New England*, lying in this port, and understood to be engaged to take off portions of the hostile expedition from points above, we hope to find the means of detaining. I

Copy of a Despatch,
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have, in the act of writing this sentence, the further hope of hiring and taking her into the service of the United States.

I give these details in the spirit of national amity, and in the sincere hope that the neutral relations of the two Countries may long be maintained.

It is with reluctance that I advert, and I shall merely advert, to certain points in the three communications acknowledged above.

I cannot stipulate, as you have proposed, as the price of your respecting the sovereignty of the United States, "to stop the *Barcelona*, or any other vessel which may be employed in the same cause, and have her examined, to ascertain whether or not they may have any of the rebels on board, lately in arms upon Navy Island, or any of their arms or other munitions of war," and so I said orally, through Captain Maitland, and added, that whilst I should be happy to do all that our laws would permit, to maintain our neutral relations with Great Britain, I had another high duty to perform—that of preventing, by all the means I could command, the violation of the sovereignty of the United States. I said, in my note of the 15th instant, to the Comanding Officer of the armed British vessels in the Niagara, that it gave me pain to perceive the armed vessels anchored in our waters, with the probable intention to fire upon the expedition moving within the same waters, and that I should "be obliged to consider a discharge of shots or shells *from* or *into* our waters, from the armed schooners of Her Majesty, as an act seriously compromising the neutrality of the two nations."

Captain Drew, in the reply which I am thus acknowledging, has been pleased to mistake my point, and to raise another, which certainly, in time of peace, no functionary of the United States will ever question, viz. the common right of both nations to navigate, in all their breadth, the waters of the Niagara.

Colonel MacNab, who will pardon me for not addressing myself directly to him—indeed I have not the time, without neglecting some urgent duty of neutrality—has opened upon me a wide field of complaint and controversy. What may be his peculiar views of international law, as applicable to recent and present circumstances on this frontier, I have, in the way of discussion, nothing to do. That code is also open to me, and I shall not fail, regardless of his admonitions, to apply it to current events.

I will, however, state to you, in the spirit of amity, that I knew where the Steamer, the *Barcelona*, was on the 15th, 16th and 17th instant—passing up from Grand Island to this port; she had no part of the *personnel* or *materiel* of the hostile expedition on board.

Colonel MacNab tells me that, but "for an unfortunate misapprehension of the orders given by Captain Drew," that that vessel (she alone passed up) would have been assailed. More pacific than the Colonel, I shall call that misapprehension a most fortunate event; and only regret that some equally kind influence did not preside over the friendly relations of the two countries on the night of the unhapy affair of the *Caroline*.

As to the alledged discharge of arms from Grand Island, on the 13th instant, by a party of New York Militia, upon the boat of Lieutenant Elmsley, of the Royal Navy, and the correspondence which ensued between Colonel MacNab and Colonel Ayers, of the New York Militia, on the subject, I have no knowledge, except through Colonel MacNab. I shall enquire for that correspondence, and refer the whole subject for investigation to the proper State authority now present, only remarking at this time, that Colonel Ayers was not then, nor is yet, taken into the service of the United States, or under my command. I have no doubt that all that is proper will be done in the case, and to that end I shall give my attention.

General Arcularius, who has, I know not how, got into correspondence with Her Majesty's authorities on this frontier, has, I believe, returned to Albany. He held no command on this frontier, either under the State or General Government—being here, as I learn, as the agent of the former, to claim and to get possession of certain arms purloined from the State arsenals; many of these cannon and muskets have already been recovered, and we hope soon to recover the remainder.

I have received a note from Lewiston, stating that a ferry-boat belonging to that place and Queenston, has, for some cause or other, been detained on your side of the River, to the great inconvenience of our people in that neighbourhood. I make no complaint on the subject, because I am ignorant of all the material circumstances, but will suggest, whether it may not

Copy of a Despatch,
from His Excellency Sir
Francis B. Head, Bart.
Lieutenant Governor of
Upper Canada, to His
Excellency Henry S. Fox,
Her Majesty's Minister at
Washington.

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

contribute to the restoration of good feelings on both sides, to permit the ferry-boat to resume her usual trips, particularly as I think I can assure all the Navy Island people have advanced up the country, to this place and beyond.

I have the honour, &c. &c.

(Signed) WINFIELD SCOTT.

P. S.—I have engaged the *New England*, and a party of troops has just gone down to take possession of her. The hostile expedition can now obtain no boat this side of Erie.

(Signed) W. S.

Colonel C. HUGHES,

British Army, Commanding,
&c. &c. &c.

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Copy of a Despatch,
from His Excellency Sir
Francis B. Head, Bart.
Lieutenant Governor of
Upper Canada, to His
Excellency Henry S. Fox,
Her Majesty's Minister at
Washington.

CORRESPONDENCE,

Between Colonel the Honourable ALLAN N. MACNAB, and Major General SCOTT, of the United States Army; together with the Deposition of SETH CONKLIN, a Citizen of the United States, in relation to the manner in which the American Authorities have observed the neutrality of their Government upon the Niagara Frontier.

HEAD QUARTERS, CHIPPAWA,
20th January, 1838.

SIR,

I have the honour to enclose, for the information of His Excellency the Lieutenant Governor, the copy of the letter which I addressed to General Scott, remarking upon a correspondence between that Officer and Captain Drew, of the Royal Navy, together with the verbal reply of General Scott, as detailed in the enclosed report of Lieutenant Colonel Bethune to me. This Officer having been charged with my Despatch to General Scott, I take the opportunity of acknowledging his services, since he volunteered to accompany me while on this command.

I beg also to enclose the deposition made by a person of the name of Conklin, who was a prisoner among the rebels at Navy Island, showing the manner in which the Officer in command of the United States Forces upon Grand Island, has preserved the neutrality of his Government in relation to the late disturbances upon this frontier.

I have the honour to be,

Sir,

Your obedient humble Servant,

(Signed) ALLAN N. MACNAB,

Colonel Commanding Militia,
and Naval Brigade.

Lieutenant Colonel STRACHAN,

Military Secretary.

(Copy.)

To the Commanding Officer of the armed British Vessels in the Niagara.

HEAD QUARTERS, UNITED STATES ARMY,
Eastern Division,

Two Miles below Black Rock,

January 15th, 1838.

SIR,

With His Excellency the Governor of New York, who has troops at hand, we are here to enforce the neutrality of the United States, and to protect our own soil and waters from violation.

The proper Civil Officers are also present, to arrest, if practicable, the leaders of the expedition on foot against Upper Canada.

Under these circumstances it gives me pain to see the armed vessels mentioned anchored in our waters, with the probable intention to fire upon that expedition moving within the same waters. Unless that expedition shall first attack, in which case we shall interfere, we shall be

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obliged to consider a discharge of shot or shells *from or into* our waters, from the armed Schooners of Her Majesty, as an act seriously compromising the neutrality of the two Nations. I hope therefore that no such unpleasant incident may occur.

I remain Sir, respectfully,
Your most obedient,
(Signed)

WINFIELD SCOTT.

Copy of a Despatch,
from His Excellency Sir
Francis B. Hault, Bart,
Lieutenant Governor of
Upper Canada, to His
Excellency Henry S. Fox,
Her Majesty's Minister at
Washington.

HEAD QUARTERS, CHIPPAWA,
16th January, 1838.

SIR,

I have had the honour to receive your letter of the 15th instant, in which you state "it gives you pain to perceive the armed vessels of Her Majesty anchored in your waters, with the probable intention to fire upon that expedition moving within the same waters."

The object I have in view is to prevent the rebels who have lately been in arms against Her Britannic Majesty upon Navy Island, and who have now taken shelter upon Grand Island, a territory of the United States, from effecting a landing in any part of the Province of Upper Canada; and for this purpose I have made such a disposition of the force under my command as will most effectually perform that service.

With reference to the vessels of Her Majesty being anchored in your waters, I have always understood, that so long as Great Britain and the United States were at peace and amity, that the right of the full navigation of the River Niagara belonged to each power; and if I have suffered an infringement upon any international law, I beg you will do me the favour to refer me to it.

I have the honour to be,
Sir,
Your most obedient humble Servant,

(Signed) ANDREW DREW,
Commander in the Royal Navy,
Commanding Naval Brigade.

To General SCOTT, &c. &c. &c.

Commanding the Forces of the United States, &c. &c. &c.

(Copy.)

HEAD QUARTERS, CHIPPAWA,
18th January, 1838.

SIR,

The correspondence which has taken place between you and Captain Drew, of the Royal Navy, during my short absence from this frontier, where I have the honour of commanding Her Majesty's Naval and Militia Forces, having been laid before me by that Officer, I beg to offer a few observations upon it.

You state that you, with His Excellency the Governor of New York, are near Black Rock, with troops at hand, to enforce the neutrality of the United States, and to protect your own soil and waters from violation; that the proper civil authorities are also present to arrest, "if practicable," the leaders of "the expedition" on foot against Upper Canada; that under these circumstances it gives you "pain" to perceive the armed vessels of Her Britannic Majesty anchored in your waters, with the probable intention to fire upon that "expedition" moving within the same waters; that unless that expedition shall first attack, in which case you will interfere, you will be obliged to consider a discharge of shot or shells "*from or into*" your waters, from the armed schooners of Her Majesty, as an act seriously compromising the neutrality of the two Nations; that you hope, therefore, that no such unpleasant incident may occur.

With regard to your views of the right of the expedition referred to, to pass up the Niagara River, near your shores, unmolested by the Forces under my command, I beg to enter my most decided protest. The waters of the Niagara River, for the purposes of navigation, are, as Captain Drew has very properly said, common to the inhabitants of Great Britain and the United States, so long as these powers are at peace with each other; and that being the case, I cannot understand why the schooners under my command, and anchored in the river, have

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not the right to capture and destroy any expedition on foot against Upper Canada, and moving upon the waters of that river, whether on the one side or the other, or exactly in the centre of the stream. My own opinion is that they have that right, and had it not been for an unfortunate misapprehension of the orders given by Captain Drew, to the Officer in command of the schooners, that right would most assuredly have been exercised.

The second paragraph of your letter appears to me so much at variance with that neutrality which, in my humble opinion, should be observed upon the present occasion by Officers of the United States, that I cannot refrain from making a remark or two upon it.

I cannot understand why it should give an Officer of a neutral power "*pain*" to observe an intention on our part to punish the actors in an "*expedition on foot*" against this Province. It appears to me, that such an intention should rather give pleasure than pain to an Officer situated as you are, who really desired to see the rebellion against the constituted authorities of Upper Canada put down; more particularly as the majority of the persons concerned in the hostile expedition were citizens of your own country, and were in fact in the situation of mere banditti.

I regret to observe an evident intention on the part of the authorities of the United States, stationed on the Niagara frontier, to screen the guilty actors in this disgraceful outrage against the laws, as well of Great Britain as of the United States, otherwise we should not hear those authorities speak of the "*practicability*" of arresting the leaders of that expedition, when so completely in their power, as those men are who lately occupied Navy Island.

I had, on the 11th instant, the honour to address Commissary General Arcularius, or the Officer in command of the United States Militia Forces on the Niagara frontier, upon the subject of an outrage committed by the Militia Force of the United States stationed upon Grand Island, on Lieutenant Elmsley, of the Royal Navy, and the Boat's Crew under his command, but I have not as yet received any answer to my communication upon this matter. I may now briefly state, that the outrage complained of was the firing upon Lieutenant Elmsley, by the Militia Force alluded to, and directly under the American Flag.

I trust that you will cause an investigation of this serious charge to be made; and I have the honour to request that the result of your enquiries into this matter may be communicated to me with as little delay as possible.

I beg also to refer you to the correspondence that took place on the 13th instant, between Colonel Iron Ayer, of the 48th Regiment, 47th Brigade, New York Militia, in relation to certain complaints made by that Officer to me; in order that the same may be laid before the proper authorities in the United States for investigation, as I have no desire to conceal from the world any part of my conduct, whilst in command of Her Majesty's Forces upon this frontier.

I have the honour to be,

Sir,

Your most obedient humble Servant,

(Signed) ALLAN N. MACNAB,

Colonel Commanding Militia and Naval Forces,
Niagara Frontier.

To Major General Scott,
United States Army, &c. &c. &c.

(Copy.)

HEAD QUARTERS, CHIPPAWA,
Friday Night,
January 19th, 1838.

SIR,

I have the honour to report to you, that I proceeded to Buffalo with your Despatch to General Scott, of the United States Army, where I had the honour of an interview with that Officer this morning.

After General Scott had perused the Despatch, he desired me to inform Colonel MacNab, that at a convenient time he would answer his Despatch in writing; that at present he could only do so verbally. General Scott then remarked, that it was evident Colonel MacNab was desirous of drawing him into a correspondence, for which he had no leisure at present, as his time was wholly occupied in endeavouring to preserve the neutrality of the United States

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Copy of a Despatch,
from His Excellency Sir
Francis B. Head, Bart.
Lieutenant Governor of
Upper Canada, to His
Excellency Henry S. Fox,
Her Majesty's Minister at
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during the existing disturbances on our frontier; that Colonel MacNab might have leisure for maintaining such correspondence, but he (General Scott) had not; and that he *had* been so employed in maintaining the neutrality of the United States, two Officers of the British Army, then in the house (American Hotel) could testify.

I have the honour to be,

Sir,

Your most obedient humble Servant,

(Signed)

D. BETHUNE.

Copy of a Despatch,
from His Excellency Sir
Francis B. Head, Bart.
Lieutenant Governor of
Upper Canada, to His
Excellency Henry S. Fox,
Her Majesty's Minister at
Washington.

To Colonel, the Hon. ALLAN N. MACNAB,
Commanding Militia and Naval Forces,
Niagara Frontier.

(Copy.)

District of Niagara, } SETH CONKLIN, late of Syracuse, in the State of New York, but now
to wit. } of Chippawa, in the Province of Upper Canada, Miller, deposes upon
oath and saith, that he went to Navy Island on Sunday, the seventh of January, instant; that he left the Island on the following morning; that he was taken up by a party of the Militia of the State of New York, stationed on Grand Island; that he was accused by said Militia of being a spy on Navy Island, when a Sergeant of said Militia held a pistol to Deponent's breast, and threatened to shoot him, and at the same time five or six of his men seized Deponent and dragged him to a boat, in which they attempted to put him, for the purpose of taking him over to the Patriots, upon Navy Island; that at the earnest entreaty of Deponent, he was taken back to the Commanding Officer on Grand Island, Colonel Ayer, by whom he was questioned as to where he had been, and why he had been at the Island; that Colonel Ayer then ordered him to be searched, upon which he claimed protection of Colonel Ayer, as an American Citizen; and Colonel Ayer said he should be protected, and gave him in charge of a Sergeant, who kept him a prisoner till after dark; that Major Chase, of the Navy Island Patriots, then came from the Island, to sup with the United States Militia Officers, when another Colonel of the United States Militia, a tall man, with a dark complexion, told Deponent that he must return to the Island; that Deponent again claimed from this Officer protection, as an American Citizen, but that he replied—"You shall go immediately, and if you hesitate we will force you." He said further, that if Deponent remained on Grand Island, he would be shot, and that if any disturbance occurred concerning him, he (the Colonel) would shoot him with his own hand; that when Major Chase, of the Navy Island Patriots, demanded Deponent, the last-mentioned Colonel said that he might take him; that Deponent again claimed protection as an American Citizen, when Major Chase said, if Deponent was allowed to remain on Grand Island, he would escape, and inform the British of the state of Navy Island; that upon this, fifteen or twenty of the United States Militia declared that Deponent should go, but that the Sergeant who had him in charge wished, that to satisfy General Van Rensselaer, he might be sent to Buffalo Gaol, to which Deponent consented; that the rest of the Militia insisted upon his going to Navy Island, and that he entreated of them not to send him there, alleging that he would certainly be shot before he got there: that the Sergeant then proposed for him to choose three men of the guard to accompany him; Deponent fearing that he should be murdered before he got there, did choose three men to accompany him, and he was taken by five Militia-men, namely, a Sergeant and four men of the United States Militia, in company with Major Chase, and delivered by them at General Van Rensselaer's quarters, in charge of Major Chase; Major Chase told the sentries at the head of the Island, to allow the boat which brought over Deponent, to pass, as it was a friendly boat; that Deponent remained a prisoner upon Navy Island until the Patriots evacuated it, during which time he was kept in close confinement, in a house on the south front of the Island, which was open to the fire of the British guns; and that three of their shot passed through the house whilst he was confined there.

(Signed) SETH CONKLIN.

Sworn before me, at Chippawa, this
18th day of January, 1838.

(Signed) SAMUEL STREET, J.P.

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

(Copy.)

HEAD QUARTERS, CHIPPAWA,
January 19th, 1838.

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SIR,

It becomes my painful duty to report to you, for the information of His Excellency the Lieutenant Governor, that since I had the honour of commanding the Militia and Naval Force upon this frontier, three of our brave and loyal Militia have unfortunately lost their lives in the service of their country, against the rebels and their piratical allies upon Navy Island. They were all killed by gun-shot wounds.

It cannot but become the imperative duty of His Excellency, as I am sure it will be his inclination, to communicate to our Ambassador at Washington, this additional proof of the disgraceful and murderous conduct of those citizens of the United States, who associated themselves with Mackenzie, upon Navy Island, under the command of Van Rensselaer, who has been recognized by some of the authorities in the United States as a General.

I have the honour to be,

Sir,

Your most obedient,

Humble Servant,

(Signed) ALLAN N. MACNAB,

Colonel Commanding Militia
And Naval Forces.

Lieutenant Colonel STRACHAN,

A. C. & C. & C.
Toronto.

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THE SELECT COMMITTEE appointed to enquire into, and report upon the State of the Province, have agreed to the following Report:

The point of time in which this subject of enquiry has been submitted, is beyond comparison, the most important to the future interests of its inhabitants, of any that has occurred since Canada came under the dominion of the British Crown.

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Some measures of a decisive character must, of necessity, be proposed in England, in consequence of recent events in this and the Lower Province; and upon the nature of those measures it depends whether Upper Canada is to be retained as a portion of the British Dominions, and whether its inhabitants can look forward with confidence to a continuance of peace, and to the preservation of their present form of Government.

In this very remarkable period in our history, the Legislature has been suddenly convened, in order to receive from His Excellency the Lieutenant Governor, an account of the suppression of an insurrection, which was formidable in these several respects, viz.—That it was not on account of any particular grievance or complaint, but had for its direct and avowed object the total subversion of the Government by an armed force, and the introduction of a democratic Constitution—that among its leaders there were several Members of the House of Assembly—that efforts had been used to procure simultaneous risings in other parts of the Province, and not without considerable success, in the District of London—that the whole movement was clearly intended to be in co-operation with the rebellion which had broken out in the adjoining Province—and that the insurgents reckoned upon foreign aid in their desperate enterprize, and not without reason, as events have proved.

By the prompt measures taken by His Excellency the Lieutenant Governor—by the zealous and faithful services of the Militia—and the active exertions of people of all ranks and stations, this rebellion was speedily suppressed; and although many hundreds of the rebels were actually in arms in this District, and in the District of London, it was happily suppressed, almost without loss, on the part of Her Majesty's loyal Subjects.

It is indeed evident, that treasonable movements which had been long planned, and which were extensive in their character, were attempted to be put in execution prematurely, either

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from the fear that if deferred they were likely to be effectually counteracted, or from the temptation offered by some seeming and unexpected facility of carrying them at once into effect. It appears that the exigencies of the public service in Lower Canada having rendered it expedient to concentrate Her Majesty's regular Forces at Montreal, His Excellency Sir Francis Head had no hesitation in complying with the request of Lieutenant General Sir John Colborne, that the troops stationed in this Province might be withdrawn; and the whole of the Queen's forces were without reserve sent to Lower Canada. It was not unknown that there were some restless agitators in this Province, disaffected to the British Crown, who were industriously promoting the cause of rebellion, in appearance at least, by collecting and drilling parties of armed men in several quarters of the Country, and particularly in the northern portions of the Home District. Besides the information of these proceedings brought by the loyal inhabitants of the neighbourhood, who were naturally alarmed by them, the movements of these traitors (for such they have since shewn themselves to be) were openly proclaimed in seditious publications, with an evident design to force them upon the attention of the Government.

The first object of these unlawful meetings, probably, was to deter the Government from parting with the troops, by which means the double advantage would be gained, of serving the cause of the traitors in Lower Canada, and of exhibiting this Province in the light of a disturbed Country, which could be kept in order only by a Military force.

After this object had been defeated by readily allowing all the troops to be withdrawn, the same illegal proceedings were continued, whether with the hope of creating a diversion of the forces from Lower Canada, or with the design of actually taking advantage of their absence, and endeavouring to subvert the Government, can now be best judged by the event.

It is not improbable, however, that one principal motive for this insulting display of armed force, was to drive the Government to the adoption of some precautionary measures, which might give to this Province the appearance of being in a distracted state. By accomplishing this object, the agitators knew that they would afford very acceptable encouragement to Mr. Hume, and one or two other accomplices in England, who have been adding to the difficulties of the Queen's Government, by shamefully abetting insurrection in Her Colonies, and they may not improbably have hoped for some further advantage to their cause, by intimidating Her Majesty's Ministers into unwise concessions, under the apprehension of new and formidable difficulties.

For reasons which have been stated to the Legislature, by His Excellency the Lieutenant Governor, these apparent preparations for revolt were long suffered to proceed, without an attempt being made to restrain them by public authority, until at length those who had a near opportunity of observing them being convinced that violence was intended, and apprehensions of this kind becoming very general, His Excellency issued a Militia Order,* directing Officers commanding to call out their respective regiments, and to afford aid to the civil power in suppressing armed meetings.

This first signal of opposition on the part of the Government, seems to have incited the leader of the insurgents in this District to plunge his unhappy followers at once into crimes of the worst character; and there is abundant evidence that the plundering and burning of this populous town was really meditated, and was only averted, by the blessing of Providence, upon the prompt measures taken by a brave and loyal people for its defence.

It is impossible to recall to mind, without emotion, the alacrity and zeal with which the people of this, and the surrounding Districts, mustered instantly around their Government, to shield it from outrage; and to extend their protection to their fellow-subjects, whose lives and property were endangered.

Your Committee are persuaded, that they do not over-rate the prompt exertion thus made, when they state, that in each one of the Home, Newcastle, Gore, Niagara and London Districts, there turned out, upon this sudden summons, more than twice as many men as were necessary for suppressing the rebellious movement.

On the third day after the breaking out of the rebellion, many large bodies of Militia which were hastening from a distance to the Capital, were allowed to return home, as their services were no longer required; and of those who had already arrived, a large portion (about five

* For this Militia Order, see Appendix A.

† See Militia General Order, Appendix B.

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hundred men) were detached to the District of London, under the command of Colonel Mac-Nab, the Speaker of the House of Assembly, whose services on that occasion were rendered with much zeal and discretion. This force, so opportunely pushed forward, being aided by numerous bodies of volunteers from all parts of that extensive District, instantly dispersed a large party of armed traitors who had risen in that quarter, and were embodied under Charles Duncombe, a Member of the House of Assembly, and an American by birth. There, as well as in the Home District, besides the number of suspected persons who have been apprehended and brought before the Civil power, by the aid of the Militia, and of the other loyal inhabitants, many hundreds have come voluntarily forward, acknowledging their crime, and requesting the protection and forgiveness of their Government.

Thus, in a very few days, with scarcely any loss of life on the part of the loyal inhabitants, and with but few of the insurgents killed, a rebellion was suppressed, which might, in a short time, have grown to be really formidable.

The hand of a merciful Providence was most signally displayed in a number of favourable circumstances, which it would be impiety to ascribe to chance, and which combined to give to the inhabitants of Toronto, at the hour of midnight, an opportunity to arm in their defence, and to make such preparation, under the direction of a most vigilant and gallant Officer, Colonel FitzGibbon, late Adjutant General of Militia, as served to avert the threatened danger. But in nothing, perhaps, has the goodness of Providence been more strikingly evident, than in the remarkable mildness of the weather, which, at a season when navigation has usually been long closed, has permitted the uninterrupted use of Steam-boats to the most distant ports on the Lake, thus rendering easy and expeditious the transport of men and stores, and preventing the great suffering and inconvenience which must otherwise have attended this hasty assembling of large bodies of Militia, from various parts of the Province.

It cannot but be felt that this traitorous insurrection of a portion of the inhabitants of Upper Canada, is an event much to be regretted on some accounts. It has entailed upon the public a very formidable expense; an armed resistance to the Government, and still more, a direct attempt to overturn it, is pernicious as an example, and the sufferings occasioned by an enterprise of so criminal and desperate a nature to the guilty actors in it, and to their families, can hardly fail to excite compassion.

On the other hand, looking at its effects merely within the limits of this Province, we must readily perceive that this extraordinary event is likely to be attended with some beneficial consequences of an important character.

* Those restless and unprincipled agitators, who have for many years disturbed the public peace, and distracted the deliberations of the Legislature, have either fled, or are imprisoned under charges of High Treason. Left to themselves, unprovoked and perhaps for too long a time unresisted, this faction which has been patronized even by some Members of the Imperial Parliament, has at length unequivocally shown that their aim was to subvert the Constitution which they had, most of them, sworn to maintain; to wrest this Colony from the British Crown; and to substitute a turbulent and tyrannical democracy for our well balanced form of Government. And they have given undeniable proof that in order to effect these objects, they were ready to rob, burn, murder and destroy.

One other beneficial consequence is the exposure of the innumerable falsehoods by which many were prevailed upon to take part in this abominable rebellion. These unhappy men remember by what pretences and assurances they were brought to commit their lives and fortunes to the hazard of success in this miserable cause. They now see how utterly false those pretences and assurances were, and it may be hoped that they, and others by their example, may be led to pause hereafter before they give credit to every base story that is told them, to the prejudice of their Government, and of its loyal supporters.

But there is nothing connected with this remarkable crisis upon which it is so satisfactory and pleasing to reflect, as the very striking proof it has afforded of the loyal and patriotic feeling of the great body of the people of Upper Canada. The instant it was known that the Government was threatened with violence, all distinctions of religion and country were laid aside, and with a noble ardour, which can never be forgotten by those who witnessed it, the people rushed forward by thousands to put down rebellion, and to preserve the supremacy of the laws. While neither wealth nor station was felt to place the possessor above the common

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duty of opposing with arms this unnatural rebellion, the humblest inhabitant of the country gave also his services with cheerfulness, and none more so than the coloured population, whose brave, faithful, and steady conduct, have entitled them to great credit. In the course of this service, and of the more arduous and protracted exertion which it has become necessary to make on our frontier, from causes to which we shall presently advert, it has been made most evident that Upper Canada possesses an inestimable advantage in the hardy, intelligent, and brave population, which, for many years past, has been flowing to us from the United Kingdom. The loyalty of our native Canadians, which was conspicuous in the last war, is now aided by a host of spirited and zealous officers of all ranks, who have acquired experience in the Army and Navy of Great Britain, and by thousands of brave soldiers who have become settlers among us, and whose glory it is to devote their lives to the service of their Sovereign. With hands and hearts like these, a militia is soon rendered efficient and formidable; and it may be doubted whether any country, of equal population, has better materials for self-defence, than the Province of Upper Canada. It is at least certain that no Colony of Great Britain can ever have given a more decided proof of attachment to the Crown, and of a determination to support the Constitution and Laws. Absolutely destitute of military force of any description, in an extensive Province, with nearly half a million of inhabitants, a rebellion, openly and actively supported by six or seven Members of the Assembly, and promoted by the most inflammatory appeals to the multitude in favour of popular Government, has been promptly put down by the people themselves, at the same time that a formidable rebellion was raging in the adjoining Colony.

Your Committee will not content themselves with a mere allusion to an event of such deep interest to the people of this Province, as the recent insurrection in Lower Canada. In its progress and possible consequences Her Majesty's Subjects in Upper Canada were directly concerned, and they have watched it with intense anxiety—it was not, as in this Province, the consequence of the malice and folly of a few individuals influencing a comparatively small portion of the people. Feelings of national antipathy were brought into action, and large masses of the inhabitants excited to hatred of their Rulers by incessant misrepresentations, were known to be preparing deliberately for a struggle, in which they hoped that their numbers would enable them to defy all the force which the Government had it in their power to bring against them.

In no part of the British Empire have the blessings of a mild and just Government been more fully enjoyed than in Lower Canada, and it was no less amazing than it was deplorable, to find that a few selfish and violent men could succeed in plunging a people, long characterised as a peaceable and inoffensive peasantry, into the guilt and horrors of a civil war. It has been a distressing spectacle to their fellow subjects, to see these unhappy men rush wickedly and wantonly into a contest, in which success, if it had been achieved, must have been utterly ruinous to themselves and their posterity.

Their rebellion, as they might have anticipated, has been promptly subdued by the Commander of Her Majesty's Forces, but not without a formidable resistance, in which the gallantry of the troops and of the loyal volunteers of Lower Canada has been conspicuous, and in which the rebels have sustained great loss of life and property.

It is essential to the safety and prosperity of Upper Canada, that the supremacy of Great Britain should be firmly maintained in the adjoining Colony; and the common tie of allegiance to the Crown, as well as sympathy with those of British origin, whom the French population have attempted to oppress and treat as aliens, have naturally enlisted the feelings of the people of this Province strongly in favour of the royal cause. Our zealous militia were, in consequence, forward in their offers to serve in aid of Her Majesty's forces in Lower Canada, but happily their services have not been necessary to any considerable extent.

It is a peculiar disadvantage under which these two Colonies labour, that from the month of November to May, they can receive no reinforcements direct from England. The instigators of the rebellion in Lower Canada, therefore chose the autumn for commencing their operations, evidently, and indeed avowedly, with a view to this circumstance. Their colleagues in the traitorous attempt to wrest these Provinces from the dominion of their Sovereign, thought it advisable to prepare for rebellion in Upper Canada at the same season. But it is most cheering to find that instead of a struggle, protracted with difficulty until the opening of the Saint Lawrence could bring fleets and armies to our aid, the Royal authority was speedily and

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fully established, and all traitors and abettors of treason brought under subjection to the Laws, in both Provinces, so that with but a slender military force in the one country, and with the Militia only in the other, there was not an individual in arms against the Government, and not a portion of either Province in which legal process could not be executed by the ordinary means.

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Still it is unhappily not in the power of the people of either of the Canadas to congratulate themselves upon the return to perfect peace and tranquillity, and this from a cause most unexpected and extraordinary, and which opens new considerations of such moment to our future security and welfare that they cannot be too earnestly dwelt upon.

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Scarcely had the rebellion began in Lower Canada, when it was painfully evident that among the citizens of the adjacent State of Vermont, a strong disposition was felt to encourage and promote it. If we look for motives to this unfriendly conduct, we can find none that are entitled to the respect or indulgence of mankind. Living upon the borders of Canada, these foreigners could not be ignorant that her inhabitants were not oppressed, but had in fact been treated, not merely with scrupulous justice, but with an injudicious indulgence beyond the bounds of right, an indulgence which had in truth encouraged the insolence of their factious leaders, and had begotten a feeling of contempt for the authority of a Government which had suffered itself to be driven into such unwise concessions.

No reproach lies against the Government of the United States, nor against that intelligent and respectable portion of society, which, in well ordered communities, usually influences public conduct and feeling, in matters of grave importance to the State.

The Federal Government, and the Governor of the State of Vermont, both earnestly remonstrated with their people against any interference in the affairs of a country with which they were at peace; and there were not wanting men of sense and virtue who early and sensibly exposed the injustice and gross impropriety of stimulating rebellion in a British Colony. But it was their mortification to find that the turbulent propensities of too many of their countrymen were not under the government of reason, and that great numbers of their people, acknowledging no restraint of justice or morality, and disregarding the obligation of treaties, were giving an open and active support to the cause of rebellion in Lower Canada.

A portion of the public press in that State has not scrupled to promote it systematically, by disseminating, throughout the period of this unhappy contest, statements of reported occurrences not merely untrue, but bearing not the slightest resemblance to truth; and no sooner has time exposed one series of fabrications, than another equally monstrous has, without scruple, been issued from the press. Within a few hours journey of a Country with which they are at peace, and enjoying an unrestricted freedom of intercourse, their press has attempted to impose upon the public credulity by accounts deliberately invented, of victories, defeats and cruelties—all contrived to further the views of the rebels and their worthless leaders—until at last the truth becomes too manifest to be denied; and at the end of a contest, in which they had declared that hundreds of the Queen's troops had been killed, and taken, and repeated successes gained by the insurgents, it is ascertained that those who had been in arms against the Government are utterly dispersed, and their leaders fled, or in custody—that the French population, acknowledging their delusion, are giving up their arms, and submitting to the laws—and that the whole loss sustained by the Queen's forces, and the loyal inhabitants of Lower Canada, in suppressing this rebellion, of which the Vermont newspapers have given such startling accounts, does not exceed a dozen men killed.

For some years past, while the intemperate leaders of the faction in Lower Canada were threatening open resistance to the Government, it has been their habit to hold out to their followers the hope of assistance from the United States. This was little regarded by the British portion of the population, to whom such a hope, if indeed the faction did entertain it, seemed as insane as any other part of their project. The inhabitants of Vermont knew the people of Lower Canada to be in reality a highly-favoured people—that they had been permitted to enjoy their ancient system of laws, with the additional protection of trial by Jury—that their religion is not merely tolerated to the utmost extent, but is expressly established in all its rights by Legislative enactments, and that they are more lightly taxed than the people of any of the United States, or perhaps any other civilized community in the world. Indeed to every

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intelligent man on this Continent, the unreasonableness of the Canadians in rebelling against the indulgent and powerful Government of Great Britain, must have been quite as manifest as their absurdity.

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The people of Vermont knew all this well, and they knew besides, that the whole population speaking the English language, including many thousands born in the United States, were (with a very few exceptions) ardent and firm in the support of their Government, and that the threatened disturbances in Lower Canada had really no other origin than a national antipathy to the British name, in which the descendants of Britons should not have participated.

Whatever irregularities may sometimes be excited in populous cities, among multitudes of uneducated and unemployed poor, it seemed not credible that the agricultural population of Vermont would really be found ready to violate the plainest rules of national law, and natural justice, and to add to the miseries of the human race, by urging on a rebellion, as sinful as it was hopeless.

Contrary, however, to the injunctions of their Government, meetings were held, and were very numerously attended, for the professed purpose of rescuing the inhabitants of Canada from British tyranny; arms and ammunition have been furnished, to assist them in their rebellion, and it seemed at one time that the spirit of volunteering for a campaign in Lower Canada was likely to become extremely popular, when it received a timely check from the gallant conduct of a party of Missisquoi Militia, who attacked and routed a body of marauders of three times their number, taking their cannon and other arms which they had brought from the State of Vermont.

These extraordinary and unlooked-for proceedings have but strengthened the preference felt by the British inhabitants of Canada for their own civil institutions, which neither encourage the inclination nor leave them the power so to violate the laws of good neighbourhood; and they have had the further effect of giving timely warning of a danger, which on any future occasion will be less formidable, from its not being wholly unexpected.

The manifestations of the same hostile feeling have been more general and decisive along the frontiers of Upper Canada, and have led to more serious consequences. To such lengths indeed have these unprovoked aggressions been carried, that it has been stated, with as much truth as force, in one of the most respectable journals of the United States, that so outrageous a violation of public rights has not been witnessed by civilized nations for a century. Even with the lesson before us of what was passing on the borders of Lower Canada, we did not harbour the suspicion that upon the frontier of our own Province we were destined to witness a display of the same unfriendly feeling, and the same remorseless readiness to involve a peaceable and unoffending country in the calamities of a war. For more than twenty years, the inhabitants of Upper Canada have lived on terms of uninterrupted peace and friendship with the citizens of the adjoining State of New York. During that time, not a complaint has been made of a duty violated, or an act of comity neglected. Speaking the same language, we had lived in the daily interchange of the most friendly offices, and not a token had been shewn of any unkindly disposition which might have put us on our guard. On our part, we had respected the American people for their enterprise and intelligence; we looked with no jealousy or apprehension on their increasing numbers; we believed that the growth of the Christian religion, not merely in profession, but in practice, was producing among them its genuine fruits, and that they were sincerely and essentially pacific.

It can scarcely be conceived with what astonishment the people of Upper Canada found, that after the feeble attempt of a few infatuated persons to disturb the peace of the country had been instantly put down, by a simultaneous effort of their indignant fellow-subjects, when not a vestige of insubordination remained, and when the Militia-men who had been called from their families were returning in supposed security to their homes, they were about to be forced into a war, to prevent their property from being plundered, and their liberties subdued by the citizens of the United States.

It could not have been imagined that any considerable number could be found among our neighbours, willing to make common cause with a fugitive felon, whose general bad character must have been perfectly well known to them, and who had the shameless effrontery to hold

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out as a reward the plunder of his fellow-subjects, and the lands of his Sovereign, to whom he had solemnly sworn allegiance.

With regard to the great body of the people of the United States, it is impossible we can doubt that all who revere truth, and acknowledge the plainest obligations of morality, must look with abhorrence at the wrongs which their countrymen have been committing; and if the number of these is not sufficient to impose by their influence any restraint upon the lawless part of the community, it is no slight aggravation of the injuries we complain of, that they are committed under the pretext of bettering our condition, by forcing upon us a form of Constitution of which such are the calamitous results.

It would be useless for your Committee to recapitulate facts so generally known in this Province, and of so universal an interest that they have occupied public attention for the last two months, almost to the exclusion of every other matter. The preparations openly made in the State of New York for invading this Province, and long unresisted by the public authorities—the recruiting of a large body of American citizens, under an American leader, avowedly for this piratical service—the collection of arms and artillery, taken from the public arsenals—and at length, the invasion and occupation of a part of our country, on the Niagara frontier, are distinctly stated in the letters* of His Excellency the Lieutenant Governor, to Her Majesty's Minister at Washington, a copy of which we annex to this report. After the last of these communications was made, this piratical force repeatedly fired with their artillery upon the Militia quartered near Chippawa, by which two or three Militia-men have been killed; and until within a few days, it has been necessary to keep up a large force upon the frontier, to prevent a landing at Chippawa, or at any other point along the river. The more active interposition of the American Government, since the arrival of Major General Scott on the frontier, made it difficult for this armed band to continue longer embodied, and they have evacuated Navy Island, whether with the design of assembling again, and attempting an invasion at any other point, is yet uncertain.

On our western frontier, movements of a still more threatening character have been made, and perhaps a grosser insult, or more flagrant wrong, was never committed by one people upon another, than that of which the town of Amherstburgh, in the Western District of this Province, was lately the scene. With artillery and arms, obtained also in this instance from the arsenals of the State, (by plunder, as it is said) hundreds of American Citizens, commanded and officered by Americans, unprovoked by a single offensive act, deliberately took up a position in our territory, and from an armed schooner in our waters, fired with round shot and cannister upon the town of Amherstburgh.

What was hoped for from this expedition will be seen in the printed proclamations of the leader of this invasion†—and it reflects infinite credit upon the spirit and loyalty of the inhabitants of that District, that they assembled with such arms as they were casually provided with, and without artillery, or the aid of a regular soldier, gave to these public robbers so timely a check, as we trust has opened their eyes to the danger of their proceedings, however regardless they may be of their criminality.‡

Your Committee have annexed to this report, an editorial article, from a paper published in Detroit, called the *Michigan Observer*,|| which is creditable to the feelings and moral courage of the American Citizen who has dared to tell the truth in the midst of this extraordinary excitement. Besides the band there described as consisting of 1,000, or 1,200 men, it is known that at several points in the interior of the State of Michigan, forces have been collecting for the purpose of invading Upper Canada; and nothing but the admirable conduct of our Militia, in assembling instantly at every point where an attack was threatened, has kept this hostile feeling in subjection. If a considerable success had been gained on any point of our frontier, there is great reason to believe that this abominable spirit which has agitated a portion of the American people—whether it be thirst for plunder, or a restless desire to extend the reign of licentiousness and anarchy over this Continent, or a latent hatred of the British name—would have burst beyond any bounds which their Government had power to impose, and must have brought on a public war.

Upon the earnest remonstrances of Her Majesty's Minister at Washington, the Government of the United States has at length taken the only measures likely to be effectual for

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quelling this piratical spirit, by sending to the frontier an experienced Officer of high rank in their army, with orders to enforce their laws. New and more adequate powers have also been given by Congress; and we trust that, for the present at least, peace will soon be restored to our borders.

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In looking back upon the past, what strikes your Committee as most remarkable is, that in the midst of profound peace and apparent friendship, such a burst of hostile feeling should instantaneously have shown itself, without any cause that could in the slightest degree excuse it—that in the first place the public authorities at Buffalo, and in the adjoining country, and afterwards the Government of the State of New York, should have appeared to be so utterly inefficient for restraining their citizens from acts of undisguised hostility, and for preventing their own public artillery and arms from being used in making war upon the British dominions—that the Government of the United States should not have called more promptly into action the means most obvious to be used for preserving their national faith and honour—and that either the Government of the State of New York, or the Government of the United States, could have allowed themselves (as they both have done,) to apply the foul epithets of assassination and murder to that natural and justifiable act of self-defence, which resulted in the destruction of the Caroline.

There have not been wanting in the halls of Congress, men just and honourable enough to place this transaction in its true light, and to avow what all men must have felt—that the act was one which the laws of nature and of nations warranted, and which duty required.

That any Executive Officer of the United States could have done such violence to justice as to call it an assassination, can only be accounted for by supposing that in a time of strong excitement, it is found prudent, if not necessary, from the nature of their Government, that they should appear to kindle in the general blaze. The world will judge rightly in this matter between the American people, and their insulted and deeply injured neighbours.

Your Committee have given this imperfect sketch of recent occurrences in these Provinces, not with the hope that they can place before the Legislative Council any important information which they had not before acquired, but principally in order to bring distinctly into view the trials to which the people of this Province have lately been exposed, and the honourable manner in which they have passed through them.

The determination which the inhabitants of Upper Canada have shewn, in the recent contest, to preserve their connection with the Empire, makes it the duty of the Executive and Legislative authorities, which have been constituted for their protection, to defend them as much as possible from any danger which may seem to threaten its continuance, and to secure for them with vigilance the enjoyment of that form of Government for which they have shewn so decided a preference.

The present posture of this Province, and the events which have recently occurred, call our attention forcibly to two sources of danger—

1st.—The present condition of affairs in Lower Canada—and,

2nd.—The readiness which the citizens of the United States have shewn to afford active assistance to any portion of the population of these Provinces who may choose, either with or without reason, to rebel against their Government.

With respect to the Province of Lower Canada, we have not merely the motive of self-defence to engage us in an examination of the difficulties which now prevail there, but we are earnestly entreated by petition from our fellow-subjects in that Colony, to interest ourselves in their adjustment.* The attempt to ascertain how these difficulties have arisen, should naturally precede the expression of any opinion, as to the best method of removing them.

It is usual to condemn, in strong terms, the want of foresight of the British Government, in not having taken the most obvious measures for making the Province of Quebec, after its conquest, at once and decidedly, a British Colony. What is meant by this is, that the English law, civil and criminal, should have been immediately established, and constantly maintained there—that all proceedings in the Legislature, and in Courts of Justice, should have been conducted in the English language alone, and that any peculiarities in the civil polity of the conquered people, should have been wholly abolished. It is reasonable to suppose that such a

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course would, in progress of time, have made the Canadians more truly a British people; and though it would have done violence to national feelings and prejudices, which deserve to be treated with respect, yet it could not have been accounted unjust on the part of their conquerors, and few persons, probably, would hesitate to acknowledge, that their situation would have been greatly improved, by putting them perfectly on a footing with the other Subjects of the British Empire.

Still it is not surprising that the Canadians were indulgently allowed to retain their peculiar laws, and the use of their language in official acts, and in judicial proceedings. It arose, no doubt, from the circumstances of the time. At first, indeed, the English law, both civil and criminal, was introduced by Royal Proclamation, as a natural result of the conquest; and things continued on this footing from 1763 to 1774, when it was thought expedient to restore to them, by Act of Parliament, the enjoyment of their peculiar code of laws, "in all matters relating to property and civil rights."* This retracing of their steps by the British Ministry, probably arose from observing that the French Canadians continued to be strongly attached to their former system, and from a conviction that it would be imprudent to leave them any strong ground for dissatisfaction, at the critical moment when the other Colonies in America were evidently on the point of revolting from the Mother Country. What might have been the conduct of the Canadians under other treatment, we can only conjecture; but it is certain, that the efforts which were afterwards made by the revolted Colonies, to allure them into their confederacy, were unsuccessful, and that in general, the population of Lower Canada remained faithful to the Royal cause. The policy pursued by the Government was natural, under the circumstances, and seems to afford no just cause of complaint, though its consequences at this day are, no doubt, to be regretted, as well on account of the Canadians themselves, as of their fellow-subjects of British birth; for unquestionably their system of land tenures, and their civil code in general, is much less calculated to advance the prosperity of the country, than the laws of England, which their prejudices have hitherto prevented the Legislature from adopting.

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It is unnecessary to dwell upon the history of the Colony, before the period at which those questions arose that have led to the present difficulties. The matter which brought the Assembly, at an early day, into the most serious collision with the Executive Government, was the attempt made, during the Administration of Sir James Craig, to give to a Resolution of that body the force of Law, in plain contravention of the terms of the Constitutional Act. A Judge of the Court of King's Bench was elected to the Assembly, a situation which he ought not to have desired, and to which the people, in the exercise of their discretion, should not have chosen him. Nevertheless, he was not ineligible, but clearly the contrary, under the express terms of the Constitutional Act, which makes all persons eligible, except those who labour under some one of the disqualifications which are set down in the Statute, or who may be disqualified under the provisions of any Act which the Colonial Legislature should afterwards pass. Sir James Craig took the plain, undeniable ground, that the vote of one branch of the Legislature could not change the law, by creating a new disqualification; and he was undoubtedly right, in not suffering the Constitution to be borne down, either by popular clamour, or by the encroachment of either House.

In expressing his entire willingness to join in a Legislative enactment for effecting the desired object, he maintained the proper distinction between constitutional and arbitrary power; and if upon every important question, as it arose, the same course had been resolutely persevered in by the Government, not as a matter of choice, but as a duty, respect for the Laws and Constitution would have exercised a salutary influence upon the social system, and the bounds of right and wrong would have been earlier understood, and more contentedly observed.

The contest which had been occasioned by the attempt of the Assembly to carry this point, gave rise inevitably to some degree of irritation, which found, as is usual, in process of time other grievances to inflame it. The successor to Sir James Craig, found the Colony in a state not very tranquil, and he made unfortunately the first step in a false system of Colonial Government, by an extraordinary effort at conciliation. He appointed to the Bench of Justice some of the very persons whose political conduct had been most obnoxious in the time of his predecessor; thus showing that a path might be opened to the highest honours by a violent and factious opposition to the Crown.

* 11 Geo. III. Chap. 83.

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The war with the United States of America engrossed the attention of the public, during the remainder of Sir George Provost's administration; and the civil affairs of the Colony were so subordinate in interest to the military operations of that period, that he felt perhaps no immediate ill consequences of the dangerous example he had set in Colonial Government.

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From this time however, there has been but little cessation of acrimonious contest in the Assembly; and indeed that attendant upon the representative form of Government was nothing more than was to be looked for under any circumstances. Freedom of discussion on political questions soon leads to warmth and vehemence; and when this natural tendency is strengthened by the motives which private interest or ambition, or worse impulses, will readily supply, it should neither surprise individuals nor terrify the Government, when they see attempts made to push the powers and privileges of the popular body beyond their due limit, either to gratify resentment, or to answer some more deliberate evil purpose. A Government at once prudent and firm would expect these excesses; and for the sake of the people would take care to prevent their endangering the existence of liberty, by confining each branch of the Legislature resolutely within certain well defined limits.

So long indeed as the Executive Government was to a reasonable degree independent, no fatal effect was likely to follow from such agitations. In the administration of Sir James Craig, the first attempt was made by the Assembly to obtain that unconstitutional control over the Executive Government of the Colony which should bring every public interest under absolute subjection to their body. Up to that period the salaries of the Governor General, of the Judges, and of most of the indispensable Public Officers, had always been defrayed from the British Treasury, under a Parliamentary grant.

The Crown duties derived under the British Statute, 14 Geo. III. chap. 88. together with the Casual and Territorial Revenue of the King, received within the Colony, were by no means sufficient, at that time, to supply these charges. But the revenue raised under Provincial Statutes was of such an amount as enabled the Legislature, in the time of Sir James Craig, to undertake the payment of that portion of the Civil List which the British Parliament had up to that period provided for. They proposed to do this, and although in the unimproved state of that Colony, any revenue they could raise might have been most beneficially employed in opening and amending roads, and in other works of an indispensable nature, it is not surprising that the British Government should have been at any time willing to avail themselves of an offer to defray from it the expenses of the Civil Government of Lower Canada, rather than allow these to continue a charge upon the overburthened revenues of the Nation.

But then the most scrupulous care ought to have been taken not to surrender the Officers of the Crown imprudently into the hands of the Assembly, by leaving the provision for the Civil List upon that footing that the whole, or any part of it, could be withheld whenever the Assembly might choose. Sir James Craig saw that the offer was not made in terms that would secure the Executive Government against this degrading and dangerous dependence, and he wisely declined it. But though the first offer was for this sound reason rejected, it was not easy to impress deeply enough upon the Government in England the necessity of keeping this important principle in view.

It was unhappily on a subsequent occasion lost sight of. The Parliamentary vote for the Civil List was discontinued, and His Majesty's Ministers were content that the Executive Government should depend upon the pleasure of the Assembly for furnishing annually those supplies which were necessary to its very existence. No security was exacted for the continued support of any one branch of the Civil Establishment: the chance that what the Assembly might do in one year, they, or another House, would not fail to do in the next, was unfortunately relied upon, and this important Colony was left in a state, which in the democratic Governments of America is felt to be incompatible with freedom. The Governor who was to enforce the civil authority, and the Judges who were to administer the law, were left at the pleasure of a popular body, frequently renewed, who might curtail, or deny them their salaries as they choose. From that moment to the present, there has been neither peace nor satisfaction in the conduct of the affairs of the Colony; no protection against the tyranny of faction, (which is the most unscrupulous of all tyranny,) and no adequate security for any principle or institution which the power of the Legislature could prostrate or undermine. The honour of the Crown—the independence of the Courts of Justice—the peace of the Country, were by this abandonment of constitutional principle, placed under the direct and absolute control of a

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few ambitious and vindictive political leaders; and all the evils that have followed can be traced to this source. They have accumulated till they have produced rebellion, and have come near to entailing upon the Empire the calamity of a foreign war—and it will be happy if the distressing consequences of this palpable error in policy have not raised in many thousands of minds, which could not under a more settled system have been dangerously agitated, an extinguishable hatred of the British name.

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It has put it in the power of the Assembly to exercise the most cruel oppression over individuals, and to subject the Government to numerous indignities; but what is infinitely more important, it has led to an acquiescence on the part of the Government, in repeated violations of the Constitution, and at last, because every thing that was asked by the Assembly was not surrendered, the Government was left for more than four years without the means of remunerating a single public servant, for the duties he had discharged under the King's Commission. Judges, Councillors, every department of the Civil Government, including even the Governor himself, were during that period absolutely unprovided for, and were compelled to serve gratuitously, and to obtain their living as they could by other means, while a large balance of unappropriated money was lying in the Provincial Treasury. In bearing even this degrading consequence, rather than surrender the essential principles of the Constitution, the Government choose the proper alternative; but it was in the last degree cruel that such a ruinous weight should have been allowed to fall upon individuals; and we believe that in no part of the civilized world, except perhaps in a few other British Colonies, could such consequences have been made to follow a just and lawful resistance to the will of a popular body.

It could only have been under the difficulties produced by this unconstitutional and discreditable state of dependence, that the Provincial Government can have submitted, as they did, to allow the Assembly to expel a Member for giving his conscientious opinion, as Chairman of the Bench of Magistrates, when applied to by the Government for advice respecting the Commission of the Peace—to declare him to be, for that reason only, under a lasting disqualification to sit in the Assembly, and to expel him after repeated elections—

To declare by their resolution, that a Member appointed by the Crown to a seat in the Executive Council vacated his place in the Assembly, though it is plain that by the Constitutional Act no such consequence could follow, and that the Assembly were violating their charter by giving to their own vote the force of a law—

To withhold at their arbitrary pleasure, writs of election for supplying vacancies which they had themselves created in different Counties, keeping such Counties unrepresented for several Sessions—

To deprive certain offices of indispensable necessity of every shilling of emolument, by leaving them out of the bill of Supply, for no other reason than that the persons filling them had openly, and in the exercise of their right as free men, expressed opinions adverse to the pretensions of the Assembly, upon public questions—

To pay to themselves, by their own mere vote, such sums as they choose to allow themselves for their attendance in the Assembly, though the allowance was sanctioned by no law whatever, and although every shilling of the revenue which was applied in paying it, was by the Statutes under which it was raised expressly reserved to be disposed of by Act of the Legislative Council and Assembly, assented to by the King—

To pay out of the same revenue, by their own mere vote, large salaries to Agents in England, appointed solely by themselves, whose chief employment was to vilify the other two branches of the Legislature, entitled equally with the Assembly to a voice in disposing of that money—

To expunge from the Journals of the House a communication from the Secretary of State for the Colonies, in the name of their Sovereign, upon the affairs of the Province, laid before them by His Majesty's command—

To erase contemptuously from their Journals the Speech of the Representative of their Sovereign, pronounced from the Throne, at the conclusion of a previous Session*—

To prorogue themselves when they pleased, departing to their homes with the avowed intention of putting an end to the Session, and leaving the other two branches unable to proceed further in the public business, thus usurping one of the plainest prerogatives of the Crown.

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If the ordinary and indispensable charges of the Civil Government had been placed, as the Constitution of every well governed Country demands, beyond the reach of the mere caprice of one branch of the Legislature, some of these cases of gross injustice could never have occurred; and for all of them there was at least a powerful check provided, and within the exercise of the Royal prerogative, which your Committee presumes was not resorted to merely from the unwillingness to prejudice the chance of obtaining the annual supply, an object for which it seems to have been thought necessary to encounter almost any humiliation.

It is hardly necessary to remark, now that rebellion has just done its worst, that this series of concessions, with others that might be added to the list, failed wholly to conciliate the Assembly which extorted them. On the contrary, it is plain that they only stimulated them to urge more unreasonable claims, in the same violent tone which had been so successful; for they were no longer restrained by a feeling of respect for the other branches of the Legislature, whose rights they had been allowed so repeatedly to treat with contempt.

It is difficult indeed to understand what practical good could be expected to arise from meeting in Session the same House of Assembly, which had expunged the Speech of the King's Representative from their Journals.

But even if there had appeared some ground of hope, that the Assembly could be won upon by these repeated sacrifices of principle, still the Government should not have felt themselves at liberty to make them. The benefit they were seeking in return was temporary; the inroads permitted to be made upon the Constitution were likely to prove injurious for ever; and besides, there was a portion of the people which viewed such proceedings with alarm, and remonstrated earnestly against them; and however small their number in comparison with those who supported the Assembly, they were entitled to the utmost protection of their Government, because they had right and reason on their side.

But the apparent insensibility to the danger of placing the Civil List within the annual control of the Assembly, was attended with a consequence far more injurious than any that has been noticed. It reduced the British Government to the necessity (in their opinion at least,) of violating, in the most important particular, the Constitution of the Colony. Even so early as the time of Lord Bathurst, the Government of Lower Canada was in a state of such embarrassment and confusion, from the total failure of the Assembly to provide for the Civil List, that Lord Dalhousie, then Governor General, was directed to cause the necessary payments to be made from the Provincial Revenue, without the sanction of any Act of the Legislature. We do not say that this direct violation of the law of the Province was, or could be justified by any necessity. On the contrary it would have been better, in our opinion, even to have repealed the Constitutional Charter, by the unquestionable authority of Parliament, than to suffer it to remain in full force, and at the same time to sanction its direct infringement by an Act of the Executive Government.

But the fact that the difficulties arising from the want of a settled provision for the ordinary expenses of the Civil List, *did* lead the Government to adopt a measure so certain to be injurious to their character, and to the future peace of the Colony, and to preclude all amicable intercourse between the Government and the Legislature, is of itself an unanswerable proof that it ought never to have been thought possible to leave the affairs of the Colony upon such a footing.

There would be little satisfaction in bringing under review the series of perplexing difficulties into which the Government of the Colony was thrown between 1817 and 1828, by this fruitful cause of disorder. Every year these difficulties increased, and the attempt to surmount them, and an honest desire to guard the Constitution, and to protect against violence and insult the servants of the Crown, and the supporters of British institutions, brought upon a benevolent and high-minded nobleman, (Lord Dalhousie,) a torrent of vile and unjust abuse, and a series of contemptible insults and persecutions, against which he was not sustained in a manner worthy of the great nation in whose service he was employed, and of his own high station and unblemished character.

In 1828, when the contentions we have described were at their height, petitions to the King, very numerous, signed, were sent from Lower Canada, by agents who were employed to further the views of the petitioners. These were statements of grievances by opposing parties—on the one hand, the French Canadians, adopting the language and complaints of the

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Assembly, charged the Executive Government and the Legislative Council with many delinquencies: and on the other hand, the British and American population set forth evils, which they alleged they had suffered from the national prejudices, and the perverse conduct of the Assembly.

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His Majesty's Government in England did neither deal with these petitions in the ordinary manner, by deciding upon their prayer according to the judgment, and of course upon the responsibility, of the proper Minister of the Crown; nor was recourse had to the undoubted power of Parliament for settling any of the contested points by a Legislative enactment—but a middle course was taken, and one that, in its application to Canada at least, was perfectly novel.

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A Select Committee was appointed in the House of Commons, on the motion of the Colonial Minister, for the comprehensive purpose of "enquiring into the Civil Government of Canada, and reporting their observations thereupon to the House." Having heard the statements of such persons acquainted with these Provinces, as happened at the time to be accessible, and as they choose to call before them, this Committee made a Report, in which they discussed many of the points in controversy, and expressed an opinion upon them, though not in all cases definite and conclusive: adding, by way of summing up, that "the embarrassments and discontents which had long prevailed in the Canadas, were in a great measure to be traced to the manner in which the system of laws, and the established Constitution had been administered."

It is not the intention of the Committee to enter into an examination of the opinions expressed, or of the advice offered in this Report of the Select Committee of the House of Commons, though such an examination might not be altogether unprofitable. The result of this proceeding was, that without any public discussion of this Report, or of the questions and interests which it involved—without even a motion for its adoption in the House of Commons, and without any investigation or expression of opinion by the House of Lords, on any of the important topics it embraces, it has been avowedly advanced and relied upon by successive Secretaries of State, as a kind of settlement of Canadian politics, by which His Majesty's Government, and these Provinces, so far as the power of the Executive extended, were to be hereafter bound.

Your Committee is aware, that to a great portion of the people of Canada this has always appeared to be a singular innovation in the Colonial system.

The Ministers of the Crown are responsible to Parliament, and to their Sovereign, for their decisions and measures; they are open too, at all times, to the statements and vindications of persons, whose conduct may be called in question, or whose interests are liable to be affected by their acts. The inhabitants of the Canadas are well aware, that besides their subjection to this Constitutional power of the Executive Government, they are liable (and they acknowledge it without jealousy) to have their political condition regulated and altered in any manner that the supreme Legislative authority of the Empire may think fit. But they know also, that the passing of an Act by the British Parliament, implies an open, grave discussion of the questions involved, in two numerous assemblies, with all the advantages of the talent, sound judgment, experience and various information, which are certain to be found there. It implies also the sanction of the Sovereign.

Here a third course has been adopted, which has given to the people of these great Colonies neither the security of the responsible Ministers of the Crown, nor of the wisdom and justice of either House of Parliament—but which enables the Colonial Department to dispose of the most important and delicate questions of civil policy, by professing to conform scrupulously to a standard laid down by a Select Committee of the House of Commons.

It is to be considered that the Members of a Select Committee are named by the mover of it—that the selection may have been influenced by a knowledge of the sentiments of many of them—that it is no uncommon practice to place upon Committees, out of mere complaisance, or in order to give an appearance of impartiality, persons of extreme views in respect to the points at issue; and that it is by no means impossible that some of the gentlemen who may upon this occasion have entered warmly into the complaints of the Assembly of Lower Canada, may have been persons whose recommendation to their constituents for a seat in the House of

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Commons, was their declared hostility to principles, which not only the King's Ministers, but a great majority of both Houses of Parliament, must feel themselves bound in duty to support.

When it is considered further, that the enquiry to be instituted was wholly within the discretion of the Committee, as to the persons to be examined, and the questions to be asked, that with regard to one of the Provinces, whose Executive Government was so decidedly censured, the examination was altogether *ex parte*—it being wholly unknown in Upper Canada that such an enquiry was intended; that this Report passed, as it is said, only by a casting vote, and was never brought into public discussion even in the House to which it was addressed. When these things are considered, it can scarcely be expected that such a document can, with much satisfaction, be regarded by the people of Upper Canada as a sort of second Charter, by which their most important interests are to be implicitly governed. They can feel no assurance that there are not in that Report more than one principle assumed, and opinions expressed, which, if fairly discussed, might not meet with the concurrence of either House of Parliament; and is not probable that any one would willingly consent to have his private interests bound by the opinion of a majority of a Committee of the House of Commons, resulting from such an enquiry.

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Your Committee further submit, that it is not unreasonable to look with distrust upon such a mode of adjusting the most important Colonial interests, when it is considered, that although His Majesty's Secretary of State, professing to follow it implicitly as his guide, has given to the opponents of the Colonial Government the full benefit of every relaxation which it recommends, there has been no scruple in departing from it in the contrary direction. In other words, it stands as a security for every suggested concession, but not as a security for those points which the Committee had recommended to be guarded, against popular encroachment.

For instance, the Committee recommends that the Governor, the Members of the Executive Council, and the Judges should be secured in the receipt of their established salaries, before the duties levied under the Statute 14 Geo. III. should be surrendered to the Legislature.

His Majesty's Government has surrendered, in Lower Canada, the whole of these duties, without securing any salary whatever, either for the Officers named, or for any other Officers.

The Committee recommends that the Casual and Territorial Revenues of the Crown should not be surrendered to the Legislature.

Her Majesty's Government seems eagerly desirous of making such a surrender, although it must necessarily deprive the Queen's Representative in the Colony of the power of doing a single act of grace or favour, or of charity, in the name of his Sovereign, or of meeting, otherwise than from his own private funds, any extraordinary and unforeseen disbursement which the exigencies of the public service, and under some circumstances, the public safety may require him to provide for.

The Committee recommends that the King should retain the power in the Colonies of removing a Judge from his office, or in other words, that the commission should be to hold during pleasure.

The Government have not in this instance adhered to the Report, but on the contrary, have shewn a strong disposition to render the Judges independent of the Crown in both Colonies, and in Upper Canada have assented to a measure for that purpose.

From what your Committee have stated, it cannot but appear, that the successive Ministers for the Colonies, in professing to take this Report for their guide, have substituted for their own responsibility the apparent sanction of Parliament, but in reality nothing more than the opinions of a majority of a Select Committee, unconfirmed by any other authority, and not subjected to the test of any public examination or discussion—and those opinions the result of an enquiry conducted without the knowledge of the Government whose conduct was implicated, or of the people whose most important public interests were concerned; and moreover, that the opinions of this Committee, while they are confidently relied upon as warranting to the full extent any concession which they recommend, are not allowed to interpose an obstacle to any concessions from which they have thought it prudent to withhold their sanction.

Whatever may have been expected from this Report of the Committee of the House of Commons, it had no permanent effect in restoring tranquillity to Lower Canada, or in arresting the violent measures of the French Canadian leaders. They soon returned to their

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intemperate abuse of the Government, and in the midst of the outcry, Lord Dalhousie was removed.

A temporary calm followed, as is usual, the accession of a new Governor; but his Administration was wholly unimportant as regarded the settlement of any question that had arisen between the Government and the Assembly. The only variety produced by the change was, that the outrageous abuse, of which the head of the Government had before been the principal object, was for a time distributed among his noble Predecessor, the Legislative Council, and the King's Ministers. Things however began to revert to their former state, so soon as it became evident that the resolution of Sir James Kempt, to take nothing amiss from the Assembly, was not likely to lead the way to any decisive changes, and that his policy had no higher object than to save himself from the disaster of being thought an unpopular Governor, and from the annoyance of those brutal attacks which no firm friend of the Constitution had the slightest prospect of escaping for any length of time.

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The Assembly renounced none of their pretensions, and all that the new Governor gained by such concessions as were made, and by the sacrifice of feeling, which it must have cost him to listen with complacency to the most ungenerous calumnies upon his Predecessor, mingled with compliments to himself, was the grant of an annual supply, so defective, and accompanied with conditions so objectionable, that His Majesty's Ministers expressed their regret that it had been accepted.

In the subsequent stages of their controversy with the Government, the Assembly soon took the more peremptory course of refusing absolutely to grant a shilling of supply for the support of the Civil Government, until certain radical changes should be made in the Constitution.

Happily these desired concessions were so extensive that the British Parliament alone could grant them; and by making them nevertheless the condition on which alone they would enable the Government to pay its Officers, and to defray the charge of administering Justice, the Assembly compelled the adoption of some line of conduct, for bringing the admissibility of their pretensions to a final decision. Perhaps, also, it is not to be regretted, that the necessity for this decision has been further hastened by what appears to have been an act of singular improvidence on the part of the Government in England.

Up to the year 1831, the Crown duties levied in Lower Canada, under the British Statute 14 Geo. III. Chap. 88, enabled the Government to pay a very considerable portion of the Civil List, and at no distant period, they would probably have sufficed, in addition to the other Crown Revenue, to meet the whole charge. Those duties had been imposed by Parliament in 1774, as a substitute for other duties much more burthensome, which the Canadians at the time of the conquest were bound to pay, under an edict of the King of France. This appears upon the face of the British Statute,* by which also the proceeds of the new duties are expressly directed to be applied, in the first place, towards defraying the expenses attending the administration of Justice, and the support of the Civil Government within the Colony, under the direction of the Lords Commissioners of the Treasury.†

This revenue had been for a long series of years received and applied in conformity to the Statute, without question or complaint; and even after the Legislature had been allowed to assume the payment of those charges of the Civil List, which the British Parliament had been accustomed to provide for, they expressly made their grant in such terms as shewed their intention to be to make up the deficiency that might be required, after the application by the Crown of the duties levied under the Statute 14 Geo. III. thereby repeatedly acquiescing in the right of the Crown to make such application.

Nevertheless, the Assembly did at length, among their grievances, complain that these duties were wrongfully withheld from their appropriation.

The British Parliament had by their Act, 18 Geo. III. Chap. 12, passed during the contest in America, declared that "they would not after the passing of that Act impose any duty payable in the Colonies, except such as might be expedient for the regulation of Commerce, and that the proceeds of any duties which might be imposed for that purpose, should be subject to the appropriation of the Colonial Legislature."

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The Assembly contended that as this was a renunciation of the right to tax, it amounted to a virtual repeal of the previous Statute of 14 Geo. III.

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But on the other hand, it was to be considered that, as the 18 Geo. III. was nothing more than a declaration of Parliament, that they *would thereafter* impose no duty, &c. it could not have the legal effect of abolishing a duty which *had been imposed before*; and more especially, when that duty was but a substitute for heavier duties which were in force in the Colony when it was conquered, (among which was one of three per cent *ad valorem* on all dry goods *imported* or *exported*,) and upon the legality of which the Canadians could raise no dispute; that the Crown Officers in England had given an express opinion that the Statute 14 Geo. III. was not affected by 18 Geo. III.; that other British Statutes anterior to 14 Geo. III. imposing duties in this and in other Colonies, stood upon the same footing, and were not complained of; that the proceeds of these duties were applied strictly to pay public charges of the Colony, as the Assembly well knew, and such charges as the Assembly had by their Acts repeatedly recognised and sanctioned; and further, that the Assembly had in their Acts repeatedly recognized the appropriation of these duties by the Crown, as rightful and legal.

This being the statement of the case, the utmost that could fairly have been expected by the Legislature was, that whenever they should make a reasonable provision for those charges which the 14 Geo. III. now enabled the Government to meet, they might be allowed to appropriate the duties raised under that Statute, or might obtain, if they preferred it, their total repeal.

The Committee of the House of Commons upon Canadian affairs, in 1828, took this view of the question, but they satisfied themselves with recommending that the Government should accept a provision for a very limited number of Officers, viz. the Governor, the Judges, and the Members of the Executive Council.

In 1831, the Secretary of State, intending as it would at first appear, to act on this recommendation in respect to the relinquishment of the right to appropriate, but with a more cautious regard than the Committee had discovered to the necessity of maintaining the efficiency of the Government, directed the Governor of each of these Provinces to inform the Legislature, that upon their providing more permanently than by annual vote, for certain public charges which were specified, (and which included more salaries than the Committee in 1828 thought it necessary to recommend,) the right to appropriate the duties raised under the Statute 14 Geo. III. would be transferred to them by an Act of the Imperial Parliament.

It is to be regretted that in a case where not law only, but reason and justice were so clearly on the side of the Government, they should have been content to stipulate for any thing less than the ordinary understood charges of the Civil List, including the expense of administering Justice, according to such estimates as the Legislature had in each Province repeatedly sanctioned. Whatever in this respect was reasonable and necessary, from 1815 to 1830, in Colonies increasing rapidly in population, could not become less so as these Colonies advanced; but on the contrary, any Civil List that would be reasonable at the current time, was certain to become inadequate to meet the wants of the public service as their condition expanded.

For the requisite means of meeting this increased charge, it might have been thought not imprudent to consent to depend on the Legislature; but it seemed neither just nor considerate in the Government to abandon unnecessarily to the result of annual discussions in the Assembly, numerous charges of the Civil List, as indispensable, and as meritorious, as any of those for which they stipulated, although not annexed to offices of the same dignity.

If instead of proceeding as they did, the Government had on this occasion proposed to Parliament an Act, providing, that whenever the duties under the 14 Geo. III. Chap. 88, should produce a sum more than sufficient to defray certain necessary charges, which might have been specified, (and which should have been merely such as the Assembly had repeatedly voted,) then the excess should be placed at the disposal of the Colonial Legislature; and that whenever the Colonial Legislature should provide permanently, out of other funds, for the same charges, then the duties under the Statute 14 Geo. III. should cease altogether, such a measure could not have appeared unreasonable, nor would it have done any disservice to the Assembly to have thus placed out of their reach the temptation to disturb the peace of the Colony, by such contests as have taken the place of all useful business for the last ten years, and have at length plunged their Constituents into the guilt and misery of rebellion.

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By thus obtaining a permanent provision for the administration of Justice, and the ordinary charges of the Civil List, the Government would only have been rendered as independent as it is in England, and in the Republican States of America. How it could ever have been thought prudent or just to make it less so, it is not easy to understand.

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But the extraordinary fact is, that the Government not only did not insist upon securing a reasonable and sufficient Civil List, but they seem to have made up their minds to the fatal concession of surrendering to the Assembly the duties under the 14 Geo. III. without insisting upon obtaining any equivalent whatever, and the measures pursued by them, have ended in placing things in Lower Canada upon that ruinous footing.

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While the 14 Geo. III. remained yet unrepealed, the Secretary of State directed the Governor of each Province to make a communication to the Legislature, offering to surrender the duties in question, and expressing a desire, that they would provide the usual salaries for the Governor, Judges, Members of the Executive Council, and several other Officers. In Upper Canada the opportunity was first afforded of considering this proposition, and the discussion ended in a bill being passed establishing a permanent Civil List, but very far short in amount of that suggested by the Secretary of State, and in fact giving little more than half of the compensation which had been asked, in return for the proposed surrender.

The Act was accepted however, and while not a shilling had yet been granted by the Legislature of Lower Canada, a bill was brought into Parliament for placing at the disposal of the Legislature in each Colony their respective proportions of the duties levied under the 14 Geo. III. It was objected in the House of Lords by Earl Bathurst, and by the Duke of Wellington, that such a measure would reduce the Civil Government to a state of dependence on the Assembly, which would be utterly destructive of its character and efficiency, and would prove ruinous to the peace of the Colony. They were answered by an assurance from His Majesty's Secretary of State for the Colonies, that it was not intended to surrender the duties unconditionally, and on this explanation the bill was allowed to pass, not however with the assent of His Grace the Duke of Wellington, who entered a protest* in language which shewed his perfect sense of the imprudence of the measure, and his patriotic desire to prevent the coming evil.

Whatever may have been the intention or understanding of Lord Goderich, the bill was in reality so framed, that it was a plain surrender to the Colonial Legislatures of the monies raised under the Statute 14 Geo. III. without qualification or reserve. It was looked upon in no other light here or in Lower Canada; and when it became necessary for the British Government, as it soon did, to consider what was really the effect of their measure, it was found capable of no such construction as had been intimated, while it was under discussion in the House of Lords.†

The British Government having gone so far beyond the recommendation of the Canada Committee, as to surrender without equivalent the revenue which would have supported the most necessary Offices, and rendered the administration of Justice independent, it remained to be seen what would be the effect upon the Assembly of this romantic confidence in their liberality and sense of Justice. The result, it need not be said, has disappointed the expectations of no one on this side of the Atlantic.

The Government having left itself without resource, has been left by the Assembly wholly destitute, and after four or five years of unmitigated insult and violence, without a single grateful return, or respectful expression, the Government has at length been compelled to pay its Judges and other Officers their large arrears of salaries out of the Military Chest of England, while a large amount of unappropriated monies is lying in the Provincial Treasury; and when the remedy which it is proposed to adopt for this inconvenience and injustice is considered, it will be seen at once how strangely inconsiderate has been the policy of the Government, in this very delicate and important matter.

The measure proposed by Lord John Russell's resolutions of 1837, is to take from the Provincial Treasury the money which the Assembly has declined to grant. The Provincial Statutes by which this money was raised, reserve the right of appropriating it expressly to the Legislature, and the taking it by any other authority is a direct violation of the Law, and a plain

* Appendix J. † Appendix K.

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infringement of the Constitution. How much better would it have been to have exerted the firmness necessary to preserve what by law and in justice belonged to the Crown, than by tamely surrendering it to incur the necessity of dishonouring the Crown, and furnishing the Assembly, in the midst of their factious violence, with a ground of complaint, infinitely more substantial than all the grievances they had been inventing for years!

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Far from being improved in temper and demeanor by the unlimited confidence that had been so incautiously placed in them, the Assembly became more rudely violent than ever; and instead of employing themselves in any thing useful to the Colony, they proceeded from one intemperate act to another, till at last they impeached the Governor General, the Legislative Council, and the King's Ministers, in ninety-two outrageous resolutions, such in matter and manner, as it might have been supposed, would have discouraged any further attempts to cure the evils of Lower Canada by conciliating the Assembly. In one sense the course taken by the Assembly was honest, for in these resolutions they plainly announced to the King's Ministers, that they would do nothing that had been expected of them—that what they wanted was a Republican Government, which His Majesty might grant them if he pleased, but which they were resolved at all events to have, and if necessary, by rebellion, in which they doubted not they would be assisted by the United States.

After this declaration, it surely could not have been thought in England that there was any great mystery in the disorder which had deranged the state of the Government in Lower Canada; and it was expected, that His Majesty's Ministers would have repaired their error, by retracing at once their steps with regard to the Crown Revenue, and repealing the Act which had been improvidently passed. But it was thought expedient first to send out a Commission of inquiry to Lower Canada, and to remove the Governor General, Lord Aylmer, against whom the Assembly had raised a clamour, as violent and indecent as it was evidently unjust.

With respect to the Commission, it was not obvious what particular advantage could be expected from it, unless it had for its object the supporting the cause of truth and reason, by procuring the judgment, after inquiry on the spot, of some one or more public characters of acknowledged talents, commanding station, sound political principles, and enlarged experience. The weight which would have been conceded to such opinions might have warranted the expense and delay incurred by the inquiry. But the selection that was actually made did not offer the hope of any such advantage.

In the Provinces of Canada, containing together a population nearly half as large as that of Scotland, various constitutional questions had been agitated, which in Lower Canada at least had arrayed a large portion of the people against their Government. If in any or all of these questions the Government really had right on their side, it might be desirable that an opinion to that effect should be given by some unbiassed judge of acknowledged competence—but how could it strengthen the Government in such a contest—or how could it tend to procure submission to any great public principle, to announce to the world that it had received the sanction of any or all of these Royal Commissioners? Their testimony, at least till they had acquired a known reputation, could weigh little or nothing in the balance against popular prejudice, while on the other hand, the bare circumstance of their acting under the King's Commission, was sufficient to give to the opinions of either of them, when they bore against the sound principles of the Constitution, and supported the unreasonable desires of a discontented people, a very undue and injurious influence.

If one or more Commissioners, of known high character for sagacity and sound political views, had come to Lower Canada, armed with powers given by Parliament, to receive evidence on oath in support or refutation of any alleged cause of complaint, and bound to give to the public Officers who had been aspersed the opportunity of openly vindicating their conduct, some good might have arisen from the inquiry. But your Committee do not believe, that in the result of the proceedings of the Commissioners any advantage will be found that will at all compensate for the degree in which the honour of the Government has been compromised, by the measures which they adopted and advised. Their published reports do not affect to conceal their hopes and their attempts to win over, by other means than a plain and independent discharge of their duty, the individual members of a party, whose dishonourable want of fidelity to their Sovereign was then as certain and notorious as it has become since, although they had not so openly committed High Treason.

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Let any one, who will submit to the disgusting drudgery, read through the Ninety-two Resolutions passed by the Assembly of Lower Canada: let him then consider that the known and avowed author of these Resolutions was taken from the Assembly by my Lord Gosford, and placed, reeking, upon the Bench of the highest Court in the Colony—there to administer justice in the name of the King of England: let him then imagine some one of the many poor deluded wretches, who have been lately taken in arms against their Sovereign, brought before this Judge to answer for the Treason; why should he not say boldly to the author of the Ninety-two Resolutions—Show me what I have done, that *you* did not *incite*, and *advise*, and *encourage* me to do. If I am guilty of Treason—a crime in which all that are concerned are principals—how can *you* be less so, who urged me to the act?

We are told on Sacred authority, “that Governors are sent by the King for the punishment of evil-doers, and for the praise of them that do well.” Lord Gosford does not appear to have understood this to be the object of his Government.

After the Commissioners had closed their proceedings, the Government of the Colony was directed to make a last attempt, in the face of insult and defiance, to procure from the Assembly some kind of supply for the exigencies of the Public Service. But happily, the Assembly were for no half measures; and finding, by the accidental publication of the Commissioner's Instructions, that some of the essential principles of the Constitution were not to be sacrificed, they disdained all soothing treatment, and would not grant even a temporary relief. It is well they did not; for the obtaining a defective Bill of Supply for the current year would have been of little value to any but the unpaid Officers, and their creditors, while the Commissioners would have imagined, and probably led others to imagine, that they had really overcome those difficulties which had occasioned the recall of Lord Dalhousie and Lord Aylmer.

Nothing whatever was gained from the Assembly; and at last the British Government having recalled one Governor General after another, and lavished upon the Assembly, to no purpose, expressions of confidence, which could scarcely have been sincere; and having promoted to offices of honour and trust, and even to the Bench of Justice, the most intemperate calumniators of the Government, have been reduced to the necessity of providing some remedy for evils which have at length become intolerable. Whether the remedy will be that, and only that, which was contemplated by the resolutions offered to Parliament by Lord John Russell, in the last Session, we of course are ignorant. Recent occurrences in Lower Canada may incline the Government to propose something more decisive in its character.

It is impossible, in the opinion of your Committee, that any one conversant in the affairs of Lower Canada, can look upon the resolutions referred to, as pointing out a satisfactory course. They provide but for the present moment, and that in a manner most liable to exception; for clearly, the Government has no right, and none can be given to it, to take from the Provincial Treasury, monies paid into it under Acts of the local Legislature—which Acts expressly reserve to that Legislature the exclusive right of appropriation.

The Constitutional Charter, under which the Colonial Legislature acts, may undoubtedly be rescinded by Parliament; but while it is suffered to stand in force, it ought not to be violated. The case is not such as to require so desperate a remedy—and it is hardly possible, perhaps not possible, to conceive any case that would warrant it.

Throughout the extraordinary contests which have brought things to their present state, and during a long period of similar agitation in this Province—which has been terminated by the firm and constitutional manner in which the Government of the Colony has been conducted—the friends of the Crown have had the mortification to observe an apparent want of confidence on the part of the British Government in their power to give effect to sound principles and views. It cannot be supposed, that it can be the desire of any Minister of the Crown to substitute a Republican form of Government for that which we now enjoy; but nevertheless, those who have been obviously, and indeed avowedly labouring to bring about such a change, have been suffered to proceed to extraordinary lengths unchecked—and we regret to add, that they have in many instances, met with no slight encouragement to persevere. Not merely have the patronage and countenance of the Crown been extended to persons distinguished by their violent and unjust opposition to the Colonial Government, but successive Governors have been recalled just at the moment when they had acquired a knowledge of the real state of the country they were governing, and had learned the utter folly of concessions, which had no

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other effect than to weaken the authority of the Crown, and to add to the power and audacity of traitors in heart, who, presuming upon the want of energy and firmness in their Rulers, have become traitors in fact.

It is alarming to reflect how little reason we have to doubt, from what we have witnessed for many years past, that if the leaders of the late rebellion in Lower Canada had been less bold and open in their defiance—if they had deferred their resort to arms—and had consented to employ a little of the management, which it is avowed in the Report of the Royal Commissioners was resorted to by the Government—there is hardly any thing they could have desired which it seemed beyond their power to have obtained as a concession.

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No one can read the Report of the Commissioners without being convinced, that the protection of British principles and feelings in Lower Canada, is mainly to be ascribed to the insane violence of Mr. Papineau, which made him an impracticable person for the Royal Commissioners to treat with.

It is plain on the face of their Reports, that if the Commissioners, by the extraordinary direction which they gave to their civilities, and by the use they were willing to make of the patronage of the Crown, could have succeeded in getting any kind of Supply voted, though but for a single year, they would have imagined they had achieved a decisive and valuable victory: when, in truth, nothing would have been gained that ought to have been considered an equivalent for the sacrifice of a single principle, or the admission of an unjust encroachment.

If the conduct of the inhabitants of the British North American Colonies, at the present eventful crisis, shall dispel an illusion which seems to have prevailed in England, that popular doctrines and movements cannot be safely withstood on this Continent, however repugnant they may be to truth and reason, then we shall have gained something that may make our enjoyment of rational liberty more secure in future, than we have felt it to be in times past.

The party, in deference to which the Government has so long forbore to enforce its just rights, have at length tried their worst, and have shown so great a disproportion between their inclination and their ability to defy the Government of their Sovereign, as we trust may embolden the Ministers of the Crown hereafter to afford their assistance to their fellow Subjects in maintaining the Royal authority.

As respects Lower Canada, circumstances are only so far changed by the rebellion that the necessity for coercive measures has become more apparent, and may be supposed to have been increased by the feeling which a resort to arms has inevitably given rise to. In effect that Colony has been in a state of anarchy for two or three years past; and the question no longer is, whether decisive measures shall be taken, but what those measures are to be. The safety of Upper Canada is directly concerned in the course that may be adopted, and your Committee will therefore venture to express such opinions as they have formed, in respect to the several remedies which they have heard suggested.

As the resolutions introduced by Lord John Russell, in the last Session, make no provision against future difficulties, it would be of little use to discuss them.

By repealing the British Statute which surrendered the King's right to appropriate the duties raised under the Statute 14 Geo. III. a revenue would revert to the Crown, sufficient to meet the most important items of the Civil List, and the Casual and Territorial Revenue would afford a further resource, but fluctuating and uncertain in amount. The deficiency would be but a light burthen on the Provincial Revenue, for the difficulty hitherto has never been occasioned by the want of means, but by the determination of the Assembly to make their control over the ordinary expenditure of the Government the means of gratifying their resentments, and of overthrowing the Constitution of the Province.

With an abundant Provincial Treasury it would be unreasonable, that the British Nation should again assume those charges for the Canadian Government which at an early period were defrayed by Parliament; but either that must be done, or means must be taken to ensure the right application of so much of the Provincial Revenue as is necessary to maintain the Government.

If the present Assembly of Lower Canada were dissolved, and a new one chosen, the Legislature might be again convened, and plainly told, that unless they would provide permanently for the ordinary Civil List, the Colony must be governed in another form; and the

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alternative should not be proposed to them as an idle threat, but should be deliberately and firmly submitted to their choice.

Your Committee do not hesitate to say, that a representative form of Constitution should never have been conferred on any Colony, until the administration of Justice, and the necessary charges for the Civil Government, had been so provided for as to secure them against the caprice of either branch of the Legislature—or at least the passing an Act for that purpose, in the first Session, should have been the condition on which alone their Charter should continue in force; and such an act would be the best evidence a Colony could give of its desire to guard the integrity of its Institutions. The observation of what has passed in Lower Canada within the last twenty years can leave no doubt on this point.

The Assembly, under the guidance of two or three leaders, who have any thing in view but the public good, become involved in an altercation with the Governor. The only ground for the quarrel probably is that he feels it to be his duty, for the sake of the Colony, to defend the Constitution from popular encroachment.

In the hope of compelling him to yield, the Assembly refuses the Supplies; this refusal occasions the greatest public inconvenience, and much distress to individuals. If it be repeated the next year the evil becomes almost intolerable. Of this the Government in England are easily made sensible; and looking unfortunately more to the effect than to the cause, they recall their Governor, not because he has done any thing wrong, but simply because he is in trouble.

His Successor knows that the stumbling block was the annual supply, and that it is expected of him that he will manage somehow to remove that difficulty.

The Assembly he concludes cannot be driven, but he flatters himself they may be persuaded; and as the well-disposed Members of that body require no persuasion, and may safely be left to their sense of public duty, the effect is expected to be produced by extraordinary deference and civility, to the very persons who notoriously deserve least the respect or confidence of the Government. Those who have treated his Predecessor with the greatest rudeness and injustice are the individuals whom it is most his care to conciliate.

Their public principles, and not unfrequently their private characters, make them by no means fit to be the chosen associates of the Representative of our Sovereign. To be just to them, as to all others, is plainly a matter of duty—to treat them even with that courtesy which is observed towards strangers might not be improper, but to make them the particular objects of civility and favour, gives disgust to the respectable and well-affected portion of Society, and brings the Government speedily into universal contempt. The policy, nevertheless, generally avails for one year, and with a Governor not particularly high-minded, it may last for two. The Assembly have at first a desire to mortify the Governor who has been recalled, by granting to his Successor what they have withheld from him; then their hope of obtaining some important concession from their new Governor, before he understands his situation and duty, makes them extend the time a little longer; but two years can hardly pass before something is asked which the Governor either cannot, or will not grant, and then begins with him the same course of treatment which enabled them to get rid of his Predecessor.

They threaten to grant him no Supply, and from that moment the choice is set before him of being added speedily to the list of displaced Governors, or of gaining at least a temporary reprieve by concessions. If he is firm, his fate is certain; the Assembly will grant him no Supply, and then, in order to make out a sufficient excuse for withholding it, they heap the most atrocious abuse upon their Governor. It matters not that his name was never before coupled with dishonour—that in the course of a long public service, and perhaps in the Government of other Colonies, he has been respected and beloved; the generous Nobleman, and high-minded Soldier, finds himself suddenly held up to public odium as tyrannical, unjust, false, and perhaps even cowardly. Being vilified in the Assembly, and by a scurrilous press, he is concluded to be unpopular, and then his removal follows of course, when the succession of another Governor begins anew this game, by which every man in the community loses, except a few political leaders, the greater number of whom perhaps are worthless, and insignificant in all other respects, except from their power to do evil, which their seat in the Assembly gives them.

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But we must remember that the temptation to Governors is in several respects strong, to avoid bringing things to this issue, by making any possible sacrifice: and the history of Lower Canada furnishes too many instances where this temptation has prevailed.

No Constitution can stand long against the assaults to which it is exposed under such a system; and it is the interest of all classes of persons, who really believe that their form of Government is worth preserving, to secure it against the greatest danger it is exposed to, by relieving the Executive Departments from a state of ruinous dependence on the Assembly.

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There is another evil consequence of this dependence in the temptation to which it exposes the Public Officers of the Colony, to ingratiate themselves with the leaders of a faction who can measure out to them, or withhold their subsistence, as they please.

It may be imagined, perhaps, that however obvious these considerations may be to those who think deeply, and feel rightly on matters of Colonial Government, yet that the multitude can never be taught to see and acknowledge their force, and that every advocate of popular rights would feel himself bound to resist the conclusions which your Committee have expressed. In order to afford rather a striking proof to the contrary, your Committee will append to this report* some passages upon this subject, in a printed letter of Mr. Hume's correspondent, Mr. W. L. Mackenzie, who has lately carried his factious opposition so far as to involve himself in the guilt of High Treason.

In 1827, Mr. Mackenzie, desirous it seems for some purpose, of attracting the favourable notice of Lord Dalhousie, addressed a letter to that Nobleman, which was printed and published at the time, and in which it will be found, that the evils of placing the "*Royal authority at the feet of a popular Assembly, and of obliging the Officers of Government to court their favour for their daily bread,*" and the conviction that under such a system "*no end to financial controversy will ever be found,*" are very forcibly dwelt upon.

Your Committee, of course, do not cite this on account of the respectability of the authority, but merely to show how sensible the bitterest enemies of the Government are of the degradation and destruction inseparable from such a system.

The British inhabitants of Lower Canada are strongly impressed with an opinion, that after all that has taken place, the removal of this difficulty respecting the Civil List would not alone be sufficient, and that the Province cannot prosper unless some material change is made in its Constitution. The French Canadians are not an enterprising people; they care little about commerce, and are not zealous promoters of public improvement; and besides this, it is said, that their laws and customs have an unfavourable tendency, and that their ignorance and national prejudices forbid all hope of amendment through the agency of the Legislature. A Legislative union of the Provinces is proposed and very earnestly pressed, as the most effectual remedy. It probably is desired by the British population of Lower Canada, with very few exceptions, and their desire is natural—they may gain much, and can scarcely lose by the change. The people of Upper Canada, on the other hand, would be committing much to hazard by the trial: they are happily not in that state that should make them indifferent to any dangerous experiment.

Hitherto a fear of ill consequences to themselves has prevented the inhabitants of Upper Canada from seconding the desires that have been expressed for a Legislative union: the situation of Lower Canada is now such as calls for some important change; for it is perhaps not too much to say, that the Laws no longer afford to the British population there, sufficient security for their lives and properties. Although a strong Military force must probably, under any circumstances, be maintained in Lower Canada for some time to come, yet that is not the resource that should be principally looked to for the future tranquillity of the Province; and if it were certain that peace and safety can be no otherwise assured to our fellow Subjects there, than by the desired Legislative union, then your Committee would not hesitate to say, that the people of Upper Canada should consent to that measure, as they should indeed to any other, that upon a deliberate consideration of the case, may appear to Parliament to be the most expedient.

In the Session of last year the Legislative Council concurred with the Assembly in an address to His late Majesty, deprecating an union of these Provinces, a copy of which address is subjoined,† and of the reply which His Majesty was graciously pleased to give to the same;

* Appendix L. † Appendix M.

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in which reply the assurance is conveyed, "that the project of an union between the two Provinces had not been contemplated by His Majesty, as fit to be recommended for the sanction of Parliament.*"

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If the recent events in Lower Canada, which cannot be too much deplored, seem to present some arguments in favour of a Legislative union, they appear to your Committee to suggest others of a contrary tendency, which it would not be safe to treat lightly.

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The advantages which most readily occur are, that the union could scarcely fail to be favourable to the commercial interests of this Province, and that it would increase our revenue, and enable us to advance more rapidly in some public improvements that are highly desirable. All such advantages however are dependent upon the continued tranquillity of the two Provinces. In any scheme which your Committee have seen proposed for consideration, it is not explained upon what terms the union is to be carried into effect.

To have but one Legislature, with two Executive Governments, would be in some respects inconvenient; and to have but one Government to rule so extensive a Country, would not, as we apprehend, be found satisfactory or prudent.

But there are considerations of much greater moment than these, which it would not be advantageous at present to make the subjects of public discussion, but which incline us strongly to the conviction, that the social happiness of the people of Upper Canada, their internal peace, and the continuance of their connection with Great Britain, are more secure under their present Constitution, than they would be after the proposed union.

So far as we may be permitted to determine the question, upon a view of the interests of Upper Canada merely, our inclination is against the change; but if, without an union, the British population in Lower Canada cannot be secured in the enjoyment of British Institutions, then of course it must follow, that the only question for consideration would be, the terms of the measure, and the fittest time for proposing it.

Your Committee forbear to enter upon a particular discussion of these points, because they cannot convince themselves that an union with Lower Canada alone, would be safe or desirable for the inhabitants of this Province. If a mature consideration of the present condition, and probable future state of Lower Canada, should seem to compel the Imperial Parliament to favour that project, there can be no doubt that ample opportunity will be afforded to the people of both Provinces for offering any suggestions.

Another measure has been proposed, namely, the extending the limits of this Province, so as to include the Island of Montreal, and certain parts of the adjacent territory. There can be no doubt that this would be of incalculable advantage to Upper Canada, by giving her a port accessible from the ocean, and thus enabling her to raise a revenue commensurate with her wants. It would take from under the Government of Lower Canada, that portion of the population which has taken the lead in the late rebellious movement; and would place them under the influence of other laws and feelings, much to their own advantage, and to the benefit of both these Colonies. The country which would then form the Province of Lower Canada would neither be so likely to place itself in an attitude hostile to the Mother Country, nor would its hostility be so formidable; and under this arrangement, Quebec might continue, as it ought, to be the residence of the Governor General. There are many advantages in favour of this plan, which, in the opinion of your Committee, should recommend it strongly to the notice of Her Majesty's Government.

There is yet another suggestion, which deserves at least to be kept in view, and that is an union of the British North American Colonies, including perhaps among them, Newfoundland and Prince Edward Island. Quebec might be conveniently the Head Quarters of such a Confederacy; the Legislature might meet in the Summer; each Colony might retain its own Legislature, for purposes purely local in their object, and all questions which could affect their relation to Great Britain, or to each other, might be settled in the United Legislature. There are many benefits which might fairly be expected from such a change, and they would be obtained without doing violence to any claims which the French Canadians may be disposed to rest upon numbers alone.

The progress of these Colonies, as late events have shown, dispose and enable them more and more to manifest an interest in the affairs of each other, and to combine in maintaining

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their connection with the Empire, which all British Subjects understand and feel to be indispensably necessary to their security and welfare.

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Your Committee have merely alluded in general terms to these different schemes, without entering upon details, for they feel assured, that in a short time we shall receive some announcement of the course which Her Majesty's Government have thought it expedient to propose, upon the knowledge which they have acquired of the present condition of Lower Canada; and it will be more convenient to wait until this information reaches us. It is impossible to avoid looking with the greatest anxiety upon the present posture of affairs in that Colony, for in reality our safety is as much involved in the result as if we lived within its limits.

WITH RESPECT TO THE OTHER SOURCE OF DANGER TO THIS COLONY, of which we have lately been apprised, by the very extraordinary and unlooked for occurrences upon our frontier—Your Committee trusts that it may prove not unfortunate upon the whole, that the people of Upper Canada have been thus put upon their guard.

The steps which have been recently taken by the Government of the United States, shew an earnest desire on their part to restrain their citizens from violating their amicable relations with Great Britain; but there still remains the question whether, upon this and future occasions, we shall be safe in relying upon the power of that Government to restrain its people from hostile aggressions upon the inhabitants of Upper Canada. So far as their inability to do this in the present instance may have proceeded from defects in the laws which Congress had passed upon this subject, there is every reason to suppose that the difficulty will be removed; but what we have witnessed forbids us to place entire confidence in the efficiency of any laws that may be enacted.

That the Government of the United States will in this respect desire to discharge its duty we may venture to anticipate, and it has been very satisfactorily shewn upon the present occasion, that men of character throughout the United States, as well as the more respectable portion of the public press, are neither slow to perceive, nor backward in acknowledging, the line of conduct which it is the duty of their countrymen to adopt towards their neighbours in these Colonies. Still we have received a very impressive warning that our best, if not our only adequate security will be found in being prepared to resist aggressions. We have seen the people in four of the States adjoining these Provinces making open and active preparations for war against Canada, at a time when Great Britain was at peace within herself and with the whole world, and after it was perfectly well known that not an inhabitant of either Province was in arms against his Sovereign. It becomes us, therefore, to consider what certainty we have that the Government of the United States could restrain their people from hostilities, if the disturbed state of Europe, or any other cause, should leave the British Empire less at leisure than it now is to extend its protection to its remote Dominions, or if unhappily a strong feeling of opposition to the Government should be excited within this Colony, and should break out into acts of open resistance.

It may be difficult to secure this Province effectually against the impressions which would be attempted to be made along its frontier by the armies of the United States, in a public war; but the vast Naval superiority of Britain, and the means it gives her of placing the acquisition of these Colonies out of the reach of the United States, except at the price of the total loss of their trade, and the probable destruction of their commercial cities, seems to afford us a reasonable security against this danger.

The necessity, however, of placing the frontier in such a state of defence as will check any attempt at an irregular predatory warfare, such as has been attempted within the last two months, is too evident to require that it should be insisted on.

The illustrious Duke of Wellington had not long held a responsible station in the Councils of his Country, before he took the most energetic measures for securing the frontier of Upper Canada against invasion. Several experienced Officers of Engineers were sent to this Province, expressly to examine into and report upon the positions which it would be necessary to occupy with this view; and it is known, that in consequence of this provident measure, steps were actually taken for commencing military works at two or three points on the frontier, which would have placed us beyond the reach of danger from any such attempts as have lately been made; but we lament to say that changes in England occasioned these

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measures to be abandoned after they were fully resolved upon, and steps taken for their accomplishment.

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The inhabitants of this Province require but arms and ammunition, and two or three rallying points on which they could form, to render them perfectly safe against any attack of so unprincipled and lawless a character as they have lately had to encounter; but from want of these advantages the danger has been imminent upon the present occasion, that some temporary advantage might have been gained, which must have been attended with very serious consequences. We doubt not that there are in Upper Canada 50,000 Militia as willing, and as able, to defend their soil from invaders, as any country can boast of. But to render this force serviceable, it is necessary that there should be two or three arsenals to which they may resort for arms and ammunition, and where they could assemble upon any sudden call of duty.

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For want of these precautions the whole western frontier of this Province was for a considerable time almost utterly defenceless, under very critical circumstances. The people rushed in numbers to the frontier to meet a threatened invasion, but without arms in their hands, and without the means of procuring them when they arrived at the point of the expected attack. The invaders from the State of Michigan, took possession of an Island in the River Detroit, and with an armed Schooner began to batter the Town of Amherstburgh, as we have already stated. The next day, under cover of their guns, a landing was to have been made upon our main shore. The loyal and gallant people who were assembled in haste to meet the invaders were but half armed; and they knew the discouraging fact, that there was not a field-piece of any description within nearly three hundred miles of them. If their zeal had not prompted them to supply themselves with artillery and arms, by making a very spirited and successful attack upon their enemy, it is by no means improbable that such an impression might have been made upon our western frontier as would have given immediately a very serious character to the contest, and might have led inevitably to a national war.

Your Committee cannot avoid, on this occasion, referring to the fact, that the small garrisons which, for forty years had been maintained at Fort Niagara and at Amherstburgh, have within the last two or three years been withdrawn: and a frontier of three hundred miles, bordering upon a foreign country, left for the first time without the presence of a British soldier. We have reason to believe, that this step was by no means approved of by the experienced Officer who commanded the Forces in this Province; and independently of many other considerations which made it unadvisable to abolish these military stations, what has recently occurred has proved most clearly, that if economy led to the arrangement, as a measure of reduction, this attempt to effect a saving has proved most unfortunate. The presence of a company of regular soldiers, with half a dozen artillery-men, would most probably have prevented those proceedings among our neighbours, which are now rendering necessary an immense expenditure, such we fear, as will be found to go very far beyond any saving which could have been hoped for from this unfortunate reduction.

We trust these Posts will be immediately re-established, and that the Government of the Mother Country will take such steps in consequence of what has happened, and is still going on, as will prove unequivocally a resolution to defend this portion of Her Majesty's Dominions against foreign enemies and domestic traitors, and to aid the people of Upper Canada in maintaining that connection with the British Empire, to which they have shewn themselves so devotedly attached.

It seems astonishing, at the first view, that a few hundreds of persons in this Province, and a few thousands in Lower Canada, without leaders of military skill or experience, and without resources, should have embarked in an undertaking so utterly hopeless, as the attempt to wrest these Colonies from the dominion of Great Britain.

The fortress of Quebec commands the passage to the Ocean. It would defy the valour and skill of an European enemy. How, then, were they to pull down the British Standard, which waves over its citadel!—how could they expect to encounter, with success, the fleets and armies of England, which have proved an over-match for the world? They reckoned, as we know, upon the people of the United States for assistance. But were the people of that Republic prepared again to commit their safety and prosperity to the chances of war, in a

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second attempt to possess themselves of Canada, and at a time when Great Britain had no other employment for her vast national strength than to guard with it the integrity of her own Dominions?

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Many of the people of these States, as we have found to our cost, were indeed rash enough to engage in this adventure. They could really hope, it seems, that by such a war as a few traitors in these Colonies could carry on, aided by a portion of the people of the United States, but without the countenance, and of course without the resources of their Government, a Dominion could be torn from under the sway of the British Sceptre, which, when it was acquired by the valour of Wolfe, was hailed by the British Nation as one of the noblest conquests that had ever crowned their arms.

All this, indeed, looks like insanity—but it admits of a very rational explanation; and no intelligent person in these Provinces is at a loss to account for it. The solution is this:—Neither the rebels in these Provinces, nor their American auxiliaries, thought it by any means certain that the British Government would make the exertion necessary for retaining these Colonies. They persuaded themselves, on the contrary, that they would not; and although we are convinced that they have erred in their judgment, they have seen much to encourage them to come to that conclusion. They have, for many years past, observed some of the most influential journals in the Mother Country denouncing the impolicy of retaining the Canadas, and upon a cold calculation of interest, recommending that they should be cast adrift, and allowed to govern themselves—or turned over to the United States, upon the best bargain that could be made for them; they have seen a British Subject, the Member for the Metropolitan County of England, exhorting the people of Canada to throw off “the baneful domination” of Great Britain—and holding up to them, for their imitation, the example of the revolted Colonies in 1776*; they have seen those persons in the Colonies, who were manifestly co-operating with him in this treasonable design, countenanced, encouraged and promoted, by the Government; they have noticed, upon almost every occasion for many years past, when the public affairs of these Provinces have been discussed in Parliament, a want of firmness on the part of the Ministers of the Crown in declaring their determination to maintain British authority and British institutions in their American Colonies, and an apparent anxiety to admit, as a sort of test of liberality, that sooner or later changes must be made, which, it is clear, would prove destructive of both; they have observed a cautious withholding of that assurance of support to the loyal people of these Colonies, which would at once have convinced the disaffected that their object was unattainable; and they have read declarations openly made to a Committee of the House of Commons, by a gentleman in the Colonial Department, who, from his station and duties, has probably exercised, and still exercises as great an influence in the Government of the American Colonies, as any other individual in the Empire—in which declaration the positions are advanced, that allegiance to the British Crown must be expected to be regarded in Canada rather as a sentiment than a duty; that no fear of the power of Great Britain can reasonably be entertained by its inhabitants; that “revolt against European dominion cannot be considered any where upon the Continent of America as criminal or disgraceful; and that it can be regarded as no enviable distinction to be the only dependent “portion of the New World:”—from all which it would follow, that rebellion in Canada would be merely matter of taste; that it would be a safe experiment so far as British power is concerned; that it could neither be looked upon as wrong, nor disreputable; and that, in fact, it will be rather a reflection upon the spirit of the people of Canada, if they remain attached to the British Crown longer than they can help.

It is fit the British Nation should know, that the feelings and consciences of the great mass of the people of Upper Canada revolt against these sentiments; that they do consider it their most enviable distinction, that they form part of the British Empire; that Republican institutions cannot be imposed upon them, while they have the means of resisting them by any sacrifice of life or property; and that whenever it may be attempted to make their soil a land of aliens to the British Crown, they will appeal to the Government which planted them there, for protection and support—and they will appeal with the most perfect confidence, that that support can never, in the hour of trial, be denied to them.

The inhabitants of Canada do not believe, that any Government can take the fearful responsibility with the people of England of abandoning Provinces whose commerce employs annually twelve hundred British ships; and they feel that while they are ready with their lives

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to maintain their allegiance to the Crown, they have the same right to its protection, as if they trod the soil of Great Britain, or of Ireland. Whenever it may come to the trial, they know that they will not be left to struggle alone: that humanity—the ties of kindred—the sense of national honour—will alike forbid it; and that their fellow Subjects at home cannot, and will not submit, to see them torn from the British Empire while it has strength to defend them. For her own sake, then, as well as for the sake of the people of these Provinces, and for the peace of the world, it is above all things desirable that there should no longer be room for any misconception on this point. Twenty millions of money have, in a spirit of generous philanthropy, been devoted by Great Britain to the redemption of the Coloured Inhabitants of her West India Islands from a state of slavery—that however was a slavery regulated and mitigated by law. One million applied, as the Noble Duke of Wellington was proceeding to apply it, ten years ago, would have secured a greater number of the free Subjects of Britain in the Canadas, against all fear of that worse bondage, a subjection to hordes of foreign outlaws, who have grown up in the habitual disregard of those restraints which are necessary to insure liberty, and every other blessing that distinguishes civilized society.

YOUR COMMITTEE have been led to discuss so much at large those subjects which engross attention at the present moment, that they can scarcely do more than allude to some other matters, which are too important, nevertheless, to be wholly omitted, in a review of the political state of this Province.

It is in their opinion exceedingly to be regretted, that the questions which have been agitated respecting the Clergy Reserves are still open, and apparently with as little prospect of a final settlement as at any former period. It is not surprising that Her Majesty's Government should be reluctant to undertake the task of endeavouring to bring these questions to a satisfactory decision, and that they should persevere in attempting to gain that desirable object through the intervention of the Provincial Legislature; for it is natural to suppose, that the advantage of more accurate local information should enable us to encounter the difficulty with greater convenience, and with better hopes of success. But we apprehend, that although the wish to see the question settled is almost universal in this Province, there is, from various causes, but slender ground for believing that the Legislature will be able to concur in any satisfactory course.

Your Committee has no doubt that the Legislative Council still adheres to the general view taken by them of this important subject, in the Session of 1835, when it received their particular attention. It was then suggested by the Council, that before any Legislation should take place respecting the Reserves, it would be desirable to bring the legal rights of the respective claimants to the test of the most satisfactory judicial decision, which might be done by submitting the true construction and effect of the British Statute, 31 Geo. III. chap. 31. to the consideration of the Judicial Committee of the Privy Council. After the right to the reserved lands, under the existing law, shall have been thus declared, or if Her Majesty shall think it inexpedient to make the reference, your Committee has no doubt that the Legislative Council will in either case, concur in an enactment for putting it in the power of Her Majesty, or of the Imperial Parliament, to re-consider this great question, and to make such disposition of the Clergy Reserves as may appear just and right, provided that they shall be exclusively devoted to the maintenance of public worship, and the support of religion within the Province. It is most earnestly to be desired, that the discussions and expectations upon this subject should be brought speedily to a close by some final measure, for it is painful to observe their tendency to produce bitterness of feeling among the different religious denominations, and to place in unfriendly opposition to each other, men who would be otherwise united in maintaining a just respect for our Government and Laws.

There is another subject to which your Committee do not feel that they can properly forbear alluding, viz., the present condition of this Province in respect to its finances. It is plain that the Legislature, in its great anxiety to advance the interests of commerce and agriculture, have gone to the very utmost limit of our resources, and have pledged the credit of Upper Canada to such an extent, that any temporary interruption or diminution of our revenue must lead to embarrassing results, unless a speedy remedy shall be applied. The experience of the present time must convince us that it is not safe to proceed upon calculations, which make no allowance for such political reverses as are now occasioned by the state of Lower

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Canada, and its probable consequences to our commerce. The first object of the Legislature will doubtless be to provide for maintaining the credit of the Province unimpaired, by ensuring the punctual payment of interest upon the public debt: and your Committee is aware, that the Legislative Council will be most anxious to concur with the House of Assembly in whatever measures may be best suited to this purpose. The next consideration is, the expediency of exercising a more cautious circumspection hereafter in adding to the debt of this Colony. It is true, that the great public works in which Upper Canada has so eagerly engaged, are highly creditable to the enterprise of her people; and there can be no doubt, that the rapid increase of population and wealth, will soon enable us to rise above any temporary pressure that may be occasioned by too eager an anticipation of our resources. But your Committee most earnestly hope, that our increase of revenue may be so husbanded in future, that we shall have the cheering prospect of gradual relief from an incumbrance, which is certainly disproportioned to the present state of this Province.

In remarking upon the confusion and difficulty which have arisen in Lower Canada, from the want of a permanent provision for the Civil List, your Committee did not forget, that the Executive Government of this Province, although not left in the same state of total dependence, is still subject to be reduced at any time to the most serious difficulties, by the failure of the Legislature to vote the ordinary Supplies. There are many important charges of the Civil List which were not provided for when the duties levied under the 14 Geo. III. were surrendered, and for which an annual vote is now necessary. This Supply cannot be withheld, without producing great public inconvenience, and much injustice to the servants of the Crown; but it is scarcely necessary to state, that they were nevertheless withheld upon a late occasion, merely because the Executive Government, and the Legislative Council, would not give way upon points of vital importance to the peace and welfare of the Colony.

The means of exercising so unfair a check in the administration of public affairs, may prove in time, destructive of the balance of our Constitution; and it will inevitably lead to frequent interruptions of the harmony of the Legislature. Upon the occasion alluded to, a dissolution of the Assembly was felt to be the necessary consequence; but your Committee need hardly observe, that an effectual remedy is not always certain to be obtained by taking that course.

The willingness, or rather indeed the desire, lately shown by Her Majesty's Government, to surrender to the Provincial Legislature the Casual and Territorial Revenue of the Crown, and the management and disposal of the Crown Lands, is strikingly at variance with the policy which had ever before been constantly maintained in these Colonies. Your Committee cannot now conveniently enter into a discussion of the principles involved in these very important changes; but they are far from being impressed with the conviction, that such a relinquishment of the just rights and prerogatives of the Crown will contribute to the welfare of the Colony. It may be said, that attacks, whether just or unjust, are always likely to be directed against the Government, on account of the appropriation of these revenues; but that does not afford a sufficient reason for transferring to the Legislature what unquestionably belongs to the Crown—and the policy of making such concessions, seems not more wise than would be the conduct of an Officer, who being entrusted with the defence of a fortress, should employ himself in pulling down the walls, in order that there might be nothing left to fire at.

Nothing has yet been said by your Committee upon the subject of that proposition for a radical change in the Constitution of the Canadas, which has been much discussed of late years, and which the leaders of the Assembly, in the Lower Province particularly, have insisted upon with the most unreasonable violence: We mean the desire to make the Legislative Council an elective body. Since it has now become apparent, that separation from the Mother Country was the object which these political leaders had really in view, it is not surprising that their efforts should have been mainly directed to the destruction of that barrier, which the Legislative Council must ever present to such treasonable projects, so long as its members are selected by the Crown from among the most loyal, intelligent and respectable inhabitants of the Colony. The value of this security has been felt by all who duly appreciate the blessings of good Government, and who desire to maintain the connection of these Provinces with the Empire. Although it seemed evident, that any ill-advised change in this respect, made in one Colony, was likely to be extended with little delay to the other, yet the people of this Province have felt no very serious alarm on this subject, because they saw, with satisfaction, that the

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opinion of the Secretary of State for the Colonies was decidedly opposed to that ruinous innovation: so much so indeed, that the proposition was declared to be one which it could scarcely be considered proper to discuss. It was not altogether without apprehension, however, that in the official communications of the late Governor General, and of the Royal Commissioners, some encouragement was observed to be afterwards afforded for looking for concession even upon this point. Late events, we trust, have put it out of the question, that any policy so destructive of British supremacy can ever be adopted; and it is only to be lamented, that it has not been always consistently and firmly declared, that so long as these Provinces remain Colonies of Great Britain, their Legislative Councils will undoubtedly be composed of Members appointed for life by the Crown.

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While your Committee have been engaged in preparing this report, the unlooked for intelligence has been received, that His Excellency Sir Francis Head, is to be succeeded in the Government of this Province, by Major General Sir George Arthur, whose arrival may be daily expected.

It is just two years since the removal of His Excellency Sir John Colborne, was as suddenly announced, and in both instances the change in the administration of the Government has been made under circumstances, that have not failed to excite very serious apprehension in the minds of all persons who are well affected to our Government, and desirous of preserving the connection of Upper Canada with the British Empire. We are aware that in each case the Lieutenant Governor is said to have resigned; but we are also aware, that each of these distinguished Public Officers is possessed of an energy and firmness of character, that would have prevented his retiring from the Government in a time of difficulty, from a regard to any personal consideration; and we know that at the moment of their desiring to be removed from the Province, they stood high in the affections of the people whom they governed, and that there prevailed in the breast of every loyal inhabitant of both Provinces of Canada, the utmost confidence in their political sentiments and views, and the fullest conviction that under their administration, the enemies of the Crown would receive neither countenance nor support.

It is quite apparent from the circumstances attending the hasty removal of Sir John Colborne, either that some unaccountable misapprehension existed with regard to the actual state of public feeling in Upper Canada, or that the policy which that distinguished Officer was pursuing did not meet the support of His Majesty's Government. It will be difficult to persuade the people of this Province that the same causes have not led to the departure of Sir Francis Head; and when they have seen and felt that the effect of the conduct, which seems to have been thus discountenanced and discouraged, has been to produce in this Colony a most decided, and almost universal support of British principles, they cannot but feel a very natural apprehension for the preservation of their Constitution, and of their continued connection with the Parent State.

If these sudden changes, so injurious to the stability, and indeed to the dignity of the Government, and so dangerous to the public tranquillity, are to be ascribed to an impression prevailing in any quarter, that the opponents of Monarchical Institutions are those whom it is most prudent to conciliate, and that to that end, the characters and feelings of the most attached Subjects of the Crown must, for political expediency, be sacrificed, then we trust that the events of the last three months will correct this error, and may lead to the adoption of a course more generous and just. If it be possible that there can be in any quarter a desire to make Upper Canada the theatre for an experiment of principles, which it may be falsely imagined are more liberal and free than those secured by our present Constitution, we earnestly hope that the wisdom of Parliament, and the good sense of the British Nation, will rescue us in time from the danger which threatens our liberty and peace.

(Signed)

WILLIAM DICKSON,
JAMES GORDON,
JOHN MACAULAY.*Committee Room, Legislative Council,*

Thirteenth day of February 1838.

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APPENDIX A.

ADJUTANT GENERAL'S OFFICE,
Toronto, 4th December, 1837.Appendix to the Report
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MILITIA GENERAL ORDER.

His Excellency the Lieutenant Governor has pleasure in announcing to the Militia of Upper Canada, that in consequence of the present disturbed state of the Lower Province, several Regiments have gallantly expressed their readiness to co-operate in case of necessity with Her Majesty's Troops, in protecting their fellow Subjects in Lower Canada, in the maintenance of the revered Laws and Institutions of the British Empire.

While this spirit, so honourable to Upper Canada, and so fully in accordance with the character of its inhabitants, has been manifested in various portions of the Province, His Excellency has with regret received information from various quarters, that in certain portions of the Home and London Districts, a number of individuals have been seen assembled, as if for the purpose of drilling, some of them bearing arms, although not called upon by Public Authority, nor acting under the orders of any Officer appointed by the Crown.

Whatever may be the motive of such assemblages, the Lieutenant Governor is of opinion, that they are calculated to excite alarm in the minds of all peaceable inhabitants, and that being contrary to Law, they are inconsistent with that duty and allegiance which it is the pride of all faithful Subjects to cherish.

The Lieutenant Governor has therefore determined to call upon all persons in public authority, as well as upon all classes of Her Majesty's Subjects in Upper Canada, to unite together in maintaining the high character which this Province now holds in the esteem and affection of the Mother Country, by discountenancing such illegal meetings, and by doing all in their power to discover and make known those who promote and take part in them.

With this object in view, the Lieutenant Governor directs that the Colonels of Militia throughout the Province, shall, upon receiving this order, call out their respective Regiments, and acquaint them of the above circumstances: as also that His Excellency's offer to Sir John Colborne, of Her Majesty's Troops who were in this Province, has been accepted—that as soon as the Navigation closes, their return may be deemed impracticable—that even if it were not so, His Excellency on no account whatever would consent to deprive the Lower Province, during this winter, of their assistance—that Her Majesty's Stores, Arms and Ammunition, have been entrusted by His Excellency to the Civil Authorities—and that the period has consequently arrived, for His Excellency to call upon the Militia of Upper Canada, to do justice to the honourable confidence which, under circumstances so flattering to their character, has been publicly reposed in their valour and in their loyalty.

Upon the Militia of Upper Canada, as the Constitutional Force of the Country, the Lieutenant Governor relies with confidence for aiding the Civil Powers, firmly to maintain the Laws, and to protect all classes of the Queen's Subjects in the full enjoyment of their rights and liberties; and His Excellency is fully assured, that if necessity should arise, the inhabitants of Upper Canada will not fail to place on record an honourable example of a people who, appreciating the blessings of peace and freedom, will allow no political differences of opinion to prevent them, when duly called upon, uniting to support their Religion—the Crown—and the Laws.

His Excellency therefore directs the Colonels of Militia throughout the Province, immediately to make such arrangements as may appear to them most judicious, for enabling their respective corps to act with promptness and effect, should any emergency render their services necessary. And in case the Civil Authorities should find occasion to suppress an illegal meeting, His Excellency especially refers to the 9th Section of the Militia Act, passed in the 48th year of the Reign of His late Majesty George the Third; relying that the Officers commanding Regiments will, with alacrity, firmness and discretion, exercise the powers therein given to them, of suppressing with the force of their respective Regiments, any attempts that may be made to oppose the Civil Magistrates, or to disturb the peace of the Country.

The Lieutenant Governor is proud to believe, that Upper Canada is the only portion of the British Empire divested of Military support, and he feels confident that the Mother Country,

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as well as the Continent of America, respect the steady, peaceful conduct which at present so peculiarly distinguishes the inhabitants of the Upper Province of the Canadas.

By order of His Excellency.

JAMES FITZGIBBON,
Acting Adj't. Gen'l. of Militia.

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APPENDIX B.

GOVERNMENT HOUSE,
8th December, 1837.

His Excellency the Lieutenant Governor warmly thanks, in the name of Her Majesty the Queen, the loyal and gallant Militia of Upper Canada, for their ready attention to the call of their Country, when their services were required for putting down a cruel and unnatural Rebellion.

His Excellency trusts, that that service has now been effectually rendered, and it only remains for him to take whatever steps may be necessary for the peace and security of the several Districts, and to announce, with much satisfaction, that there appears to be no further occasion for the resort of Militia to Toronto.

APPENDIX C.

Copy of a Despatch, from His Excellency Sir FRANCIS BOND HEAD, Baronet, Lieutenant Governor of Upper Canada, to His Excellency HENRY S. FOX, Esquire, Her Majesty's Minister at Washington.

GOVERNMENT HOUSE,
Toronto, 23rd December, 1837.

SIR,

It is my duty to lose no time in apprising Your Excellency, that the peace and security of this Province are at this moment threatened, and that its territory is actually invaded by a large band of American citizens from Buffalo, who have taken up arms, and established themselves in a hostile manner on Navy Island, in the Niagara River, and within the territory of Upper Canada.

Your Excellency has no doubt learned from the public papers, that in consequence of the insurrection unhappily commenced in Lower Canada, but which, I have reason to believe, is now effectually suppressed, an attempt as rash and hopeless, as it was wicked, was lately made by three or four hundred persons in this vicinity, to involve this Province also in the miseries of a civil war. In concert with this movement, an endeavour was also made to excite the people in another District to take up arms against the Government. Both these attempts were promptly and effectually suppressed by the loyal Militia of this Province, unaided by any Military force. Most of the deluded persons who were engaged in these rash and criminal enterprises have surrendered themselves when taken prisoners; but the principal leader, William Lyon Mackenzie, and some of the most active of his followers, succeeded with great difficulty in making their escape to the adjoining State of New York. It was soon reported to me, that at Buffalo, to which place these traitors fled, strong symptoms were shewn by numbers of American citizens, of an inclination to aid them with men and arms, and to supply them with other necessaries, in order to enable them to make a hostile invasion of this Province.

That the public authorities in Buffalo, and the more respectable of the inhabitants, would discountenance such proceedings, I had no doubt—and their conduct since has justified that expectation; but as it was doubtful how far they might be able promptly to control this ebullition of hostile feeling towards a Nation, with which the United States held the strictest relations of amity and peace, I immediately addressed an official letter to His Excellency Governor Marcy, at Albany, of which a copy is herewith sent. No reply to this has yet reached me, nor do I know what steps, if any, have been taken on the part of the American Government, at Buffalo, to repress this hostile rising of their people.

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Since that letter was written, Mackenzie has been joined by some hundreds of American citizens from Buffalo, and the adjacent villages, who have established themselves on Navy Island, as I have before mentioned, with artillery and arms procured in the United States.

The paper printed at Buffalo, which I send you, will shew the spirit in which this movement is urged forward.

I am, of course, taking all possible measures to repel invasion and insult; and I believe that in a few days, a considerable Military force will be at hand to sustain our gallant Militia in this extraordinary and unlooked-for conflict. I need not remark to Your Excellency, how unfair and unjust it is, that a rebellion which, within this Province was so insignificant, that it was instantly crushed by the civil inhabitants of the Colony, should be revived and rendered formidable by the direct and active management of the American people; and that during the existence, not only of peace, but of the most friendly relations between Great Britain and the Government of the United States, the peaceful population of this Province should be threatened with devastation and plunder, and all the miseries of civil war, by the unjustifiable interference of American citizens.

Though inhabiting a remote portion of the British Dominions, the people of Upper Canada feel that they may rest assured of being ultimately protected by the whole force of the Empire, if it be necessary: they are conscious also, that they deserve kinder offices at the hands of the American people; and I appeal to you, in their name, and as the Representative of their Sovereign, to urge upon the Government of the United States, the immediate exertion of Military force to suppress a movement of their people so insulting and injurious to a neighbouring nation: and which, whatever temporary calamity it may inflict, must inevitably, unless promptly checked, lead to a public war. Any wrongs which may be committed against the people of this Colony, will, under the protection of a just Providence, be amply redressed.

I beg Your Excellency will not fail to assure the American Government of my sincere conviction, that the facts of which I complain, will certainly meet with their most unqualified reprobation.

I have, &c.

(Signed) F. B. HEAD.

Copy of a Despatch, from His Excellency Sir FRANCIS BOND HEAD, Baronet, Lieutenant Governor of Upper Canada, to His Excellency HENRY S. FOX, Esquire, Her Majesty's Minister at Washington.

TORONTO, UPPER CANADA.

8th January, 1838,

SIR,

I have the honour to enclose you a copy of a Special Message, sent by His Excellency Governor Marcy, to the Legislature of the State of New York, in relation to a matter on which Your Excellency will desire the earliest and most authentic information. The Message only reached this place yesterday, and I lose no time in communicating with Your Excellency on the subject.

The Governor of the State of New York complains of the cutting out and burning of the steam-boat *Caroline*, by order of Colonel MacNab, commanding Her Majesty's Forces at Chippawa, in the Province of Upper Canada, and the destruction of the lives of some American citizens, who were on board of the boat at the time she was attacked. The act complained of was done under the following circumstances:

In Upper Canada, which contains a population of about 450,000 souls, the most perfect tranquillity prevailed up to the 4th day of December last, although in the adjoining Province of Lower Canada, many of the French Canadian inhabitants had been in open rebellion against the Government for about a month preceding.

At no time since the treaty of peace with the United States, in 1815, had Upper Canada been more undisturbed. The real causes of the insurrection in Lower Canada, namely, the national antipathy of the French inhabitants, did not in any degree apply in the Upper Province, whose population, like the British and American inhabitants of Lower Canada, were

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wholly opposed to the revolt, and anxious to render every service in their power in support of the Queen's authority. It had been reported to the Government, some time before the 4th of December, that in a remote portion of the Home District, a number of persons occasionally met and drilled with arms, under leaders known to be disaffected, but it was not believed by the Government, that any thing more could be intended than to make a show of threatened revolt, in order to create a diversion in favour of the rebels in Lower Canada. The feeling of loyalty throughout this Province, was known to be so prevalent and decided, that it was not thought unsafe to forbear, for the time at least, to take any notice of the proceedings of this party.

On the night of 4th December, the inhabitants of the City of Toronto were alarmed by the intelligence, that about five hundred persons, armed with rifles, were approaching the City—that they had murdered a gentleman of great respectability in the highway, and had made several persons prisoners. The inhabitants rushed immediately to arms—there were no soldiers in the Province, and no Militia had been called out. The Home District, from which this party of armed men came, contains 60,000 inhabitants,—the City of Toronto, 10,000. In a few hours a respectable force, although undisciplined, was collected and armed in self-defence, and awaited the threatened attack. It seems now to admit of no doubt, that if they had at once advanced against the insurgents, they would have met with no formidable resistance, but it was thought more prudent to wait until a sufficient force should be collected, to put the success of an attack beyond question. In the mean time, people poured in from all quarters to oppose the insurgents, who obtained no increase of numbers, but on the contrary, were deserted by many of their body, in consequence of the acts of devastation and plunder into which their leader had forced them.

On the 7th December an overwhelming force of Militia went against them, and dispersed them without losing a man—taking many prisoners, who were instantly released by my order, and suffered to depart to their homes. The rest, with their leaders, fled—some have since surrendered themselves to justice—many have been taken—and some have escaped from the Province.

It was reported about this time, that in the District of London a similar disposition to rise had been observed, and in consequence, a Militia force of about 400 men was sent into that District, where it was speedily joined by three times as many of the inhabitants of the District, who assembled voluntarily and came to their aid with the greatest alacrity. It was discovered, that about three hundred persons, under Doctor Duncombe, an American by birth, were assembled, with arms; but before the Militia could reach them, they dispersed themselves and fled—of these, by far the greater number came in immediately and submitted themselves to the Government, declaring that they had been misled and deceived, and praying for forgiveness.

In about a week, perfect tranquillity was restored, and from that moment not a man has been seen in arms against the Government in any part of the Province, with the exception of the hostile aggression upon Navy Island, which I shall presently notice—nor has there been the slightest resistance offered to the execution of legal process, in a single instance.

After the dispersion of the armed insurgents, near Toronto, Mr. Mackenzie, their leader, escaped in disguise to the Niagara River, and crossed over to Buffalo. Reports had been spread there, and elsewhere along the American frontier, that Toronto had been burnt, and that the rebels were completely successful; but the falsehood of these absurd rumours was well known before Mackenzie arrived on the American side. It was known also, that the ridiculous attempt of four hundred men to revolutionize a country containing nearly half a million of inhabitants, had been put down by the people instantly and decidedly, without the loss of a man.

Nevertheless, a number of American citizens in Buffalo, and other towns on the frontier of the state of New York, enlisted as soldiers, with the avowed object of invading Canada, and establishing a Provisional Government. Public meetings were held to forward this design, of invading a country with which the United States were at peace. Volunteers were called for, and arms, ammunition and provisions, were supplied by contributions openly made. All this was in direct and flagrant violation of the express laws of the United States, as well as of the law of Nations.

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The civil authority of Buffalo offered some slight show of resistance to the movement, being urged to interpose by many of the most respectable citizens, but no real impediment was offered; and on the 13th of December, some hundreds of the citizens of the State of New York, as an armed body, under the command of a Mr. VanRensselaer, an American citizen, openly invaded and took possession of Navy Island, a part of Upper Canada, situate in the River Niagara. Not believing that such an outrage would really be committed, no force whatever was assembled at the time to counteract this hostile movement.

In a very short time this lawless band obtained from some of the Arsenals of the State of New York, clandestinely as it is said, several pieces of artillery and other arms, which in broad day-light were openly transported to Navy Island, without resistance from the American authorities. The people of Buffalo and the adjacent country continued to supply them with stores of various kinds, and additional men enlisted in their ranks. In a few days their force was variously stated from five to fifteen hundred, of whom a small portion were rebels, who had fled from Upper Canada. They began to entrench themselves, and threatened that they would, in a short time, make a landing on the Canadian side of the Niagara River.

To prevent this and keep them in check, a body of Militia was hastily collected and stationed on the frontier, under the command of Colonel Cameron, Assistant Adjutant General of Militia, who was succeeded in his command by Colonel MacNab, the Speaker of the House of Assembly, an Officer whose humanity and discretion, as well as his activity, have been proved by his conduct in putting down the insurrection in the London District, and have been acknowledged in warm terms of gratitude by the misguided persons who had surrendered themselves into his hands. He received orders to act on the defensive only, and to be careful not to do any act which the American Government could justly complain of as a breach of neutrality.

An official statement of the unfriendly proceedings at Buffalo was without delay (on the 13th December,) made by me to his Excellency the Governor of the State of New York, and after this open invasion of our territory, and when it became evident that nothing was effected at Buffalo for preventing the violation of neutrality, a Special Messenger was sent to Your Excellency at Washington, to urge your interposition in the matter. Sufficient time has not yet elapsed to admit of his return. Soon after his departure, this band of outlaws on Navy Island—acting in defiance of the laws and government of both countries—opened a fire from several pieces of ordnance upon the Canadian shore, which in this part is thickly settled: the distance from the Island being about six hundred yards, and within sight of the populous village of Chippawa. They put several balls, (six pound shot) through a house, in which a party of Militia-men were quartered, and which is the dwelling-house of Captain Usher, a respectable inhabitant. They killed a horse on which a man at the time was riding, but happily did no further mischief, though they fired also repeatedly with cannon and musketry upon our boats. They continued daily to render their position more formidable—receiving constant supplies of men and warlike stores from the State of New York, which were chiefly embarked at a landing-place on the American main shore, called Fort Schlosser, nearly opposite to Navy Island. This place was once, I believe, a Military position before the conquest of Canada from the French; but there is now neither Fort nor Village there, but merely a single house, occupied as a tavern, and a wharf in front of it, to which boats and vessels are moored. The tavern had been, during these lawless proceedings, a rendezvous for the band, who cannot be called by any name more appropriate than pirates; and was, in fact, openly and notoriously resorted to as their head quarters on the main land, and is so to this time. On the 28th December, positive information was given to Colonel MacNab, by persons from Buffalo, that a small steam-boat called the *Caroline*, of about fifty tons burthen, had been hired by the pirates, who call themselves “Patriots,” and was to be employed in carrying down cannon and other stores, and in transporting men and any thing else that might be required, between Fort Schlosser and Navy Island.

He resolved if she came down, and engaged in this service, to take or destroy her. She did come down, agreeably to the information he received. She transported a piece of artillery and other stores to the Island, and made repeated passages during the day between the Island and the main shore. In the night he sent a party of Militia, in boats, with orders to take or destroy her. They proceeded to execute the order. They found the *Caroline* moored to the wharf, opposite to the Inn, at Fort Schlosser. In the Inn there was a guard of armed

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men to protect her, part of the pirate force, or acting in their support. On her deck there was an armed party, and a sentinel, who demanded the countersign. Thus identified as she was with the force, which, in defiance of the law of nations, and every principle of natural justice, had invaded Upper Canada, and made war upon its unoffending inhabitants, she was boarded—and after a resistance, in which some desperate wounds were inflicted upon the assailants, she was carried.

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If any peaceable citizens of the United States perished in the conflict, it was and is unknown to the captors; and it was and is equally unknown to them, whether any such were there. Before this vessel was thus taken, not a gun had been fired by the force under the orders of Colonel MacNab, even upon this gang of pirates—much less upon any peaceable citizen of the United States. It must, therefore, have been a consciousness of the guilty service she was engaged in, that led those who were employing her to think an armed guard necessary for her defence. Peaceable citizens of the United States were not likely to be found in a vessel so employed at such a place, and in such a juncture: and if they were there, their presence, especially unknown as it was to the captors, could not prevent, in law or reason, this necessary act of self-defence. Fifteen days had elapsed since the invasion of Upper Canada by a force enlisted, armed and equipped, openly in the State of New York;—the country where this outrage upon the law of nations was committed, is populous;—Buffalo alone contains 15,000 inhabitants;—the public authorities, it is true, gave no countenance to these flagrant acts, but they did not prevent them, or in the slightest degree obstruct them, farther than by issuing Proclamations, which were disregarded;—perhaps they could not—but in either case the insult and injury to the inhabitants of Canada were the same, and their right to defend themselves equally unquestionable.

No wanton injury was committed by the party who gallantly effected this service. They loosed the vessel from the wharf, and finding they could not tow her against the rapid current of the Niagara, they abandoned the effort to secure her; set her on fire; and let her drift down the stream.

The prisoners taken were a man, who it will be seen by the documents accompanying this Despatch, avowed himself to be a subject of Her Majesty, inhabiting Upper Canada, who had lately been traitorously in arms in that Province, and having fled to the United States, was then on board for the purpose of going to the camp at Navy Island; and a boy, who being born in Lower Canada, was probably residing in the United States, and who, being afraid to land from the boat in consequence of the firing kept up by the guard on the shore, was placed in one of the boats under Captain Drew, and taken over to our side, from whence he was sent home the next day, by the Falls Ferry, with money given him to bear his expenses.

I send with this letter—1st. A copy of my first communication to His Excellency Governor Marcy, to which no reply has reached me.

2nd. The official reports, correspondence and Militia General Order, respecting the destruction of the Caroline, with other documents.

3rd. The correspondence between Commissary General Arcularius, of the State of New York, respecting the Artillery belonging to the Government of the State of New York, which has been and is still used in making war upon this Province.

4th. Other correspondence arising out of the state of things on the Niagara frontier.

5th. The Special Message of Governor Marcy.

It will be seen from these documents, that a high Officer of the Government of the State of New York, has been sent by His Excellency the Governor, for the express purpose of regaining possession of the Artillery of that State, which is now employed in hostile aggressions upon this portion of Her Majesty's dominions, and that being aided and favoured, as he acknowledges, by the most friendly co-operation which the Commanding Officer of Her Majesty's Forces could give him, he has been successfully defied by this army of American citizens, and has abandoned the object of his mission in despair.

It can hardly fail to be also observed by Your Excellency, that in the course of this negotiation between Mr. Van Rensselaer and the Commissary General of the State of New York, this individual (Mr. Van Rensselaer) has not hesitated to place himself within the immediate jurisdiction of the Government whose laws he had violated, and in direct personal communi-

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cation with the Officer of that Government, and has, nevertheless, been allowed to return unmolested, to continue in command of American citizens engaged in open hostilities against Great Britain.

The exact position, then, of affairs on our frontier may be thus described:

An army of American citizens, joined to a very few traitors from Upper Canada, and under the command of a subject of the United States, has been raised and equipped in the State of New York, against the laws of the United States and the treaties now subsisting, and are using artillery plundered from the arsenals of the State of New York, in carrying on this piratical warfare against a friendly country.

The Officers and Government of the United States, and of the State of New York, have attempted to arrest these proceedings, and to control their citizens, but they have failed. Although this piratical assemblage are thus defying the civil authorities of both countries, Upper Canada alone is the object of their hostilities. The Government of the United States has failed to enforce its authority by any means, civil or military, and the single question, if it be a question, is—Whether Upper Canada was bound to refrain from necessary acts of self-defence against a people whom their own Government either could not, or would not control.

In perusing the Message of His Excellency Governor Marcy to the Legislature of the State of New York, Your Excellency will probably feel some degree of surprise, that after three weeks' continued hostility carried on by the citizens of New York, against the people of Upper Canada, His Excellency seems to have considered himself not called upon to make this aggression the subject of remark for any other purpose than to complain of a solitary act of self-defence on the part of Her Majesty's Province of Upper Canada, to which such unprovoked hostilities have unavoidably led.

I have, &c.

(Signed) F. B. HEAD.

His Excellency HENRY S. FOX,

Her Majesty's Minister, Washington.

Copy of a Despatch, from His Excellency Sir FRANCIS B. HEAD, Baronet, Lieutenant Governor of Upper Canada, to His Excellency HENRY S. FOX, Esquire, Her Majesty's Minister at Washington.

GOVERNMENT HOUSE,
Toronto, 30th January, 1838.

SIR,

When I had the honour of addressing Your Excellency on the subject of the destruction of the *Caroline*, I contented myself with sending you a statement of the facts as they were reported to me officially, corroborated by several affidavits. I did not think it necessary to trouble you, either with arguments of my own upon the unreasonableness of the complaint which was made on account of that transaction, or with any contradiction or notice of the extraordinary mis-statements which were going the rounds of some of the American newspapers.

Upon this latter point, I was the less careful to put you on your guard, because from numerous remarks made in respectable American papers, I perceived it to be very notorious there, as well as here, that no credit could be attached to the accounts given of Canadian affairs in the papers printed along the frontier of the United States. I believe I should scarcely err, if I were to say, that in most of them nothing has been stated truly from the beginning—and that in many of them not the slightest regard appears to have been paid to truth.

Since I wrote to you, I have learned nothing that would authorise my receding in any point from the statement then given—and it was with no less astonishment than disappointment that I found either the Government of the State of New York, or the Federal Government, adopting as true the most false and exaggerated statement of the destruction of the *Caroline*, and not hesitating to speak of that just and rightful act of self-defence, as an assassination of American citizens. I must confess that I cannot but look upon the application of such a term to such an act, as scarcely a less outrage than any of those gross infractions of their rights, which have compelled the people of Upper Canada to arm in their defence.

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Though it has been variously stated, that from twelve to twenty-two peaceable citizens of Buffalo were murdered in the *Caroline*, I have not yet found that the name of a single person has been ascertained, or even mentioned, as having perished on that occasion, except one Durfee, who, I am informed, was killed in arms—and who, moreover, was really a British Subject, usually resident in Canada, until within the last few months. I only recur to these circumstances, because I am desirous of vindicating the gallant men who performed this plain and necessary act of duty to their Country, from the charge of wanton cruelty. If the resistance they met with had led to a further loss of life, their conduct would not have been the less justifiable. It is almost too obvious an observation to make, that if an army of American citizens had taken up a position on their side of the Niagara River, at a point where no island intervened, and had begun battering the houses and people upon our shore, and if this shameful aggression, with guns taken from the United States' arsenals, had continued for weeks, without any effectual interposition on the part of the American Government, Her Majesty's Subjects would have had an unquestionable right to attack the batteries, and disperse the lawless band which carried on this disgraceful warfare—and of course a right to attack any boat or vessel employed in their service, and carrying them guns or men. To call so necessary an act of self-defence a violation of neutrality, would of course be absurd; whatever insult or injury it would occasion to American territory must be ascribed to that portion of their own citizens who were in arms against their authority, and committing outrages on their unoffending neighbours. This being so, it can surely make no difference favourable to the United States, that the army of American citizens did, in this instance, first commit the gross wrong of taking forcible possession of British ground, that they might fire more effectively from thence—it was merely taking two steps in committing the injury, instead of one.

Your Excellency, I dare say, has not failed to observe that at a Criminal Court, in the State of New York, an indictment has been found for murder against Captain Drew, and others, who are supposed (but some of them erroneously) to have been present at the capture of the *Caroline*. I cannot but believe that the American Government will feel it to be due, no less to their own character than to their relations with Great Britain, to interest themselves in arresting any such proceeding. The act was done by public authority, in the prosecution of a warfare to which this Province was driven by the outrageous aggressions of American citizens. The British Nation is to answer for it, and not individuals zealously acting in her service.

Your Excellency will have learnt from various channels, the occurrences which have taken place on our western frontier, opposite to the State of Michigan. There a large force, stated in the newspapers of Detroit not to be less than 1,000, or 1,200 in number, with arms and artillery taken from one or more public arsenals, attempted to invade this Province—and did, indeed, actually possess themselves of the Island of Bois Blanc, in the River Detroit. With an armed schooner they commenced battering the Town of Amherstburgh, and intended on the next day to have made a descent on the main land, but their further progress was arrested by the gallant conduct of some Militia volunteers, who attacked and boarded the schooner, and took several prisoners, together with the guns, arms and military stores, on board of her. A considerable military force is now stationed on our western frontier.

I send you the Proclamations issued by Mr. Sutherland, an American citizen, who styled himself General of the Second Division of the Patriot Army—Van Rensselaer's band of ruffians, I suppose, forming the first. These will shew you the nature and object of the expeditions to whose attacks the people of Upper Canada have been exposed.

Among the prisoners taken on this last occasion, were several American citizens.

I need scarcely state to you, that the necessity of being armed at all points along our extensive frontier, has occasioned an enormous expenditure to the British Government—the American, I perceive, has called on Congress to provide \$600,000, for the pay and outfit of a force necessary to keep down the excitement on the Niagara frontier alone. You will readily understand, therefore, how much greater must be the expense which this Government is put to by the preparations necessary to meet attacks at various points. The hostile spirit manifested in Michigan, appeared likely to be attended with more serious consequences than the movements along the Niagara frontier.

I send Your Excellency a copy of some correspondence which has taken place since Major General Scott's arrival at Buffalo. Fortunately the pirates have dispersed without any thing

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farther occurring that can give rise to controversy; and I have no doubt their removal was hastened by the active measures at length taken by the American Government, for preventing their receiving supplies of arms and provisions. It would give me pleasure, if I could add, that in the conduct of the American Militia stationed on Grand Island, or in the construction which the Officers of the American Government seemed disposed to put on the relative rights of the two Countries, under the extraordinary circumstances in which they were placed, I have discovered satisfactory proof of a spirit calculated to contribute to the restoration of permanent tranquillity.

When a people has been insulted and aggrieved, as the people of Upper Canada have been, it is not to be supposed that they can feel it necessary to perplex themselves with researches into books upon the Law of Nations—they will follow a more unerring guide in obeying the irresistible natural instinct of self-preservation. By the cannonading from Navy Island three inhabitants of this Province have been killed—there is no extenuating circumstance which can make the offence less than murder; and if it can be claimed as a right on this, or upon other occasions, that the perpetrators shall be allowed to escape with impunity into the country from whence they came in an armed body, to commit these flagitious outrages—if it be maintained that to cross the line of division through the waters of the Niagara to destroy them, or to cut off their resources, is a violation of American neutrality, then it can only follow, that when the American people are suffered to commit such gross outrages upon the Province of Upper Canada, they must bring upon themselves the consequences of a public war: for unquestionably the right of self-defence will be exercised—it is not in the nature of things that it should be forborne.

I am upon the point of being succeeded in the Government of Upper Canada by Colonel Sir George Arthur; and I cannot depart from the Province without offering to Your Excellency, on the part of its inhabitants, my most grateful thanks for your prompt and able interposition to protect them from foreign aggression. I have been extremely gratified by the earnest solicitude shown by Your Excellency, to discharge your delicate and important duties satisfactorily and with effect. I can assure Your Excellency, that the people of Upper Canada feel deeply how much they are indebted to you, as the Minister of their Sovereign, for your conduct on this anxious and important occasion.

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

(Signed) F. B. HEAD.

His Excellency HENRY S. FOX,

&c. &c. &c.
Washington.

APPENDIX D.

P R O C L A M A T I O N .

TO THE PATRIOT ARMY OF UPPER CANADA.

Companions in Arms!

True courage is always accompanied with high honour, and with mercy to a subdued enemy.

We fight not for plunder, or power to oppress, but for liberty and sacred rights, and the common cause of all mankind.

Our friends have been plundered, and driven from their homes—their wives and daughters dragged from their beds, and exposed to the most outrageous insults—and almost every part of our territory is groaning under the most insupportable tyranny.

To redress these wrongs we are assembled in arms. Let us behave like men who love justice, and scorn and defy oppression.

Soldiers of Liberty!—In order to ensure success and a glorious victory, it will be necessary to enforce the most rigid Military discipline.

No one, having joined the Army, will be allowed, without permission of the Commanding Officers, to leave the ranks. Every desertion will be punished with death.

All orders must be strictly obeyed. No one must act, under any circumstances, but in obedience to the orders of the Officer having command.

Every person NOT IN ARMS must be protected in his person from all harm.

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All private property must be respected. Not a single infringement of private rights or possession will escape the most severe punishment.

No one not in arms or regularly enrolled, will be permitted to follow the camp. Every idler will be taken up and punished.

Companions and Soldiers!—We march to restore, not to destroy good order—to preserve, not to violate wholesome laws—to establish equal rights and justice—yielding to others as rigidly as we demand our own.

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THO'S. J. SUTHERLAND,

Brigadier General,

Commanding Second Division, Patriot Army, U. C.

Head Quarters, Second Division,

Bois Blanc, U. C. January 9th, 1838.

PROCLAMATION.

TO THE PATRIOTIC CITIZENS OF UPPER CANADA.

You are called upon by the voice of your bleeding country to join the Patriot Forces, and free your land from tyranny. Hordes of worthless parasites of the British Crown are quartered upon you to devour your substance—to outrage your rights—to let loose upon your defenceless wives and daughters a brutal soldiery!

Rally then around the standard of liberty! and victory, and a glorious future of independence and prosperity, will be yours.

THO'S. J. SUTHERLAND,

Brigadier General,

Commanding Second Division, Patriot Army, U. C.

Head Quarters, Second Division,

Bois Blanc, U. C. January 9th, 1838.

PROCLAMATION.

TO THE DELUDED SUPPORTERS OF BRITISH TYRANNY IN UPPER CANADA.

You are required to lay down your arms, and return quietly to your homes. The Patriot Army of Upper Canada desire not bloodshed. We fight only for liberty, and personal and public safety.

Your persons and property shall be protected—all your private rights preserved to you—your homes secured—your possessions untouched—on condition that you yield up your weapons, and return to your accustomed occupations.

You are now enjoying a moiety of liberty vouchsafed to you from motives of caprice or interest on the part of your Rulers. We will secure to you all the blessings of freedom by a permanent and honourable tenure.

Avoid, then, the horrors of war. Enrage not soldiers already exasperated by oppression. Save yourselves from confiscation. Cease resistance, and all will be well with you.

THO'S. J. SUTHERLAND,

Brigadier General,

Commanding Second Division, Patriot Army, U. C.

Head Quarters, Second Division,

Bois Blanc, U. C. January 10th, 1838.

APPENDIX E.

Letter of Colonel RADCLIFFE, Commanding Western District Frontier, to Lieutenant Colonel STRACHAN, Military Secretary.

AMHERSTBURGH, January 10, 1838.

SIR,

I beg to state, for the information of His Excellency the Lieutenant Governor, that on the 9th of January, 1838, the Schooner *Anne*, of Detroit, in the service of the Rebels occupying

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Bois Blanc Island, was lying in the channel between the Island and Fort Malden, and at dark it was perceived she neared the shore. On receiving this information, I re-inforced the guards and pickets, and called the garrison to arms; the vessel then got under weigh and passed the Town, into which she threw some round shot and grape. I immediately expected she would land men at a place called the Point, and exactly opposite the Light-house at Bois Blanc, and ordered the men to proceed to that point, where I had a guard of twenty placed, and re-inforced by an out-lying picket of forty men. The vessel came close up to the shore, and commenced firing grape and round shot, and musketry; the Militia opened a birsk fire, and the Schooner ceased firing, when it was thought by some that she was willing to surrender—however as she would not pull down the flag, our men boarded her, although up to their arms in water.

The General (Dr. Theller) was at that moment in the act of re-loading the six-pounder they had on board; Captain Lang, of the Lake Merchant Navy, took the cartridge out of the mouth of the gun; Mr. Ironside, acting Captain of Militia, took the flag. We found on board 21 persons—1 killed, 8 wounded, 12 prisoners; 3 pieces of cannon, not very useful; about 200 stand of arms; buff cross-belts; ammunition—but of this but a small supply. When I receive a return, you shall be informed more at length.

I have given directions to set fire to the Schooner, as soon as all the stores are taken out of her. I have just been informed that the enemy has got a steamer from Detroit, called the *Erie*: the Rebels seized her, and the Mayor or Governor ordered her to be retaken, but the Rebels refused, the City Guards did not give them any further trouble—in fact, every thing is done in this way. The Rebels have taken six pieces of cannon at Detroit in the same way, and they are now on board the *Macomb* Steamer, at Detroit, and of course will be employed against us to-morrow.

One of our scouts has just come in to say, that he supped in company with some Rebels at Gibraltar Point last night, and they there said that it was their intention to attack Sandwich this night; that they would divert us by a show of passing about the channel, but the object was Sandwich.

I am now informed that the *Erie* Steam-boat has passed between Bois Blanc and Sugar Island, and has discharged some cannon; I have ordered re-inforcements to this point, and if I hear that they are coming nearer, I shall beat to arms. This seems to be our weakest point; and I wish His Excellency would send a Company or two of the Line to assist. I have just had a letter from Colonel Hamilton, at Windsor, saying that he had been well informed that the Rebels intended to attack Chatham this night; and if the water was not sufficient to take them up, that they would try Windsor or Sandwich.

This end of the country is very much exposed, and should be attended to in time. I have issued orders to send one hundred men to Sandwich, to assist there in case of attack.

I should be glad to know, if His Excellency wishes to employ the Indians.

I have sent the prisoners to London Gaol.

Your obedient Servant,

THO'S. RADCLIFFE,

Colonel,

Commanding Western District Frontier.

N. B.—The *Anne*, of Detroit, is aground, but have not yet burned her.

Lieutenant Colonel STRACHAN,

Military Secretary.

APPENDIX F.

(From the Michigan Observer, of 17th January, 1838.)

THE CANADA CRUSADE.

We had barely time to express, in our last, our deep abhorrence of the part the great mass of our citizens were acting, in relation to the affairs of Canada. It really seemed as though they were perfectly beside themselves in this matter. Almost the entire mass of our population were wrought up to the highest pitch of excitement in behalf of the "Patriots." Such was the demonstration of popular feeling, that the man who had the moral daring to

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stand up in defence of the Constitution and the Laws, was hissed at and stigmatized as a Royalist. And we are told, that this kind of phrenzy had spread itself into the interior, and to a greater or less extent, thrown nearly the whole population of the State into commotion.

We are happy now in being able to say, that a reaction to some extent has taken place, and that our citizens appear to be coming to their senses. The motley group who were collected near the mouth of the river, to the number of ten or twelve hundred, have been partially dispersed; some of them have returned to their homes, and the remainder, with their commander, we are told, are lurking about this city. From all we can learn, we should think there never was such another set of men collected together on any occasion. We need not inform our readers, that every miserable vagabond in the street, when under the inspiration of alcohol, imagines that he was born to command. We do not say, that any such reason as this should be alleged to account for the fact that there was such a host in this army of "*Patriots*," who put in their claims to command, and so few who were willing to be commanded, and that this was one of the causes which contributed to their dispersion—because we were not there and did not see it.

We will now endeavour to give some account of the operations of this *Patriot* army. A man by the name of Theller, who kept a large whiskey establishment in this city, (Dr. Theller, we believe he was called) joined the *Patriots*, and the next we hear of him, he is "General Theller," and the next is, that he, with twelve others, many of them "gallant Officers," are on their way to London jail, to be tried for High Treason against the British Government. They were captured on board the schooner *Anne*, together with a large proportion of the arms, ammunition, and provisions of the "*Patriot Army*." There are many versions of the affair afloat, but the most probable seems to be, that Theller had the recklessness to sail up in front of Malden and pour his broadsides in upon the town, with the expectation of taking possession of it at once, and running away with all the glory. The sequel seems to be wrapped in mystery. One account says, that the British Army lay concealed behind piles of wood and lumber, and that at a signal given, they opened a heavy fire upon the schooner, killing several, and cutting the rigging so as to render her unmanageable. Another story is that they were driven ashore by a strong adverse wind. Which account is correct, or whether either is, it is impossible to say, though the former is the most probable.

Within a day or two, several persons have been arrested in this city, on the charge of contravening the laws in aiding the rebel army. A Mr. McKinny, the chief manager of the Detroit Theatre, who had suddenly become transformed into a Colonel, has been bound over to take his trial at the June Court. We believe that some others have also been bound over. A Mr. Sutherland, who is called their General-in-Chief, or some such name, was also arrested and examined before Judge Wilkins, but we believe the Judge decided, that *the evidence before the Court* was not sufficient to authorize his commitment. We are told that he professes to be a man of fair character.

What are the intentions of that portion of the disbanded army who are now in this city is not known, but it is supposed, that they are concerting a new plan of operations, and that they are determined to try their fortunes once more. Our city is in a constant turmoil from the presence of these men. The Military is kept in constant requisition for the protection of the city, and not a night passes, but the quiet of our citizens is disturbed.

Great indignation, we are told, is felt by these self-styled Patriots, and those who sympathise with them, because the coloured people on the other side of the river, have taken up arms and rallied around the standard of their adopted country; and we are credibly informed, that it is the intention of these men, should they succeed in their designs, to send every coloured man in the Province back into southern bondage, so fast as they shall be claimed. And who can wonder that the coloured people of Canada should be attached to a Government which reached out its arm of mercy, and took them in? Who can wonder, that from their experience in regard to the *free Institutions* of our Country, they should be filled with horror at the thought, that similar Institutions were to be established over them?—This very attachment is highly honourable to them as men. It shows that they are men of true hearts, and will never betray a benefactor. It shows, moreover, that they are capable of appreciating the blessings of liberty, and dread nothing so much, as the woes of slavery.

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How absolutely pitiful is it to see men so concerned to establish free Institutions upon British soil, when we consider the condition of our own Country, distracted and torn, over-run by murderous mobs, which bid defiance to the civil arm, and triumph in their blood; thus exposing our Institutions to the derision of the world. If these men have patriotism, they need not go beyond the confines of our own beloved bleeding Country, to find full scope for its exercise. Infinitely better is it to be under British rule, or Russian despotism, or under any thing in the shape of government, than to be at the mercy of a mob. And if things are to go on for a few years to come, as they have done for a few years past, who can tell but the dominions of Britain will be a refuge for us and our children, as they are now for the oppressed and suffering slave?

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APPENDIX G.

PETITION OF THE PRESIDENT AND SECRETARY OF THE CONSTITUTIONAL SOCIETY OF MONTREAL.

To the Knights, Citizens and Burgesses, of the Province of Upper Canada, in Provincial Parliament assembled:

The petition of the undersigned, for themselves, and in behalf of the Constitutional Association of Montreal—

Respectfully represents to your Honourable House:—

That anarchy and confusion have set the laws at defiance, and destroyed the harmony and quiet of social life; that sedition and rebellion, followed by atrocious murder, robbery and rapine, have loudly proclaimed themselves in the most populous and prosperous portion of Lower Canada; and that the rights, the interests and the property, of the Provincial Inhabitants of British origin, have been jeopardized, by the designs of a revolutionary French faction, madly bent upon their destruction.

That in order to expose the real views and designs of that faction, the Constitutional Association of Montreal have undertaken the important duty of explaining to your Honourable House, as succinctly as the nature of the subject will admit, the real cause of the discontent which has called into being the active disturbances at present most unhappily, and at the same time most unjustifiably, existing in this Province, and of appealing to the sympathy of your Honourable House in behalf of the inhabitants of British origin in Lower Canada—for the protection of their rights as British Subjects—the maintenance of the Provincial connection with the Parent State—and the acquirement, from the justice of the Imperial Government, of those remedial measures which will prevent a recurrence of existing disorders, and secure the prosperity and improvement of the Colony.

At the conquest of the Province of Quebec by the British arms, the greater proportion of its inhabitants choose to remain in the Province, trusting to the generosity of their Conquerors, rather than to return to the country of their ancestors; they became British Subjects by the mere fact of their Provincial residence, and subsequent civil and political benefactions conferred upon them, demonstrated their well-placed trust in the generosity of the British Government.

The full exercise of their religious worship—the complete enjoyment of their ancient civil laws—and the undisturbed use of their native language, were among the number of civil and social privileges guaranteed to them; and political privileges of equal extent to those enjoyed by the British Provincial inhabitants, were, in addition, subsequently bestowed upon them.

The uncongeniality of the French laws, as a system of Provincial Civil Jurisprudence, with the spirit and feelings of British settlers, and their expressed desire for a change, from the petty tyranny of a Governor and Council to the freedom of a Representative Provincial Government, procured still greater advantages for the French Canadians. In the year 1791, the division of the Province of Quebec into the two separate Provinces of Lower Canada and Upper Canada, was carried into effect, and a Constitution similar to that of the Parent State was conferred upon each, whilst at the same time universal suffrage was, in effect, granted to their inhabitants.

It was conceived that this measure, by which one division should consist, as much as possible, of those who were well inclined to the English laws, and the other, of those who were attached to the French laws, was best adapted to put an end to all disputes of a legal sort—to reconcile the jarring interests and opposite views of the Provincial inhabitants—to prevent a great degree of animosity and confusion, from their rooted opposition of interests—and to obvi-

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ate dissatisfaction from a great ascendancy of one party over another in a United Legislature. Two objections to the measure were, however, neglected by the Minister of the day—that it fostered a population of foreigners in a British Colony, and that it contained no provision whereby the inhabitants of the British Islands should be totally excluded from settling themselves in Lower Canada.

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The experience of fifty years of separation between the Provinces, and the present insurrectionary and seditious spirit exhibited in Lower Canada, plainly show how far the advantageous results anticipated from that impolitic and undesired measure have been realized.

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The possession of the right of almost universal suffrage, and of a numerical popular majority of the Provincial Constituency, gave the complete command of the Representative branch of the Legislature to the French Canadians, who soon exhibited a perfect knowledge of their advantage, and of that exclusive spirit which has since invariably actuated all their proceedings, and grown into a firm determination to accomplish their final purposes, of the destruction of the interests and rights of the Provincial inhabitants of British and Irish origin, and of the Provincial connection subsisting with the Parent State.

A cursory examination of the composition of the House of Assembly, from its establishment, will show, that with scarcely an exception, no individual of British or Irish origin has been returned to serve as a Member of that body by a French Canadian majority, unless as a pledged supporter of French Canadian principles; with scarcely an exception, no Provincial law has been passed, how much soever required for the support of the interests, or the protection of the rights of the inhabitants of British and Irish origin, and that even these legal exceptions were invariably of a temporary nature, and subject to the capricious pleasure of French Canadian majorities. The spirit of the legislation of that body will show, that its temporary character was adopted to render the Province the more completely subject to their control, or to enable them the more easily to take advantage of their expected predominance, for the abrogation of those very temporary laws which they had been constrained to pass. The political principles of that body will show a fixed opposition to British interests, not only in their aversion to or rejection of every measure which would tend to the introduction of capital and of a British population into the Province; as, for example, an effectual system for the registration of mortgages and an abrogation of the feudal tenure; but also in their positive introduction and adoption of every measure likely to tend to the privation of British and Irish rights, or to the destruction of British and Irish interests, such as the existing County division of the Province, by which the British and Irish constituency in the Seignories has been completely swamped in the greater numbers of the French Canadians, and the defeated attempt to deprive their fellow Subjects of British and Irish origin in the Cities, tenants of leasehold property, in co-partnership, from a right of voting for Members of the Assembly. The claim of that body for the sole management and disposal of the whole Revenue of the Province, has constantly had in view the attraction into their own hands of the entire Provincial authority, and of the subjection of the Executive Government to their arbitrary will. From their first insidious attempt in 1795, to obtain the repeal of the permanent appropriation contained in the Act of 1774, for the support of the Civil Government and the administration of Justice, thereby to subject the Executive Government to their good pleasure, for any further support than the pittance they then agreed to allow, through the whole course of the financial difficulties, which they have never allowed to slumber, by means of their annual Supply Bills—their difficulties as to the items of that Supply—their representations in 1822, not to grant permanent Supplies, or Supplies, during the Sovereign's life—their delegation to England in 1828—and the whole category of their agitation upon this subject, down to the year 1831, when the full accomplishment of their long sought desires was obtained from the good faith of the British Government, by the repeal of the permanent appropriations, their first, last great object, was to obtain possession of the Provincial Revenues, well knowing that by this means the Government would be cast into their hands. Finally, the detail of the grievances of that body as representing the opinions of their constituency, the so called great mass of the population, complete the evidence of their exclusive interests; in them will be found the abrogation of the Charter granted to the British American Land Company, by means of which the Assembly sought to assume the management of the waste lands in the Townships, and thereby to prevent the settlement therein of a British and Irish population; the repeal of the Tenures Act, by which a commutation of Seigniorial tenure may be effected, from their apprehension of its

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leading to the introduction into the Province of British capital; their indisposition to encourage the settlement of the Townships of this Province, because they are principally inhabited by a British, Irish, and American population; their unwillingness to co-operate with Upper Canada in the extensive improvements in progress in that Province, by which its settlement and prosperity might be augmented, and like advantages might thereby accrue to the British and Irish inhabitants of Lower Canada; and their pertinacious endeavours to render the Legislative Council elective, because in it alone were to be found the means of opposing the exclusive pretensions, and of protecting British interests. The history of the House of Assembly in its composition, its legislation, its spirit, and political principles, fully establish the aim which its Members have constantly kept in view—the aggrandizement of the population of French, and the oppression of that of British origin.

The recorded testimony of a French Canadian leader, and one of the Delegates to England, in 1828, to represent the grievances of his fellow Countrymen, and since that time their paid Agent for similar purposes, corroborate the views taken by the Constitutional Association; he declared, in his examination before the Canada Committee of the House of Commons, in 1828, that “the establishment of the English laws, as applicable to property held in the townships on the tenure of free and common socage, would be an infringement of the rights belonging to the French Canadians, if not done by the Legislature of Lower Canada—that the French laws should be allowed to continue all over the country—that facilities should have been given to the French Canadians to settle in the townships—that the means of going there should have been given to them—that a system of education according to the notions and ideas of the French Canadians should have been followed—that the desire of the French Canadians must necessarily be to keep up their own Institutions, and to preserve their laws in every part of the country—that the Legislative Council should be composed of men who would side with the mass of the people, and in effecting this latter arrangement, that its natural effect would be to secure the means of extending the French laws and the French Canadian system over Lower Canada.”

In the full and complete security of their persons and property—in the free and unrestricted enjoyment of their religious worship, their ancient civil laws, their native and beloved language, and of an equality of rights and privileges in the Provincial Representative Government, with their fellow Subjects of British and Irish origin; in possession, moreover, of a numerical majority, the French Canadians could have no sympathies in common with people of another race, and speaking another language; no inducement to divest themselves of prejudices dear to them alike from the associations of country and the recollections of life; or to abandon habits and customs which they cherished, and to which they were firmly attached, for the questionable advantages to be obtained from assimilation with strangers, whom they were taught to disregard; and the natural consequence has been, that in proportion as the French Canadian population has increased, those evils have likewise increased, until the repugnance to British interests and British connection has finally assumed the form of open and declared rebellion.

The French Canadian population were thus not only nationally inclined to mark their active opposition to their fellow Subjects of British and Irish origin, but they have been taught to consider them as strangers and trespassers upon their soil; they have been taught to feel towards them none of those kindly sympathies which unite together subjects of the same country, and possessors of the same rights; they have, in fine, been taught to believe themselves oppressed by their fellow Subjects of British and Irish origin, and to imagine that they possessed the power of expelling their oppressors. Overlooking moral feebleness in physical capability, desperate men made an open livelihood by influencing the population of French origin to acts of violence; missionaries of insurrection, by their own example, ostentatiously showed to them the manner of setting the laws at defiance; and individuals, loaded with every species of personal contempt, aggravated a local pressure into popular tumult, or embittered an unimportant grievance into bloodshed. In all cases the object was attained—active discontent was introduced into the passive population, and noon-day meetings gradually ripened into sedition and rebellion.

It is this exclusive French spirit alone which has given rise to all the discontent existing in this Province—it is this which has in fact made this question one of national origin, and not of political party; in it is to be discovered the source of all the disturbances which have

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brought sedition and rebellion in their train; and in it alone is to be found a full and complete answer to the enquiry, to what causes the present unhappy condition of this Province is to be ascribed.

This conclusion is borne out by the text-book of the complaints of the French Canadian Representatives, adopted in 1834, the famous ninety-two resolutions of the House of Assembly, in which will be found a detail of grievances and abuses which that body knew to be either altogether redressed, or in active course of being so; reference is therein principally had to those which have already been adverted to—the introduction of the elective principle into the composition of the Legislative Council—the abrogation of the Tenures Act—and the disposal of the whole Revenue of the Province; the two former have been most wisely refused, the latter as unwisely granted, while by their own admission, no real oppression exists in the Province, and no real grievance consistent with the preservation of British supremacy remains unredressed.

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The French Canadian leaders have endeavoured to excite the sympathy of the citizens of the United States, and of the professed Republicans in Upper Canada, in behalf of themselves and their fellow countrymen, by constantly appealing to their assistance for the support of popular institutions and popular rights, as if their real views were Republican, and as if that form of government were favoured by the French Canadian population. It is sufficient to meet this fallacious inference with a direct denial as being contrary to the fact, and to the habits, feelings and customs, of that population, and as being altogether disproved by the evident principle of all the measures which have been proposed or approved by the French Canadian population, or its Representatives in Provincial Parliament assembled, which plainly show that their views did not extend beyond the means of securing their own exclusive designs and intentions.

Your Petitioners submit, that the Provincial inhabitants of British origin have real and substantial grounds of complaint; they have been compelled to submit to a system of Jurisprudence foreign to their habits and injurious to their interests—to a feudal law which, to the disgrace of the Provincial Legislature, finds a home in Lower Canada alone—to a denial of those Legislative improvements which would have introduced British capital and enterprise into the Province, and increased therein a British population—and to their privation of their dearest rights as British Subjects, in their virtual exclusion from a just participation in the Provincial Representation.

Although their supplications and petitions for relief have been unheeded, amidst the clamours of an insurrectionary faction, these loyal subjects still confidently trust in the magnanimity of the Mother Country, and still anticipate from her justice an entire redress of their unmerited and patiently endured grievances.

At the same time your Petitioners conceive, that without a total abandonment of the policy now adopted towards this Province, and its anglicization in fact as well as in appearance, by means principally of its re-union with Upper Canada, the same evils will exist, the same causes of disorder will continue, and the same attempts at sedition and rebellion will again occur.

Your Petitioners are firmly convinced, that the re-union of the Canadas is not only the most effectual means of preventing a recurrence of the disasters which have already occurred, but that it will produce to Upper Canada advantages which cannot be anticipated from any other measure—a more equal proportion of the general Revenue—a free outlet to the Ocean—and a practical utility for the magnificent improvements in progress at her expense within her own limits; and that it will at the same time promote the prosperity of both the Provinces, secure their just dependence upon the British Government, and prevent a dismemberment of the Empire.

Your Petitioners most respectfully entreat your Honourable House, to take the situation of the British inhabitants of Lower Canada into your serious consideration, and to advise such measures as will promote the objects which your Petitioners have in view—the complete anglicization of this Province, and its re-union with Upper Canada.

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

PETER MCGILL, *President,*
Constitutional Association of Montreal.

W. BADGLEY, *Secretary,*
Constitutional Association of Montreal.

Montreal, 13th December, 1837.

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APPENDIX H.

Resolutions of the Assembly of Lower Canada, for expunging Speech of the Governor-in-Chief from their Journals.

MONDAY, 23rd February, 1835.

The House went into Committee on His Excellency's Speech at the close of the last Session, and passed the following resolutions, which were reported and agreed to:

1. *Resolved*—That any censure of the proceedings of this House, on the part of another branch of the Legislature, or of the Executive Government, is a violation of the Statute in virtue of which this House was constructed; an infringement of its privileges which they cannot dispense with protesting against, and a dangerous attack upon the rights and liberties of His Majesty's Subjects in this Province.

2. *Resolved*—That that part of the Speech of His Excellency the Governor-in-Chief, addressed to this House on the 18th March last, at the close of the last Session, and which relates to the petitions addressed by this House to His most gracious Majesty, and to the two Houses of Parliament of the United Kingdom, on the state of the Province, complaining of grievances and abuses which exist in this Province, and indicating the means of remedying the same, is a censure on the part of the Head of the Executive of this Province, of the proceedings of this House, which had acted as an equal and independent Branch of the Legislature, for divers good causes and considerations to itself known, for the benefit of His Majesty's Subjects in this Province, and of His Government therein.

3. *Resolved*—That the said Speech be expunged from the Journals of this House.

YEAS.—Messieurs Amiot, Archambeault, Bardy, Barnard, Beaudouin, Bedard, Berthelot, Bertrand, Besserer, Blanchard, Bouc, Bouffard, Boutillier, Bureau, Cardinal, Carreau, Caron, Cazeau, Cherrier, Child, Coté, Courteau, De Bleury, Deblois, Déléigny, De Witt, Dionne, J. Dorion, P. A. Dorion, Drolet, Dubord, Girouard, Godbout, Grannis, Hotchkiss, Huot, Kimber, Lacoste, Lafontaine, Larue, Leslie, Marquis, Meilleur, Méthot, Morin, Mousseau, Noel, O'Callaghan, Pickel, Perrault, Proulx, Raymond, Roeburn, Rochon, Rodier, Roy, Simon, Taché, A. C. Taschereau, P. E. Taschereau, Tessier, Toomy, Trudel, Viger—64.

NAYS.—Messieurs Baker, Blackburn, Bowman, Clapham, Gagy, Moore, Power, and Wells—8.

APPENDIX I.

(14 GEO. III. Chap. 88.—1774.)

AN ACT to establish a Fund towards further defraying the Charges of the Administration of Justice, and support of the Civil Government within the Province of Quebec, in America.

WHEREAS certain duties were imposed by the authority of His Most Christian Majesty, upon Wine, Rum, Brandy, Eau de Vie de Liqueur, imported into the Province of Canada, now called the Province of Quebec, and also a duty of three pounds per centum ad valorem, upon all Dry Goods imported into, and exported from the said Province, which duties subsisted at the time of the surrender of the said Province to Your Majesty's Forces in the late war: And whereas, it is expedient that the said duties should cease and be discontinued; and that in lieu and instead thereof, other duties should be raised by the authority of Parliament, for making a more adequate provision for defraying the charge of the administration of Justice, and the support of the Civil Government in the said Province: We, Your Majesty's most dutiful and loyal subjects, the Commons of Great Britain, in Parliament assembled, do most humbly beseech Your Majesty, that it may be enacted, and be it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, That from and after the fifth day of April, one thousand seven hundred and seventy-five, all the duties which were imposed upon Rum, Brandy, Eau de Vie de Liqueur, within the said Province, and also of three pounds per centum ad valorem, on Dried Goods imported into, or exported from the said Province, under the authority of His Most Christian Majesty, shall be and are hereby discontinued: and that in lieu and instead thereof, there shall, from and after the said fifth day of

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April, one thousand seven hundred and seventy-five, be raised, levied, collected and paid, unto His Majesty, His Heirs and Successors, for and upon the respective goods hereinafter mentioned, which shall be imported or brought into any part of the said Province, over and above all other duties now payable in the said Province, by any Act or Acts of Parliament, the several rates and duties following, that is to say—

[Here follows the Table of Duties upon Rum, Brandy, &c.]

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APPENDIX J.

LORD'S JOURNALS.

6th September, 1831.

The order of the day being read for the third reading of the bill entitled, "An Act to amend an Act of the fourteenth year of His Majesty King George the Third, for establishing a Fund towards defraying the charges of the Administration of Justice, and support of the Civil Government within the Province of Quebec, in America."

It was moved that the said bill be now read the third time:

Which being objected to;

The question was put thereupon?

It was resolved in the affirmative:

"DISSENTIENT—

"Because the bill transfers to the Legislative Council and Assemblies of *Upper* and *Lower Canada*, by any Act to be, by those Legislatures respectively, passed, and assented to by His Majesty, the exclusive appropriation of the duties levied under the authority of the Act of the 14 Geo. III. Chap. 88, hitherto applied, by Warrant of the Lords of the Treasury, towards defraying the expense of the Administration of Justice, and the support of the Civil Government in those Provinces respectively, by authority of the same Act.

"The House of Assembly of the Province of *Lower Canada* has, up to this time, omitted to make any permanent provision to defray the expense of those charges, in that Province; and the Judges and others employed in the Administration of Justice—and the Governor—and the Officers of the Civil Government, are left to be provided for by annual vote of the Legislative Assembly of the Province.

"These persons will thus become dependent upon the continued favour of the Legislative Assembly for the reward of their labours and service; the Administration of Justice within the Province of *Lower Canada* can no longer be deemed independent; and His Majesty's Subjects will have justice administered to them by Judges, and will be governed by Officers, situated as above described.

"WELLINGTON."

Then the said bill was read the third time.

The question was put, "Whether this bill shall pass?"

It was resolved in the affirmative.

APPENDIX K.

(1 & 2 WILLIAM IV. Chap. 23.)

AN ACT to amend an Act of the Fourteenth year of His Majesty King George the Third, for establishing a Fund towards defraying the charges of the Administration of Justice, and support of the Civil Government of the Province of Quebec, in America.

[22nd September, 1831.]

(Preamble recites 14 Geo. III. Chap. 88.)

"AND WHEREAS, the said Province of Quebec hath, since the enactment of the said Act, been divided into the two Provinces of Upper and Lower Canada: And whereas, it is expedient to make further provision for the appropriation of the Duties raised, levied and collected, under the said Act: Be it therefore enacted, by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament

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assembled, and by the authority of the same, That it shall and may be lawful for the Legislative Councils and Assemblies of the said Provinces of Upper and Lower Canada, respectively, by any Acts to be by them from time to time passed and assented to by His Majesty, His Heirs and Successors, or on His or their behalf, to appropriate, in such and to such purposes as to them respectively shall seem meet, all the monies that shall hereafter arise by or be produced from the said Duties, except so much of such monies as shall be necessarily defrayed for the charges of raising, collecting, levying, recovering, answering, paying and accounting for the same."

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APPENDIX L.

Extracts from Letter to the EARL DALHOUSIE, from MR. W. L. MACKENZIE.

(From the Colonial Advocate, published by Mr. Mackenzie, of 10th May, 1827.)

"TO THE RIGHT HONOURABLE THE EARL OF DALHOUSIE.

"MY LORD,

* * * * *

"For it is generous in Your Lordship not willingly to prostrate the whole of the servants of His Majesty at the feet of the Commons, at the mercy of their annual vote, contrary to the usage of England, where the Civil List is voted for the life of the King, while the Canadian Supplies, if allowed to pass in the way in which it is said they desire, would place the Royal authority and influence in Lower Canada entirely at the mercy of a majority in the Assembly, for the time being, and so oblige the Officers of Government to court popular favour for daily bread; would place the Judges of the land in that slavish state of dependence on the populace which produced so much real evil in Massachusetts, and which in the rich State of New York has made cheap justice a bye-word, and the miserable pittance allowed the Administrators of the Laws a reproach.

"So far Your Lordship's Administration is just and reasonable."

* * * * *

"So far back as in Governor Burnet's time, (son to the excellent historian of his own times,) there were financial difficulties in Massachusetts. They would not allow the Governor any fixed salary, only what they pleased yearly; and when he tried to indemnify himself by imposing a duty on vessels leaving the harbour, he was complained of to the King: the controversy lasted till his death, when, as Sir Walter Scott informs us, the Assembly relented in their resentment, and erected a monument to his memory."

* * * * *

"And so would the Assembly of Lower Canada to Your Lordship, were Your Lordship, unfortunately for the Country, called hence. But while the Constitution remains as it is, no end to financial controversy will ever be found—*it is impossible*. For if Your Lordship were to concede the Crown duties, some other topic fruitful in discord would supply their place—perhaps the Post Office revenue—perhaps a thousand other matters to which importance enough would be given to cause dissension. Your Lordship may yet see the day when the New England States, and the great State of New York, will recede from their union with the South and the West, and being joined with these Colonies, form an integral portion of the Country of their fathers, Great Britain and Ireland."

* * * * *

Those who choose to doubt the possibility of a cordial re-union between Britain and her New England Colonies, on the ground that the latter are wedded to Republicanism, will be pleased to look back into the volume of English History, and they will find that Britain was nearly as long a Republic, under the Protectorate of Cromwell, as New England has been a Democracy under the United States, and *that the people got so tired of Republicanism that they have preferred a limited Monarchy ever since.*

* * * * *

"With an Aristocracy of more imperishable materials than at present exists—with a Ruler less responsible, less liable to be changed at the caprice of the opposition for the time

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being—and with a House of Representatives less trammelled by countervailing State laws, the United States might prosper. But it is with me one of the strongest arguments which can be adduced against the abolition of the British primogeniture laws, that in those Republics where they have been abolished, and where more equalizing laws of inheritance obtain, a less independent and less valuable class of persons usurp the places of the country gentleman of education, manly principle, and honourable family.”

* * * * *

“When I established this newspaper in May 1824, I sent the first number to your Lordship. In my earliest address to the public I avowed the principles by which I was actuated as a British born Subject, and although I say it, and say it with regret, that I have been too often led into useless arguments upon the local and personal disputes of individuals upon the measures of the Provincial Government, and even upon still more trivial subjects, when I should have devoted my Journal (as originally intended) to a consideration of the wealth, power and resources of my country, I can nevertheless truly declare, that I have ever desired the glory and prosperity of Britain. In 1824, I stated that I preferred British to American liberty—that I thought a limited Monarchy compatible with freedom—that I disliked to hear us gibed in Congress as the distant dependencies of a distant Monarchy—that I would never wish to see these Colonies united to the States—that I trusted to see British America thrive and prosper full as well as these States—and that I hoped the time would arrive when Canada would be pointed out as a model for other Governments—I also avowed having sworn voluntary allegiance to my king and country.”

“In these principles and these opinions I remain to this day unchanged, and I trust I ever shall.”

* * * * *

“That your Lordships’ administration may be a means in the hand of Providence of uniting these Countries to Britain by an indissoluble tie, is the sincere and heart-felt wish of,

“My Lord,

Your Lordships’

Most obedient humble Serv’t.

W. L. MACKENZIE.”

“York, April 23rd, 1827.”

APPENDIX M.

Address to the King, on the subject of the Union of the Provinces.

TO THE KING’S MOST EXCELLENT MAJESTY.

MOST GRACIOUS SOVEREIGN:

We, Your Majesty’s most dutiful and loyal Subjects, the Legislative Council and Commons of Upper Canada, in Provincial Parliament assembled, humbly beg leave to address Your Majesty, expressing the great concern which we feel at the present embarrassed state of the local Government in Your Majesty’s Colony of Lower Canada. Though deeply sympathising with that portion of Your Majesty’s Subjects whose tranquillity has been disturbed by the long pending difficulties in that Province; and though fully sensible how fatally our own interests and security are liable to be affected by their possible result, we have hitherto forbore to intrude upon Your Majesty with any expression of our opinions upon the posture of public affairs in that Colony.

That we have not now presumed to address Your Majesty in order to remark upon the policy which has been pursued in the Government of that Colony, which interposes between us and the United Kingdom, but for the purpose which more directly concerns this Province, of stating to Your Majesty our apprehension, that a mistaken view of the condition and interests of the people of Upper and Lower Canada may prompt some persons, inconsiderately, to press upon Your Majesty’s Government the measure of uniting these Provinces, as a remedy for existing evils.

We have for some time passed observed, that suggestions of such a nature have been publicly offered both in England and Lower Canada; and we are not surprised that our fellow

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Subjects of that Province, who are suffering under the present difficulties, should be willing to risk the consequences of such an experiment. They may easily persuade themselves, that their situation can scarcely be rendered more embarrassing by the failure of any expedient, and they are not to be blamed, if in the hope of obtaining some relief by the change, they forbear to look carefully into the probable consequences of an union, to the welfare and tranquillity of this particular portion of Your Majesty's Dominions.

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We earnestly trust, nevertheless, that Your Majesty will graciously condescend to consider, that the political condition of four hundred thousand of Your Majesty's Subjects cannot be otherwise than most materially affected by so important a change in their Government. We are of opinion, that such a change would expose us to the danger of consequences certainly inconvenient, and possibly most ruinous to the peace and welfare of this Country, and destructive of its connection with the Parent State.

This Province we believe to be quite as large as can be effectually and conveniently ruled by one Executive Government. United with Lower Canada, it would form a territory of which the settled parts from east to west would cover an extent of eleven hundred miles, which for nearly half the year can only be traversed by land. The opposite territory of the United States, along the same extent of frontier, being divided into six States, having each an independent Government.

The population which Upper Canada contains is almost without exception of British descent. They speak the same language, and have the same laws, and it is their pride that these laws are derived from their Mother Country, and are unmixed with rules and customs of foreign origin. Wholly and happily free from those causes of difficulty which are found so embarrassing in the adjoining Province, we cannot but most earnestly hope, that we shall be suffered to continue so, and that Your Majesty's paternal regard for your numerous and loyal Subjects in this Colony will not suffer a doubtful experiment to be hazarded, which may be attended with consequences most detrimental to their peace, and injurious to the best interests of themselves and their posterity.

(Signed) JOHN B. ROBINSON,
Speaker, L. C.

(Signed) ARCHIBALD McLEAN,
Speaker, H. A.

Third day of March, 1837.

APPENDIX N.

Reply on the subject of the Joint Address deprecating an Union of the two Provinces.

No. 170.

DOWNING STREET,
21st April, 1837.

SIR,

I have the honour to acknowledge your Despatch (No. 26) of the 4th ultimo, in which you transmit to me an Address to His Majesty, from the Legislative Council and House of Assembly of Upper Canada, deprecating an Union between the two Provinces of Upper and Lower Canada.

I beg leave to acquaint you, that having laid this Address before the King, His Majesty has been pleased to receive the same very graciously, and to command me to observe, that the project of an Union between the two Provinces, has not been contemplated by his Majesty as fit to be recommended for the sanction of Parliament.

I have, &c.

(Signed) GLENELG.

Sir F. HEAD.

&c. &c. &c.

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Mr. Hume's Letter to Mr. Mackenzie.

(Published by Mr. Mackenzie, in his "Colonial Advocate" of 22nd May, 1834.)

BRYANSTON SQUARE,
29th March, 1834.Appendix to the Report
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MY DEAR SIR,

I lately received files of the "Vindicator" and "Reformer" Journals, and am pleased to observe that the Electors of the County of York continue firm and consistent in their support to you, and that you manifest the same determined spirit of opposition to abuse and misrule.

The Government and the majority of the Assembly appear to have lost that little portion of common sense and the prudence which society in general now possess, and they sacrifice the greatest of public principles in gratifying a paltry and mean revenge against you.

Your triumphant election on the 16th, and ejection from the Assembly on the 17th, must hasten that crisis which is fast approaching in the affairs of the Canadas, and which will terminate in independence and freedom from the baneful domination of the Mother Country, and the tyrannical conduct of a small and despicable faction in the Colony.

I regret to think that the proceedings of Mr. Stanley, which manifest as little knowledge of mankind as they prove his ignorance of the spirit and liberal-feelings of the present generation, encourage your enemies to persevere in the course they have taken. But I confidently trust that the high minded people of Canada will not, in these days, be overawed, or cheated of their rights and liberties by such men. *Your cause is their cause—your defeat would be their subjugation.* Go on, therefore, I beseech you, and success, glorious success, must inevitably crown your joint efforts.

Mr Stanley must be taught that the follies and wickedness of Mr. Pitt's Government, in the commencement of the French Revolution, cannot be repeated now either at home or abroad, without results very different from what then took place. The proceedings between 1772, and 1782, in America, ought not to be forgotten; and to the honour of the Americans, and for the interest of the civilized world, let their conduct and the result be ever in view.

I have lately seen, with mingled feelings of pity and contempt, the attack made by Mr. Ryerson, against my public and private conduct, and also against those who generally act with me. I candidly acknowledge, that of all the renegades and apostates from public principle and private honour, which during a long course of public life I have known, (and with regret I say I have known many) I never knew a more worthless hypocrite, or so base a man as Mr. Ryerson has proved himself to be.

I feel *pity* for him, for the sake of our common nature, to think that such human depravity should exist in an enlightened society, and I fear that the pangs of a guilty and self-condemning conscience must make his venal and corrupt breast a second hell, and, ere long, render his existence truly miserable.

I feel utter *contempt* for any statement that Mr. Ryerson can make of my private or public conduct, although he has had every opportunity of private intimacy, and of public observation, to know the truth.

It is humiliating to the character of man, and particularly of a pretended religious man, when I recollect with what earnestness he sought and obtained my sincere and zealous assistance to forward the cause of the civil and religious liberty which he then advocated. You witnessed his expression of thanks and of gratitude to me, in public and in private, verbally and in writing, for the aid I had given him. You who heard his objections to any religious sect receiving any pecuniary assistance from the State, as subversive of religion and of moral independence, must view with detestation the course which Mr. Ryerson has taken.—When you recollect that I invariably treated him with kindness and attention, as the representative of a good cause, and of a distant people—that my time, amidst public business of importance, was always given with pleasure to attend to him and the object of his mission; you will agree with me, that the black and heartless ingratitude of such a man deserves to be received with pity and with ineffable contempt. When, moreover, it is known to you, that there is not one word of truth in Mr. Ryerson's satanic effusions, I leave his pious and religious

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friends in Canada to unmask the hypocrite and throw him, as he deserves to be, an outcast from every honest society.

* * * * *

In the hope that I shall never again meet with so abandoned a character as Mr. Ryerson has proved himself to be, and trusting that the people of Canada, in vindication of truth and honour, will treat him as he deserves,

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I remain,

Yours' sincerely.

JOSEPH HUME.

P. S.—The people in Lower Canada are taking the means of forcing their affairs on the Government, and will I hope succeed.

J. H.

To W. L. MACKENZIE, Esq. M.P.

York, Upper Canada.

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[See Report, page 81.]

From the "Constitution," of 29th November, 1837.

(Published by Mr. Mackenzie.)

THE CONSTITUTION.

"It is impossible to suppose the Canadians dread your power. It is not easy to believe that the abstract duty of loyalty, as distinguished from the sentiment of loyalty, can be very strongly felt. The right of rejecting European dominion has been so often asserted in North and South America, that revolt can scarcely be esteemed in those Continents as criminal or disgraceful. Neither does it seem to me, that a sense of national pride and importance is in your favour. It cannot be regarded as an enviable distinction to remain the only dependent portion of the New World. Your dominion rests upon the habit of subjection; upon the ancient affection felt by the Colonists for their Mother Country; upon their confidence in your justice, and upon the persuasion that they have a direct interest in maintaining the connection."—*Evidence given by James Stephen, Junior, Assistant Secretary of State for the Colonies, before the House of Commons Committee on the Government of Canada, 1828.*

"We never were placed in so critical a situation—there never was a moment in which it was so necessary to be vigilant, but temperate. Temperate, because there is so much to cheer; vigilant, because there is reason to apprehend delusion and contrivance. I speak as delicately as I can; but this one truth should never be forgotten—that Ireland never yet confided but she was betrayed."—*O'Connell's Letter to Edward Dwyer, Esquire, 8th February, 1829.*

TORONTO, Wednesday, November 29, 1837.

PROVINCIAL CONVENTION.

The Convention appointed to meet this winter, for the purpose of taking into consideration the state of the Country, will hold its first sitting in Toronto City, at ten o'clock in the forenoon of Thursday, the 21st of December next.

W. L. MACKENZIE,

Corresponding Secretary, Central Union.

The news from Montreal we derive chiefly from the Tory papers—but although they conceal many facts, and although their accounts, like Napoleon's bulletins, are coloured "for effect elsewhere," we feel it to be our duty to lay them before our readers, with this addition, that there is every probability that ere now Montreal is either in the hands of the Canadians, and Sir John and his men driven towards the four winds of Heaven, OR IT IS IN ASHES. We have before said, and we here repeat the opinion, that neither 1,000 men—no, nor 10,000 men, would be able to stand a month against the Canadian people, united and determined to be free. They have waited sixty years longer than the rest of America for British justice, and have met with injury and insult. They have the solemn pledge of the British King and the Parliament of Britain, made in an hour of danger and humiliation, that never again would that

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King and that Parliament take their money without their consent. Have not the Crown and its Ministers shewn, by their late attempt and resolutions to rob them of their money, that British honour and British justice are miserable by-words when applied to the Colonies in America? As Ireland was coerced for one thousand years, so would they now coerce, first Lower Canada, and us next. But, thank God for inspiring the Canadians with valour in an honest and heavenly cause—they know the value of FREEDOM, and they will make that greatest of blessings theirs. Will England war with them? Vote money to deluge their land with blood? Tax her people to oppress her remaining possessions in America? No, indeed, there is no fear of that. The men who send the Members to Parliament now are the tax payers, who would directly have to bear the fifty million burthen of an unsuccessful crusade against liberty—the men who own the ships engaged in the Canadian and West India trade—and the men who employ the labourers and mechanics engaged in the manufacture of hardware, dry goods, iron, stationery, and a thousand other things for the meridians of Quebec and Toronto. These men see the revenue of England falling off, eight millions of dollars in one quarter this year, as compared with the same quarter in the last; they see their commerce dwindling into doubt and uncertainty, by the agitation and coercion of the present and past years—the prospect of war in Canada might be extended to a war all over this northern Continent—and the addition of fifty millions to the national debt would add to burthens already almost unbearable, while a protracted contest would make permanent enemies of those who might soon be otherwise made friends. England will never send a soldier to America for the purpose of conquest.

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The reader should recollect that we are not situated like the old Colonies. They had 300,000 merciless savages, furnished by British gold and British cruelty, with tomahawks to scalp our countrymen, on their frontier, on the one side; and they had 1,400 miles of exposed frontier on the sea-board, to any part of which British ships and soldiers could easily approach, and kill, wound, burn and destroy. But there is no approaching us with hostile forces. Only three quarters of a mile are open on the St. Lawrence, below Quebec, the strength of which is greatly over-rated; on the north we have eternal frosts, and rocks, and forests; and on the west and south we have the free Republics. The Indians, few in number, are our firm friends; and, with the exception of a miserable minority of trembling officials, we have no enemies of freedom in the Canadas.

We do not mean to deny that there are Tories. But will they dare to lift a musket against their Country? Will they touch Head's guns and pikes, and swords, and spears, imported to shed the blood of their friends and neighbours? No, not they. They are proprietors. They have read the lessons of history. They well know, that Reformers seek no man's wealth—no man's substance—no man's fair fields. But they also know, that if found in the act of fighting against the people, to uphold despotism, they would lose their lands—be banished the Country as traitors—and their wealth used to defray the expense of the unnatural and cruel contest their covetousness had given rise to. Some say the Orangemen will assist in involving Canada in civil war, and will stand by Head in coercing the rest of the people. The Orangemen, as compared to the whole people, are but a handful, and many of them own land, which it would be inconvenient with them to part with, by fighting against the cause for which their forefathers spilt their blood—"British Freedom"—the boon we all seek. Besides, the Queen and her Ministers treat them with contempt—disgrace their leaders—and turn them and their principles into ridicule, because they are weak in Ireland. The Catholics it is unnecessary to say any thing of. When was an Irish Catholic found in the ranks of tyranny?

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ADDITIONAL DOCUMENTS,

Not particularly referred to in the Report, but appended by the Committee, as affording information on the subjects treated of.

The following was circulated in a hand-bill by Mr. Mackenzie, among his followers, immediately before the out-break of Rebellion in Upper Canada.

Appendix to the Report of the Select Committee upon the State of the Province.

INDEPENDENCE!

There have been Nineteen Strikes for Independence from European Tyranny, on the Continent of America. They were all successful! The Tories, therefore, by helping us will help themselves.

The nations are fallen, and thou still art young,
Thy sun is but rising when others have set;
And tho' Slavery's cloud o'er thy morning hath hung,
The full tide of Freedom shall beam round thee yet.

BRAVE CANADIANS! God has put into the bold and honest hearts of our brethren in Lower Canada to revolt—not against “lawful” but against “unlawful authority.” The law says we shall not be taxed without our consent by the voices of the men of our choice, but a wicked and tyrannical Government has trampled upon that law—robbed the Exchequer—divided the plunder—and declared that, regardless of justice, they will continue to roll their splendid carriages, and riot in their palaces, at our expense—that we are poor, spiritless, ignorant peasants, who were born to toil for our betters. But the peasants are beginning to open their eyes, and to feel their strength—too long have they been hood-winked by Baal's Priests—by hired and tampered with Preachers, wolves in sheep's clothing, who take the wages of sin, and do the work of iniquity, “each one looking to his gain in his quarter.”

CANADIANS! Do you love freedom?—I know you do. Do you hate oppression?—Who dare deny it? Do you wish perpetual peace, and a Government founded upon the eternal, Heaven-born principle of the Lord Jesus Christ—a Government bound to enforce the law to do to each other as you would be done by? Then buckle on your armour, and put down the villains who oppress and enslave our Country—put them down, in the name of that God who goes forth with the armies of his people, and whose Bible shows us that is by the same human means whereby you put to death thieves and murderers, and imprison and banish wicked individuals, that you must put down, in the strength of the Almighty, those Governments which, like these bad individuals, trample on the law, and destroy its usefulness. You give a bounty for wolves' scalps. Why?—because wolves harrass you. The bounty you must pay for freedom (blessed word) is to give the strength of your arms to put down tyranny at Toronto. One short hour will deliver our Country from the oppressor; and freedom in religion, peace and tranquillity, equal laws and an improved Country, will be the prize. We contend, that in all laws made, or to be made, every person shall be bound alike—neither should any tenure, estate, charter, degree, birth or place, confer any exemption from the ordinary course of legal proceedings and responsibilities whereunto others are subjected.

CANADIANS! God has shewn that he is with our brethren, for he has given them the encouragement of success. Captains, Colonels, Volunteers, Artillerymen, Privates, the base, the vile hirelings of our unlawful oppressors, have already bit the dust in hundreds in Lower Canada; and although the Roman Catholic and Episcopal Bishops and Archdeacons, are bribed by large sums of money to instruct their flocks that they should be obedient to a Government which defies the law, and is therefore unlawful, and ought to be put down, yet God has opened the eyes of the people to the wickedness of these Reverend sinners, so that they hold them in derision, just as God's Prophet Elijah did the Priests of Baal of old and their sacrifices. Is there any one afraid to go to fight for freedom, let him remember, that—

God sees with equal eye, as Lord of all,
A Hero perish, or a Sparrow fall:

That the power that protected ourselves and our forefathers in the deserts of Canada—that preserved from the Cholera those whom He would—that brought us safely to this Continent through the dangers of the Atlantic waves—aye, and who has watched over us from infancy to manhood, will be in the midst of us in the day of our struggle for our liberties, and for Governors of our free choice, who would not dare to trample on the laws they had sworn to maintain. In the present struggle, we may be sure, that if we do not rise and put down Head, and his lawless myrmidions, they will gather all the rogues and villains in the Country together—arm them—

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and then deliver our farms, our families and our Country, to their brutality—to that it has come: we must put them down, or they will utterly destroy this Country. If we move now, as one man, to crush the tyrant's power—to establish free institutions, founded on God's law—we will prosper: for He who commands the winds and waves will be with us—but if we are cowardly and mean-spirited, a woeful and a dark day is surely before us.

CANADIANS! The struggle will be of short duration in Lower Canada, for the people are united as one man. Out of Montreal and Quebec, they are as one hundred to one—here, we Reformers are as ten to one; and if we rise with one consent to overthrow despotism, we will make quick work of it.

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Mark all those who join our enemies—act as spies for them—fight for them—or aid them: these men's properties shall pay the expense of the struggle—they are traitors to Canadian Freedom, and as such we will deal with them.

CANADIANS! It is the design of the Friends of Liberty, to give several hundred acres to every Volunteer—to root up the unlawful Canada Company, and give FREE DEEDS to all settlers who live on their lands—to give free gifts of the Clergy Reserve lots to good citizens who have settled on them—and the like to settlers on Church of England Glebe Lots, so that the yeomanry may feel independent, and be able to improve the Country, instead of sending the fruit of their labour to foreign lands. The fifty-seven Rectories will be at once given to the people; and all public lands used for Education, Internal Improvements, and the public good. One hundred thousand pounds, drawn from us in payment of the salaries of bad men in office, will be reduced to one quarter, or much less, and the remainder will go to improve bad roads, and to "make crooked paths straight"—law will be ten times more cheap and easy—the bickerings of Priests will cease with the funds that keeps them up—and men of wealth and property from other lands will soon raise our farms to four times their present value. We have given Head, and his employers, a trial of forty-five years—five years longer than the Israelites were detained in the wilderness. The promised land is now before us—up then and take it; but set not the torch to one house in Toronto, unless we are fired at from the houses, in which case self-preservation will teach us to put down those who would murder us when up in the defence of the laws. There are some rich men now, as there were in Christ's time, who would go with us in prosperity, but who will skulk in the rear, because of their large possessions—Mark them! They are those who, in after years, will seek to corrupt our people, and change free institutions into an Aristocracy of wealth, to grind the poor, and make laws to fetter their energies.

MARK MY WORDS, CANADIANS!

The struggle is begun—it might end in freedom; but timidity, cowardice, or tampering on our part, will only delay its close. We cannot be reconciled to Britain—we have humbled ourselves to the Pharaoh of England, to the Ministers, and great people, and they will neither rule us justly, nor let us go—we are determined never to rest until independence is ours—the prize is a splendid one. A Country larger than France or England—natural resources, equal to our most boundless wishes—a Government of equal laws—Religion, pure and undefiled—perpetual peace—education to all—millions of acres of lands for revenue—freedom from British tribute—free trade with all the world; but stop—I never could enumerate all the blessings attendant on Independence!

Up then, brave Canadians! Get ready your rifles, and make short work of it. A connection with England, would involve us in all her wars—undertaken for her own advantage, never for ours. With Governors from England, we will have bribery at elections—corruption, villainy and perpetual discord in every Township; but Independence would give us the means of enjoying many blessings. Our enemies in Toronto are in terror and dismay—they know their wickedness, and dread our vengeance. Fourteen armed men were sent out at the dead hour of night, by the traitor Gurnett, to drag to a felon's cell, the sons of our worthy and noble-minded brother departed, Joseph Sheppard, on a simple and frivolous charge of trespass, brought by a Tory fool; and though it ended in smoke, it shewed too evidently Head's feelings. Is there to be an end of these things!—Aye, and now's the day and the hour! Woe be to those who oppose us, for "In God is our trust."

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GOVERNMENT HOUSE,
9th December, 1837.

F. B. HEAD.

MILITIA GENERAL ORDER.

His Excellency the Lieutenant Governor apprehends, from recent accounts, that it may be necessary for the Militia of this Province to unite their efforts to those of their brave and loyal fellow Subjects of Lower Canada, in order to put down Rebellion, and to maintain the integrity of the Glorious Empire of Great Britain.

His Excellency therefore directs, that upon the requisition of the Commander of Her Majesty's Forces in Lower Canada, the Colonel or Officer commanding any Regiment of Militia in the Bathurst, Johnstown, Ottawa or Eastern Districts respectively, shall take all the measures in his power, agreeably to the Militia Laws of the Province, for furnishing whatever number of men may be required for Military Service, in aid of the Queen's Forces or the Militia of Lower Canada, in either Province.

His Excellency relies upon the zeal, loyalty and bravery, of the Militia of Upper Canada, for rendering effectual service to their Sovereign, and maintaining that character which His Excellency is aware has distinguished them wherever they have been called into the field.

His Excellency is further pleased to authorise the forming of any Independent Volunteer Companies, for the above service.

PETITION,

ADDRESSED TO COLONEL MACNAB, BY REBELS IN THE LONDON DISTRICT.

To ALLAN NAPIER MACNAB, Esquire, Colonel Commanding the QUEEN'S Forces in the London District, &c. &c. &c.

The humble Petition of certain inhabitants of the Township of Norwich, lately in arms against the Government of this Province—

SHEWETH—That we, your petitioners, being truly sensible of the great error and wickedness which we have lately committed, in taking up arms against Her Majesty's Government—a Government on whose part we do not pretend to say that we have any real wrongs or grievances to complain of—but we have been led away by Charles Duncombe, Eliakim Malcolm, and other wicked and designing leaders, who have induced us, by promise of large grants of land and great pay for our services, to take up arms against Her Majesty's Government, and who have now basely deserted us, and left us to answer with our lives and properties for those crimes which they have themselves committed—do therefore most humbly beseech you, Sir, to take our case into your kind consideration, and to intercede with His Excellency the Lieutenant Governor of this Province, to grant us a pardon for our offences.

We acknowledge ourselves to be completely subdued, and we throw ourselves entirely upon your mercy; and we hereby promise, one and all, if such mercy be extended to us, that we will from henceforth live as peaceable and loyal subjects to the Government of Her Majesty Queen Victoria—and that we will not only bring in our arms, but also use our utmost endeavours to apprehend the ringleaders of the late insurrection, and bring them to justice.

We are thus induced to address you, Sir, not only from the exalted position which you hold as the first Commoner in the land, and Commander of the Queen's Forces in this part of the Province, but also from our knowledge of your kind and benevolent disposition, of which we have had ample proof in the protection of the lives and properties of the inhabitants, since your arrival amongst us, and which we trust you will exert in our behalf, to relieve us from our present unfortunate situation: And we, your petitioners, as in duty bound, will ever pray, &c.

[Signed by one hundred and three Petitioners.]

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P R O C L A M A T I O N.

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Three hundred Acres of the most valuable Lands in Canada, will be given to each Volunteer who may join the Patriot Forces, now encamped on Navy Island, U. C. Also, \$100 in silver, payable on or before the 1st of May next.

By order of the Committee of the Provincial Government.

W. L. MACKENZIE,

Chairman, pro. tem.

NAVY ISLAND, *Tuesday, Dec'r. 19, 1837.*

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S P E C I A L M E S S A G E,

From the Honourable W. L. MARCY, Governor of the State of New York, on the subject of the capture of the Piratical Steam-boat "CAROLINE."

TO THE LEGISLATURE:

I received last evening, after my annual Message was prepared, information of an occurrence, which I hasten to communicate to you.

The territory of this State has been invaded, and some of our citizens murdered, by an armed force from the Province of Upper Canada.

By the documents accompanying this communication it will be perceived, that the steam-boat *Caroline*, owned by one of our citizens, while lying at Schlosser, on the Niagara River, within the limits of the State, on the night of the 29th December last, was forcibly seized by a party of seventy or eighty armed men in boats, which came from and returned to the Canadian shore. The crew and other persons in this steam-boat, amounting to thirty-three, were suddenly attacked at midnight, after they had retired to repose, and probably more than one-third of them wantonly massacred. The boat was detached from the wharf to which it had been secured—set on fire—taken into the middle of the river, and by the force of its current carried over the Niagara Falls.

Twelve of the persons who were on board of it are missing, and there is ground to fear they were killed by the invaders in their attack upon it, or perished in its descent over the cataract. Of those who escaped from the boat, one was killed on the wharf, and several others were wounded.

I am warranted in assuring you, that the authorities not only of this State, but of the United States, have felt an anxious solicitude to maintain the relations of peace and strict neutrality with the British Provinces of Upper and Lower Canada, at all times since the commencement of the civil disturbances therein; and have in all respects done what was incumbent upon them to do, to sustain these relations. The occurrence to which I have alluded is an outrage that has not been provoked by any act done or duty neglected by the Government of this State, or of the Union. If it should appear that this boat was intended to be used for the purpose of keeping up an intercourse between this State and Navy Island, which is now held by an assemblage of persons in defiance of the Canadian Government, this circumstance would furnish no justification for the hostile invasion of our territory, and the destruction of the lives of our citizens. The General Government is entrusted with the maintenance of our foreign relations, and will undoubtedly take the necessary steps to redress the wrong, and sustain the honour of the Country.

Though I have received no official information of the fact, I have good reason to believe, that the local authorities of this State have taken prompt and efficient means, not only to protect our soil from further invasion, but to repress any retaliative measures of aggression which our citizens, under the impulse of deeply excited and indignant feelings, might rashly resolve to adopt.

The patriotic Militia in the vicinity of the scene of the outrage, have obeyed with alacrity the call which has been made upon them for these purposes.

It will, probably, be necessary for this State to keep up a Military force for the protection of our citizens, and the maintenance of peace, until an opportunity is given to the General

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Government to interfere with its power. In that event, I apprehend that it will be necessary for you to provide, by law, for the payment and maintenance of such forces as the occasion may require.

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I shall doubtless, within a short time, receive official information of what the local authorities have done, and shall be better enabled to form an opinion of what will be necessary on the part of the State, to preserve our rights and the public tranquillity. I shall then communicate further with you on the subject, and suggest such matters in relation to it as may require your consideration.

(Signed) W. L. MARCY.

ALBANY, *January 2nd, 1838.*

MESSAGE,

Of the President of the United States, on the subject of the capture of the Piratical Steam-boat "CAROLINE."

HOUSE OF REPRESENTATIVES.

MONDAY, *January 8.*

The following Message, in writing, was received from the President of the United States:

To the Senate, and House of Representatives, United States:

In the highly excited state of feeling on the northern frontier, occasioned by the disturbances in Canada, it was to be apprehended that causes of complaint might arise on the line dividing the United States from Her Britannic Majesty's Dominions. Every precaution was therefore taken on our part, authorized by the existing laws, and as the troops of the Provinces were embodied on the Canadian side, it was to be hoped that no serious violation of the rights of the United States would be permitted to occur. I regret, however, to inform you, that an outrage of a most aggravated character has been committed, accompanied by a hostile, though temporary invasion of our territory, producing the strongest feelings of resentment on the part of our citizens in the neighbourhood, and in the whole border line, and that the excitement previously existing had been alarmingly increased. To guard against the possible recurrence of any similar act, I have thought it indispensable to call out a portion of the Militia to be posted on that frontier. The documents herewith presented to Congress, will show the character of the outrage committed; the measures taken in consequence of its occurrence; and the necessity of resorting to them.

It will also be seen, that the subject was immediately brought to the notice of the British Minister, accredited to his Country, and the proper steps taken on our part to obtain the fullest information of all the circumstances leading to and attendant upon the transaction, preparatory to a demand for reparation. I ask such appropriations as the circumstances in which our Country is thus unexpectedly placed require.

M. VAN BUREN.

WASHINGTON, *January 8, 1838.*

LETTER,

From Mr. FORSYTH to Mr. FOX, relating to the capture of the Piratical Steam-boat "CAROLINE."

DEPARTMENT OF STATE, WASHINGTON,
January, 5, 1838.

SIR,

By the direction of the President of the United States, I have the honour to communicate to you, a copy of the evidence furnished to this Department of an extraordinary outrage, committed from Her Britannic Majesty's Province of Upper Canada, on the persons and property of citizens of the United States, within the jurisdiction of the State of New York. The destruction of the property, and assassination of citizens of the United States on the soil of New York, at the moment when, as is well known to you, the President was anxiously endea-

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vouring to allay the excitement, and earnestly seeking to prevent any unfortunate occurrence on the frontier of Canada, has produced upon his mind the most painful emotions of surprise and regret. It will necessarily form the subject of a demand for redress upon Her Majesty's Government. This communication is made to you, under the expectation that, through your instrumentality, an early explanation may be obtained from the authorities of Upper Canada, of all the circumstances of the transaction; and that, by your advice to those authorities, such decisive precautions may be used as will render the perpetration of similar acts hereafter impossible.

Not doubting the disposition of the Government of Upper Canada to do its duty in punishing the aggressors, and preventing future outrage, the President, notwithstanding, has deemed it necessary to order a sufficient force upon the frontier, to repel any attempt of a like character, and to make known to you that if it should occur, he cannot be answerable for the effects of the indignation of the neighbouring people of the United States.

I take this occasion to renew to you the assurance of my distinguished consideration.

JOHN FORSYTH.

To HENRY S. FOX, Esq. &c.

SPEECH,

Of Mr. RHETT, Senator, South Carolina, in the United States Senate, on the subject of the capture of the "CAROLINE."

Mr. RHETT deprecated any premature expression of opinion on the subject. He thought the House should, in the first place, look at the matter calmly, and ascertain who was to blame. One gentleman has said it was the fault of the Administration; another gentleman had laid it all on Great Britain; while others had taken a different view. Under these circumstances, he considered it highly important that it should be carefully investigated, and ascertained where the blame really lay. Was it with the Administration?—Candour, certainly, would declare not, whilst not a regular soldier was available at his command; and the civil officers on the frontier, who had been called upon to repress the excitement, appear by their conduct, to have been the instruments of increasing and continuing it. How, Sir, (asked Mr. R.) had the difficulty commenced? Was it not caused by a fugitive from Canada—a traitor according to the laws of his Country—for whose head a price had been offered, coming over the lines into the United States, and in open day, in the streets of Buffalo, by his inflammatory speeches, inducing the citizens of the United States to take up arms, and assist in a rebellion of the subjects of a friendly power, who was rightfully endeavouring to maintain her institutions?

This fugitive had not only been harboured and entertained by us, but recruits from amongst our citizens were openly mustered to his standard. Now, have we forgotten the laws of nations, as we applied them when General Jackson seized upon Pensacola, because her authorities harboured our Indian enemy, and furnished them with munitions of war? He then ably demonstrated, by the gentleman from Massachusetts, then Secretary of State, that for such a cause we had a right to take possession, by the sword, of the city of a friendly nation; and have the citizens of Buffalo done less than the Governor of Pensacola? He commented at some length on the Law of Nations, as far as related to the pursuit of enemies over neutral ground, and the practice of our own Government in such cases. He said it would be well for gentlemen to reverse the matter, and to suppose ourselves in the situation of the Canadas. Suppose the Subjects of Great Britain should gather together upon our frontiers, in combination with some discontented factious citizens, with the avowed purpose of overturning our Republican institutions, how would we bear it?—and how would we tolerate the idea that munitions of war, provisions and fire-arms, should be furnished these our enemies by British Subjects? Unquestionably we would consider ourselves as grossly wronged, and would be very slow in recognizing any spirit of friendship as dictating such means.

We would not look to individuals—we would properly look to the Government, whose duty it was to control its citizens. Inefficiency was no plea—for then we ought to cease our existence amongst the family of nations. As to the Steam-boat affair, before he made up his opinion as to any outrage committed by the British soldiery, he must know all the facts. Should

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it turn out that this Steam-boat was actually in the possession of the hostile Islanders, used for carrying articles contraband of war, he was not sure that the act was not perfectly justifiable according to the Laws of Nations. At all events, it was a gallant enterprise, and such as, he doubted not, every bold man on this floor would have deemed himself morally justifiable in undertaking. But we were ignorant of all the facts. So far, however, as they were known, the citizens of the United States were aggressors throughout. As they would get all the glory, they should also take all the responsibility, in defiance of the laws of their Country, of assailing a friendly nation.

Mr. R. was not going into a war upon such indefensible causes. One war, with a debt of one hundred and eighty millions, was enough for one generation. War was dangerous to the liberty of any people, but especially so under our free institutions, whose very existence was based upon a jealousy of power accumulated in the hands of Government. In this affair we had, so far, nothing to be proud of. We had been the first aggressors, and should act the part of an honourable aggressor, knowing that we were wrong. Mr. R. concluded, by urging on the House to pursue an honest policy, and to exhibit an upright, honourable bearing on the subject, worthy of a free and enlightened nation.

MESSAGE,

Of His Excellency SIR F. B. HEAD, to the Legislative Council and House of Assembly, acquainting them of his Resignation of the Government; with their Addresses in answer thereto.

F. B. HEAD.

The Lieutenant Governor informs the Legislative Council, that in consequence of this Province being invaded and assailed by a foreign enemy, and being the scene of actual military operations, Colonel Foster, the Officer in command of Her Majesty's land Forces, has assumed the entire military authority and command over the Troops; that he is also in command of the Militia; and that the Commissary General at Quebec, has communicated to the Officer in charge of the Commissariat here, that consistently with the rules of the Service, no expenses can be allowed unless sanctioned by the authority of the Military Commander, upon whom the protection of the Province has thus necessarily devolved.

The Lieutenant Governor takes this opportunity to communicate to the Legislative Council, that having had the misfortune to differ from Her Majesty's Government, on one or two points of Colonial policy, he felt it his duty, on the 10th of September last, respectfully to tender to Her Majesty's Principal Secretary of State for the Colonies, the resignation of the important station which, for a short time, he has had the honour to hold in this Province.

His resignation having been graciously accepted, the Lieutenant Governor has to inform the Legislative Council, that he yesterday received official information, that Her Majesty has been pleased to appoint Colonel Sir George Arthur, to be Lieutenant Governor of Upper Canada, and that His Excellency may be expected to arrive here in a few days.

Under the peculiar circumstances in which the Province is at present placed, the Lieutenant Governor feels confident, that the Legislative Council will rejoice with him at the approaching arrival of an Officer of high character and considerable experience, whose rank in the Army will enable him to combine the Military command with the Civil Government of this Province.

Government House,
15th January, 1838.

[A similar Message to the House of Assembly]

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

MAY IT PLEASE YOUR EXCELLENCY:

We, Her Majesty's dutiful and loyal Subjects, the Legislative Council of Upper Canada, in Provincial Parliament assembled, beg to return our respectful thanks to Your Excellency for communicating to us the fact, which is at this crisis particularly important, that by the regulations of Her Majesty's Service the command of the Troops, and of the Militia employed in

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

defence of this Province, cannot be united in Your Excellency's person with the administration of the Civil Government.

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If Your Excellency were to continue to represent Her Majesty in this Colony, we are persuaded, that under present circumstances, such a separation of the civil power from the military command would be likely to lead to very unfortunate results, since military rank and experience, although they are by no means incompatible with the peculiar qualifications which are requisite to give confidence, animation and effect, to the military force, are not always to be found united with them.

Appendix to the Report of the Select Committee upon the State of the Province.

We beg to assure Your Excellency that we learn with extreme regret, that the Civil Government of this Province is to continue for so short a time in Your Excellency's charge. It is not known to us upon what particular points Your Excellency's views have differed so essentially from those of Her Majesty's Government, that Your Excellency was induced to tender your resignation; but we know, that at no period in the history of Upper Canada, has its political condition been such as ought to be more satisfactory to the Ministers of the Crown: and we feel that not Upper Canada only, but the Empire, owes to Your Excellency a large debt of gratitude, for your firm and manly avowal, upon all occasions, of those sentiments which became the Representative of a British Monarch, and for the unwavering support which Your Excellency has never failed to give to the established principles of the Constitution.

It is this fearless adherence to right principles, rather than to expediency, which has enabled Your Excellency to rally round the Government, in a moment of danger, the arms of an united people; and to exhibit this Province to our Sovereign and to the world, in a posture which must command for its brave and loyal inhabitants the highest admiration and respect.

If the result of Your Excellency's firm and uncompromising policy shall impress upon Her Majesty's Government the conviction, that they need not fear to support in Upper Canada the principles of the British Constitution, it will have produced an effect of infinite value to this Colony; and will have supplied what we believe has been chiefly wanting to insure its permanent tranquillity.

But the Legislative Council cannot refrain from expressing the regret with which they have observed, in the case of Your Excellency, and of your respected and gallant Predecessor, that your connection with the Government of this Colony has seemed incapable of being protracted, with satisfaction to yourselves, beyond the period when it became evident that no submission would be made by you to a spirit of factious discontent, which nothing can appease but the destruction of British rule.

We beg Your Excellency to believe, that the Legislative Council will ever entertain a grateful recollection of the justice and condescension which they have always had occasion to acknowledge in their intercourse with Your Excellency; and that they participate deeply in the feeling of general regret at Your Excellency's approaching departure from this Province.

JOHN B. ROBINSON,
SPEAKER.

Legislative Council Chamber,
17th day of January, 1838.

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

MAY IT PLEASE YOUR EXCELLENCY:

We, Her Majesty's dutiful and loyal Subjects, the Commons House of Assembly, in Provincial Parliament assembled, humbly thank Your Excellency for Your Excellency's Message of the 15th instant, communicating to this House, that "in consequence of this Province being invaded and assailed by a foreign enemy, and being the scene of actual military operations, Colonel Foster, the Officer in command of Her Majesty's land Forces, has assumed the entire military authority and command over the Troops; that he is also in command of the Militia; and that the Commissary General at Quebec, has communicated to the Officer in charge of

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“the Commissariat here, that consistently with the rules of the Service, no expenses can be allowed unless sanctioned by the authority of the Military Commander, upon whom the protection of the Province has thus necessarily devolved.”

In reference to this subject, we can only express our earnest hope that this regulation, which the rules of the Service appear to have rendered necessary, may in no respect impair the efficiency of the operations hitherto planned and directed by Your Excellency, with so much success, for the preservation and defence of the Province against the attack of foreign and domestic enemies.

We are further informed by Your Excellency, that having had the misfortune to differ from Her Majesty's Government on one or two points of Colonial policy, Your Excellency felt it your duty, on the 10th of September last, respectfully to tender to Her Majesty's Principal Secretary of State for the Colonies, the resignation of the important station which, for a short time, Your Excellency has had the honour to hold in this Province, and that Your Excellency's resignation had been graciously accepted.

When this House recalls to recollection the events of Your Excellency's administration of the affairs of this Province—the universal respect and confidence with which you are regarded, arising from Your Excellency's firm and uncompromising adherence to the principles of the Constitution, and which has afforded to the inhabitants of this Colony various opportunities of proving, not by words merely, but by acts the most convincing and undeniable, their firm unshaken loyalty to their Sovereign, and their desire to maintain their connection with the Parent State, in contradiction to assertions and insinuations of a contrary tendency, we cannot but view with alarm the disclosure now made, that Your Excellency has felt yourself called upon to resign the administration of the Government, on the grounds stated in Your Excellency's Message.

If Your Excellency's measures and policy have not given satisfaction to our Gracious Queen, we are driven to enquire, in the most humble and respectful, but solemn manner, what course of policy it is that is expected by Her Majesty, from Her Majesty's Representative in this Province? Deeply impressed with the duty of submission to the Constitutional exercise of the Royal Prerogative, we do not question the right of the Sovereign to select Her Representatives in this or any other Colony of the Empire—but we nevertheless feel ourselves impelled by a sense of duty, suggested by a desire to maintain our allegiance, (and which, on our part, can never be laid aside or forgotten,) humbly, but earnestly and emphatically to declare, that if any thing be calculated to shake the attachment of Her Majesty's now truly loyal and devoted Subjects to Her Royal Person and Government, it is by acts of injustice, or the manifestation of ungenerous distrust towards Servants who have served the British Nation so faithfully and nobly as Your Excellency has done. It will be the duty of this House, before the close of the present Session, and when more fully informed of facts, to express more at large the feelings and opinions they entertain on this painfully interesting and important subject.

In the mean time, we beg to assure Your Excellency, that this House, and the people of the Province, will regard Your Excellency's relinquishment of its Government as a calamity of the most serious nature, and which may result in difficulties and dissensions that cannot be easily repaired or reconciled. We however are fully persuaded, that the blame cannot rest with Your Excellency; and while we sincerely and most willingly acknowledge the zeal, ability, justice and honourable disinterestedness, with which you have conducted the Government of this Province, during your short, but eventful and arduous administration of its affairs, we beg respectfully and affectionately to express, on behalf of this Province, our earnest hope, that Your Excellency's prosperity in future life may be commensurate with the claims, deep and lasting as they are, upon our gratitude—the approbation of our Gracious Queen—and the applause and acknowledgment of the British Nation.

H. RUTTAN,
SPEAKER.

Commons House of Assembly,
16th day of January, 1838.

APPENDIX A. A.—(See *Journal*, page 125.)SIR FRANCIS BOND HEAD, BARONET, K. C. H. *Lieutenant Governor.*

EXTRACT,

From the Speech of Mr. PAPINEAU, to the Electors of the West Ward of Montreal, in July, 1820, when he was returned, with Mr. GARDEN, without opposition.

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“Not many days have elapsed since we assembled on this spot for the same purpose as that which now calls us together—the choice of Representatives. The opportunity of that choice being caused by a great national calamity—the decease of that beloved Sovereign who had reigned over the inhabitants of this Country since the day they became British Subjects—it is impossible not to express the feeling of gratitude for the many benefits received from him, and those of sorrow for his loss, so deeply felt in *this*, as in every other portion of his extensive Dominions. And how could it be otherwise, when each year of his long reign has been marked by new favours bestowed upon the Country?—To enumerate these, and to detail the history of this Country for so many years, would occupy more time than can be spared by those whom I have the honour to address. Suffice it, then, at a glance, to compare our present happy situation with that of our fathers on the eve of the day, when George the Third became their legitimate Monarch. Suffice it to recollect, that under the French Government (internally and externally arbitrary and oppressive) the interests of this Country had been more frequently neglected and mal-administered than any other part of its dependencies. In its estimation, Canada seems not to have been considered as a Country which, from fertility of soil, salubrity of climate, and extent of territory, might have been the peaceful abode of a numerous and happy population; but as a Military post, whose feeble garrison was condemned to live in a state of perpetual warfare and insecurity—frequent suffering from famine—without trade, or with a trade monopolized by privileged Companies—public and private property often pillaged, and personal liberty daily violated—when year after year, the handful of inhabitants settled in this Province, were dragged from their homes and families, to shed their blood, and carry murder and havoc from the shores of the great Lakes, the Mississippi and the Ohio, to those of Nova Scotia, Newfoundland and Hudson’s Bay. Such was the situation of our fathers—behold the change! George the Third, a Sovereign revered for his moral character, attention to his Kingly duties, and love of his Subjects, succeeds to Louis the Fifteenth, a Prince then deservedly despised for his debauchery, his inattention to the wants of his people, and his lavish profusion of the public monies upon favourites and mistresses. From that day, the reign of the law succeeded to that of violence; from that day, the treasures, the Navy and Armies of Great Britain are mustered to afford us an invincible protection against external danger; from that day, the better part of her laws became ours—while our religion, property, and the laws by which they were governed, remain unaltered; soon after, are granted to us the privileges of its free Constitution—an infallible pledge, when acted upon, of our internal prosperity. Now, religious toleration; trial by jury—(that wisest of safeguards ever devised for the protection of innocence); security against arbitrary imprisonment, by the privileges attached to the Writ of Habeas Corpus; legal and equal security afforded to all, in their person, honour and property; the right to obey no other laws than those of our own making and choice, expressed through our Representatives; all these advantages have become our birthright—and shall, I hope, be the lasting inheritance of our posterity. To secure them let us only act as British Subjects and freemen.”—QUEBEC GAZETTE, 1820

Appendix to the Report of the Select Committee upon the State of the Province.

APPENDIX A. A.—(See *Journal*, Page 125.)

APPENDIX A. A.

TO THE QUEEN’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 represent, that Your Majesty’s Principal Secretary of State for the Colonies, has, in a Despatch, dated 4th August, 1837, recommended that the power of superintending the financial interests of Upper Canada, should be placed in the Local and Imperial Governments: we do most gratefully acknowledge this renewed instance of Your Majesty’s watchful care over the interests of this Province, and gladly avail ourselves of the suggestions contained in said Despatch.

Address to the Queen, transmitted by the Assembly for concurrence, on the subject of raising by Debentures, the sum of One Million of Pounds, Sterling.

APPENDIX A. A.—(*See Journal, page 125.*)

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We beg leave humbly to represent to Your Majesty, that the Legislature, during its present Session, has passed an Act authorising the raising by Debentures, the sum of One Million of Pounds, Sterling, bearing an interest at three per cent.

We therefore humbly beseech Your Majesty, to be pleased to recommend to Your Imperial Parliament, to pass a law to guarantee the interest thereon, on securing and providing the means of paying the said interest, by an Act imposing an additional duty of two and a half per cent. on all articles imported at the port of Quebec, pursuant to an Address passed this House during the present Session, for that purpose.

ALLAN N. MACNAB,
SPEAKER.

Commons House of Assembly,
26th day of February, 1838.

TO THE QUEEN'S MOST EXCELLENT MAJESTY.

MOST GRACIOUS SOVEREIGN:

WE, Your Majesty's most dutiful and loyal Subjects, the Commons of Upper Canada, in Provincial Parliament assembled, humbly represent to Your Majesty, that the inhabitants of this Province have lately undertaken great public improvements, for the purpose of developing the resources of the Country, and facilitating the transport of their products to the Sea-ports of Lower Canada, which cannot fail of promoting the shipping interest of the United Kingdom, and greatly benefitting the trade and commerce of Lower Canada.

That in consequence of the geographical situation of Upper Canada, which, by the division line, is excluded from all communication with the Sea, this Province does not reap those advantages from the public works which would be otherwise derived, had the inhabitants of Upper Canada the control of a Sea-port; that in consequence of both Montreal and Quebec being within the limits of Lower Canada, a great portion of these advantages is gained by our Sister Province, whilst the whole burthen is sustained by the Upper Province—having incurred debts to the extent of nearly a Million, Sterling, in constructing these works, no portion whatever being contributed by Lower Canada.

That Your Majesty be graciously pleased to recommend Your Imperial Parliament to pass an Act, authorising the levying an additional duty of two and a half per centum *ad valorem* on all articles imported into the Ports of Lower Canada, which shall be applied exclusively to the payment of the interest of the debt contracted by this Province, in the construction of these great works of internal improvement; and we would further represent to Your Majesty, that no injustice would be done to the people of Lower Canada by this additional impost, inasmuch as the commercial prosperity of that Province depends greatly on the trade of Upper Canada—as the majority of the twelve hundred vessels, which annually arrive at the Ports of Quebec and Montreal, are laden with produce the growth and manufacture of Upper Canada, particularly lumber, wheat and ashes.

ALLAN N. MACNAB,
SPEAKER.

Commons House of Assembly,
26th February, 1838.

TO THE QUEEN'S MOST EXCELLENT MAJESTY.

MOST GRACIOUS SOVEREIGN:

WE, Your Majesty's dutiful and loyal Subjects, the Commons of Upper Canada, in Provincial Parliament assembled, humbly beg leave to approach Your Majesty, and submit to Your Majesty's consideration, that during the last Session of the Legislature of this Province, a bill was passed authorising the Members of the Legislative Council, and of the House of Assembly thereof, to Frank letters by the General Post, during their Sessions, to commence on 1st January, 1838, under certain restrictions therein-mentioned.

Your Majesty's faithful Commons further beg leave to state, that the said bill has been disallowed by Your Majesty's Government, because it was not in conformity with a bill passed by Your Imperial Parliament, on the 26th March, 1834, intituled, "An Act to repeal, at the

Address to the Queen, transmitted by the Assembly for concurrence, on the subject of levying an additional two and a half per cent. on goods imported into Lower Canada.

Address to the Queen, transmitted by the Assembly for concurrence, on the subject of the Post Office Department.

APPENDIX B. B.—(See Journal, page 126.)

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

“period within-mentioned, so much of an Act passed in the fifth year of the reign of His late Majesty King George the Third, intituled, ‘An Act to alter certain rates of Postage, and to amend, explain and enlarge, several provisions in an Act made in the ninth year of the reign of Queen Anne, and in other Acts relating to the revenue of the Post Office,’ as authorises the taking of certain rates of inland Postage within His Majesty’s Dominions in North America,” in which bill, amongst other things, it is enacted by the second clause, That from and after His Majesty’s consent shall be signified to such Bills or Acts of Colonial or Provincial Legislatures, as herein-before mentioned, all the revenue which may arise from the collection of the rates of inland Postage within the said respective Colonies or Possessions, after deducting the expenses of collection, and of the establishment and management of the Post Office within and throughout the said respective Colonies or Provinces, (under the direction of His Majesty’s Postmaster General, or his Deputies,) shall and may, instead of being remitted, as heretofore, to the General Post Office in London, as part of the general revenue of the Post Office, be appropriated, applied and distributed, to and among the said respective Colonies and Provinces, in proportion to the gross amount of the rates and duties of Postage which shall be raised, collected and received, within each and every such respective Colonies and Provinces, unless and until the said Colonies or Provinces shall, by Bills or Acts of their Legislatures, to which His Majesty’s consent shall in the usual form be signified, unite and agree, indicating any other mode in which such surplus shall be applied and disposed of.

That the state of the Legislature of the Province of Lower Canada, has been such as to preclude any joint Legislative enactments with the other Colonies and Provinces of British North America, which renders it impossible to carry into effect that part of the said Act which requires that the net produce of the Post Office shall be distributed in certain proportions to each Colony.

That the financial affairs of this Province render it necessary, that we should possess all the means that may be legally disposable for its relief; we, Your Majesty’s faithful Commons, do therefore humbly pray, that Your Majesty will be graciously pleased to recommend to Your Imperial Parliament, the passing of an Act providing that the surplus revenue, growing out of the profits of the Post Office Department in this Province, be paid into the hands of Your Majesty’s Receiver General for Upper Canada, to be applied to such purposes, and to be accounted for in such manner, as the Legislature of this Province shall direct.

ALLAN N. MACNAB,
SPEAKER.

Commons House of Assembly,
26th February, 1838.

APPENDIX B. B.—(See Journal, Page 126.)

(Copy.)

GOVERNMENT HOUSE, HALIFAX,
6th February, 1838.

APPENDIX B. B.

SIR,

At the request of the Legislative Council of this Province, I have the pleasure to transmit to Your Excellency the enclosed Resolutions of that Honourable Body, expressing their high admiration of the energetic measures adopted by Your Excellency, to suppress the recent rebellious outbreak in Upper Canada, and offering their thanks to Colonel Allan Napier MacNab, and the Militia under his command, for their gallant conduct on that occasion.

I have the honour to be,

Sir,

Your Excellency’s

Most obedient,

Humble Servant,

(Signed) C. CAMPBELL.

His Excellency Sir F. B. HEAD,

&c. &c. &c.
Toronto.

APPENDIX A. A.

Address to the Queen,
transmitted by the
Assembly for concurrence,
on the subject of the Post
Office Department.

Copy of a Communication
from Major General
Sir Colin Campbell,
Lieutenant Governor of
Nova Scotia.

APPENDIX C. C.—(See Journal, page 126.)

THIRD SESSION THIRTEENTH PROVINCIAL PARLIAMENT, 1st VICTORIA.

APPENDIX B. B.

(Copy.)

LEGISLATIVE COUNCIL CHAMBER,
29th January, 1838.

On motion of Mr. STEWART, seconded by Mr. OUSLEY,

Resolved, unanimously—That while the Members of this House view with the deepest regret the existence of Rebellion in the Provinces of Lower and Upper Canada, they cannot refrain from expressing the gratification they have derived from those warm and animating displays of universal loyalty and attachment to the British Constitution and Government, to which it has given occasion throughout the British North American Colonies.

Copy of a Communication
from Major General
Sir Colin Campbell,
Lieutenant Governor
of Nova Scotia.

Resolved, unanimously—That the grateful acknowledgments of this House ought to be immediately conveyed to His Excellency Sir Francis Bond Head, the Lieutenant Governor of Upper Canada, for the penetration with which he discovered, and the firm, prompt and energetic manner, in which he baffled and defeated the mad designs of traitorous men to rob and murder those who prefer the blessings of the British Government to Republican institutions; but more especially for the noble-minded reliance upon the courage and loyalty of the people alone, by which he was enabled to render most important aid towards the suppression of the unnatural rebellion in Lower Canada.

Resolved, unanimously—That the thanks of this House are also due to Colonel Allan Napier MacNab, and the loyal Militia of Upper Canada, for their gallant conduct in crushing in its infancy this rebellious attempt, and in exhibiting a noble example of the spirit with which Her Majesty's North American Subjects are determined to preserve their connection with their Mother Country, and to put down all endeavours to weaken or destroy it.

Resolved, unanimously—That this House view with astonishment and regret the support and assistance which, in a time of profound peace and amity between the two governments, have been afforded to the expatriated Rebels by many citizens of the American Union, and this House trusts, that the efforts of the General Government of the United States will not be remitted, until such of its citizens as have been guilty of so unjustifiable a violation of the existing treaty and the law of nations, shall be punished with that severity which they deserve.

Resolved, unanimously—That while this House recognize in the British Soldier, that devotion to his Sovereign and Country which has led to the effectual suppression of the rebellion in Lower Canada, and also to a long and dreary march at this inclement season, they cannot but rejoice that the absence of the troops from the Upper Province has afforded gratifying and irresistible evidence of the deep-rooted attachment of the people to the British Constitution.

Resolved, unanimously—That an humble address be presented to His Excellency the Lieutenant Governor, praying that he will be pleased to transmit these resolutions to His Excellency Sir Francis Bond Head, the Lieutenant Governor of Upper Canada.

(Signed) JOHN C. HALLIBURTON,
CLERK.LEGISLATIVE COUNCIL CHAMBER,
31st January, 1838.

Resolved—That Mr. Stewart, Mr. Smith, and Mr. Ratchford, do wait upon His Excellency the Lieutenant Governor, and present to him the Address and Resolutions agreed to on the 29th of this present month of January.

(Signed) JOHN C. HALLIBURTON,
CLERK.

APPENDIX C. C.—(See Journal, Page 137.)

APPENDIX C. C.

TO THE QUEEN'S MOST EXCELLENT MAJESTY.

MOST GRACIOUS SOVEREIGN:

WE, Your Majesty's dutiful and loyal Subjects, the Legislative Council of Upper Canada, in Provincial Parliament assembled, humbly beg leave to address ourselves to Your Majesty, upon the difficulties which have lately surrounded this Colony.

Address of the Legislative
Council to Her Majesty,
on the state of the
Province.

APPENDIX C. C.—(See Journal, page 137.)

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

APPENDIX C. C.

In the adjoining Province of Lower Canada, a long course of yielding policy has ended, as the loyal inhabitants of that Colony were persuaded it must end, in open rebellion. For many years past the Representatives of our Sovereign in that Province has hesitated to give effect to the Constitution, and to enforce the principles of justice; one indignity after another has been borne by them, with a forbearance which has had no other effect than to diminish respect for their authority; concession has followed concession, involving in some instances, the violation of important principles, until at last the friends of the Crown knew not what institution of the Government they would venture to sustain with confidence; and the avowed enemies of British rule saw no object which they might not hope to gain by insolence and clamour.

Address of the Legislative
Council to Her Majesty,
on the state of the
Province.

The yielding to unjust demands intemperately urged does not beget friendship; and it was natural that the deluded inhabitants of Lower Canada should transfer their attachment, as they have done, from the Government which surrendered its prerogatives to the pretended patriots, who in their name boldly and successfully assailed them.

Reasoning from the experience of the past, their turbulent leaders were encouraged to hope that there was no change, however destructive it might be of British supremacy, which they might not accomplish by assuming the language and demeanor of defiance. They have accordingly so inflamed the minds of an ignorant peasantry by violent harangues, and publications, that they have driven them at last to actual rebellion, when it is probable that they intended and hoped to effect their purpose by merely holding out a threatening appearance. Happily this rebellion has been promptly suppressed by the vigorous measures of Lieutenant General Sir John Colborne, the Commander of Your Majesty's Forces, but not without a loss of life, especially on the part of the insurgents, which we fully believe would have been avoided, by a firm and just exercise of the powers of Government in former years. In order to have discountenanced effectually the efforts of the factious, nothing more, we are persuaded, was necessary than the holding out to them a timely and unequivocal warning, that the principles of the British Constitution would assuredly be supported, if necessary, by the power of the British Empire.

The anxiety with which the inhabitants of Upper Canada have regarded the events to which we refer, is sufficiently accounted for by the relative position of the two Provinces.—Lower Canada interposes between us and the ocean, and it is only by passing through it that we can have access to any other portion of Your Majesty's dominions, without depending on a right of egress through a foreign State. But we assure Your Majesty, that other feelings besides the sense of danger to ourselves, have prompted us to look with extreme concern upon the late conflict in that Colony. We deeply sympathised with one hundred and fifty thousand of our fellow Subjects, whose lives and properties it is now become manifest were in imminent danger of total destruction, from the inveterate hatred of British rule which has sprung up in proportion as the confidence which they were accustomed to repose in the protection of their Government has been suffered to be shaken. It must have been most gratifying to Your Majesty to learn, that in the absence of direct reinforcements from England, it was found not imprudent to withdraw from the other British Colonies on this Continent whatever regular forces had been stationed in them; and it cannot but tend to raise the character of this Province, that its Government could with safety be left thus destitute of military aid, at a time when rebellion was raging in the adjoining Colony, and after the people of Canada had been traitorously incited, by certain Members of the Imperial Parliament, to throw off their allegiance to their Sovereign, and to resort to violence, if it should be necessary, for overturning the Constitution which we had received by the solemn Act of the British Parliament.

Except, indeed, for the encouragement which our apparently defenceless state has given to some lawless people on our frontier, it is perhaps not to be regretted that, at so critical a period, the inhabitants of Upper Canada should have been left to defend their Country and Institutions, without the assistance of a military force. Your Majesty's Governor of this Province had ventured to give a manly and open support to British interests and principles; he had not distrusted the inclination of a loyal people to support the Throne, nor hesitated to refuse co-operating with those who were labouring to subvert our Government. By this natural and honourable course he had deprived agitation of its hope, and had given assurance and animation to the loyal. It was fortunate that an impressive example should be given of the soundness of a policy, which had for its basis a firm reliance upon the wisdom and justice

APPENDIX C. C.—(See *Journal*, page 137.)

THIRD SESSION THIRTEENTH PROVINCIAL PARLIAMENT, 1st VICTORIA.

APPENDIX C. C.

of British Institutions, and a generous confidence that the people whom he governed had the sense to appreciate, and the virtue to uphold them. No system of policy ever had a fairer trial; encouraged by the existence of rebellion in the adjoining Province, and hoping for aid from the people of a foreign State, the enemies of British rule ventured to throw off all disguise, and to raise their traitorous arms against a Government to which they had sworn allegiance. But the effort was no sooner made than it was signally defeated; thousands of Your Majesty's Subjects rushed instantly to the support of your Royal authority, and of the laws; and in many of the most populous Districts of this Province, not a single individual was found to countenance the wicked and ungrateful attempt to separate this Colony from the British Empire.

Address of the Legislative Council to Her Majesty, on the state of the Province.

In the progress of these disturbances however, an unlooked for danger suddenly discovered itself, of a much more formidable character than those which had been surmounted, and one that opens new and startling considerations to the inhabitants of this Colony, and of the British Empire.

While Your Majesty's Forces and Your loyal Subjects in Lower Canada were engaged in suppressing as causeless a rebellion as ever was fomented among a deluded people, we observed with astonishment, that in the adjacent parts of the United States of America, undisguised efforts were made to create among the people a strong feeling in favour of the insurgents. Public meetings were held, in which it was declared, that nothing more was intended than an expression of "sympathy"; but the results of such meetings went very far beyond this avowed intention. Arms were collected, and contributions of various kinds made for the benefit of those who were in actual rebellion against their Sovereign, and under the palpably disingenuous pretext of defending themselves against a people who never meditated an infringement of their rights, American citizens were seen rising in large bodies and threatening the peace and security of a British Colony, regardless alike of the injunctions of their own Government, and of the express provisions of their laws.

Upon the frontiers of this Province, the inhabitants of several of the United States of America have carried their hostilities to a much greater length; and while the relations of peace subsisted between the Republic and Great Britain, and when there remained not the slightest commotion among our people, they have not scrupled to arm themselves with artillery and weapons plundered from the public arsenals of their own country, and remaining embodied for many weeks, have carried on a piratical warfare against this Province.

Independently of those considerations of national honour and duty, which ought not to be without their weight in the United States of America, we cannot believe it possible that the Government or people of that country can desire to involve themselves in a war with Great Britain, and we will not therefore incur the hazard of doing injustice, by charging them with insincerity, because this extraordinary and sudden outbreak was not more promptly curbed. It has indeed appeared to us, that a desire to vindicate their national character, to prevent their citizens from inflicting undeserved injury upon a friendly people, and to avert a war with an Empire certainly too just and too powerful to be either hated or despised, might have furnished sufficient motives, both of morality and policy, for greater and more immediate exertion than appeared to be made; but we know too little of the difficulties which may have impeded the prompt interference of the Federal Government, to entitle us to conclude that nothing effectual was for a long time intended, because nothing effectual was done.

It cannot however, we are persuaded, be said with sincerity by any of the inhabitants of this Province, that the Government of the State of New York has seemed to them to act in the moment of anxiety and danger, with the firmness and good faith that befitted the occasion.

It is true that they condemned the outrages of which we complained; but although these were of the most flagrant kind, they were nevertheless committed by their citizens in open day, in the presence of their public authorities; and though in order to procure the means of accomplishing them, the arsenals of the State were plundered of artillery and arms, no attempt at energetic interference seemed to be made. The insult offered by their citizens to their own laws, appeared to be patiently submitted to, while the injuries inflicted upon their neighbours were expected to be as patiently borne; and the vigilance that slumbered during repeated acts of aggression by their people, first shewed itself in an exciting appeal against an act of

APPENDIX C. C.—(See Journal, page 137.)

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

self-defence on the part of this Province, which, when truly described, cannot be denied to be reasonable and just.

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With respect to that portion of the American people who have taken a direct part in these hostile proceedings, nothing can be said that will in any degree palliate their conduct; nor will it be easy to wipe off the reproach which it brings upon their nation. Avowing as they have done, their intention to divide among themselves the lands of this Province, they have confessed the principal object of their warfare to be plunder; but the more general impulse which has enlisted the aid of multitudes in their cause, is the declared desire to free the people of this Colony from subjection to Your Majesty, and to drive what they call the last relic of Monarchical Government from this Continent.

Address of the Legislative Council to Her Majesty, on the state of the Province.

It has astonished us to observe with how little scruple these lawless citizens of the United States appear to proclaim and act upon the principle, that any rebellion of the Subjects of a Monarchy is proper to be encouraged, as a struggle for freedom—as if it were an undeniable truth that even a limited Monarchy, however carefully balanced, is incompatible with liberty, and can only be submitted to by people under restraint. They should shew at least so much deference for the rights of their neighbours, as to allow them to judge of matters which concern their own happiness and welfare. But while they profess to value themselves chiefly upon having what they call a Government of their own choice, they embark without hesitation in the intolerant attempt to impose, by force of arms, upon the people of Upper Canada, a form of Government which it is perfectly evident they do not choose. Living upon the very frontiers of this Province, these people cannot be ignorant that the maintenance of our connection with Great Britain, and an avowed preference for her laws and institutions, are the very points upon which our population have lately more than once rallied, and by an almost universal suffrage.

With the spectacle before them of the whole male adult population of this country rising almost without exception, and arming themselves with eager resolution to support the authority of their Sovereign, they insist upon it, that the wishes of a few fugitive traitors, whom they, and some recreant British Subjects in England, have taken under their especial patronage, shall prevail over the almost universal desire of the people of Upper Canada.

When these citizens of the United States speak of bringing to us the boon of Republican Institutions, they seem to imagine that they will be regarded as offering to extend to the people of Upper Canada some newly-discovered blessing: not considering that Republics of the purest cast have been seen to run through the several stages of Democracy, Anarchy and Despotism—even before the commencement of the Christian era—and that, too, in ages and countries renowned for philosophers and statesmen. They forget also, that in our own generation we have had an opportunity of observing in the fairest portion of the Continent of Europe the same process—though not exactly in the same order—until at last, under the Government of a limited Monarch, comparative peace, justice, stability and repose, have returned to a land which had been long desolated by the worst miseries of domestic and foreign war.

When the people of a country profess it to be the fundamental principle of their own institutions, that the will of the majority shall govern, and at the same time are seen rushing to arms for the purpose of enabling a feeble minority in a neighbouring Province, with whose concerns they have nothing to do, to prevail against the will of the majority, we cannot fail to observe how nearly Democracy is allied to tyranny, and how little it has changed its nature in modern times.

Nevertheless, it is with regret we declare to Your Majesty, that powerful as may be the means which the United States possess, from their great population and wealth, of forcing upon Your Majesty's Subjects in these Colonies a form of Government, which their inclination, no less than their duty, leads them to reject, their ability successfully to resist it is in great danger from another cause. We have observed with concern, that among our fellow Subjects in the United Kingdom, there are many who have too readily taken up the opinion, that in this New World the forms and restraints of Monarchical Government must be distasteful to the people; that nothing but Republican doctrines and practices can be congenial to the inhabitants of this Continent; that all attempts to repress the supposed inclination in their favour are so many struggles against nature; and that in process of time, as our people become numerous, and can claim the privilege of being governed as they please, they will certainly insist upon becoming Republicans.

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THIRD SESSION THIRTEENTH PROVINCIAL PARLIAMENT, 1st VICTORIA.

APPENDIX C. C.

Address of the Legislative
Council to Her Majesty,
on the state of the
Province.

There is nothing more evident than that these impressions, which we believe to prevail with many of our fellow Subjects in England, are erroneous—and the error is one which we fear may prove most injurious to our future happiness and security. It has seemed to us on some occasions to paralyse the efforts of the undoubted friends of Monarchy in the Great Council of the Nation, and to cause the vindication of the principles of our Constitution, when they are assailed in the Imperial Parliament, to be usually undertaken in a tone of despair, with so many concessions and qualifications as to what it may be necessary to surrender in future, and with so apparent a readiness to admit that other principles must be expected to prevail in time, that British Subjects really attached to their Government seem to be enjoying their Constitution only until the period shall come when those in England, who seem habitually to distrust the wisdom and propriety of maintaining a Monarchical Government in these Colonies, shall have raised by their encouragement a sufficient number of advocates of other principles, to warrant their giving to them their open and active support. It is with pain we state to Your Majesty, that not a few of the acts of the Colonial Department have seemed to us to be evidently influenced by this error, which we deplore; and it is an error which we seriously fear may prove fatal to the connection of these Provinces with Great Britain, and not less fatal to their own peace and welfare.

We have some hope, however, that what is now taking place in these Colonies may lead to sounder views—for a more striking and convincing testimony to the advantages of Monarchical Government was perhaps never afforded than may be gathered at this moment, by observing the conduct pursued, and the sentiments expressed throughout the British North American Provinces. In the midst of a struggle which still threatens to bring upon them the unequal force of the American Republic, the people of these Colonies are not merely faithful to their Government, but they are animated by a zealous feeling of loyalty, which prompts them to undergo every privation and danger necessary to be encountered for supporting their Constitution and Laws. Living on the borders of a country where the great experiment of governing by the will of the people, or rather of forbearing to govern in deference to their will, has been long tried on the largest scale, they have seen nothing to make them discontented with their own political condition: they feel themselves to be quite as free as the citizens of the neighbouring Republic, and in many cases more so; and they believe that their form of Government confers greater stability on their civil institutions; guards better their religious liberty; assures more power to the laws; protects life, reputation, liberty and property, with greater steadiness and certainty; and insures the observance of a just respect for the rights of their neighbours more effectually than can be done in any Country where the popular will must govern, however irregularly exerted. They do accordingly prefer their own Constitution—not coldly in the mere exercise of their judgment—but they defend it with an affectionate attachment, which deserves the warmest encouragement and support of Your Majesty, and of the British Empire.

To say nothing of the Colony which we ourselves inhabit, we ask those who are either themselves insensible to these feelings, or who have falsely imagined that they could find no home on the North American Continent, to look at this moment upon the noble Provinces of Nova Scotia and New Brunswick, and to point out any portion of Your Majesty's United Kingdoms where veneration for the Throne, and attachment to the principles which can alone support it, are avowed with greater earnestness and pride.

Your Majesty's loyal Subjects in America see in the protection which a limited Monarchy affords to rational liberty, such inestimable advantages as secure their most faithful devotion, although they are far removed from the immediate influence of an enlightened and benevolent Aristocracy, and from the splendour which surrounds the presence of Royalty. Their most anxious desire is, that they may be allowed to preserve this Constitution unimpaired. They find it exposed to danger from two sources: first—to the danger of being gradually undermined by changes assented to by the Colonial Department, in a mistaken spirit of concession; and in the next place, to the danger which threatens at the same time our connection with the British Crown, namely, the violent interference of the people of the United States in our concerns.

With regard to the first danger, we respectfully entreat Your Majesty to consider, that the remedy lies entirely within Your Majesty's power; and we think we urge no unreasonable desire, when we earnestly implore Your Majesty, that we may be secured against the risk of those principles, in which the strength and excellence of the British Constitution consists,

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being surrendered, from an unmanly fear, or from the rash attempt to create a new and better system of Government than has been hitherto known to the Subjects of Great Britain.

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With respect to the second danger, Your Majesty will learn with astonishment, that it becomes daily more alarming. Whatever may be the cause, the violation by the American people, of their friendly relations with Your Majesty, is so far from being effectually put down by the interference of their Government, that their preparations to invade and plunder the Provinces of Canada, are reported at this moment to be carried on more extensively and openly than ever. But in the midst of the excitement which their preparations have occasioned, we have received the cheering intelligence of the prompt and decisive exertions made by Your Majesty for our protection, for which we tender to Your Majesty our most grateful thanks.

Address of the Legislative Council to Her Majesty, on the state of the Province.

We have never allowed ourselves to doubt, that if ever the period arrived when it should become a question, whether these valuable Colonies should be tamely suffered to be wrested from the British Crown, or whether Your Majesty's loyal Subjects who inhabit them, should be aided in their struggle to avert that calamity, the question would not be determined upon cold calculations of interest alone, but that other and nobler sentiments would govern the decision.

We rejoice to learn that Your Majesty's Government, and the people of the United Kingdom, have no hesitation as to the path to be pursued; and in the generous exertion now made for maintaining the integrity of the Empire, we behold the assurance of our future safety and peace.

The proof which is thus unequivocally given, of the determination of Your Majesty to defend these Provinces effectually from injury and insult, will for the present, we trust, avert the calamities of war; but we earnestly entreat Your Majesty, that the season of peace may be used for providing a more adequate security against a recurrence of such danger as we have been lately exposed to.

The anxieties to which the events of the last three months have given rise, have made us feel more sensibly than ever, the great debt of gratitude which this Country owes to the illustrious Duke of Wellington, whose patriotism prompted him to add to the defences of Canada, by the construction of that noble work, the Rideau Canal, which has secured the interior of this Country to the extent of two hundred miles, by providing a navigable channel removed from the frontier, and connecting us directly with whatever resources the fleets of Great Britain can supply. We earnestly hope that the other defences, which it was at one time intended to construct for the protection of our frontier, may be now proceeded in, under the conviction, that the want of such defences is almost certain to invite hostilities which must lead to a national war.

In the present remarkable crisis of the affairs of this Province, we have united in a Report, which accompanies this Address, stating the views entertained by the Legislative Council in regard to the general interests of the Colony. If, in some points of great moment, we have felt that our duty to Your Majesty, and to our fellow Subjects, has required us to express opinions at variance with the policy which has been pursued by the Colonial Department, we have done so without regard to considerations of party; and in the confidence that we shall not offend by avowing the anxiety we feel to protect our Constitution from injurious changes.

It cannot be doubted that the circumstances in which Lower Canada is placed will lead to the adoption of some measures, which may very materially affect the future condition of this Colony. But though we cannot contemplate these probable changes without extreme anxiety, we feel, in common with our fellow Subjects in Upper Canada, the most unlimited confidence in Your Majesty's desire to consult our happiness and prosperity, and an entire reliance upon the wisdom of the Imperial Parliament for devising such measures as are best suited to remedy existing evils. No important change, we feel assured, will be suffered to be made without an opportunity being first afforded to the inhabitants of this Province to make known their opinions and wishes; and when this has been done, we are persuaded that all classes of Your Majesty's Subjects will cheerfully abide by the decision.

We beg to express, on this occasion, our assurances of entire devotion to Your Majesty's Person and Government.

JOHN B. ROBINSON,

Legislative Council,

SPEAKER.

28th February, 1838.

APPENDIX D.D. & E.E.—(See Journal, pages 140 & 149.)

THIRD SESSION THIRTEENTH PROVINCIAL PARLIAMENT, 1st VICTORIA.

APPENDIX D.D.

APPENDIX D.D.—(See Journal, Page 140.)

HOUSE OF ASSEMBLY,
27th February, 1838.

Resolutions transmitted by the Assembly for concurrence, on the subject of certain Resolutions adopted by the Legislative Council of Nova Scotia.

Resolved—That this House fully appreciate the feelings which have actuated the Honourable the Legislative Council of Nova Scotia, in passing the Resolutions which have been communicated to the House by His Excellency Sir F. B. Head; and derive unmingled satisfaction from the additional assurance thus given, that the North American Colonies are determined to preserve their connection with their Mother Country, and put down all endeavours to weaken or destroy it.

Resolved—That this House observe with great satisfaction, the opinion expressed by the Honourable the Legislative Council of Nova Scotia, of the conduct of His Excellency the Lieutenant Governor of this Province, in the suppression of the late rebellion; and particularly, in his reliance on the courage and loyalty of the people alone, for maintaining our Laws and Institutions against the efforts of domestic traitors.

Resolved—That this House cordially acknowledge the kindly feeling which has influenced the Legislative Council of Nova Scotia, in the expression of their thanks to Colonel the Honourable Allan N. MacNab, the Speaker of this House, and the loyal Militia of this Province, for their conduct during the late rebellion, and rejoice that their conduct at such a crisis should be deemed worthy of so distinguished a compliment.

Resolved—That this House desire to express to the Honourable the Legislative Council of Nova Scotia, their concurrence in the loyal and patriotic sentiments these Resolutions contain; and to assure them, that the people of this Province will be at all times ready to exert themselves to the utmost to maintain the ascendancy of British principles, and the connection with the Mother Country.

Resolved—That an humble Address be presented to His Excellency the Lieutenant Governor, praying that he will be pleased to transmit these Resolutions to His Excellency Sir Colin Campbell, the Lieutenant Governor of Nova Scotia.

Truly extracted.

JAMES FITZGIBBON,
Clerk of Assembly.

APPENDIX E. E.—(See Journal, Page 149.)

APPENDIX E.E.

EXTRACT FROM THE THIRD REPORT OF COMMITTEE ON FINANCE.

POST OFFICE DEPARTMENT.

Extracts from the Finance Report, relating to the Post Office Department, transmitted by the Assembly.

The embarrassed state of the Finances of the Province, induce your Committee to investigate most minutely every subject connected with the Revenue, brought under their notice, with the view of effecting, wherever it was possible, a reduction of the general expenditure.

Amongst other important items submitted to them, were the returns and statements connected with the Post Office Department, from which it appears that the gross and net produce of this branch of the revenue for Upper and Lower Canada, for the year ending 5th July, 1837, amounts to £35,449 6 7½

And the charges of management or payment from this sum, in its progress to the General Post Office in London, is found to be 24,185 5 11½

Remittances made to the General Post Office, London, on account of the year ending 5th July, 1837, are 12,967 19 9½

Of this sum there are outstanding debts of the previous year amounting to 1,703 19 3

Leaving an actual balance of £11,264 0 6½

With reference to the amount of Postage from Lower Canada, the returns shew that it is £13,738 1 5½

While that of Upper Canada is 21,711 5 2

Making a difference of 7,973 3 8½
in the sums collected in the two Provinces.

APPENDIX E. E.—(See Journal, page 149.)

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

Your Committee are unable to inform your Honourable House what the annual expense incurred for this Department amounts to for the Province of Upper Canada, as the returns of the Deputy Postmaster General merely give the total sum expended in supporting it for both Provinces, without particularizing either; and this is the more to be regretted, because it is impossible to discover the net produce raised in this Province, and remitted to the General Post Office in London.

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Taking, however, the proportion of the net produce of Upper Canada, and allowing the expenses required for the support of the Mail, in the same ratio to the sum which each Province yields in the gross, that of Upper Canada alone would give the sum of £6,899.

Extracts from the Finance Report, relating to the Post Office Department, transmitted by the Assembly.

The Post Office bill not having been acceded to by Her Majesty's Government, and a large annual expense having been incurred for many years on account of the Legislature, independent of the amount annually remitted from the Province to the Mother Country, your Committee recommend an Address to be presented to Her Majesty, praying that the surplus arising from the Postage collected in this Province be paid into the hands of the Receiver General for the public uses of this Province; for which purpose your Committee have prepared a resolution.

FIFTH REPORT OF FINANCE COMMITTEE.

TO THE HONOURABLE THE HOUSE OF ASSEMBLY.

Your Committee, to whom was referred the Public Accounts, the subject of the Post Office Department, &c. beg leave to present to your Honourable House, as a fifth Report, the annexed communication from T. A. Stayner, Esquire, Deputy Postmaster General of British North America, which has been received in answer to information requested from that Officer by your Committee, as to the amount of the expense incurred by Upper Canada, out of the gross charge of £24,185 5s. 11½d. for the Provinces of Upper and Lower Canada, for transmitting the Mails, &c.

It will be seen by the Deputy Postmaster General's reply, that the information requested cannot definitely be obtained; that the amount of surplus revenue must be in proportion to the gross amount of Postage collected in either Province.

Your Committee recommended the adoption of an Address to Her Majesty, on the subject of the Post Office revenue, in their third report; that Address has since been sanctioned and transmitted to the Honourable the Legislative Council, for the concurrence of that Honourable House. They would further recommend that so much of the said third Report, as relates to the subject of the Post Office Department, together with a copy of this Report, and communication from the Deputy Postmaster General, annexed thereto, accompanying the said Address to Her Majesty.

All which is respectfully submitted.

(Signed) W. HAMILTON MERRITT,
CHAIRMAN.

Committee Room, House of Assembly,
27th February, 1838.

GENERAL POST OFFICE, QUEBEC,
20th February, 1838.

SIR,

I have to acknowledge the receipt of your letter of the 13th instant, conveying the request of the Committee of Finance of the House of Assembly of Upper Canada, that I would inform the Committee, if in my power, what part of the sum of £24,185 5s. 11½d. which is charged for the transmission of the Mails, and the total expenses of the Post Office Department for the two Canadas, in the year ending 5th July, 1837, was expended in support of the Department in Upper Canada.

Having consulted with the Post Office Accountant, I beg to send you enclosed the result of his consideration of the proposition, by which you will perceive that such a statement is, from

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APPENDIX F.F.—(See Journal, page 159.)

THIRD SESSION THIRTEENTH PROVINCIAL PARLIAMENT, 1st VICTORIA.

APPENDIX E.E.

Extracts from the Finance Report, relating to the Post Office Department, transmitted by the Assembly.

the very nature of the accounts, and the present composition of the Post Office Establishment, unattainable: very many of the items of expenditure (the aggregate of which is given in the total of £24,185 5s. 11½d. above alluded to) are for expenses common to the whole Department; but the proportion applicable to either Province specifically, cannot possibly be ascertained. When the question of dividing the surplus revenue of the Post Office amongst the several Provinces was under the consideration of the British Government in 1834, it was decided that the best appropriation to an equitable division which could be made, would be by allotting the surplus in shares corresponding in proportion with the gross amount of postage collected in each Province. I have given to this question the most deliberate attention and study, and I can assure you that I see no other way of getting over the difficulty.

I have the honour to be,

Sir,

Your most obedient,

Humble Servant,

(Signed) T. A. STAYNER,
D. P. M. G.

WILLIAM H. MERRITT, Esquire,
Chairman, Committee of Finance,
House of Assembly,
Toronto.

20th February, 1838.

REMARKS.

THE Accountant fears that the statement required by the Finance Committee of the House of Assembly of Upper Canada, per letter to the Deputy Postmaster General, dated 13th February last, cannot be made out with exactness, from the circumstance that the arrangements of the Post Office Department have been necessarily made without regard to the limits of the Provinces, and are in fact, to a certain degree, common to them all, so that it is not possible to divide the expenses in such a manner as to state specifically what sums are paid solely for the maintenance of the Department in each respective Province.

The salaries received by the Deputy Postmaster General, the Accountant, and their Assistants, for instance, are for services performed in the execution of duties which extend over the whole of the British North American Provinces, so that there would be an impossibility (under present circumstances) in ascertaining what proportion of those salaries should be borne by Upper Canada.

In the charge for the conveyance of Mails, which is much more considerable, a large amount is included (paid at Quebec) for the communication between the Canadas and New Brunswick, Nova Scotia, &c. for the transport of the English Mails, in dividing which the same difficulty would occur: the expense being incurred for the reciprocal benefit of the five Provinces, the same observation may be applied to the *whole* of the charge for the conveyance of Mails.

There are also other charges in the apportionment of which the same question would arise.

The Accountant would beg here to repeat, with due deference, that he thinks no statement that would meet the requisition of the Committee can be produced, until some fixed principle shall have been laid down, upon which a division of the revenue between the several Provinces may be made.

(Signed) E. S. KING.

APPENDIX F.F.

APPENDIX F.F.—(See Journal, Page 159.)

(Copy.)

WASHINGTON, February 17, 1838.

SIR,

Copy of a Despatch, and its enclosures, received from Her Majesty's Minister at Washington, transmitted by His Excellency the Lieutenant Governor.

I have the honour herewith to enclose, for Your Excellency's information, copies of the remaining correspondence that has passed between the United States Secretary of State and myself, upon the question of the capture and destruction of the Piratical Steam-boat *Caroline*; of the two previous letters from Mr. Forsyth to myself, referred to in my letter to Mr. Forsyth,

APPENDIX F.F.—(See Journal, page 159.)

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

herein enclosed, of the 6th instant: the first, that of the 6th January, has been already communicated to Your Excellency—the second, of the 19th of January, merely transmitted to me some further affidavits respecting the affair of the *Caroline*, which had been furnished to the American Government, and which have been since published in the American newspapers.

APPENDIX F.F.

I have the honour to be,

With regard and consideration,

Your Excellency's

Most obedient,

Humble Servant,

(Signed) H. S. FOX.

Copy of a Despatch, and its enclosures, received from Her Majesty's Minister at Washington, transmitted by His Excellency the Lieutenant Governor.

To His Excellency Sir F. B. HEAD, Bart.

&c. &c. &c.

A true Copy.

J. JOSEPH.

(Copy.)

WASHINGTON, February 6, 1838.

SIR,

With reference to the letters which, by direction of the President, you addressed to me on the 5th and 19th ultimo, respecting the capture and destruction of the Steam-boat *Caroline*, by a Canadian force, on the American side of the Niagara River, within the jurisdiction of the State of New York—I have now the honour to communicate to you the copy of a letter which I have received upon that subject from Sir Francis Head, Lieutenant Governor of the Province of Upper Canada, with divers reports and depositions annexed.

The Piratical character of the Steam-boat *Caroline*, and the necessity of self-defence and self-preservation under which Her Majesty's Subjects acted in destroying that vessel, would seem to be sufficiently established.

At the time when the event happened, the ordinary laws of the United States were not enforced within the frontier District of the State of New York. The authority of the law was overborne publicly by piratical violence—through such violence, Her Majesty's Subjects in Upper Canada had already severely suffered, and they were threatened with still further injury and outrage. This extraordinary state of things appears, naturally and necessarily, to have impelled them to consult their own security, by pursuing and destroying the vessel of their piratical enemy, wheresoever they might find her.

I avail myself of this occasion, &c. &c.

(Signed) H. S. FOX.

The Honourable JOHN FORSYTH,

&c. &c. &c.

A true Copy.

J. JOSEPH.

(Copy.)

DEPARTMENT OF STATE, WASHINGTON,

February 13, 1838.

SIR,

I have the honour to acknowledge the receipt of your note of the 6th instant, communicating a copy of a letter from Sir Francis Head, Lieutenant Governor of the Province of Upper Canada, respecting the capture and destruction of the Steam-boat *Caroline*, by a Canadian force, on the American side of the Niagara River, within the jurisdiction of the State of New York, together with the reports and depositions thereto annexed.

The statement of facts, which these papers present, is at variance with the information communicated to this Government respecting that transaction; but it is not intended to enter at present upon an examination of the details of the case, as steps have been taken to obtain the fullest evidence that can be had of the particulars of the outrage—upon the receipt of which it will be made the subject of a formal complaint to the British Government for redress. Even

APPENDIX G.G.—(See Journal, page 167.)

THIRD SESSION THIRTEENTH PROVINCIAL PARLIAMENT, 1st VICTORIA.

APPENDIX F.F.

Copy of a Despatch, and its enclosures, received from Her Majesty's Minister at Washington, transmitted by His Excellency the Lieutenant Governor.

admitting that the documents transmitted with your note contain a correct statement of the occurrence, they furnish no justification of the aggression committed upon the territory of the United States—an aggression which was the more unexpected, as Sir Francis Head, in his Speech at the opening of the Parliament of Upper Canada, had expressed his confidence in the disposition of this Government, to restrain its citizens from taking part in the conflict which was raging in that Province; and added, that having communicated with the Government of the State of New York, and with yourself, he was then waiting for replies. It is not necessary to remind you, that his expectations have been met by the adoption of measures on the part of the United States, as prompt and vigorous, as they have been successful, in repressing every attempt of the inhabitants of the frontier States to interfere unlawfully in that contest. The most serious obstacle thrown in the way of those measures was the burning of the *Caroline*—which, while it was of no service to Her Britannic Majesty's cause in Canada, had the natural effect of increasing the excitement on the border, which this Government was endeavouring to allay.

I avail myself of this occasion, &c. &c. &c.

(Signed) JOHN FORSYTH.

H. S. Fox, Esquire,
&c. &c. &c.

A true copy.

J. JOSEPH.

(Copy.)

WASHINGTON, February 16, 1838.

SIR,

I have the honour to acknowledge the receipt of your letter of the 13th instant, relating to the question of the capture and destruction of the Piratical Steam-boat *Caroline*.

Although I cannot acquiesce in the view which the United States Government are disposed to take of the facts connected with that transaction, yet as this Legation is not the final authority competent to decide the question on the part of Great Britain—and as you inform me that a representation will, in due time, be addressed to Her Majesty's Government in England—I consider it most consistent with my duty, to avoid entering at present into any controversy upon the subject. It will remain for Her Majesty's Government at Home, when the whole evidence of the case shall have been produced, to form such deliberate resolution thereupon, as reason, honour and justice, shall dictate.

I avail myself of this occasion, to renew to you, &c. &c.

(Signed) H. S. FOX.

The Honourable JOHN FORSYTH,
&c. &c. &c.

A true Copy.

J. JOSEPH.

APPENDIX G.G.

APPENDIX G.G.—(See Journal, Page 167.)

TO THE QUEEN'S MOST EXCELLENT MAJESTY.

MOST GRACIOUS SOVEREIGN:

Address to the Queen, transmitted by the Assembly for concurrence, on the subject of the Harbour at Port Dalhousie.

WE, Your Majesty's dutiful and loyal Subjects, the Commons of Upper Canada, in Provincial Parliament assembled, beg leave to represent to Your Majesty, the importance of so improving the Harbour at Port Dalhousie, at the western extremity of Lake Ontario, as to render it safe and commodious for steam-boats and vessels of war. By a recent survey by eminent Civil Engineers, it is pointed out as capable of being made, at no very considerable expense, one of the best and most useful Harbours on Lake Ontario.

The Welland Canal Company, aided by the funds of the Province, have expended large sums of money on this Port, it being the outlet to Lake Ontario of the Welland Canal; and although sufficiently commodious for such vessels as pass through the Canal, it is not capable of admitting vessels of war or steam-boats drawing more than eight feet water.

APPENDIX G.G.—(See Journal, page 167.)

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

The Niagara River, twelve miles to the south of Port Dalhousie, is undoubtedly an excellent Harbour, and can afford accommodation to any number of vessels drawing twelve feet water, or more, but the entrance to it is so completely commanded by the American Fort Niagara, that in time of war not one of Your Majesty's vessels could find shelter there.

APPENDIX G.G.

The want of a secure Port at the west end of Lake Ontario, was much felt during the late war with the United States of America, and we earnestly entreat Your Majesty to instruct the Commander in Chief of Your Majesty's Forces in the Canadas, to cause a survey to be made by a competent Officer, and an estimate of the expense for Your Majesty's further information; and should his report prove favourable, which we cannot doubt, we hope no time will be lost in commencing a work which we consider of great national importance.

Address to the Queen,
transmitted by the
Assembly for concurrence,
on the subject of the Har-
bour at Port Dalhousie.

ALLAN N. MACNAB,
SPEAKER.

Commons House of Assembly,
Third day of March, 1838.

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