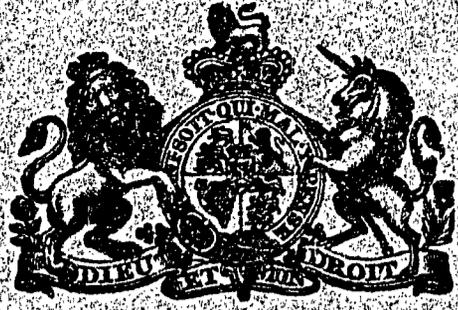




1830



# **JOURNAL,**

OF THE

## **LEGISLATIVE COUNCIL**

OF

### **UPPER CANADA.**

**SECOND SESSION, TENTH PROVINCIAL PARLIAMENT,**

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

**LIEUTENANT GOVERNOR.**

**BY ORDER OF THE HONORABLE THE LEGISLATIVE COUNCIL.**

**YORK, U.C.**

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



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# JOURNAL, &c.



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

## PROCLAMATION.

### UPPER CANADA.

J. COLBORNE,

*Lieutenant Governor.*

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

To our 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 Town of York, on the Twenty-ninth day of April, instant, to be commenced, held, called and elected, and to every of you:—

#### GREETING :

WHEREAS on the Twentieth day of March last we thought fit to prorogue our Provincial Parliament to the Twenty-ninth day of April, instant, at which time, at our Town of York, 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 Monday, the Eighth day of June next ensuing, you meet us in our Provincial Parliament, at our Town of York, there to take into consideration the state and welfare of our said Province of Upper Canada, and therein to do as may seem necessary, and herein fail not.

IN TESTIMONY WHEREOF We have caused these our Letters to be made Patent, and the Great Seal of our said Province to be hereunto affixed.—Witness our trusty and well beloved SIR JOHN COLBORNE, K. C. B. Lieutenant Governor of our said Province, and Major General Commanding our Forces therein, at York, this Twenty-fifth day of April, in the Year of our Lord One Thousand Eight Hundred and Twenty-nine, and in the Tenth Year of our Reign.

J. C.

By Command of His Excellency.

JOHN B. ROBINSON,

*Attorney General.*

D. CAMERON,

*Secretary.*

By a further Proclamation of His Excellency SIR JOHN COLBORNE, K. C. B. Lieutenant Governor of the Province of Upper Canada, dated the Thirtieth day of May, in the Year of our Lord one Thousand Eight Hundred and Twenty-nine, the meeting of the Legislative Council and House of Assembly stands further Prorogued to the Seventeenth day of July, next ensuing.

By a further Proclamation of His Excellency SIR JOHN COLBORNE, K. C. B. Lieutenant Governor of the Province of Upper Canada, dated the Thirteenth day of July, in the Year of our Lord One Thousand Eight Hundred and Twenty-nine, the meeting of the Legislative Council and House of Assembly stands further Prorogued to the Twenty-fifth day of August, next ensuing.

By a further Proclamation of His Excellency SIR JOHN COLBORNE, K. C. B. Lieutenant Governor of the Province of Upper Canada, dated the Twenty-fourth day of August, in the Year of our Lord One Thousand Eight Hundred and Twenty-nine, the meeting of the Legislative Council and House of Assembly stands further Prorogued to the Thirtieth day of September, next ensuing.

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

By a further Proclamation of His Excellency SIR JOHN COLBORNE, K. C. B. Lieutenant Governor of the Province of Upper Canada, dated the Twenty-ninth day of September, in the Year of our Lord One Thousand Eight Hundred and Twenty-nine, the meeting of the Legislative Council and House of Assembly stands further Prorogued to the Fourth day of November, next ensuing.

By a further Proclamation of His Excellency SIR JOHN COLBORNE, K. C. B. Lieutenant Governor of the Province of Upper Canada, dated the Twenty-seventh day of October, in the year of our Lord One Thousand Eight Hundred and Twenty-nine, the meeting of the Legislative Council and House of Assembly stands further Prorogued to the Fourth day of December, next ensuing.

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## PROCLAMATION.

### UPPER CANADA.

J. COLBORNE,

*Lieutenant Governor.*

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

To our beloved and faithful Legislative Councillors of our Province of Upper Canada, and to our Knights, Citizens and Burgesses of our said Province, to our said Provincial Parliament, at our Town of York, on the Fourth 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-seventh day of October last, We thought fit to Prorogue our Provincial Parliament to the Fourth day of December instant, at which time, at our Town of York, 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 Friday, the Eighth day of January next ensuing, you meet Us in our Provincial Parliament, at our Town of York, For the Actual Despatch of Public Business, there to take into consideration the state and welfare of our said Province of Upper Canada, and therein to do as may seem necessary, and herein fail not.

IN TESTIMONY WHEREOF We have caused these our Letters to be made Patent, and the Great Seal of our said Province to be hereunto affixed.—Witness our trusty and well beloved SIR JOHN COLBORNE, K.C.B. Lieutenant Governor of our said Province, and Major General Commanding our Forces therein, at York, this Second day of December, in the Year of our Lord One Thousand Eight Hundred and Twenty-nine, and in the Tenth Year of our Reign.

J. C

By Command of His Excellency.

HENRY JOHN BOULTON,  
*Attorney General.*

D. CAMERON,  
*Secretary.*

# LEGISLATIVE COUNCIL.

## UPPER CANADA.

*York, Friday, 8th January, 1830.*

At half past one of the clock P.M. the House met.

### PRESENT,

*The Hon. Messrs.* JAMES BABY,

“ “ JOHN M’GILL,

“ “ WILLIAM DICKSON,

“ “ WILLIAM D. POWELL,

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

*The Hon. Messrs.* JOSEPH WELLS,

“ “ GEORGE H. MARKLAND.

“ “ WILLIAM ALLAN,

“ “ PETER ROBINSON,

The Honorable Mr. Baby informed their Honors that Mr. Chief Justice Robinson was in attendance, having been Summoned to a Seat in this House.

Mr. Chief Justice Robinson was then introduced by the Honorable and Venerable the Archdeacon of York, and the Honorable Mr. Baby, and presented His Majesty’s Writ of Summons, which was read by the Clerk as follows :—

*Mr. Chief Justice Robinson presents His Majesty’s Writ Summoning him to a seat in the Legislative Council.*

## UPPER CANADA.

J. COLBORNE.

GEORGE the FOURTH by the Grace of GOD of the United Kingdom of Great Britain and Ireland, King, Defender of the Faith. The same was read.

To our trusty and well beloved the Honorable John Beverly Robinson, Chief Justice of our said Province :

GREETING :—

KNOW YE, that as well for the special trust and confidence that We have manifested for you, as for the purpose of obtaining your advice and assistance in all weighty and arduous affairs, which may the state and defence of our said Province of Upper Canada, and the Church thereof, concern :—We have thought fit to Summon you to the Legislative Council of our said Province, and We do therefore command you, the said John Beverly Robinson, that all difficulties and excuses whatsoever laying aside, you be and appear, for the purposes aforesaid, at the Legislative Council of our said Province at all times whensoever and wheresoever our Provincial Parliament may be therein hereafter convoked and holden, and this you are in no wise to omit.

In testimony whereof We have caused these our Letters to be made Patent and the Great Seal of our said Province to be hereunto affixed.—Witness our trusty and well beloved SIR JOHN COLBORNE, K. C. B. Lieutenant Governor of our said Province, and Major General commanding our Forces therein, at York, this First day of January, in the year of our Lord One Thousand Eight Hundred and Thirty, and in the Tenth year of our Reign.

J. C.

By His Excellency’s Command.

HENRY J. BOULTON,  
*Attorney General.*

D. CAMERON,  
*Secretary.*

*Friday, 8th January, 1830.*

SECOND SESSION, 10th PROVINCIAL PARLIAMENT, 10th GEORGE IV.

The Oath required by the Statute administered to the Honorable the Chief Justice.

His Honor the Chief Justice took and subscribed the oath required by the Statute of 31st Geo. 3d. Chap. 31. which was administered to him at the Table, by Grant Powell Esquire, one of the Commissioners appointed for that purpose, and took his Seat accordingly.

The Honorable the Chief Justice presents a Commission from His Excellency the Lieut. Governor, appointing him Speaker of the House.

His Honor the Chief Justice then informed their Honors that he had a Commission from His Excellency the Lieutenant Governor appointing him Speaker, which he presented, and it was read by the Clerk as follows:—

## UPPER CANADA.

J. COLBORNE,

The same read.

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

To all to whom these presents shall come :

GREETING :

KNOW YE, that having taken into our Royal consideration the Loyalty, Integrity, and ability of our trusty and well beloved the Honorable John Beverly Robinson, We have thought fit to constitute and appoint, and by these presents do constitute and appoint him, the said John Beverly Robinson, Speaker of the Legislative Council of our said Province of Upper Canada ; to have, hold, exercise and enjoy, the said Office for and during our pleasure, and his residence within our said Province ; together with all the rights, profits, privileges and emoluments, unto the said place belonging or in any wise appertaining.

IN TESTIMONY WHEREOF We have caused these our Letters to be made Patent, and the Great Seal of our said Province to be hereunto affixed.—Witness our trusty and well beloved SIR JOHN COLBORNE, K. C. B. Lieutenant Governor of our said Province, and Major General commanding our Forces therein, at York, this Second day of January, in the Year of our Lord One Thousand Eight Hundred and Thirty, and in the Tenth Year of our Reign.

J. C.

By His Excellency's Command.

HENRY J BOULTON,  
*Attorney General.*

D. CAMERON,  
*Secretary.*

Oath required by the Statute administered to the Hon. W. D. Powell.

The Honorable William D. Powell took and subscribed the oath prescribed by the Statute of the 31st Geo. 3d. Chap. 31. as required by the third Rule of the House.

The same Oath administered to the Hon. Sir William Campbell.

The Honorable Sir William Campbell took and subscribed the oath prescribed by the Statute of 31st. Geo. 3d. Chap. 31. as required by the third Rule of this House.

*Prayers were read.*

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

At two o'clock P.M. His Excellency the Lieutenant Governor being seated on the Throne, the Honorable Speaker of the Legislative Council commanded the Gentleman Usher of the Black Rod to inform the Members of Assembly that it is His Excellency's will and pleasure that they do forthwith attend in this House ; who being come thereto, 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.

The Speaker informed the House that he was in possession of a copy of His Excellency's Speech.

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 same read.

You are again convened for the Despatch of Public Business ; and it will be gratifying to me to give effect to the measures which, from your general and local knowledge of the Colony, may be proposed as conducive to the welfare and prosperity of the people.

*Friday, 8th January, 1830.*

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

The activity and industry of the Agriculturists in all parts of the Province; their efforts to unlock the Country, and reach the Lakes with their surplus produce; the successful Culture introduced in the Western Townships; point out the profitable result that may be anticipated from affording proper encouragement to this individual exertion and labour.

Fortunately the difference of situation of several Districts has been equalized by the opening of the Welland Canal: the extension of it to the Grand River will complete this first great Provincial enterprise; and will require your immediate support and protection.

These improvements must naturally lead your attention to the St. Lawrence, and to the manifest advantages that may be derived from perfecting the Navigation in that quarter.

*Gentlemen of the House of Assembly;*

I have directed a statement of the Revenue and Expenditure of the last year to be laid before you, with the Estimate of Supplies for the current year.

From the accounts you will perceive, that in consequence of the favorable returns of the Duties levied under the Statute of the 14th Geo. 3rd, the expense of the administration of Justice, and of that part of the Civil Establishment not provided for by His Majesty's Government, or by the annual vote of the Imperial Parliament, has been defrayed entirely from those proceeds; and that a considerable balance accruing from the excess of former estimates beyond the expenditure, remains at the disposal of the Legislature.

The necessity of reforming the Royal Grammar School, was evident from your Report at the close of the last Session.

In establishing a College at York, under the guidance of able Masters, the object which we have in view, will, I trust, be speedily attained.

The delay that may take place in revising the Charter of the University, or in framing one suitable to the Province and to the intention of the Endowment, must, in fact, under present circumstances, tend to the advancement of the Institution: as its use depended on the actual state of Education in the Province.

Dispersed as the Population is, over an extensive Territory, a general efficiency in the Common Schools cannot be expected, particularly whilst the Salaries of the Masters will not admit of their devoting their whole time to their profession.

*Honorable Gentlemen and Gentlemen:*

The King's pleasure on the Bills reserved has not yet been communicated to me.

I recommend you to examine the Acts that may be about to expire.

Your attention will also be drawn to another subject of importance: the exposure of property, and the facility of depredation in certain Districts, and the frequent cases of Capital Convictions, where, through the dispensing power of the Crown, it is thought advisable to arrest the sentence of the Law, notwithstanding the evils that may arise from repeated mitigation, without a system of secondary punishment, or any means of disposing of offenders.

With regard to the questions submitted to His Majesty's Government, whatever difficulties may have occurred in determining them, or reconciling the respective interests with which they are connected, the diligent investigation through which they are passing evinces the earnest desire of His Majesty that this portion of His Diminutions should reap the full benefit of good Laws and free Institutions.

Ordered, That an Address be presented to His Excellency the Lieutenant Governor, in answer to His Speech at the opening of the Session.

Ordered, that the Honorable Messrs. Powell, Wells, and the Honorable and Venerable the Archdeacon of York, be appointed a Committee to prepare such Address.

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

Committee appointed to prepare Address to Lieutenant Governor, in answer to his Speech at the opening of the House.

## 11th &amp; 12th January, 1830.

SECOND SESSION, 10th PROVINCIAL PARLIAMENT, 10th GEORGE IV.

Monday, 11th January, 1830.

The House met pursuant to adjournment.

## PRESENT,

*The Honorable* JOHN B. ROBINSON, *Speaker.* *The Hon. & Ven. the* ARCHDEACON OF YORK.  
*The Hon. Messrs.* JOHN M'GILL, *The Hon. Messrs.* GEORGE H. MARKLAND,  
 " " WILLIAM DICKSON, " " WILLIAM ALLAN,  
 " " WILLIAM D. POWELL, " " PETER ROBINSON.

*Prayers were read.*

The Minutes of Friday were read.

Draft of Address reported and read.

The Honorable and Venerable the Archdeacon of York, from the Select Committee appointed to prepare an Address to His Excellency the Lieutenant Governor in answer to His Speech at the opening of the Session, reported a draft thereof, which he read in his place.

Same read a second time.

Ordered, that the Report be received, and the said draft was again read by the Clerk.

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

Committed.

Mr. Dickson took the Chair.

After some time the House resumed.

Reported.

The Chairman reported that the Committee had taken the said draft into consideration, and recommended the same, without amendment, to the adoption of the House.

Adopted.

Ordered, that the report be received.

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

14th Rule of the House, relating to privilege, read.

Ordered, that the Clerk do now read the Fourteenth Rule of the House.

The said Rule was then read by the Clerk as follows :—

“That such Members as shall make protestation or enter their dissents to any vote of the House, as they have a right to do without asking leave of the House, either with or without their reasons, shall cause their protestations, or dissents, to be entered in the Clerks Book on the next sitting day of this House before the rising of the House, otherwise the same shall not be entered, and shall also sign the same before the rising of the House on the same day.”

Motions respecting the construction of said Rule.

It was then moved and seconded, that it is the opinion of this House that the plain and true construction of the Rule now read admits the Speaker of this House (being a Member) to enter upon and record in the Journals of this House his dissent to any measure adopted by the House, and to consign to the said Journals his reason or grounds for such dissent.

Debated.

Upon which debates ensued, and it was—

Same adjourned.

Ordered, that the debate be adjourned until Wednesday next.

Members in Town Summoned.

Ordered, that the Members in Town be Summoned to attend in their places on Wednesday next.

Petition praying for an extension of the Niagara Gaol Limits, presented.

Mr. Wells brought up the Petition of Thomas Creen and others, praying for an extension of the Niagara Gaol Limits, which was laid on the Table.

On motion made and seconded, the House adjourned.

Tuesday, 12th January, 1830.

The House met pursuant to adjournment.

## PRESENT,

*The Honorable* JOHN B. ROBINSON, *Speaker.* *The Hon. & Ven. the* ARCHDEACON OF YORK,  
*The Hon. Messrs.* JAMES BABY, *The Hon. Messrs.* JOSEPH WELLS,  
 " " WILLIAM DICKSON, " " WILLIAM ALLAN,  
 " " WILLIAM D. POWELL,

*Prayers were read.*

The Minutes of yesterday were read.

Pursuant to the order of the day the Address to His Excellency the Lieutenant Governor in answer to His Speech at the opening of the Session was read a third time and passed, as follows :—

*Tuesday, 12th January, 1830.*

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

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

Address to Lieut. Governor read a third time and passed.

MAY IT PLEASE YOUR EXCELLENCY:

We, His Majesty's most dutiful and loyal Subjects, the Legislative Council of Upper Canada, in Provincial Parliament assembled, return our most respectful thanks for Your Excellency's Speech from the Throne. It is pleasing to us to be assured that it will be gratifying to Your Excellency to give effect to such measures for the advancement of the welfare and prosperity of the People as our general and local knowledge of the Colony may suggest.

The Address.

We most readily concur in the opinion expressed by Your Excellency, that the activity and industry of the Agriculturists in all parts of the Province; their efforts to unlock the Country, and reach the Lakes with their surplus produce; and the successful culture introduced in the Western Townships, point out the profitable results that may be anticipated from affording proper encouragement to such individual exertion and labour.

We rejoice that the difference of situation of the several Districts has been fortunately equalized by the opening of the Welland Canal, and most cordially agree with Your Excellency, that its extension to the Grand River, in order to complete this the first great Provincial enterprise, requires our immediate support and protection.

Nor shall we neglect to avail ourselves of Your Excellency's wise recommendation to direct our attention to the improvements which may be made in the River St. Lawrence, and the manifest advantages that may be derived from perfecting its Navigation.

We shall wait with deference for the signification of His Majesty's pleasure on the Bills reserved at the close of the last Session, and which has not yet been communicated to Your Excellency.

The recommendation of Your Excellency to examine the Acts about to expire will command our early attention.

We are deeply sensible that the exposure of property and the facility of depredation in certain Districts requires a system of secondary punishment, or some means of disposing of offenders, since the frequent cases of Capital Convictions in the present state of things, render it advisable to arrest the sentence of the Law by the dispensing power of the Crown, notwithstanding the evils that may arise from repeated mitigation, and to this important subject we shall give our best consideration.

It is gratifying, as well as interesting, for us to learn, that the questions submitted to His Majesty's Government, whatever difficulties may have occurred in determining them, or in reconciling the respective interests with which they are connected, are passing through a diligent investigation, as it evinces the earnest desire of His Majesty that this portion of His Dominions should reap the full benefit of good Laws and free Institutions.

JOHN B. ROBINSON,  
SPEAKER.

*Legislative Council Chamber,  
12th January, 1830.*

Ordered, that the Honorable Messrs. Wells and Allan be a Committee to wait on His Excellency the Lieutenant Governor, to know when he will be pleased to receive this House with their Address.

Committee appointed to wait on Lieutenant Governor to know when he will receive this House with their Address.

The said Committee reported that they had done so, and that His Excellency had appointed to-morrow at 10 o'clock A.M. for that purpose.

Reported.

On motion made and seconded, the House adjourned until to-morrow at half past nine o'clock A.M.

13th, 14th, & 15th January, 1830.

SECOND SESSION, 10th PROVINCIAL PARLIAMENT, 10th GEORGE IV.

Wednesday, 13th January, 1830.

The House met pursuant to adjournment.

PRESENT,

<i>The Honorable</i> JOHN B. ROBINSON, <i>Speaker,</i>	<i>The Hon. Messrs.</i> DUNCAN CAMERON,
<i>The Hon. Messrs.</i> JAMES BABY,	“ “ GEORGE H. MARKLAND.
“ “ WILLIAM DICKSON,	“ “ JOHN H. DUNN,
“ “ WILLIAM D. POWELL,	“ “ WILLIAM ALLAN,
<i>The Hon. &amp; Ven. the</i> ARCHDEACON OF YORK,	“ “ PETER ROBINSON.
<i>The Hon.</i> JOSEPH WELLS,	

*Prayers were read.*

The Minutes of yesterday were read.

Address presented.

At ten o'clock A.M. the House proceeded to the Government House, and having returned, the Speaker reported that His Excellency had been pleased to receive their Address, and to return an answer thereto, of which he had obtained a copy, which he read, and it was again read by the Clerk as follows:—

*Honorable Gentlemen:*

Lieut. Governor's  
reply thereto.

I return you my thanks for this Address.

On motion made and seconded, the House adjourned.

Thursday, 14th January, 1830.

The House met pursuant to adjournment.

PRESENT,

<i>The Honorable</i> JOHN B. ROBINSON, <i>Speaker.</i>	<i>The Hon. Messrs.</i> JOSEPH WELLS,
<i>The Hon. Messrs.</i> JOHN M'GILL,	“ “ GEORGE H. MARKLAND,
“ “ WILLIAM DICKSON,	“ “ WILLIAM ALLAN,
“ “ WILLIAM D. POWELL,	“ “ PETER ROBINSON,

*Prayers were read.*

The Minutes of yesterday were read.

Mr. Powell's motion  
of privilege renewed

Pursuant to the order of the day the debates on Mr. Powell's motion of Privilege were renewed.

Overseers of High-  
ways and Pound-  
keepers Bill brought  
up.

A Deputation from the Commons House of Assembly brought up a Bill, entitled “An Act to provide for an increase of the number of Overseers of Highways, and Pound Keepers, in the respective Townships throughout this Province,” to which they requested the concurrence of this House and withdrew.

Members enter the  
House

The Honorable Mr. Baby, the Honorable and Venerable the Archdeacon of York, and the Honorable Sir William Campbell, enter.

Motion that the  
question on the  
motion of privilege  
be not now put.

It was moved and seconded, that the question on Mr. Powell's motion of Privilege be not now put.

Previous question  
carried.

The previous question was carried in the affirmative.

Overseers of High-  
ways and Pound-  
keeper's Bill read  
first time.

The Bill entitled “An Act to provide for an increase of the number of Overseers of Highways and Pound Keepers in the respective Townships throughout this Province,” was read, and the same was—

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

On motion made and seconded the House adjourned.

Friday, 15th January, 1830.

The House met pursuant to adjournment.

PRESENT,

<i>The Honorable</i> JOHN B. ROBINSON, <i>Speaker,</i>	<i>The Hon. Messrs.</i> GEORGE H. MARKLAND,
<i>The Hon. Messrs.</i> JOHN M'GILL,	“ “ JOHN H. DUNN,
“ “ WILLIAM DICKSON,	“ “ WILLIAM ALLAN,
“ “ JOSEPH WELLS,	“ “ PETER ROBINSON.

*Friday, 15th January, 1830.*

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

*Prayers were read.*

The Minutes of yesterday were read.

Pursuant to the order of the day the Bill entitled, "An Act to provide for an increase of the number of Overseers of Highways and Pound Keepers in the respective Townships throughout this Province," was read a second time, and it was—

Read second time.

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

Ordered, that the Clerk be instructed to open an account with the Post Office for the Postage of Letters to and from Members during the Seseion of this House, and to include the same in his contingent account.

Clerk authorized to open an Account with the Post-Office, for the postage of Letters to and from Members

Mr. Markland gave notice, that on Monday next he will move that the Quorum of the House be reduced to four Members and the Speaker.

Notice of motion for reducing the quorum of the House.

A Deputation from the Commons House of Assembly brought up a Bill entitled, "An Act to repeal and amend the Laws now in force for establishing the Limits to the respective Gaols in this Province," to which they requested the concurrence of this House and withdrew.

Gaol Limits amendment Bill brought up.

The said Bill was then read, and it was—

Read first time.

Ordered to be read a second time on Monday next.

Mr. Dunn brought up the Petition of Samuel Walters and others, praying that the County of Prince Edward may be set off, without any division, into a separate District, by the name of the District of Colborne, which was laid on the Table.

Petition praying that the County of Prince Edward may be set off (without any division) into a separate District, presented, Marriage solemnization Bill brought up.

A Deputation from the Commons House of Assembly brought up a Bill entitled, "An Act to make valid certain Marriages heretofore contracted, and to provide for the future Solemnization of matrimony in this Province," to which they requested the concurrence of this House and withdrew.

Read first time.

The said Bill was then read, and it was—

Ordered to be read a second time on Monday next.

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

Two Messages from His Excellency the Lieutenant Governor.

**J. COLBORNE,**

The Lieutenant Governor transmits to the Legislative Council a copy of a Report of the Commissioners of the Burlington Bay Canal, and also a copy of a Letter from the Receiver General respecting a sum of Six Hundred and Fifty-six Pounds, Seventeen Shillings, which was advanced for the purpose of enabling the Commissioners to remove an obstruction that prevented vessels from leaving the Bay.

Transmitting a copy of a Report of the Commissioners of the Burlington Bay Canal; and also a copy of a Letter from the Receiver General, respecting a sum of money advanced to the said Commissioners.

*Government House,*

*15th January, 1830.*

**J. COLBORNE.**

The Lieutenant Governor acquaints the Legislative Council, that His Majesty's Secretary of State has acknowledged the receipt of his Despatch enclosing the joint Address of the two Houses of the Provincial Legislature, and that the Secretary of State regrets that, in the present circumstances of the Country, it is not in his power to advise His Majesty to depart from the arrangement communicated in Lord Bathurst's Despatch of the 15th February, 1823, in which it was distinctly stated, that no further payment would be authorised by the Lords of the Treasury until the Province shall have raised a sum equal to the amount which has been paid by His Majesty's Government, viz. Fifty-seven Thousand, Four Hundred and Twelve Pounds Ten Shillings, exclusively on its own security, applicable to the further liquidation of the claims in question.

Acquainting this House that His Majesty's Secretary of State has acknowledged the receipt of the Joint Address of the two Houses of the Provincial Legislature, on the subject of losses sustained during the late War with the United States.

*Government House,*

*15th January, 1830.*

Ordered, that the Messages of His Excellency the Lieutenant Governor, received this day, be referred to a Committee of the whole on Monday next.

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

*Monday, 18th January, 1830.*

SECOND SESSION, 10th PROVINCIAL PARLIAMENT, 10th GEORGE IV.

*Monday, 18th January, 1830.*

The House met pursuant to adjournment.

PRESENT,

*The Honorable* JOHN B. ROBINSON, *Speaker,* *The Hon. Messrs.* JOSEPH WELLS,  
*The Hon. Messrs.* JOHN M'GILL, " " WILLIAM ALLAN,  
 " " WILLIAM DICKSON, " " PETER ROBINSON,  
*The Hon. & Ven. the* ARCHDEACON OF YORK.

*Prayers were read.*

The Minutes of Friday were read.

The Messages of  
Lieutenant Governor  
committed.

Pursuant to the order of the day the House was put into a Committee of the whole on the Messages of His Excellency the Lieutenant Governor, received on Friday last.

The Honorable and Venerable, the Archdeacon of York took the Chair.

After some time the House resumed.

Reported, and a  
Resolution agreed  
to by the Committee  
of the whole.

The Chairman reported that the Committee had taken the said Messages into consideration, and had agreed to a Resolution, which they recommended to the adoption of the House.

Ordered, that the report be received.

A Member enters the  
House.

The Honorable Mr. Markland enters.

The said Resolution was then read as follows:—

The above Resolution  
read.

*Resolved.* That an Address be presented to His Excellency the Lieutenant Governor thanking him for the several Messages transmitted to this House on Friday last.

The question of concurrence being put, the said Resolution was agreed to by the House.

Question on same  
put and carried.

Committee appointed  
to prepare an  
Address to the Lieut.  
Governor, thanking  
him for his Messages  
of Friday last

Ordered, that Messrs. Wells and Markland be appointed a Committee to prepare the said Address.

Overseers of High-  
ways and Pound-  
keepers Bill com-  
mitted.

Pursuant to the order of the day the House was put into a Committee of the whole on the Bill entitled, "An Act to provide for an increase of the number of Overseers of Highways and Pound Keepers in the respective Townships throughout this Province."

Mr. Wells took the Chair.

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

Two Bills from As-  
sembly brought up.

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

Overseers of High-  
ways and Pound-  
keepers Bill re-com-  
mitted.

The House was then again put into a Committee of the whole on the Bill entitled, "An Act to provide for an increase of the number of Overseers of Highways and Pound Keepers in the respective Townships throughout this Province."

Mr. Wells took the Chair.

After some time the House resumed.

Reported, and leave  
given to sit again  
on Thursday 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 Thursday next.

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

His Honor the  
Speaker reported to  
the House that a  
Deputation from the  
Assembly had  
brought up the Road  
and Bridge Grant  
Bill, and the Line  
Fence Bill, for con-  
currence.

His Honor the Speaker reported to the House that a Deputation from the Commons House of Assembly had brought up a Bill entitled, "An Act granting to His Majesty a sum of money for the improvement of the Roads and Bridges in this Province;" and also a Bill entitled "An Act to provide for the erection of Line or Division Fences in this Province, and for the construction of Water Courses in the Eastern and Western Districts," to which they requested the concurrence of this House.

Road and Bridge  
grant Bill read first  
time.

The Bill entitled "An Act granting to His Majesty a sum of money for the improvement of the Roads and Bridges in this Province," was read, and the same was—

Ordered to be read a second time on Wednesday next.

Line Fence Bill read  
first time, and or-  
dered to be printed.

The Bill entitled "An Act to provide for the erection of Line or Division Fences in this Province, and for the construction of Water Courses in the Eastern and Western Districts," was read, and the same was—

Ordered, to be read a second time on Monday next; and that in the mean time it be printed.

County of Prince  
Edward separation  
Bill brought up.

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

Read first time.

The said Bill was then read, and the same was—

Ordered to be read a second time on Friday next.

18th, 19th, & 20th January, 1830.

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

Pursuant to the order of the day the Bill entitled "An Act to repeal and amend the Laws now in force for establishing the Limits to the respective Gaols in this Province," was read a second time, and it was—

Gaol Limits amendment Bill read second time.

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

Pursuant to the order of the day the Bill entitled, "An Act to make valid certain Marriages heretofore contracted, and to provide for the future Solemnization of matrimony in this Province," was read a second time, and it was—

Marriage solemnization Bill read second time.

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

Pursuant to notice it was moved and seconded, that it be resolved, that the Fifty-fifth Rule of this House appointing Four of its Members and the Speaker to be a Quorum be restored.

Motion for reducing the quorum of the House.

The question of concurrence being put, it was carried in the negative.

Question put and negatived  
Petition presented praying that all persons may be restrained from carrying on any kind of Banking business, except under the same restrictions that affect the Bank of Upper Canada.

Mr. Dickson brought up the Petition of the President, Directors and Company, of the Bank of Upper Canada, praying that all Bodies Politic or Corporate, and all persons whatever, may be restrained from carrying on any kind of Banking business, except under the same restrictions, limitations and conditions, that affect the Bank of Upper Canada, which was laid on the Table.

On motion made and seconded, the House adjourned.

*Tuesday, 19th January, 1830.*

The House met pursuant to adjournment.

**PRESENT,**

<i>The Honorable</i> JOHN B. ROBINSON, <i>Speaker,</i>	<i>The Hon. &amp; Ven. the</i> ARCHDEACON OF YORK.
<i>The Hon. Messrs.</i> JAMES BABY,	<i>The Hon. Messrs.</i> WILLIAM ALLAN,
" " JOHN M'GILL,	" " PETER ROBINSON,
" " WILLIAM DICKSON,	

*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 on the Bill entitled, "An Act to repeal and amend the Laws now in force for establishing the Limits to the respective Gaols in this Province."

Gaol Limits Amendment Bill committed.

Mr. Baby 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 given to sit again to-morrow.

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

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

*Wednesday, 20th January, 1830.*

The House met pursuant to adjournment.

**PRESENT,**

<i>The Honorable</i> JOHN B. ROBINSON, <i>Speaker,</i>	<i>The Hon. &amp; Ven. the</i> ARCHDEACON OF YORK,
<i>The Hon. Messrs.</i> JAMES BABY,	<i>The Hon. Messrs.</i> GEORGE H. MARKLAND,
" " JOHN M'GILL,	" " JOHN H. DUNN,
" " WILLIAM DICKSON,	" " PETER ROBINSON.

*Prayers were read.*

The Minutes of yesterday were read.

Pursuant to the order of the day, the Bill entitled "An Act granting to His Majesty a sum of money for the improvement of the Roads and Bridges in this Province," was read a second time and it was—

Road and Bridge grant Bill read a second time.

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

D

*Wednesday, 20th January, 1830.*

SECOND SESSION, 10th PROVINCIAL PARLIAMENT, 10th GEORGE IV.

Committed.	Mr. Markland took the Chair.
A Bill brought up from Assembly.	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 withdrew.
Road and Bridge Grant Bill re-committed.	The House was again put into a Committee of the whole on the Bill entitled, "An Act granting to His Majesty a sum of money for the improvement of the Roads and Bridges in this Province." Mr. Markland took the Chair. After some time the House resumed.
Reported, and leave given 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. Ordered, that the Report be received, and leave granted accordingly.
Speaker reports the receipt of Weeks' relief Bill from Assembly.	His Honor the Speaker reported to the House that a Deputation from the Commons House of Assembly had brought up a Bill entitled, "An Act for the Relief of Henry Weeks," to which they requested the concurrence of this House.
Same read first time.	The said Bill was then read.
Members enter the House. Gaal Limits amendment Bill re-committed.	The Honorable Messrs. Wells and Allan enter. Pursuant to the order of the day, the House was again put into a Committee of the whole on the Bill entitled, "An Act to repeal and amend the Laws now in force for establishing the Limits to the respective Gaols in this Province." Mr. Baby took the the Chair. After some time the House resumed.
Amendments to same reported.	The Chairman reported that the Committee had gone through the Bill, had made some amendments thereto, and recommended the same to the adoption of the House. Ordered, that the report be received. The said amendments were then read by the Clerk as follows:— In the title, Line 1.—After the word "To," expunge "repeal and amend," and insert "continue." Press. 1, line 1.—After the word "Whereas," expunge the remainder of the Bill, and insert "it is expedient to continue the several Laws of this Province now in force assigning Limits to Gaols—Be it therefore enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain entitled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's Reign, entitled 'An Act for making more effectual provision for the Government of the Province of Quebec in North America, and to make further provision for the Government of the said Province," and by the authority of the same, That a certain Act of the Parliament of this Province, passed in the second year of His Majesty's Reign, entitled "An Act for assigning Limits to the respective Gaols within this Province," and also a certain other Act, passed in the seventh year of His Majesty's Reign, entitled "An Act to continue and amend an Act passed in the second year of the Reign of George the Fourth, entitled 'An Act for assigning Limits to the respective Gaols within this Province;" and also a certain other Act, passed in the eighth year of His Majesty's Reign, entitled "An Act to repeal part of and amend the Law now in force for assigning Limits to Gaols in this Province," except such parts thereof as have been heretofore repealed, be and the same are hereby continued for the space of four years, and from thence to the end of the then next ensuing Session of Parliament; any thing in either of the said Acts to the contrary notwithstanding."
Read second time, and adopted.	The said amendments being read a second time, and the question of concurrence being put on each, they were severally agreed to by the House, and it was— Ordered, that they be engrossed and the Bill as amended read a third time to-morrow.
Petition of the United Presbytery presented.	Mr. Dickson brought up the Petition of the United Presbytery of Upper Canada, which was laid on the Table.
Petition of Thomas Markland and others presented.	Mr. Robinson brought up the Petition of Thomas Markland and others, which was laid on the Table.

20th, 21st & 22nd January, 1830.

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

Pursuant to order, the Petition of Thomas Creen and others, praying for an extension of the Niagara Gaol Limits; also the Petition of Samuel Walters and others, praying that the County of Prince Edward may be set off (without any division) into a separate District, by the name of the District of Colborne; and also the Petition of the President, Directors and Company, of the Bank of Upper Canada, praying that all Bodies Politic or Corporate, and all persons whatever, may be restrained from carrying on any kind of Banking business, except under the same restrictions, limitations and conditions, that affect the Bank of Upper Canada, were read

Petition praying for an extension of the Niagara Gaol Limits, read.  
Petition praying that the County of Prince Edward may be set off (without any division) into a separate District, read.  
Petition praying that all persons may be restrained from carrying on any kind of Banking business except under the same restrictions which affect the Bank of Upper Canada, read.

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

Thursday, 21st January, 1830.

The House met pursuant to adjournment.

PRESENT,

*The Honorable* JOHN B. ROBINSON, *Speaker.* *The Hon. & Ven. the* ARCHDEACON OF YORK,  
*The Hon. Messrs.* JAMES BABY, *The Hon. Messrs.* WILLIAM ALLAN,  
" " JOHN M'GILL, " " PETER ROBINSON.  
" " WILLIAM DICKSON, " " CHARLES JONES.

*Prayers were read.*

The Minutes of yesterday were read.

Pursuant to the order of the day the Bill, entitled "An Act to repeal and amend the Laws now in force for establishing the Limits to the respective Gaols in this Province," was read a third time as amended, 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,

Gaol Limits amendment Bill, as amended, read third time, passed, signed, and sent to 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 amendments, to which they desire the concurrence of the Assembly.

Pursuant to the order of the day the House was again put into a Committee of the whole on the Bill entitled, "An Act to provide for an increase of the number of Overseers of Highways and Pound Keepers in the respective Townships throughout this Province."

Overseers of Highways and Pound-keepers Bill re-committed.

Mr. Allan took the Chair.

After some time the House resumed.

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

Reported, and leave given to sit again on Monday next.

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

Mr. Robinson brought up the Petition of Seneca Ketchum and others, which was laid on the Table.

Petition of Seneca Ketchum and others, presented.

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

Friday, 22nd January, 1830.

The House met pursuant to adjournment.

PRESENT,

*The Honorable* JOHN B. ROBINSON, *Speaker,* *The Hon. Messrs.* DUNCAN CAMERON,  
*The Hon. Messrs.* JAMES BABY, " " GEORGE H. MARKLAND.  
" " JOHN M'GILL, " " JOHN H. DUNN,  
" " WILLIAM DICKSON, " " WILLIAM ALLAN,  
" " WILLIAM D. POWELL, *The Hon.* SIR WILLIAM CAMPBELL,  
*The Hon. & Ven. the* ARCHDEACON OF YORK, *The Hon.* CHARLES JONES.  
*The Hon.* JOSEPH WELLS,

*Prayers were read.*

The Minutes of yesterday were read.

Pursuant to a standing order, the House was called.

Call of the House.

*Friday, 22nd January, 1830.*

SECOND SESSION, 10th PROVINCIAL PARLIAMENT, 10th GEORGE IV.

THE HONORABLE JOHN B. ROBINSON, SPEAKER, . Present,  
 " " JAMES BABY, . . . Present,  
 " " JOHN M'GILL, . . . Present,  
 " " THOMAS CLARK, . . Absent from the Province with leave,  
 " " WILLIAM DICKSON, . . Present,  
 " " ANGUS M'INTOSH, . Absent from the Province with leave,  
 " " WILLIAM D. POWELL, . Present,  
 " " NEIL M'LEAN, . . Absent from lameness,  
 " " GEORGE CROOKSANK, Absent from the Province with leave,

THE HONORABLE AND VENERABLE THE ARCHDEACON OF YORK, Present,

THE HONORABLE JOSEPH WELLS, . . . Present,  
 " " DUNCAN CAMERON, . . . Present,  
 " " GEORGE H. MARKLAND, . . Present,  
 " " JOHN H. DUNN, . . . Present,  
 " " WILLIAM ALLAN, . . . Present,  
 " " SIR WILLIAM CAMPBELL, . Present,  
 " " PETER ROBINSON, . . . Absent,  
 " " CHARLES JONES, . . . Present,  
 " " JAMES GORDON, . Absent, a letter of excuse read from him.

County of Prince  
Edward separation  
Bill read 2nd time.

Pursuant to the order of the day, the Bill entitled "An Act to erect the County of Prince Edward 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 the same on Tuesday next.

Petition praying for  
an Act providing for  
the Education of the  
Presbyterian youth,  
read.

The Petition of the United Presbytery of Upper Canada, praying for an Act to be passed providing for the Education of the Presbyterian Youth in this Province, was read.

Petition praying for  
aid to the Kingston  
Hospital, read.  
Petition of Thomas  
Turpin and others,  
presented  
Members Summoned.

The Petition of Thomas Markland and others, praying for aid to the Kingston Hospital, was read.

Mr. Dickson brought up the Petition of Thomas Turpin and others, which was laid on the Table.

Ordered, that the Members in Town be Summoned to attend in their places on Tuesday next.

On motion made and seconded, the House adjourned until three o'clock, P.M. this day.

At three o'clock, P.M. the House formed.

The Honorable Mr. Robinson enters.

A Member enters the  
House.

Message from As-  
sembly, requesting a  
Conference on the  
Gaol Limits amend-  
ment Bill, as amen-  
ded by the Legislative  
Council.

A Deputation from the Commons House of Assembly brought up and delivered at the Bar of this House two Messages, in the following words:—

MR. SPEAKER,

The Commons House of Assembly requests a conference with the Honorable the Legislative Council, on the subject matter of the Amendments made by that Honorable House in and to the Bill entitled "An Act to repeal and amend the Laws now in force for establishing the Limits to the respective Gaols in this Province."

[Signed]

MARSHALL S. BIDWELL,  
SPEAKER.

*Commons House of Assembly,  
22nd January, 1830.*

MR. SPEAKER,

Message from Assem-  
bly communicating  
certain Resolutions  
on the subject of the  
West India Trade,  
and the Navigation  
of the River Saint  
Lawrence.

The Commons House of Assembly communicates to the Honorable the Legislative Council certain Resolutions which it has passed, on the subject of the West India Trade, and the Navigation of the River St. Lawrence, and requests the concurrence of that Honorable House therein, and that the Honorable the Legislative Council will concur with the House of Assembly in an Address to His Majesty founded thereon.

[Signed]

MARSHALL S. BIDWELL,  
SPEAKER.

*Commons House of Assembly,  
22nd January, 1830.*

*Friday, 22nd January, 1830.*

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

*Resolved,* That any material abridgement of our present Commercial advantages would inflict on His Majesty's North American Subjects an injury of the most serious nature, and counteract every effort of the Legislature to promote Agricultural enterprize, so justly commended by His Excellency the Lieutenant Governor in His Speech from the Throne at the opening of the present Session. The Resolutions.

*Resolved,* That from the best information we have been able to obtain relative to the negotiations which have recently existed between His Majesty's Government and the United States of America, for re-opening a direct intercourse between the latter and the British West India Islands, and also for conceding the free Navigation of the River St. Lawrence to the United States, we have reason to fear our Colonial Interests may have been but too successfully misrepresented, the more so as a British Commercial Functionary at New-York has stated advantages likely to accrue which appear to us altogether chimerical, impolitic, and absurd. The protecting system of intercourse which at present exists, and binds our Colonial interests in one beneficial union with the United Kingdom of Great Britain and Ireland, may in the end be subverted by such misrepresentations to the irreparable injury of the general interests of the Empire.

*Resolved,* That the settlement of the British North American Provinces, as well as the Trade therof, has been greatly impeded by the uncertainty and instability of the Commercial regulations of the Mother Country, and any important change suddenly made in her Colonial Policy, without giving time for a due consideration of its bearing, so far as it may affect the interests of this country, might prove injurious to the whole Empire, in a degree hardly to be calculated.

*Resolved,* That after a diversity of Policy since the Treaty of Ghent, these Colonies saw with satisfaction the adoption, in the year 1826, of a system of Commercial Regulations which appear to us well calculated to provide for the general prosperity, and which have induced enterprising Individuals and Associations to embark their Capital in the improvement of Inland Navigation, with a view to furnish to the British West Indian Islands those supplies which they had previously drawn chiefly from the United States.

*Resolved,* That the efforts made to develop the resources of these Provinces on the faith of British Legislation, would be fatally checked by a change or modification of subsisting Laws regulating the intercourse between the United States of America and the British West Indies; a misfortune it is our duty to use every means in our power to avert, as destructive of every prospect of wealth, prosperity, and happiness to this land, or of efficiency to repel any future attempt of a powerful enemy to wrest it from the sovereignty of Great Britain.

*Resolved,* That to concede to the United States the free navigation of the Saint Lawrence to and from the ocean, a concession that would transfer the carrying trade to the people of that Country, would not only prove a great injury to British Ship-owners, but would be tantamount to an absolute cession of the Provinces themselves, an event which would involve the entire subversion of British Maritime supremacy.

*Resolved,* That so far from assenting to any surrender or diminution of our present Commercial advantages, it behoves us to remonstrate with that zeal and energy which are naturally inspired by the consciousness of expediency and right, to secure their continuance and extension.

*Resolved,* That an humble Address be presented to His Majesty, expressive of the sense of this House on these important subjects, founded on the foregoing Resolutions.

A Deputation from the Commons House of Assembly brought up a Bill entitled, "An Act to Incorporate the Trustees of the Grantham Academy," to which they requested the concurrence of this House and withdrew. Grantham Academy  
Trustee Bill brought  
up.

Ordered, that this House doth accede to a Conference with the Commons House of Assembly, on the subject matter of the Amendments made by this House in and to the Bill entitled "An Act to repeal and amend the Laws now in force for establishing the Limits to the respective Gaols in this Province." A Conference with  
Assembly on Gaol  
Limits Amendment  
Bill (as amended)  
acceded to by this  
House.

## 22nd &amp; 23rd January, 1830.

## SECOND SESSION, 10th PROVINCIAL PARLIAMENT, 10th GEORGE IV.

- Conferees appointed. Ordered, that Messrs. Dickson and Allan be appointed a Committee to manage the same.
- Assembly acquainted of same. Ordered, that the Master in Chancery do go down to the Assembly and acquaint that House that the Legislative Council accedes to the Conference desired on the subject matter of the Amendments made by this House in and to the Bill entitled "An Act to repeal and amend the Laws now in force for establishing the Limits to the respective Gaols in this Province," and have appointed the Honorable Messrs. Dickson and Allan to be a Committee to manage the same, who will be ready to meet a Committee of the Commons House of Assembly for that purpose, in the Committee Room of the Legislative Council, at one of the clock P.M. to-morrow.
- Grantham Academy Trustee Bill read first time. Ordered, that the House be put into a Committee of the whole to-morrow on the Resolutions of the Commons House of Assembly transmitted to this House by Message this day.
- The Bill entitled "An Act to Incorporate the Trustees of the Grantham Academy," was read, and the same was—
- Ordered to be read a second time on Tuesday next.
- On motion made and seconded, the House adjourned until to-morrow at twelve o'clock at noon.

*Saturday, 23rd January, 1830.*

The House met pursuant to adjournment.

## PRESENT,

*The Honorable* JOHN B. ROBINSON, *Speaker,* *The Hon. Messrs.* DUNCAN CAMERON,  
*The Hon. Messrs.* JOHN M'GILL, " " WILLIAM ALLAN,  
 " " WILLIAM DICKSON, " " CHARLES JONES.  
 " " JOSEPH WELLS,

*Prayers were read.*

The Minutes of yesterday were read.

Spirituos Liquor Licence amendment Bill brought up.

A Deputation from the Commons House of Assembly brought up a Bill entitled, "An Act to Repeal part of and Amend the Laws now in force for preventing the sale of Spirituous Liquors by retail without Licence, to which they requested the concurrence of this House and 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.

A Member enters the House.

The Honorable Mr. Robinson enters.

Fines appropriation Bill brought up.

A Deputation from the Commons House of Assembly brought up a Bill entitled, "An Act to direct the appropriation of Fines in certain cases," to which they requested the concurrence of this House and withdrew.

Read first time.

The said Bill was read, and it was—

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

Intestate distribution Bill brought up.

A Deputation from the Commons House of Assembly brought up a Bill, entitled "An Act for the more equal distribution of the Property of persons dying Intestate, to which they requested the concurrence of this House and withdrew.

Read first time.

The said Bill was read, and it was—

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

Report of Committee of Conference on Amendments to Gaol Limits Amendment Bill.

The Honorable Mr. Dickson reported that the Honorable Mr. Allan and himself had attended the Conference desired by the Commons House of Assembly on the subject matter of the Amendments made by this House in and to the Bill entitled, "An Act to repeal and amend the Laws now in force for establishing the Limits to the respective Gaols in this Province," and met the Conferees of the Commons House of Assembly, who communicated to them a Resolution.

Ordered, that the report be received, and it was then read as follows:—

Resolution communicated by the Conferees of Assembly, requesting a free Conference on same subject.

*Resolved,* That the Conferees on the part of this House be instructed to request a free Conference with the Honorable the Legislative Council on the subject of the Amendments made by that Honorable House in and to the Bill entitled "An Act to repeal and amend the Laws now in force for establishing the Limits to the respective Gaols in this Province."

*Saturday, 23rd January, 1830.*

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

Ordered, that this House doth accede to a free Conference with the Commons House of Assembly on the subject matter of the Amendments made by this House in and to the Bill entitled "An Act to repeal and amend the Laws now in Force for establishing the Limits to the respective Gaols in this Province."

A free Conference acceded to by this House.

Ordered, that the same Members who managed the last Conference be appointed for that purpose.

Conferees appointed.

Ordered, that the Master in Chancery do go down to the Assembly and acquaint that House that the Legislative Council accede to a free conference with the Commons House of Assembly on the subject matter of the Amendments made by this House in and to the Bill entitled "An Act to Repeal and Amend the Laws now in force for establishing the Limits to the respective Gaols in this Province," and have appointed the same Members who managed the last conference, who will be ready to meet a Committee of the Commons House of Assembly for that purpose at the same place forthwith.

Assembly acquainted of same.

The Honorable Messrs. Baby and Dunn enter.

Members enter the House.

The Petition of Seneca Ketchum and others, praying to be Incorporated under the name of the Yonge-Street Turnpike Company, was read.

Petition praying to be Incorporated under the name of the Yonge-Street Turnpike Company, read.

Pursuant to the order of the day, the House was put into a Committee of the whole on the Resolutions adopted by the Commons House of Assembly received by Message from that House yesterday, on the subject matter of the West India Trade, and also the Navigation of the St. Lawrence.

Resolutions adopted by Assembly on the subject of the West India Trade, and Navigation of the River St. Lawrence, committed

Mr. Dunn 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, and then withdrew.

Message from Assembly brought up.

The House was again put into a Committee of the whole on the Resolutions adopted by the Commons House of Assembly received by Message from that House yesterday, on the subject of the West India Trade, and also the Navigation of the River St. Lawrence.

Resolutions adopted by Assembly on the subject of the West India Trade, and Navigation of the River St. Lawrence, re-committed.

Mr. Dunn took the Chair.

After some time the House resumed.

The Chairman reported that the Committee had taken the said Resolutions of the Commons House of Assembly into consideration, and had agreed to a Resolution on the same, which they recommended to the adoption of the House.

Resolution of this House reported.

Ordered that the Report be received.

The said Resolution was then read as follows:—

*Resolved*, That it is the opinion of this Committee, that the Resolutions sent up from the House of Assembly, regarding the Colonial Trade, be referred to a Select Committee, with power to send for persons and papers, and to report upon the same.

Read.

The question of concurrence being put, the said Resolution was agreed to by the House, and it was—

Adopted.

Ordered, that the Resolutions adopted by the Commons House of Assembly, received by message yesterday, on the subject matter of the West India Trade, and also the Navigation of the River Saint Lawrence, be referred to a Select Committee to report thereon, with power to send for persons and papers.

Resolutions of Assembly on same subject referred to a Select Committee.

Ordered, that Messrs. Allan, Robinson and Jones, be appointed a Committee for that purpose.

Committee appointed.

His Honor the Speaker reported to the House that a Deputation from the Commons House of Assembly had brought up and delivered at the Bar of this House the following Message:

Speaker reports the receipt of a Message from Assembly.

MR. SPEAKER,

The Commons House of Assembly requests a conference with the Honorable the Legislative Council, on the subject of appointing Commissioners to meet the Commissioners appointed by the Legislature of Lower Canada, to take into consideration the improvement of the River Saint Lawrence.

Message from Assembly, requesting a Conference on the subject of appointing Commissioners for the improvement of the River Saint Lawrence.

[Signed]

MARSHALL S. BIDWELL,  
SPEAKER.

*Commons House of Assembly,  
23rd January, 1830.*

23rd & 25th, January, 1830.

SECOND SESSION, 10th PROVINCIAL PARLIAMENT, 10th GEORGE IV.

Ordered, that the House do proceed, on Monday next, on the message received from the Commons House of Assembly this day.

On motion made and seconded, the House adjourned until Monday next, at twelve o'clock, at noon.

Monday, 25th January, 1830.

The House met pursuant to adjournment.

PRESENT,

The Honorable JOHN B. ROBINSON, *Speaker*, The Hon. Messrs. DUNCAN CAMERON,  
The Hon. Messrs. JOHN M'GILL, " " WILLIAM ALLAN,  
" " WILLIAM DICKSON, " " CHARLES JONES.  
" " JOSEPH WELLS,

Prayers were read.

The Minutes of Saturday were read.

Line Fence Bill  
read second time.

Pursuant to the order of the day, the Bill entitled "An Act to provide for the erection of Line or Division Fences in this Province, and for the construction of Water Courses in the Eastern and Western Districts," was read a second time, and it was—

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

Committed.

Mr. Allan took the Chair.

Bill brought up.

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 withdrew.

Members enter the  
House.  
Line Fence Bill re-  
committed.

The Hon. Mr. Powell and the Honorable and Venerable the Archdeacon of York enter.

The House was again put into a Committee of the whole on the Bill entitled, "An Act to provide for the erection of Line or Division Fences in this Province, and for the construction of Water Courses in the Eastern and Western Districts."

Mr. Allan took the the Chair.

Reported, and leave  
given to sit again on  
Monday next.

After some time the House resumed.

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

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

Speaker reports the  
receipt of Assembly's  
Chaplain's Salary  
repeal Bill.

His Honor the Speaker reported to the House that a Deputation from the Commons House of Assembly had brought up a Bill entitled, "An Act to Repeal the Law now in force granting a Salary to the Chaplain of the House of Assembly," to which they requested the concurrence of this House.

Read first time.

The said Bill was then read, and it was—

To be read second  
time in three months.  
A Member enters  
the House.  
Marriage Solemn-  
ization Bill com-  
mitted.

Ordered, that the same be read a second time this day three Months.

The Honorable Mr. Robinson enters.

Pursuant to the order of the day, the House was put into a Committee of the whole on the Bill entitled, "An Act to make valid certain Marriages heretofore contracted, and to provide for the future Solemnization of Matrimony in this Province."

Mr. Robinson took the Chair.

After some time the House resumed.

Reported Committee  
risen.

The Chairman Reported that the Committee had risen.

Ordered that the Report be received.

Road and Bridge  
Grant Bill com-  
mitted.

Pursuant to the order of the day, the House was put into a Committee of the whole on the Bill entitled, "An Act granting to His Majesty a sum of money for the improvement of the Roads and Bridges in this Province."

Mr. Wells took the Chair.

After some time the House resumed.

Reported, and leave  
given 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.

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

Overseers of High-  
ways and Pound-  
keepers Bill re-com-  
mitted.

Pursuant to the order of the day the House was again put into a Committee of the whole on the Bill entitled, "An Act to provide for an increase of the number of Overseers of High-

*Monday, 25th January, 1830.*

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

ways and Pound Keepers in the respective Townships throughout this Province.”

Mr. Wells took the Chair.

After some time the House resumed.

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

Reported, and leave given to sit again on Wednesday next.

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

The Honorable Mr. Dickson reported that the Honorable Mr. Allan and himself had attended the free Conference desired by the Commons House of Assembly on the subject matter of the Amendments made by this House in and to the Bill entitled, “An Act to repeal and amend the Laws now in force for establishing the Limits to the respective Gaols in this Province,” and met the Conferees of the Commons House of Assembly, and presented their Report.

Report of the free Conferees appointed by this House, on the subject of the Amendments to the Gaol Limits Amendment Bill.

Ordered, that the report be received, and it was then read as follows :—

The Committee appointed to confer with the conferees on the part of the House of Assembly in free conference on the subject matter of the Amendments made by Your Honorable House in and to the Bill entitled “An Act to Repeal and Amend the Laws now in force for establishing the Limits to the respective Gaols in this Province,” met, and the Conferees on the part of the House of Assembly proposed so to alter those Amendments as to extend to all other Gaols within the Province the same Limits as have heretofore been enjoyed by the Niagara District, and submitted, in support, the proposition as follows :—

That a person satisfactorily shewing, in the way prescribed by Law, that he is not worth Five Pounds, is entitled to Five Shilling a-week from his Creditor, as long as he is subjected to close confinement, but the moment he enjoys the Limits heretofore provided by Law, he ceases to be entitled to the weekly allowance. It is therefore submitted that, as the Limits are given as a substitute for the weekly allowance, they ought to be ample enough to enable the Debtor certainly to earn that sum; and if he should be enabled, by an extension of the present Limits, to earn more, there appears no good reason against it, particularly as the Debtor may thereby pay the debt gradually, or provide for his family, probably as destitute as himself. But from the local situation of some of the Gaols of this Province, the present Limits will not enable the Debtor, on exchanging the Limits for Five Shillings a-week, to earn that sum by any occupation he might pursue, and therefore it would be but just to extend the Limits so as to answer in every Gaol the end for which they are given at all.—That before the present Law was passed, every Prisoner in execution for debt was kept “in arce et salva custodia.” The amelioration of that Law by the Act now proposed by the Amendments to be continued, has not been in any way or degree detrimental to Creditors or to Commerce, as may be inferred from both Houses agreeing to the expediency of continuing such Law. But if such indulgence has proved most beneficial and happy for Prisoners, without any consequent mischief, it may be presumed that the further enlargement of the Limits to the extent now proposed will not be injurious to any, while it must be so desirable for the Prisoners, and at all events, it is a limited Act, which will admit of alteration at the expiration of the term, if it should prove detrimental in any point of view, and that it would not prove detrimental may be inferred from the circumstance that in the Niagara District they were allowed Sixteen Acres for some years past, without any mischievous consequences; but what has been proved to be, and is expected to be, desirable for that District, must be equally desirable and harmless in other Districts. It is, therefore, not unreasonable to extend to all Districts what has been, and it is proposed should be, enjoyed by the Niagara District, particularly as some other Districts present the same necessity for the same Limits to their Gaols.—That the extension proposed does not appear to be greater than the exigency of the case requires. And if the indulgence heretofore granted has proved no incentive to fraud in any degree, there cannot be a reasonable presumption from such experience that the little further enlargement proposed can be productive of evil in a great degree, or at all. That the Rule of Abridgement is particularly oppressive upon poor Debtors, in as much as a fraudulent Debtor with ample means may enjoy the Limits, which a needy and unfortunate person cannot enjoy without forfeiting the weekly allowance, the only means of his subsistence, while the opportunities for his earning his daily bread are injuriously narrowed, with the view of punishing fraudulent Prisoners.—By this means the most innocent and necessi-

25th & 26th January, 1830.

SECOND SESSION, 10th PROVINCIAL PARLIAMENT, 10th GEORGE IV.

tous may suffer merely to insure the due punishment and restraint of others, presumed to be undeserving of favor.—To which proposition Your Committee gave no assent, but reserved the same for the consideration of Your Honorable House.

All which is respectfully submitted.

[Signed]

WILLIAM DICKSON,  
MANAGER.

The Report Com-  
mitted.

Ordered, that the said Report be referred to a Committee of the whole House forthwith. Pursuant to order, the House was then put into a Committee of the whole accordingly. Mr. Jones took the Chair.

Reported Committee  
risen.

After some time the House resumed. The Chairman reported that the Committee had taken the said Report of the Committee of Conference into consideration, and had risen.

Another free con-  
ference ordered to  
be asked.

Ordered that the Report be received.

Ordered, that another free conference be asked with the Commons House of Assembly on the subject matter of the Amendments made by this House in and to the Bill entitled, "An Act to Repeal and Amend the Laws now in force for establishing the Limits to the respective Gaols in this Province."

Conferees appointed.

Ordered, that the same Members who managed the last conference be appointed for that purpose.

Assembly acquainted  
of same.

Ordered, that the Master in Chancery do go down to the Assembly and acquaint that House that the Legislative Council desire another free conference with the Commons House of Assembly on the subject matter of the Amendments made by this House in and to the Bill entitled "An Act to repeal and amend the Laws now in force for establishing the Limits to the respective Gaols in this Province," and have appointed the same Members who managed the last conference, who will be ready to meet a Committee of the Commons House of Assembly for that purpose, at the same place, at one of the clock P.M. to-morrow.

Spirituos Liquor  
Licence Bill read  
second time.

Pursuant to the order of the day, the Bill entitled, "An Act to Repeal part of and Amend the Laws now in force for preventing the sale of Spirituous Liquors by retail without Licence," was read a second time, and it was—

Fines appropriation  
Bill read second  
time.

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

Pursuant to the order of the day, the Bill entitled, "An Act to direct the appropriation of Fines in certain cases," was read a second time, and it was—

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

Message from As-  
sembly, requesting a  
Conference on the  
subject of appointing  
Commissioners for  
the improvement of  
the River Saint  
Lawrence again read.

Pursuant to the order of the day, the House took into consideration the Message received from the Commons House of Assembly on Saturday last, on the subject of appointing Commissioners for the improvement of the River St. Lawrence.

The said Message was then again read, and it was—

A Conference  
acceded to by this  
House.

Ordered, that the Master in Chancery do go down to the Assembly and acquaint that House that the Legislative Council accede to a conference with the Commons House of Assembly, as desired by their Message received on Saturday last, respecting the appointment of Commissioners for the improvement of the River St. Lawrence, and have appointed the Honorable Messrs. Wells and Jones to be a Committee to manage the same on the part of the Legislative Council, who will be ready to meet a Committee of the Commons House of Assembly for that purpose, at their Committee Room to-morrow, at two of the clock P. M.

Conferees appointed,  
and Assembly ac-  
quainted thereof.

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

Tuesday, 26th January, 1830.

The House met pursuant to adjournment.

PRESENT,

The Honorable JOHN B. ROBINSON, *Speaker*, The Hon. Messrs. DUNCAN CAMERON.  
The Hon. Messrs. JOHN M'GILL, " " JOHN H. DUNN,  
" " WILLIAM DICKSON, " " WILLIAM ALLAN,  
" " JOSEPH WELLS, " " CHARLES JONES.

*Prayers were read.*

*Tuesday, 26th January, 1830.*

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

The Minutes of yesterday were read.

The Honorable Mr. Robinson enters.

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

The Petition of Thomas Turpin and others, praying that such steps may be taken as will preserve to the North American Colonies the present Trade with the British West Indies, as well as the exclusive Navigation of the River St. Lawrence within Canadian Boundaries, was read, and it was—

Ordered, that the same be referred to the Select Committee on the Resolutions adopted by the Assembly on the same subject.

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

The Honorable and Venerable the Archdeacon of York enters.

Ordered, that the House be now put into a Committee of the whole on the Bill entitled, "An Act for the more equal distribution of the Property of persons dying Intestate."

The Honorable and Venerable, the Archdeacon of York took the Chair.

After some time the House resumed.

The Chairman reported that the Committee had taken the said Bill into consideration, and had agreed to a Resolution, which they recommended to the adoption of the House.

Ordered that the Report be received.

The said Resolution was then read as follows :—

*Resolved,* That it is the opinion of this Committee that the Bill entitled "An Act for the more equal distribution of the Property of persons dying Intestate," be referred to a Select Committee, with power to send for persons and papers, and to report thereon.

The question of concurrence being put, the said Resolution was agreed to by the House, and it was—

Ordered, that the Bill entitled "An Act for the more equal distribution of the Property of persons dying Intestate," be referred to a Select Committee, with power to send for Persons and Papers, and to report thereon.

The Honorable Messrs. Baby, Powell and Markland enter.

Ordered, that Messrs. Dickson, Wells, and Robinson be appointed a Committee for the purpose last mentioned.

Pursuant to the order of the day the House was put into a Committee of the whole on the Bill entitled, "An Act to Repeal part of, and Amend the Laws now in force for preventing the sale of Spirituous Liquors by retail without Licence."

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 and delivered at the Bar of this House a Message, and then withdrew.

The House was again put into a Committee of the whole on the Bill entitled, "An Act to Repeal part of and Amend the Laws now in force for preventing the sale of Spirituous Liquors by retail without Licence."

Mr. Wells took the 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 this day.

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

The Honorable Mr. Dunn enters.

His Honor the Speaker reported to the House that a Deputation from the Commons House of Assembly had brought up and delivered at the Bar of this House the following Message :

MR. SPEAKER,

The Commons House of Assembly accedes to the request of the Honorable the Legislative Council for another free conference on the subject matter of the Amendments made by that Honorable House in and to the Bill entitled, "An Act to Repeal and Amend the Laws now in force for establishing the Limits to the respective Gaols in this Province," and have ap-

A Member enters the House.

Public Accounts presented by Mr. Secretary Cameron.

Petition on the subject of the West India Trade, and Navigation of the River St. Lawrence, read.

Referred to the Select Committee on the resolutions of Assembly on same subject.

Intestate distribution Bill read second time.

A Member enters the House.

Intestate distribution Bill committed.

Resolution reported.

Read.

The Resolution.

Adopted.

Bill referred to a Select Committee.

Members enter the House.

Committee appointed on Intestate distribution Bill.

Spirituous Liquor Licence Amendment Bill committed.

Message from Assembly.

Spirituous Liquor Licence Bill re-committed.

Reported, and leave given to sit again to-day.

A Member enters the House.

Speaker reports the receipt of a Message from Assembly, acceding to the request of this House for another free Conference on the Amendments to the Gaol Limits Amendment Bill.

26th & 27th January, 1830.

SECOND SESSION, 10th PROVINCIAL PARLIAMENT, 10th GEORGE IV.

pointed four of its Members, who will be ready to meet the Conferees on the part of the Honorable the Legislative Council, at the time and place appointed.

[Signed]

MARSHALL S. BIDWELL,  
SPEAKER.

Commons House of Assembly,  
26th January, 1830.

Spiruous Liquor  
Licence Bill re-  
committed.

Pursuant to order, the House was again put into a Committee of the whole on the Bill entitled, "An Act to Repeal part of and Amend the Laws now in force for preventing the sale of Spirituous Liquors by retail without Licence."

Mr. Wells took the Chair.

After some time the House resumed.

Reported, and leave  
given to sit again  
to-morrow.

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.

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

Report of Committee  
of Conference on  
Provincial Commis-  
sioners appointment  
Bill, and a Resolution  
communicated by  
Conferees of Assem-  
bly.

The Honorable Mr. Wells reported that the Honorable Mr. Jones and himself had attended the Conference desired by the Commons House of Assembly, on the subject matter of the appointment of Commissioners for the improvement of the River St. Lawrence, and met the Conferees of the Commons House of Assembly, who communicated to them a Resolution.

Ordered, that the Report be received, and—

The said Resolution was then read as follows:—

Resolution read.

*Resolved*, That it is expedient to appoint, by an Act for that purpose, Commissioners to meet other Commissioners appointed by the Legislature of Lower Canada, by an Act entitled, "An Act for appointing Commissioners to treat with Commissioners appointed, or to be appointed, on the part of the Province of Upper Canada, for the purposes therein mentioned."

Ordered, that the above Resolution be referred to a Committee of the whole to-morrow.

Petition of William  
Bergin presented.

Mr. Baby brought up the Petition of William Bergin, which was laid on the Table.

Petition of the  
Chairman of the  
Quarter Sessions for  
the Home District,  
presented.

Mr. Dickson brought up the Petition of the Chairman of the Quarter Sessions for the Home District, on the behalf of himself and fellow Magistrates for the said District, which was laid on the Table.

On motion made and seconded the House adjourned.

Wednesday, 27th January, 1830.

The House met pursuant to adjournment.

PRESENT,

The Honorable JOHN B. ROBINSON, Speaker, The Hon. Messrs. JOSEPH WELLS,  
The Hon. Messrs. JAMES BABY, " " GEORGE H. MARKLAND.  
" " JOHN M'GILL, " " JOHN H. DUNN,  
" " WILLIAM DICKSON, " " CHARLES JONES.  
The Hon. & Ven. the ARCHDEACON OF YORK.

Prayers were read.

The Minutes of yesterday were read.

Prince Edward  
separation Bill com-  
menced.

Pursuant to the order of the day, the House was put into a Committee of the whole on the Bill entitled "An Act to erect the County of Prince Edward into a separate District,"

Mr. Markland took the Chair.

After some time the House resumed.

Resolution reported.

The Chairman reported that the Committee had taken the said Bill into consideration, and had agreed to a Resolution, which they recommended to the adoption of the House.

Ordered, that the Report be received.

Members enter the  
House.

The Honorable Messrs. Allan and Robinson enter.

The said Resolution was then read as follows:—

Wednesday, 27th January, 1830.

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

*Resolved*, That it is the opinion of this Committee that a Select Committee should be appointed to examine and Report upon the present division of the Province into Districts and Counties, and upon any changes that may appear expedient in the same, and that the Bill entitled "An Act to erect the County of Prince Edward into a separate District," be referred to the said Committee, who shall have power to send for persons and papers, and to report by Bill, or otherwise.

Above Resolution read.

The question of concurrence being put, the said Resolution was agreed to by the House, and it was—

And adopted.

Ordered, that a Select Committee be appointed to examine and Report upon the present division of the Province into Districts and Counties, and upon any changes that may appear expedient in the same, and that the Bill entitled "An Act to erect the County of Prince Edward into a separate District," be referred to the said Committee, who shall have power to send for persons and papers, and to report by Bill, or otherwise.

The Bill referred to a Select Committee, as also the present division of the Province into Districts and Counties.

Ordered, that Messrs. Dickson, Allan and Robinson be appointed a Committee for that purpose.

Committee appointed.

Pursuant to the order of the day, the Bill entitled "An Act to Incorporate the Trustees of the Grantham Academy," was read a second time, and it was—

Grantham Academy Trustees Bill read second time.

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

Pursuant to the order of the day, the House was again put into a Committee of the whole on the Bill entitled, "An Act to provide for an increase of the number of Overseers of Highways and Pound Keepers in the respective Townships throughout this Province."

Overseers of Highways and Pound Keepers Bill re-committed.

Mr. Wells took the Chair.

After some time the House resumed.

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

Reported, and leave given to sit again to-morrow.

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

Pursuant to the order of the day, the House was again put into a Committee of the whole on the Bill entitled "An Act to Repeal part of, and Amend the Laws now in force for preventing the sale of Spirituous Liquors by retail without Licence."

Spirituous Liquor Licence Bill re-committed.

Mr. Wells took the Chair.

After some time the House resumed.

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

Reported, and leave given to sit again to-morrow.

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

It was moved and seconded, that a Committee of privilege be appointed, to search into precedents, in order to ascertain how far Members of either House of the Legislature have the privilege, under the liberty of Speech, of reflecting on the other House or any of the Members thereof, without being guilty of a breach of privilege, and what mode of proceeding ought to be resorted to by the House complaining of a breach of privilege, and to report thereupon.

Motion for a Committee of privilege.

The question of concurrence being put, the said motion was carried in the affirmative, and it was—

Question put and carried.

Ordered, that a Committee of privilege be appointed to search into precedents, in order to ascertain how far Members of either House of the Legislature have the privilege, under the liberty of Speech, of reflecting on the other House, or any of the Members thereof, without being guilty of a breach of privilege, and what mode of proceeding ought to be resorted to by the House complaining of a breach of privilege, and to report thereupon.

Committee ordered.

Ordered, that Messrs. Markland, Robinson and Jones be appointed a Committee for the purpose aforesaid.

Appointed.

Pursuant to the order of the day, the House was put into a Committee of the whole on the Resolution reported by the Committee of Conference on the subject matter of appointing Commissioners for the improvement of the River St. Lawrence.

Resolution Communicated by the Committee of Conference of Assembly, on the subject of appointing Commissioners for the improvement of the River St. Lawrence, committed.

Mr. Robinson 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 given to sit again to-morrow.

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

On motion made and seconded the House adjourned.

*Thursday, 28th January, 1830.*

SECOND SESSION, 10th PROVINCIAL PARLIAMENT, 10th GEORGE IV.

*Thursday, 28th January, 1830.*

The House met pursuant to adjournment.

PRESENT,

*The Honorable* JOHN B. ROBINSON, *Speaker,* *The Hon. & Ven. the* ARCHDEACON OF YORK.  
*The Hon. Messrs.* JAMES BABY, *The Hon. Messrs.* JOSEPH WELLS,  
 “ “ JOHN M’GILL, “ “ WILLIAM ALLAN,  
 “ “ WILLIAM DICKSON, “ “ CHARLES JONES.

*Prayers were read.*

The Minutes of yesterday were read.

Petition respecting the service of process on Agents of Institutions, read.

The Petition of William Bergin, praying for an Act whereby the service of process on the Agents of Institutions shall be deemed good, was read.

Petition praying that the Legislature will provide an Asylum for Lunatics, read.

The Petition of Alexander McDonell, Chairman of the Quarter Sessions for the Home District, on the behalf of himself and fellow Magistrates for the said District, praying that the Legislature will provide an Asylum for Lunatics, and funds to maintain same, was read.

Fines appropriation Bill committed.

Pursuant to the order of the day the House was put into a Committee of the whole on the Bill entitled, “An Act to direct the appropriation of Fines in certain cases.”

Mr. Allan took the Chair.

After some time the House resumed.

Reported.

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

Adopted.

Ordered that the Report be received, and—

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

Grantham Academy Trustee Bill committed.

Pursuant to the order of the day, the House was put into a Committee of the whole on the Bill entitled, “An Act to Incorporate the Trustees of the Grantham Academy.”

Mr. Jones took the Chair.

After some time the House resumed.

Reported, and leave given to sit again to-morrow.

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.

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

Overseers of Highways and Pound-keepers Bill re-committed.

Pursuant to the order of the day, the House was again put into a Committee of the whole on the Bill entitled “An Act to provide for an increase of the number of Overseers of Highways and Pound Keepers in the respective Townships throughout this Province.”

Mr. Wells took the Chair.

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

A Bill brought up from Assembly.

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

Overseers of Highways and Pound-keepers Bill re-committed.

The House was again put into a Committee of the whole on the Bill entitled, “An Act to provide for an increase of the number of Overseers of Highways and Pound Keepers in the respective Townships throughout this Province.”

Mr. Wells took the the Chair.

After some time the House resumed.

Amendments reported.

The Chairman reported that the Committee had taken the said Bill into consideration, had made some amendments thereto, which they recommended to the adoption of the House.

Ordered that the Report be received.

The said Amendments were then read by the Clerk as follows:—

In the Title—after the word “Highways,” insert “Pounds.”

Amendments read first time.

Press 1, line 2—after the word “Highways,” insert “Pounds.”

“ “ “ 15—after the word “nominate,” expunge “not more than thirty persons,” and insert “any number of Overseers not exceeding thirty.”

“ “ “ 16—after the word “place,” expunge the remainder of the Bill and insert “and also one Pound-keeper to each and every public Pound, not exceeding six in number, that shall have been or may be appointed as and for a public Pound for such Township, reputed Township or place, the situation whereof shall have been designated at some annual Town Meeting, by causing the Lot or Parcel of Land on which the same is situated to be recorded in the Minutes of such Meeting.”

*Thursday, 28th January, 1830.*

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

"II. Provided always nevertheless, and be it further enacted by the authority aforesaid, That no distress shall be driven or taken to any other Pound authorised by this Act than to one of the Pounds within the same Township, reputed Township or place, nearest to the place where such distress shall be taken."

"III. and be it further enacted by the authority aforesaid, That such Overseers of Highways and Pound-keepers shall be chosen in the manner now by Law provided for the choice of Overseers of Highways and Pound-keepers respectively, and shall have the same rights and authority, and be subject to the same duties and obligations as now by Law belong to Overseers of Highways and Pound-keepers respectively."

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

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

His Honor the Speaker reported to the House that a Deputation from the Commons House of Assembly had brought up a Bill entitled, "An Act to allow persons tried for Felony the benefit of full defence by Counsel," to which they desired the concurrence of this House.

The said Bill was then read.

The Honorable Mr. Robinson enters.

Pursuant to the order of the day, the House was again put into a Committee of the whole on the Bill entitled, "An Act to Repeal part of and Amend the Laws now in force for preventing the sale of Spirituous Liquors by retail without Licence."

Mr. Wells took the Chair.

After some time the House resumed.

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

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 on the Resolution reported by the Committee of Conference relative to the appointment of Commissioners for the improvement of the River St. Lawrence.

Mr. Robinson took the Chair.

After some time the House resumed.

The Chairman reported that the Committee had taken the said Resolution of the Committee of conference into consideration, and had agreed to a Resolution, which they recommended to the adoption of the House.

Ordered, that the Report be received.

The said Resolution was then read as follows:—

*Resolved*—That it is the opinion of this Committee that it is expedient to pass an Act, during the present Session, authorising the appointment of Commissioners on behalf of this Province to treat with Commissioners appointed, or to be appointed, on the part of Lower Canada, for the purposes mentioned in an Act of the Legislature of that Province, entitled "An Act for appointing Commissioners to treat with Commissioners appointed, or to be appointed, on the part of the Province of Upper Canada for the purposes therein mentioned."

The question of concurrence being put, the said Resolution was agreed to by the House, and it was—

Ordered, that a conference be asked with the Commons House of Assembly on the subject matter of appointing Commissioners on behalf of this Province to treat with Commissioners appointed, or to be appointed, on the part of Lower Canada for the purposes mentioned in an Act of the Legislature of that Province, entitled "An Act for appointing Commissioners to treat with Commissioners appointed, or to be appointed, on the part of the Province of Upper Canada for the purposes therein mentioned."

Ordered, that the same Members who managed the last conference be appointed for that purpose.

Ordered, that the Master in Chancery do go down to the Assembly and acquaint that House that the Legislative Council desire another conference with the Commons House of Assembly on the subject matter of appointing Commissioners on behalf of this Province to treat with Commissioners appointed, or to be appointed, on the part of Lower Canada for the

Read second time, and adopted.

Speaker reports the receipt of Felon's Counsel Bill from Assembly.

Said Bill read first time

A Member enters the House.

Spirituous Liquor Licence Bill re-committed.

Reported, and leave given to sit again to-morrow.

Resolution reported by the Committee of Conference, relative to the appointment of Commissioners for the improvement of the River St. Lawrence, committed.

Reported, and a Resolution agreed to by the Committee of the whole.

Resolution read.

Adopted.

A conference ordered to be asked with Assembly on the subject.

Conferees appointed.

Assembly acquainted of same.

*Thursday, 28th January, 1830.*

SECOND SESSION, 10th PROVINCIAL PARLIAMENT, 10th GEORGE IV.

purposes mentioned in an Act of the Legislature of that Province, entitled "An Act for appointing Commissioners to treat with Commissioners appointed, or to be appointed, on the part of the Province of Upper Canada for the purposes therein mentioned," and have appointed the same Members who managed the last conference, who will be ready to meet a Committee of the Commons House of Assembly at the same place, at four of the clock P.M. to-morrow.

Report of second free conference on the Amendments to Gaol Limits Amendment Bill.

The Honorable Mr. Dickson reported that the Honorable Mr. Allan and himself had attended the second free Conference desired with the Commons House of Assembly on the subject matter of the Amendments made by this House in and to the Bill entitled, "An Act to repeal and amend the Laws now in force for establishing the Limits to the respective Gaols in this Province," and met the Conferees of the Commons House of Assembly, and presented their Report.

Ordered, that the report be received, and it was then read as follows:—

Read.

Your Committee appointed to confer with the conferees on the part of the House of Assembly in a second free conference on the subject matter of the Amendments made by that Honorable House in and to the Bill entitled, "An Act to Repeal and Amend the Laws now in force for establishing the Limits to the respective Gaols in this Province," beg leave to Report—

That the Conferees on the part of the House of Assembly stated to the Conferees on the part of the Honorable the Legislative Council as follows:—

The Conferees on the part of the House of Assembly conceive that they fulfilled every reasonable intendment of Parliamentary usage when they proposed so to alter the Amendments of the Legislative Council as to extend to all other Gaols within this Province the same Limits as have heretofore been enjoyed by the Niagara District. The Conferees are aware, that the several Acts now in force respecting the assigning Limits to Gaols will expire unless further provision is made by the thirtieth day of this month, and with this knowledge, and to prevent the distress which might follow the expiration of the Laws giving that relief, the House of Assembly transmitted to the Honorable Legislative Council the Bill which is the subject of this conference.

That the Conferees cannot regard the Amendment proposed to the Amendments of the Legislative Council to the said Bill as amounting to an abolition of imprisonment for debt, in as much as Debtors would only have sixteen acres as the Limits; and if the proposition would have such an effect the Conferees of the House of Assembly cannot but urge, that if the Niagara District enjoys a virtual abolition of imprisonment for debt, from having sixteen acres as the Limits, it would be unjust not equally to extend such abolition to other Districts equally entitled to it, and suffering under the very same local necessities.

That the Conferees of the House of Assembly notice, that it is misapprehended that they contend for the Bill as originally transmitted, whereas they have only urged the modification of the Amendments already mentioned, and they cannot think that the Legislature intended the Limits to merely "such a space as might be sufficient for air and exercise, and might prevent that injury to their health which would result from a more rigorous confinement;" because could such have been the intention, it would be most unreasonable and unjust to deprive the poorer debtors enjoying such circumscribed indulgences of the weekly allowance, thus obliging them either to live on five shillings a week in confinement injurious to health, or starve in the open air.

That they are still of opinion that such Limits have been, and still are provided by Law, that those who enjoy them may earn their own living instead of receiving the weekly allowance from the Creditor; and the Conferees of the House of Assembly are so forcibly struck with the justice of extending, under such a view of the subject, to all Districts, the limits long enjoyed without injury to credit or to creditors, in the Niagara District, that they feel they will be justified against all consequences in adhering to the proposed modification, not meaning, however, to object to any greater Limits in favour of the Niagara District which might be proposed as required by their greater necessity for them from the situation of the Gaol.

The reasonableness and modification of this proposition instead of pressing, as justly might be done, the Legislative Council to recede from their Amendments, are made further apparent from the fact, that in Lower Canada the Limits of Quebec are at least a circuit of ten miles, and at Montreal they embrace the whole City.

28th, & 29th January, 1830.

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

To all which the Conferees on the part of Your Honorable House neither assented nor dissented, but reserved the same for the consideration of Your Honorable House.

A Deputation from the Commons House of Assembly brought up a Bill entitled, "An Act to Incorporate certain persons by the style and title of the Associated Farmer's Company of the Home District, and parts adjacent," to which they requested the concurrence of this House and withdrew.

The said Bill was then read.

Mr. Dickson brought up two Petitions from the Magistrates of the District of Niagara in General Quarter Sessions assembled, which were laid on the Table.

On motion made and seconded, the House adjourned.

Friday, 29th January, 1830.

The House met pursuant to adjournment.

PRESENT,

*The Honorable* JOHN B. ROBINSON, *Speaker.* *The Hon. Messrs.* JOHN H. DUNN,  
*The Hon. Messrs.* JAMES BABY, " " WILLIAM ALLAN,  
 " " JOHN M'GILL, " " PETER ROBINSON,  
 " " WILLIAM DICKSON,

*Prayers were read.*

The Minutes of yesterday were read.

Pursuant to the order of the day, the Bill entitled, "An Act to direct the appropriation of Fines in certain cases," was read a third time and passed without amendment, whereupon the Speaker signed the same, and it was—

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

Pursuant to the order of the day, the Bill entitled, "An Act to provide for an increase of the number of Overseers of Highways, and Pound Keepers, in the respective Townships throughout this Province," was read a third time, as amended, 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 amendments, to which they desire the concurrence of the Assembly.

The Honorable Mr. Wells enters.

Pursuant to the order of the day, the House was again put into a Committee of the whole on the Bill entitled, "An Act to Incorporate the Trustees of the Grantham Academy."

Mr. Allan took the Chair.

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

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

J. COLBORNE,

The Lieutenant Governor transmits for the information of the Legislative Council copies of Returns, received from the Clerks of the Peace, of the Population of the several Districts of this Province for the year 1829.

*Government House,*  
 29th January, 1830.

J. COLBORNE.

The Lieutenant Governor transmits, for the information of the Legislative Council, the Returns of Rateable Property, received from the Clerks of the Peace in the several Districts of this Province, for the year 1829.

*Government House,*  
 29th January, 1830.

*Friday, 29th January, 1830.*

SECOND SESSION, 10th PROVINCIAL PARLIAMENT, 11th GEORGE IV.

J. COLBORNE.

Transmitting statement of Debentures issued.

The Lieutenant Governor transmits, for the information of the Legislative Council, a statement of the Receiver General shewing the Debentures issued under the authority of various Provincial Statutes which are now outstanding, and those also which have been redeemed.

*Government House,  
29th January, 1830.*

J. COLBORNE.

Transmitting a Report from the Commissioners of the False Duck's Light House.

The Lieutenant Governor transmits, for the information of the Legislative Council, a Report made to him by the Commissioners of the Light House on the False Ducks Island, with the vouchers accompanying the same.

*Government House,  
29th January, 1830.*

J. COLBORNE.

Transmitting a Report from the Kingston Bank Commissioners.

The Lieutenant Governor transmits, for the information of the Legislative Council, a Report made to him by the Commissioners for settling the affairs of the late Bank of Kingston.

*Government House,  
29th January, 1830.*

J. COLBORNE.

Laying before the Legislative Council an account of the expense incurred in constructing the Don and Humber Bridges.

The Lieutenant Governor lays before the Legislative Council an account of the expense incurred in constructing the Don and Humber Bridges, and documents shewing the necessity of his interposition in opening the principal communication of the Province.

*Government House,  
29th January, 1830;*

Committee appointed to present Address to Lieut. Governor, thanking him for the above Messages. Amendments to Gaol Limits Bill concurred in by Assembly, and a further amendment sent to this House for concurrence.

Ordered, that an Address be presented to His Excellency the Lieutenant Governor, respectfully thanking him for his several Messages of this day.

Ordered, that Messrs. Dickson and Dunn be appointed a Committee for that purpose.

A Deputation from the Commons House of Assembly brought up a Bill entitled, "An Act to Repeal and Amend the Laws now in force for establishing the Limits to the respective Gaols in this Province," and informed this House that the House of Assembly had agreed to the Amendments to the same, with a further Amendment, to which they desired the concurrence of this House and withdrew.

The same was then read as follows :—

Read first time,

Amendments made by the Commons House of Assembly in and to the Amendments made by the Honorable the Legislative Council in and to the Bill entitled, "An Act to repeal and amend the Laws now in force for establishing the Limits to the respective Gaols in this Province,"—

In the Amendments ;—After the word "notwithstanding," insert the following, "and be it further enacted by the authority aforesaid, that it shall and may be lawful to alter or amend this Act during the present Session of Parliament."

Grantham Academy Trustee Bill re-committed.

The House was then again put into a Committee of the whole on the Bill entitled, "An Act to Incorporate the Trustees of the Grantham Academy."

Mr. Allan took the the Chair.

After some time the House resumed.

Reported, and leave given to sit again to-day.

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.

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

44th Rule dispensed with as far as relates to the Amendments sent up from Assembly, to Amendments made by this House in and to Gaol Limits Bill.

Ordered, that the Forty-fourth Rule be dispensed with as far as relates to the Amendments sent up from the Commons House of Assembly in and to the Amendments made by this House in and to the Bill entitled, "An Act to Repeal and Amend the Laws now in force for establishing the Limits to the respective Gaols in this Province." and that the same be now read a second time.

Amendments to Amendments read second time.

The said Amendments were then read a second time, and it was—

*Friday, 29th January, 1830.*

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

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

Mr. Dunn took the Chair.

Committed.

After some time the House resumed.

The Chairman reported that the Committee had taken the said Amendments sent up from the Commons House of Assembly in and to the Amendments made by this House in and to the said Bill into consideration, and recommended the same to the adoption of the House.

Reported.

Ordered that the Report be received, and—

Ordered that the said Amendments be read a third time this day.

Adopted

Pursuant to the said order the said Bill, as further amended by the Commons House of Assembly, was then read a third time, and the question being put, whether this Bill as further amended should pass, it was carried in the affirmative, whereupon the Speaker signed the same, and it was—

Gaol Limits Bill, as further amended, read a third time, passed and signed.

Ordered, that the Master in Chancery do go down to the Assembly and acquaint that House that the Legislative Council have adopted the amendments in and to the amendments made by this House in and to the Bill entitled, "An Act to repeal and amend the Laws now in force for establishing the Limits to the respective Gaols in this Province."

Assembly acquainted of same.

Pursuant to order the House was then again put into a Committee of the whole on the Bill entitled "An Act to Incorporate the Trustees of the Grantham Academy."

Grantham Academy Trustee Bill re-committed.

Mr. Allan took the Chair.

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

Message from Assembly.

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

The House was again put into a Committee of the whole on the Bill entitled, "An Act to Incorporate the Trustees of the Grantham Academy."

Grantham Academy Trustee Bill re-committed.

Mr. Allan took the Chair.

After some time the House resumed.

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

Reported, and leave given to sit again to-morrow.

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

His Honor the Speaker reported to the House that a Deputation from the Commons House of Assembly had brought up and delivered at the Bar of this House a Message, which was read as follows :—

Speaker reports the receipt of a Message from Assembly according to another conference on the subject of appointing Commissioners to treat with Commissioners on the part of Lower Canada.

MR. SPEAKER,

The Commons House of Assembly accedes to the request of the Honorable the Legislative Council for another conference on the subject of appointing Commissioners on the part of this Province to treat with Commissioners on the part of Lower Canada, and have appointed the same Members who managed the last conference, who will be ready to meet the Conferees on the part of the Honorable the Legislative Council, at the time and place appointed.

[Signed]

MARSHALL S. BIDWELL,  
SPEAKER.

*Commons House of Assembly,  
29th January, 1830.*

Ordered, that the Conferees be instructed to inform the Conferees on the part of the Commons House of Assembly, that the Legislative Council deem it expedient to pass an Act during the present Session authorising the appointment of Commissioners on behalf of this Province to treat with Commissioners appointed, or to be appointed, on the part of Lower Canada for the purposes mentioned in an Act of the Legislature of that Province, entitled "An Act for appointing Commissioners to treat with Commissioners appointed, or to be appointed, on the part of the Province of Upper Canada for the purpose therein mentioned."

Instructions to Conferees of this House.

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

Bill brought up from Assembly.

At half past four of the clock P.M. there were,

29th, & 30th January, 1830.

SECOND SESSION, 10th PROVINCIAL PARLIAMENT, 11th GEORGE IV.

PRESENT,

*The Honorable* JOHN B. ROBINSON, *Speaker,* *The Hon. Messrs.* JOSEPH WELLS,  
*The Hon. Messrs.* JAMES BABY, " " WILLIAM ALLAN,  
 " " WILLIAM DICKSON, " " PETER ROBINSON.

Adjourned for want  
of a quorum.

His Honor the Speaker declared the House adjourned for want of a quorum.

Saturday, 30th January, 1830.

The House met pursuant to adjournment.

PRESENT,

*The Honorable* JOHN B. ROBINSON, *Speaker,* *The Hon. Messrs.* JOSEPH WELLS,  
*The Hon. Messrs.* JAMES BABY, " " DUNCAN CAMERON,  
 " " JOHN M'GILL, " " GEORGE H. MARKLAND.  
 " " WILLIAM DICKSON, " " JOHN H. DUNN,  
 " " WILLIAM D. POWELL, " " WILLIAM ALLAN,  
*The Hon. & Ven. the* ARCHDEACON OF YORK, " " PETER ROBINSON,

Prayers were read.

The Minutes of yesterday were read.

The Petition from the Magistrates of the District of Niagara praying for an alteration of the Sittings of the District Court and Quarter Sessions in the said District, was read.

The Petition of the Magistrates in the Niagara District praying for an Act for the opening of a Public Highway from the Niagara Falls through divers Townships till it intersects Talbot Street; and also for a Bridge across the Grand River, was read.

His Honor the Speaker reported to the House that a Deputation from the Commons House of Assembly had brought up a Bill entitled, "An Act to make good certain Monies advanced by His Majesty for the Contingencies of the two Houses of the Legislature of this Province."

The said Bill was then read, and the same was—

Ordered to be read a second time on Monday next.

At two o'clock, P.M. His Excellency the Lieutenant Governor having come to the Legislative Council Chamber, and being seated on the Throne, the Gentleman Usher of the Black Rod was ordered to direct the immediate attendance of the Speaker and Members of the House of Assembly in this House, and they being come therto, His Excellency was pleased, in His Majesty's name, to assent to the following Bills:—

I. "An Act to Repeal and Amend the Laws now in force for establishing the Limits to the respective Gaols in this Province."

II. "An Act to direct the appropriation of Fines in certain cases."

Then the House of Assembly retired, and His Excellency and Suite withdrew.

Pursuant to the order of the day, the House was again put into a Committee of the whole on the Bill entitled "An Act to Incorporate the Trustees of the Grantham Academy."

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 amendments thereto, and recommended the same to the adoption of the House.

Ordered, that the Report be received.

The said Amendments were then read by the Clerk as follows:—

Press. 2, Line 10.—After "Land," insert "with the."

" " " " After "Hereditaments," insert "thereto appertaining."

" " " 26.—After "Vacancies," expunge "should," and insert "shall."

" " " 29.—After "appoint," insert "5. And be it further enacted by the authority aforesaid, That no person not a natural-born Subject of His Majesty, or a Subject Naturalized by Act of the British Parliament, or by an Act of the Legislature of this Province, shall be capable of being chosen or appointed, after the passing of this Act, to be a Teacher in the said Academy.

Press. 3, Line 1.—Expunge "5," and insert "6."

" " " 7.—Expunge "6," and insert "7."

" " " 13.—Expunge "7," and insert "8."

Petition praying for an alteration of the sitting of the Niagara District Court, read  
 Petition praying for the opening of a Public Highway from the Niagara Falls, and also for a Bridge across Grand River, read.

Speaker reports the receipt of Contingency covering Bill from Assembly.  
 Read first time.

Lieutenant Governor comes to the House, and directs the attendance of the Assembly.

Gaol Limits Bill assented to by him.  
 Fines appropriation Bill assented to.  
 Lieutenant Governor retires.  
 Grantham Academy Trustee Bill re-committed.

Amendments to same reported.

Read first time.

*Saturday, 30th January, 1830.*

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

Press. 3, line 14.—After “lawful,” expunge “when or.”

“ “ “ 17.—Expunge “8,” and insert “9.”

“ “ “ 20.—Expunge “9,” and insert “10.”

“ “ “ 21.—After “Stock,” insert “property or effects.”

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 Bill as amended read a third time on Monday next.

Pursuant to the order of the day, the House was again put into a Committee of the whole on the Bill entitled, “An Act to Repeal part of and Amend the Laws now in force for preventing the sale of Spirituous Liquors by retail without Licence.” Spirituous Liquor Licence Bill re-committed.

Mr. Allan took the Chair.

After some time the House resumed.

The Chairman reported that the Committee had taken the said Bill into consideration, had made some amendments thereto, and recommended the same to the adoption of the House. Amendments to same reported.

Ordered, that the Report be received.

The said Amendments were then read by the Clerk as follows:—

Press. 2, line 17.—After the word “of,” expunge “one,” and insert “two.” Read first time.

“ “ “ 18.—After the word “paid,” insert “or for any other period not exceeding two weeks that may to the Justices appear just.”

Expunge “Month,” and insert “Months.”

“ 3, “ 17.—After the word “same,” insert “or if a verdict shall pass against him in the said Action.”

“ “ “ 22.—After the word “and,” expunge “Warrant,” and insert “Warrants.”

“ “ “ 25.—After “words,” insert “to the like effect.”

“ 4, Expunge the seventh clause.

“ 5, “ 18.—After “C. D.” expunge “one month’s imprisonment,” and insert “to be imprisoned.”

“ “ “ 19.—After “District,” insert “for the space of ———.”

“ 6, “ 6.—After “C. D.” expunge to the words “and for so doing,” in the tenth line.

After the form of the first Warrant insert—

“WARRANT.”

DISTRICT OF  
to wit :

} WHEREAS C. D. was on the Oath of ——— (or on confession, as the case may be) convicted of selling Spirituous Liquors without Licence by retail, contrary to the form of the Statute in that behalf, and was thereupon adjudged to pay a penalty of Ten Pounds, Sterling, and also ——— for the costs and expences incident to the said conviction: And whereas it hath been made appear to us that the said ——— hath not sufficient Goods and Chattles whereof the said penalty and costs can be made, but that the same (or ——— part thereof, as the case may be) still remains unsatisfied.—You are therefore commanded to take the said ——— to the Gaol of the District of ——— and deliver him (or her) to the Sheriff or keeper of the said Gaol, to be detained for the space of ——— unless the said penalty and costs shall be sooner paid, and for so doing this shall be to you a sufficient authority.

Given under our Hands and Seals this ——— day of ——— 18

L. S.

The said Amendments being read a second time, and the question of concurrence being 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.

On motion made and seconded the House adjourned.

*Monday, 1st February, 1830.*

SECOND SESSION, 10th PROVINCIAL PARLIAMENT, 11th GEORGE IV.

*Monday, 1st February, 1830.*

The House met pursuant to adjournment.

PRESENT,

*The Honorable* JOHN B. ROBINSON, *Speaker,* *The Hon. Messrs.* DUNCAN CAMERON,  
*The Hon. Messrs.* JOHN M'GILL, " " JOHN H. DUNN,  
 " " WILLIAM DICKSON, " " WILLIAM ALLAN.  
 " " GEORGE CROOKSHANK,

The Honorable Mr. Crookshank took the Oath required by 31st Geo. 3d, Chap. 31st.

The Honorable George Crookshank took and subscribed the Oath prescribed by the Statute of the 31st Geo. 3rd, Chap. 31, as required by the third Rule of the House.

*Prayers were read.*

The Minutes of Saturday were read.

Spiruous Liquor Licence Amendment Bill, as amended, read third time, passed, and signed.

Pursuant to the order of the day, the Bill entitled, "An Act to Repeal part of and Amend the Laws now in force for preventing the sale of Spirituous Liquors by retail without Licence," was read a third time, as amended, 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—

Assembly requested to concur in same.

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

A Member enters the House. Foreign Deeds Registry Bill brought up.

The Honorable Sir William Campbell enters.

A Deputation from the Commons House of Assembly brought up a Bill, entitled "An Act to provide for Registering of Deeds and other conveyances within this Province, the same being executed in Foreign Countries," to which they desired the concurrence of this House and withdrew.

Read first time.

The said Bill was then read, and it was—

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

Grantham Academy Trustee Bill, as amended, read third time, passed, signed, and sent to Assembly for concurrence.

Pursuant to the order of the day, the Bill entitled, "An Act to Incorporate the Trustees of the Grantham Academy." 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 amendments to which they desire the concurrence of the Assembly.

Line Fence Bill re-committed.

Pursuant to the order of the day the House was again put into a Committee of the whole on the Bill entitled "An Act to provide for the erection of Line or Division Fences in this Province, and for the construction of Water Courses in the Eastern and Western Districts."

Mr. Allan took the Chair.

Fredericksburgh Concession Line Survey Bill brought up. District Officers Regulation Bill brought up. Clergy Reserve Sale Bill brought up.

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, entitled "An Act to provide for the Survey of the Concession Lines of the Gore of Fredericksburgh"; also, a Bill entitled "An Act for the regulation of District Officers in this Province"; and also, a Bill entitled "An Act to provide for the disposal of a part of the Clergy Reserves in this Province," to which they requested the concurrence of this House and withdrew.

Members enter the House. Niagara District Court Bill brought up.

The Honorable Messrs. Wells and Baby enter.

A Deputation from the Commons House of Assembly brought up a Bill entitled, "An Act to alter the times of sitting of the District Court and General Quarter Sessions in the Niagara District," to which they requested the concurrence of this House and withdrew.

Line Fence Bill re-committed.

The House was then again put into a Committee of the whole on the Bill entitled, "An Act to provide for the erection of Line or Division Fences in this Province, and for the construction of Water Courses in the Eastern and Western Districts."

Mr. Allan took the the Chair.

After some time the House resumed.

Reported, and leave given to sit again on Thursday 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 Thursday next.

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

*Monday, 1st February, 1830.*

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

<p>The Bill entitled "An Act to provide for the Survey of the Concession Lines of the Gore of Fredericksburgh" was read, and the same was—</p>	<p>Fredericksburgh Concession Line Survey Bill read first time.</p>
<p>Ordered, to be read a second time to-morrow.</p>	
<p>The Bill entitled "An Act for the regulation of District Officers in this Province," was read, and the same was—</p>	<p>District Officers Regulation Bill read first time.</p>
<p>Ordered to be read a second time to-morrow.</p>	
<p>The Bill entitled "An Act to provide for the disposal of a part of the Clergy Reserves in this Province," was read.</p>	<p>Clergy Reserves Sale Bill read 1st time.</p>
<p>The Bill entitled "An Act to alter the times of sitting of the District Court, and General Quarter Sessions in the Niagara District," was read, and the same was—</p>	<p>Niagara District Court Bill read first time.</p>
<p>Ordered to be read a second time to-morrow.</p>	
<p>Pursuant to the order of the day, the House was again put into a Committee of the whole on the Bill entitled, "An Act granting to His Majesty a sum of money for the improvement of the Roads and Bridges in this Province."</p>	<p>Road and Bridge Grant Bill re-committed.</p>
<p>Mr. Wells took the Chair.</p>	
<p>After some time the House resumed.</p>	
<p>The Chairman reported that the Committee had taken the said Bill into consideration, had made some progress therein, and asked leave to sit again on Friday next.</p>	<p>Reported, and leave given to sit again on Friday next.</p>
<p>Ordered, that the report be received, and leave granted accordingly.</p>	
<p>Pursuant to the order of the day, the Bill entitled, "An Act to make good certain Monies advanced by His Majesty for the Contingencies of the two Houses of the Legislature of this Province," was read a second time.</p>	<p>Contingency covering Bill read second time.</p>
<p>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:—</p>	<p>Message from Assembly.</p>
<p>MR. SPEAKER,</p>	
<p>The Commons House of Assembly requests permission for the Honorable William Allan and the Honorable John Henry Dunn, Members of Your Honorable House, to attend and give evidence before a Select Committee of the House of Assembly, appointed to inquire into the state of the Currency.</p>	<p>Requesting that Messrs. Allan and Dunn may be permitted to attend a Select Committee of Assembly.</p>
<p>[Signed]</p>	
<p>MARSHALL S. BIDWELL, SPEAKER.</p>	
<p><i>Commons House of Assembly, 1st February, 1830.</i></p>	
<p>Ordered, that a copy of the above Message be transmitted to the Honorable John Henry Dunn, he not being in his place.</p>	<p>Copy of above Message ordered to be sent to Mr. Dunn.</p>
<p>On motion made and seconded, the House was then put into a Committee of the whole on the Bill entitled, "An Act to make good certain monies advanced by His Majesty for the Contingencies of the two Houses of the Legislature of this Province."</p>	<p>Contingency covering Bill committed.</p>
<p>Mr. Robinson took the Chair.</p>	
<p>After some time the House resumed.</p>	
<p>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.</p>	<p>Reported, and referred to a Select Committee.</p>
<p>Ordered that the Report be received.</p>	
<p>Ordered, that Messrs. Baby and Dunn be appointed a Committee for that purpose.</p>	<p>Committee appointed.</p>
<p>Mr. Wells brought up the Petition of David Smart and others, (Magistrates of the District of Newcastle) which was laid on the Table.</p>	<p>Petition of David Smart and others, presented.</p>
<p>Mr. Wells gave notice that he will on Wednesday next bring in a Bill for the protection of the interests of the Indians in this Province.</p>	<p>Notice of bringing in Indians protection Bill.</p>
<p>Mr. Robinson brought up the Petition of Jacob Smith, Junior, and others, which was laid on the Table.</p>	<p>Petition of Jacob Smith, Jr. and others presented.</p>
<p>Mr. Robinson brought up the Petition of Henry Weeks, which was laid on the Table.</p>	<p>Petition of Henry Weeks presented.</p>
<p>Mr. Robinson brought up the Petition of Robert Innes and others, which was laid on the Table.</p>	<p>Petition of Robert Innes and others presented.</p>
<p>Mr. Robinson brought up the Petition of Allan McPherson and others, which was laid on the Table.</p>	<p>Petition of Allan McPherson and others presented.</p>

1st, 2nd, & 3rd February, 1830.

SECOND SESSION, 10th PROVINCIAL PARLIAMENT, 11th GEORGE IV.

Petition of Angus McDonell and others presented.

Mr. Robinson brought up the Petition of Angus McDonell and others, which was laid on the Table.

Petition of William Thompson and others presented.

Mr. Dickson brought up the Petition of William Thompson, and others, which was laid on the Table.

On motion made and seconded, the House adjourned.

Tuesday, 2nd February, 1830.

The House met pursuant to adjournment.

PRESENT,

The Honorable JOHN B. ROBINSON, *Speaker.* The Hon. Messrs. WILLIAM ALLAN,  
The Hon. Messrs. JAMES BABY, The Hon. SIR WILLIAM CAMPBELL,  
" " JOHN M'GILL, The Hon. PETER ROBINSON.  
" " WILLIAM DICKSON,

*Prayers were read.*

The Minutes of yesterday were read.

Foreign Deeds Registry Bill read second time.

Pursuant to the order of the day, the Bill entitled "An Act to provide for Registering of Deeds and other Conveyances within this Province, the same being executed in Foreign Countries," was read a second time, and it was—

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

Fredericksburgh Concession Line Survey Bill read second time.

Pursuant to the order of the day, the Bill entitled "An Act to provide for the Survey of the Concession Lines of the Gore of Fredericksburgh," was read a second time, and it was—

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

District Officers Regulation Bill read second time.

Pursuant to the order of the day, the Bill entitled "An Act for the regulation of District Officers in this Province," was read a second time, and it was—

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

Niagara District Court Bill read second time.

Pursuant to the order of the day, the Bill entitled "An Act to alter the times of sitting of the District Court and General Quarter Sessions in the Niagara District," was read a second time, and it was—

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

Mr. Dickson added to the Select Committee on the Resolutions of the Assembly on the subject of the West India Trade, and the Navigation of the River St. Lawrence.

Ordered, that the Honorable Mr. Dickson be added to the Select Committee appointed by this House to consider and Report upon certain Resolutions adopted by the Commons House of Assembly, on the subject of the West India Trade and the Navigation of the River St. Lawrence.

On motion made and seconded, the House adjourned.

Wednesday, 3rd February, 1830.

The House met pursuant to adjournment.

PRESENT,

The Honorable JOHN B. ROBINSON, *Speaker.* The Hon. & Ven. the ARCHDEACON OF YORK,  
The Hon. Messrs. JOHN M'GILL, The Hon. SIR WILLIAM CAMPBELL,  
" " WILLIAM DICKSON, The Hon. PETER ROBINSON.  
" " GEORGE CROOKSHANK,

*Prayers were read.*

The Minutes of yesterday were read.

Petition praying for a new Gaol and Court House in the District of Newcastle, read.

The Petition of David Smart and others, praying for a new Gaol and Court House to be erected in the District of Newcastle, was read.

Petition praying that a certain gore of Land may be annexed to the County of Lennox, read.

The Petition of Jacob Smith, Junior, and others, praying that the Gore of Land between the Townships of Ernestown and Fredericksburgh may be annexed to the County of Lennox, was read.

Petition of Henry Weeks, praying for relief, read.

The Petition of Henry Weeks, praying for relief, from the circumstance of the Lot of Land settled upon by him having been erroneously numbered, was read.

*Wednesday, 3rd February, 1830.*

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

The Petition of Robert Innes and others, praying for a continuance of the Trade to the British West Indies, and the Navigation of the River St. Lawrence, was read.

The Petition of Allan McPherson, and others, praying for a re-survey of the Seventh Concession of the Township of Fredericksburgh was read.

The Petition of Angus McDonell and others, praying against any alteration in the West India Trade, was read.

The Petition of Aaron Oliphant and others, praying to be Incorporated for the purpose of making a Turnpike of the Lake Road leading from Burlington Bay Canal through the Townships of Nelson, Trafalgar, Toronto, Etobicoke and York, was read.

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

**J. COLBORNE,**

The Lieutenant Governor transmits the accompanying Petition to the Legislative Council, with a view of submitting to their consideration whether it may not be advantageous to the public service to make some provision for the family of Timothy Conklin Pomeroy, a Constable, of Hamilton, with reference to the circumstances under which he lost his life.

*Government House,  
3rd February, 1830.*

(COPY.)

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

The Petition.

The Petition of Charlotte Pomeroy, of the Town of Hamilton, in the Gore District, Widow—  
MOST HUMBLY SHEWETH—

That Your Petitioners late Husband, Timothy Conklin Pomeroy, of Hamilton aforesaid, Constable, was on the 16th day of September last murdered when in the execution of his duty, at Big Otter Creek, in the District of London, leaving Your Petitioner a Widow, and an infant son, an Orphan

That Your Petitioner and her Child are left destitute and altogether unprovided for.

That Your Petitioner believes it is not usual for the Government to suffer the Widows or the Orphans of those who have fallen in discharging a duty to the public to pine in altogether absolute want.

Your Petitioner therefore humbly prays that Your Excellency would be graciously pleased to take her desolate state into consideration, and either by recommending her to the Royal bounty, or by advising a Legislative enactment in her favour, or by such other means as to Your Excellency in Your goodness and wisdom may seem meet, Your Excellency would relieve her distress.

And Your Petitioner as in duty bound will ever pray.

[Signed]

her

CHARLOTTE X POMEROY.

mark.

*Hamilton, 12th January, 1830.*

*Hamilton, 12th January, 1830.*

We, the undersigned, being acquainted with Mrs. Charlotte Pomeroy, of this place, Widow, know the contents of her Petition to be true, and recommend her as deserving and worthy of relief.

[Signed]

JOHN LAW,  
THOMAS TAYLOR,  
MATTHEW CROOKS,

WILLIAM PROCTOR,  
RICHARD BEASLEY,  
WILLIAM M. JARVIS.

**J. COLBORNE.**

The Lieutenant Governor transmits to the Legislative Council a copy of a Report made to him respecting the Hospital at York, opened in June last, and supported by voluntary contributions, and as the Professional Men in charge of the Institution are of opinion, that it would be advantageous to the Province to admit patients from every District, the Lieutenant

Transmitting a Report of the York Hospital.

*Wednesday, 3rd February, 1830.*

SECOND SESSION, 10th PROVINCIAL PARLIAMENT, 11th GEORGE IV.

Governor suggests the expediency of making it a Provincial Hospital, if an annual sum be granted to enable the Trustees to extend its usefulness.

*Government House,  
3rd February, 1830.*

(COPY.)

To His EXCELLENCY the LIEUTENANT GOVERNOR.

*A Report of the York Hospital and Dispensary :*

The Hospital was first opened for the reception of Patients on the third June last, and a plentiful supply of Medicines having been procured, the Dispensary was commenced on the same day.

Fifty-two Cases have been admitted into the Hospital.

Thirty-five have been discharged cured.

Two Incurable.

One for Irregularity of conduct.

Seven have Died, and—

Seven remain under treatment.

Ninety-five persons received advice and Medicines at the Dispensary.

The occurrence of Fever was frequent amongst the indigent Poor during the Summer months, and it is believed that a great proportion of these cases would have proved fatal but for their early removal into the Hospital, where the benefits of free ventilation and a cooler atmosphere soon manifested their influence upon the disease. Indeed it was obvious, that the saving of human life in this class of complaint, at the period mentioned, was considerable.

Many serious cases of Surgery have been admitted from various parts of the Province, and several persons afflicted with severe Ulcers of the Limbs, which totally incapacitated them from labour, have been cured and restored to their occupations.

Of the diseases of the Eyes, so common amongst the Poor, and so liable to become serious from neglect, there have been several instances that would have probably terminated in Blindness had they not been received into the Hospital.

It is much to be regretted that so commodious a structure as this Hospital should be so limited in its usefulness by a want of ample funds.

The Inhabitants of the Province could not fail to regard with satisfaction any extension of the means by which the advantages of the Institution might become available.

[Signed]

C. WIDMER.

*York Hospital, 27th January, 1830.*

Address to be presented, thanking Lieutenant Governor for the above Messages.

Committee appointed for that purpose.

Assembly informed that leave is given for Messrs. Dunn and Allan to attend a Select Committee of that House.

Ordered, that an Address be presented to His Excellency the Lieutenant Governor, respectfully thanking him for his Messages of this day.

Ordered, that Messrs. Dickson and Crookshank be a Committee to present the same.

Ordered, that the Master in Chancery do go down to the Assembly and acquaint that House that the Honorable John Henry Dunn, and the Honorable William Allan have leave to go to a Select Committee of the Commons House of Assembly, as desired by that House in their Message of Monday last, if they think fit.

On motion made and seconded, it was—

Ordered, that the Bill entitled, "An Act for the relief of Henry Weeks," be read a second time to-morrow.

Pursuant to the order of the day, the House was put into a Committee of the whole on the Bill entitled, "An Act to provide for the Survey of the Concession Lines of the Gore of Frederickburgh."

Mr. Baby took the Chair.

After some time the House resumed.

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

Ordered, that the Report be received, and—

Ordered, that the Honorable and Venerable, the Archdeacon of York, and the Honorable Peter Robinson, be appointed a Committee for that purpose.

Frederickburgh Concession Line Survey Bill committed.

Reported, and referred to a Select Committee.

Committee appointed.

3rd & 4th February, 1830.

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

The Honorable Messrs. Wells and Allan enter.

Pursuant to the order of the day, the House was put into a Committee of the whole on the Bill entitled, "An Act for the regulation of District Officers in this Province."

Members enter the House.  
District Officers Regulation Bill committed.

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 asked leave to sit again to-morrow.

Reported, and leave given to sit again to-morrow.

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 on the Bill entitled "An Act to alter the times of sitting of the District Court, and General Quarter Sessions in the Niagara District."

Niagara District Court Bill committed.

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 asked leave to sit again on Friday next.

Reported, and leave given to sit again on Friday next.

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

Mr. Dickson brought up the Petition of Walter H. Dickson and others, which was laid on the Table.

Petition of Walter H. Dickson and others presented.

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

Thursday, 4th February, 1830.

The House met pursuant to adjournment.

PRESENT,

The Honorable JOHN B. ROBINSON, *Speaker.* The Hon. Messrs. JOHN H. DUNN,  
The Hon. Messrs. JOHN M'GILL, " " WILLIAM ALLAN,  
" " WILLIAM DICKSON, " " PETER ROBINSON,  
" " JOSEPH WELLS,

Prayers were read.

The Minutes of yesterday were read.

The Honorable Mr. Dickson from the Select Committee appointed to consider and report upon the Resolutions transmitted from the Commons House of Assembly on the subject matter of the West India Trade and the Navigation of the River St. Lawrence, reported certain Resolutions, which were read as follows:—

*Resolved,* That a general rumour prevails throughout the Province that, the Parent Country has opened diplomatic negotiations with the Ministers of the United States at London for the purpose of throwing open the valuable Trade between His Majesty's West India Colonies and those of North America into the hands of the people of the United States.

Resolutions reported by the Select Committee of this House appointed to consider the Resolutions of Assembly on the subject of the West India Trade, and the Navigation of the River St. Lawrence.

*Resolved,* That the people of this Province have hitherto forborne to credit such rumours, from a thorough conviction of the impolicy of such a measure, so highly prejudicial to the interests of the British Empire, and ought not to be acceded to, yet time and circumstances, in reference to the conduct of British Diplomats, and the statements of the Public Journals, warrant the Legislature of this Province in assuming the same as a fact; that preliminary measures of such a nature have occupied the attention of His Majesty's Ministers.

*Resolved,* That if any political arrangements of such a nature are in contemplation, it becomes an imperious duty on the several British North American Colonists firmly, yet respectfully, to endeavour to arrest the progress of such negotiations, and prevent such a sacrifice to the great Naval rival of Britain.

*Resolved,* That it would impugn the Loyalty and not advance the Interest of our fellow Colonists in the West India Islands, and that misrepresentations and insidious policy may have suggested such measures on one side, and listened to by disciples of a new school uprooting a system of wisdom and political œconomy sanctioned by the experience of the beneficial effects of the Trade of these Northern Provinces.

*Resolved,* That the protecting system which at present exists and binds our Colonial interests in one beneficial union with the United Kingdom of Great Britain and Ireland may

*Thursday, 4th February, 1830.*

SECOND SESSION, 10th PROVINCIAL PARLIAMENT, 11th GEORGE IV.

eventually be subverted, should a measure of such moment be too hastily adopted, without the consultation or reference to those who are so vitally interested.

*Resolved*, That since the Peace of Eighty-three it has been the interest, as well as the anxious wish of the Mother Country, to foster and protect the remaining North American Colonies, consistent with the general good of the Empire at large, and from time to time constitutionally to regulate their commercial intercourse and trade, yet it has been unfortunate to their interests, and their construction of Statute Law, that those regulations of Duties and Commerce, under an imperfect comprehension, with a variety of modifications and changes, has created great uncertainty and instability in the legal adaptation of the several British Statutes to the subject matter.

*Resolved*, That a more satisfactory principle has been lately adopted, well calculated to promote general prosperity, and has induced enterprising individuals and associations to embark their capital in the improvement of Inland Navigation, with a view to furnish the British West India Islands with those productions which were previously and chiefly provided from the United States.

*Resolved*, That the exertions of the Inhabitants of these Colonies, with the efforts made by the local authorities to develop their resources on the faith of British Legislation, would be totally checked and palsied by any material change of subsisting Laws regulating the intercourse between the United States and the West India Islands, and would further protract to a distant day, and perhaps annihilate any prospect of wealth, prosperity, and happiness now enjoyed under the fostering wing and protecting influence of the great Nation of which we form a part. To concede to the United States the free Navigation of the River St. Lawrence to and from the Ocean, would be a measure of policy arising out of views more distant and comprehensive than the limited information and feelings of a local deliberate body would be warranted in pronouncing a decided opinion upon. Yet the mercantile body generally, and men of extended views, deprecate such a concession, as a transfer of the Carrying Trade to the United States, as a manifest sacrifice of the British Ship Owners, as an unrequited surrender of Commercial advantages just opening to British enterprise, and a slow but sure blow to the Maritime supremacy of Britain.

[Signed]

WILLIAM DICKSON,  
CHAIRMAN.

Ordered that the Report be received.

Sheriff's ineligibility  
Bill brought up.

A Deputation from the Commons House of Assembly brought up a Bill, entitled "An Act to render Sheriffs and their Deputies ineligible to a seat in the House of Assembly in certain cases," to which they requested the concurrence of this House and withdrew.

Norfolk separation  
Bill brought up.

A Deputation from the Commons House of Assembly brought up a Bill entitled, "An Act to declare the Boundaries of the County of Norfolk, and to erect the same into a separate District," to which they requested the concurrence of this House and withdrew.

Sheriff's ineligibility  
Bill read first time.

The Bill entitled "An Act to render Sheriffs and their Deputies ineligible to a seat in the House of Assembly in certain cases," was read, and it was—

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

A Member enters  
the House.

The Honorable Mr. Baby enters.

Norfolk separation  
Bill read first time.

The Bill entitled "An Act to declare the Boundaries of the County of Norfolk, and to erect the same into a separate District," was read, and it was—

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

On motion made and seconded, it was—

Report of Select  
Committee of this  
House on the West  
India Trade, &c.  
committed.

Ordered, that the House be now put into a Committee of the whole on the Report of the Select Committee relative to the West India Trade, and the Navigation of the River Saint Lawrence.

Mr. Wells took the Chair.

After some time the House resumed.

Reported, and leave  
given to sit again to-  
morrow.

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

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

Indians protection  
Bill presented.  
Read first time.

Pursuant to notice, Mr. Wells presented a Bill for the recovery of Debts to Indians, which was read, and it was—

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

4th & 5th February, 1830.

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

The Honorable and Venerable the Archdeacon of York enters.

A Member enters the House.

Pursuant to the order of the day, the House was put into a Committee of the whole on the Bill entitled "An Act for Registering of Deeds and other Conveyances within this Province, the same being executed in Foreign Countries."

Foreign Deeds Registry Bill committed.

Mr. Baby 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 given to sit again on Monday next.

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

Pursuant to the order of the day, the Bill entitled "An Act for the Relief of Henry Weeks," was read a second time, and it was—

Week's relief Bill read second time.

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

Pursuant to the order of the day, the House was again put into a Committee of the whole on the Bill entitled, "An Act for the regulation of District Officers in this Province."

District Officers Regulation Bill re-committed.

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 asked leave to sit again to-morrow.

Reported, and leave given to sit again to-morrow.

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

On motion made and seconded, the House adjourned.

Friday, 5th February, 1830.

The House met pursuant to adjournment.

PRESENT,

<i>The Honorable</i> JOHN B. ROBINSON, <i>Speaker,</i>	<i>The Hon. Messrs.</i> WILLIAM ALLAN,
<i>The Hon. Messrs.</i> JAMES BABY,	<i>The Hon.</i> SIR WILLIAM CAMPBELL,
" " JOHN M'GILL,	<i>The Hon. Messrs.</i> PETER ROBINSON,
" " WILLIAM DICKSON,	" " CHARLES JONES.

*Prayers were read.*

The Minutes of yesterday were read.

Sir William Campbell brought up the Petition of John S. Baldwin and others, which was laid on the Table.

Petition of John S. Baldwin and others presented.  
Petition of Samuel Theal; Petition of Joseph Ryerson and others; Petition of William Backhouse and others; and the Petition of Morris Sovereign and others presented.  
Petition praying for aid for the improvement of the Highway passing through Beverly, &c. read.

Mr. Dickson brought up the Petition of Samuel Theal. Also the Petition of Joseph Ryerson and others. Also the Petition of William Backhouse and others; and also the Petition of Morris Sovereign and others, which were laid on the Table.

The Petition of Walter H. Dickson and others, praying for aid for the improvement of the Highways passing through the Townships of Beverly, Dumfries, Waterloo, &c. was read.

The Honorable Mr. Crockshank enters.

A Member enters the House.  
Line Fence Bill re-committed.

Pursuant to the order of the day the House was again put into a Committee of the whole on the Bill entitled "An Act to provide for the erection of Line or Division Fences in this Province, and for the construction of Water Courses in the Eastern and Western Districts."

Mr. Allan took the 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 given to sit again on Monday next.

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

The Honorable Messrs. Wells and Dunn enter.

Members enter the House.

Pursuant to the order of the day the House was again put into a Committee of the whole on the Bill entitled, "An Act granting to His Majesty a sum of money for the improvement of the Roads and Bridges in this Province."

Road and Bridge Grant Bill re-committed.

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 a Bill, entitled "An Act for the Relief of Indigent Debtors," to which they requested the concurrence of this House and withdrew.

Indigent Debtors relief Bill brought up.

L

*Friday, 5th February, 1830.*

SECOND SESSION, 10th PROVINCIAL PARLIAMENT, 11th GEORGE IV.

A Member enters the House.

The Honorable and Venerable the Archdeacon of York enters.

Road and Bridge Grant Bill re-committed.

The House was then again put into a Committee of the whole on the Bill entitled, "An Act granting to His Majesty a sum of money for the improvement of the Roads and Bridges in this Province."

Mr. Wells 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—

Committee appointed.

Ordered, that Messrs. Wells, Dunn and Allan, be appointed the Committee for that purpose.

Indigent Debtors relief Bill read first time.

The Bill entitled "An Act for the Relief of Indigent Debtors," was read, and the same was—

Ordered, to be read a second time on Monday next.

Niagara District Court Bill re-committed.

Pursuant to the order of the day, the House was again put into a Committee of the whole on the Bill entitled "An Act to alter the times of sitting of the District Court, and General Quarter Sessions in the Niagara District."

Mr. Crookshank took the Chair.

After some time the House resumed.

Resolution reported.

The Chairman Reported that the Committee had taken the said Bill into consideration, and had agreed to a Resolution, which they recommended to the adoption of the House.

Ordered, that the Report be received, and—

The said Resolution was then read as follows:—

Read.

*Resolved*, That it is the opinion of this Committee that a conference should be requested with the Commons House of Assembly upon the Bill entitled, "An Act to alter the times of sitting of the District Court and General Quarter Sessions in the Niagara District."

Adopted.

The question of concurrence being put, the said Resolution was agreed to by the House, and it was—

Conference on the Bill ordered to be asked with Assembly. Assembly acquainted of same.

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 alter the times of sitting of the District Court and General Quarter Sessions in the Niagara District," and have appointed the Honorable Messrs. Dickson and Crookshank to be the Conferees on the part of the Legislative Council, who will be ready to meet the Conferees on the part of the Commons House of Assembly for that purpose, in the Committee Room of the Legislative Council, on Monday next, at three of the clock P.M.

Norfolk separation Bill read second time.

Pursuant to the order of the day, the Bill entitled, "An Act to declare the Boundaries of the County of Norfolk, and to erect the same into a separate District," was read a second time, and it was—

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

Committed.

Mr. Jones took the Chair.

After some time the House resumed.

Reported, and leave given 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.

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

Report of Select Committee on Resolutions of Assembly on West India Trade and Navigation of the River St. Lawrence, committed.

Pursuant to the order of the day, the House was put into a Committee of the whole on the Report of the Select Committee on the Resolutions of the Commons House of Assembly transmitted to this House respecting the West India Trade, and the Navigation of the River St. Lawrence.

Mr. Wells took the Chair.

After some time the House resumed.

Reported.

The Chairman reported that the Committee had taken the said Report of the Select Committee into consideration, had made some Amendments to the Resolutions of the Assembly, and recommended the same to the adoption of the House.

Amended.

Ordered that the Report be received.

The said Amendments were then read as follows:—

Amendments read first time.

Page 2. line 5 and 6—Expunge "at New York," and insert "in the United States."

Press. 2. line 6.—Expunge "has" and insert "is publicly represented to have."

*Friday, 5th February, 1830.*

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

Press. 2. line 8.—Expunge “altogether” and insrt “exceedingly.”

“ “ “ 8 & 9.—Expunge “impolitic and absurd.”

The said Amendments being read a second time, and the question of concurrence being 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 Resolutions as amended read a third time on Monday next.

Pursuant to the order of the day, the Bill entitled “An Act for the recovery of Debts to Indians,” was read a second time, and it was— Indians protection Bill read second time.

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

Pursuant to the order of the day, the House was put into a Committee of the whole on the Bill entitled, “An Act for the relief of Henry Weeks.” Week's relief Bill committed.

Mr. Dunn took the Chair.

After some time the House resumed.

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

Ordered, that the report be received, and—

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

Pursuant to the order of the day, the House was again put into a Committee of the whole on the Bill entitled, “An Act for the regulation of District Officers in this Province.” District Officers Regulation Bill re-committed.

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 Amendments thereto, and recommended the same to the adoption of the House. Amendments reported.

Ordered, that the Report be received.

The said Amendments were then read as follows:—

In the Title—After the word “of” insert “certain.”

Press. 1. line 9.—After the word “that” expunge “within six months” and insert “after the expiration of six months.” Read first time.

“ “ “ 13.—After the word “for” expunge the remainder of the clause and insert “any District in this Province shall establish and keep within the limits of the District Town of such District a public office for the more convenient execution of the duties incidental to his office, and that every such office respectively shall be kept open and accessible to the public from the hour of ten in the forenoon to the hour of three in the afternoon, Sundays, Christmas-day and Good Friday, excepted, with a person attending in such office during the hours hereinbefore mentioned, competent to perform the respective duties of such office, as required and prescribed by Law.”

Press. 1 and 2.—Expunge the second and third clauses, and insert “II. And be it further enacted by the authority aforesaid, that in any case any person at present holding and enjoying, or who may hereafter hold and enjoy, any one or either of the public offices hereinbefore mentioned, shall not, in pursuance of this Act, after the expiration of six months from and after the passing thereof, establish such office, or offices, within the limits of the District Town of the District in which such office shall be holden, or if any person holding any of the offices hereinbefore mentioned shall wilfully neglect to comply with the provisions of this Act with respect to the hours of attendance in his office, such person so offending shall be liable to be convicted of a misdemeanor upon indictment to be preferred at the Assizes, and upon a second, or any subsequent conviction, for an offence against this Act, it shall be in the power of the Judge before whom such conviction shall take place, to adjudge such offender to forfeit his Office, provided the circumstances of the case shall in his opinion make such punishment necessary for the public good: Provided always, nevertheless, that no person now holding any of the said Offices in this Province shall be affected by the provisions of this Act respecting the situation of Public Offices, notwithstanding his Office

5th & 8th February, 1830.

SECOND SESSION, 10th PROVINCIAL PARLIAMENT, 11th GEORGE IV.

may be without the limits of the District Town, provided it be within one mile of some part of such limits."

" 3, " 3.—Expunge "4," and insert "III."

" " " 6.—After the word "do" insert "or to interfere with the right of any person to obtain process of a personal arrest from any of the offices authorized to issue the same at any hour, when from the urgency of the case it may be necessary to obtain such process."

Press. 3. line 7.—Expunge "5" and insert "IV."

" " " 12.—Expunge "6" and insert "V."

Amendments  
read second time,  
and adopted.

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

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

Notice of bringing in  
Foreign Banking  
Bill.

Mr. Dickson gave notice that on Monday next he will bring in a Bill for restraining Foreign Banking establishments.

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

Monday, 8th February, 1830.

The House met pursuant to adjournment.

PRESENT,

<i>The Honorable</i> JOHN B. ROBINSON, <i>Speaker,</i>	<i>The Hon. Messrs.</i> JOHN H. DUNN,
<i>The Hon. Messrs.</i> JOHN M'GILL,	" " WILLIAM ALLAN,
" " WILLIAM DICKSON,	" " PETER ROBINSON.
" " GEORGE CROOKSHANK,	" " CHARLES JONES.
" " DUNCAN CAMERON,	

*Prayers were read.*

The Minutes of Friday were read.

Mr. Jones brought up the Petition of W. L. Whiting and others, which was laid on the Table.

The Petition of John S. Baldwin and others, praying for an Act authorising the repair of the old Parliament Buildings, was read.

The Petition of Samuel Theal, praying to be allowed to traverse an inquisition, was read.

The Petition of Joseph Ryerson and others, praying that the County of Norfolk may be erected into a separate District, was read.

The Petition of William Backhouse and others, praying that the County of Norfolk may be erected into a separate District, was read.

The Petition of Morris Sovereign and others, praying that the County of Norfolk may be erected into a separate District, was read.

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,

The Commons House of Assembly accedes to the request of the Honorable the Legislative Council for a conference on the subject matter of the Bill entitled "An Act to alter the times of sitting of the District Court and General Quarter Sessions in the Niagara District," and have appointed a Committee of four of its Members, who will be ready to meet the Conferees on the part of the Honorable the Legislative Council for that purpose, at the time and place appointed.

[Signed]

MARSHALL S. BIDWELL,  
SPEAKER.

Commons House of Assembly,  
8th February, 1830.

Petition of W. L.  
Whiting and others  
presented.  
Petition praying for  
the repair of the old  
Parliament Buildings  
read.  
Petition praying to  
be allowed to traverse  
an inquisition, read.  
Petition praying that  
the County of Norfolk  
may be erected into  
a separate District,  
read.  
Petition having the  
same prayer as the  
last, read.  
Petition having the  
same prayer as the  
last, read.  
Message from Assem-  
bly, according to a  
conference on the  
Niagara District  
Court Bill.

Instructions to con-  
ferees of this House  
on said Bill,

Ordered, that it be an instruction to the Committee of Conference to represent, that a Petition having been presented to the Legislative Council from the District of Niagara, stating that it would tend much to facilitate the administration of justice in the Quarter Sessions

*Monday, 8th February, 1830.*

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

and District Court of that District if those Courts were authorized to be holden at different periods, and not in the same week, the Legislative Council are in doubt whether the House of Assembly, having before them a similar Petition, may not have intended, by the Bill sent up, entitled, "An Act to alter the times of sitting of the District Court and General Quarter Sessions in the Niagara District," to make provision for that object, and yet as the enactments of the Bill would not have that effect, the Legislative Council are uncertain whether such was really the object of the Bill, or whether it was meant by it merely to make both the Courts be holden at seasons of the year different from those now appointed, but not to prevent their being holden in the same week.

A Deputation from the Commons House of Assembly returned the Bill entitled, "An Act to provide for an increase of the number of Overseers of Highways and Pound Keepers in the respective Townships throughout this Province," and informed this House that they had concurred in the Amendments made by the Legislative Council in and to the said Bill.

The same Deputation brought up a Bill entitled, "An Act to appoint Commissioners on the part of this Province to treat with Commissioners on the part of Lower Canada on matters of mutual interest."—Also a Bill entitled, "An Act for the Relief of John Eastwood and Colin Skinner."—Also a Bill entitled, "An Act for the Relief of Robert Randal, Esquire,"—And also a Bill entitled, "An Act for the Relief of the Sufferers who sustained loss during the late War with the United States of America," to which they requested the concurrence of this House and withdrew.

The Honorable Sir William Campbell enters.

The Bill entitled, "An Act to appoint Commissioners on the part of this Province to treat with Commissioners on the part of Lower Canada on matters of mutual interest," was read, and it was—

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

The Bill entitled, "An Act for the Relief of John Eastwood and Colin Skinner, was read.

The Honorable and Venerable the Archdeacon of York enters.

The Bill entitled, "An Act for the Relief of Robert Randal Esquire," was read, and it was,

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

The Bill entitled "An Act for the Relief of the Sufferers who sustained loss during the late War with the United States of America," was read, and it was—

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

Pursuant to the order of the day, the Resolutions of the Commons House of Assembly on the subject matter of the West India Trade and the Navigation of the River Saint Lawrence, were, as amended, read a third time, and the question being put, whether the same as amended should pass, it was carried in the affirmative, and it was—

Ordered, that the Master in Chancery do go down to the Assembly and acquaint that House that the Legislative Council have concurred in the Resolutions of the Commons House of Assembly on the subject matter of the West India Trade and the Navigation of the River St. Lawrence, with some Amendments thereto, which they recommended to the adoption of the Commons House of Assembly.

Pursuant to the order of the day, the Bill entitled "An Act for the Relief of Henry Weeks," was read a third time, and it was—

Ordered, that the same do not now pass, and that the House be again put into a Committee of the whole on the same to-morrow.

Pursuant to the order of the day, the Bill entitled "An Act for the regulation of District Officers 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, 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 some amendments, to which they desire the concurrence of the Assembly.

Pursuant to the order of the day, the Bill entitled "An Act to render Sheriffs and their Deputies ineligible to a seat in the House of Assembly in certain cases," was read a second time, and it was—

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

Pursuant to the order of the day, the House was again put into a Committee of the whole on

Amendments to Overseers of Highways and Pound-keepers Bill concurred to by Assembly.

Provincial Commissioners appointment Bill brought up.  
Eastwood and Skinner's relief Bill brought up.  
Randal's relief Bill brought up.  
War loss indemnity Bill brought up.

A Member enters the House.

Provincial Commissioners appointment Bill read first time.

Eastwood and Skinner's relief Bill read first time.

A Member enters the House.

Randal's relief Bill read first time.

War loss indemnity Bill read first time.

Resolutions of Assembly on the West India Trade, &c. as amended read 3rd time, and passed.

Assembly acquainted of same, and their concurrence requested.

Week's relief Bill read third time, but not passed.

District Officers regulation Bill, as amended, read third time, and passed.

Amendments signed.

Bill as amended sent to Assembly for concurrence.

Sheriff's ineligibility Bill read second time.

Foreign Deeds Registry Bill re-committed.

*Monday, 8th February, 1830.*

SECOND SESSION, 10th PROVINCIAL PARLIAMENT, 11th GEORGE IV.

the Bill entitled "An Act to provide for Registering of Deeds and other Conveyances within this Province, the same being executed in Foreign Countries."

Mr. Jones took the Chair.

After some time the House resumed.

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

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 three months.

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

A Member enters the House.

The Honorable Mr. Wells enters.

Line Fence Bill re-committed.

Pursuant to the order of the day, the House was again put into a Committee of the whole on the Bill entitled, "An Act to provide for the erection of Line or Division Fences in this Province, and for the construction of Water Courses in the Eastern and Western Districts."

Mr. Allan took the Chair.

After some time the House resumed.

Amendments reported.

The Chairman reported that the Committee had taken the said Bill into consideration, had made some amendments thereto, which they recommended to the adoption of the House.

Ordered, that the Report be received.

The said Amendments were then read as follows:—

Read first time.

In the Title—After "courses" expunge remainder of the Title.

Press. 1. line 12.—After the word "same" expunge the whole to the fifteenth clause, and insert, "that when the occupant of any lot or parcel of Land in this Province shall find it necessary to make or repair any fence or enclosure, serving, or intended to serve, as a boundary between the lands occupied by him and adjacent lands in the occupation of some other person, and shall consider that he has a just claim to expect the occupant of such adjoining lands to contribute equally, or in any less proportion, to the expense of such fence, or enclosure, according to circumstances and the nature of their respective occupations, he shall give notice in writing to such occupant, in any form of words, stating the necessity for making or repairing the fence or enclosure which he desires to have made or repaired, and demanding that such occupant shall join in making or repairing the same, or shall contribute to the expense thereof, in such proportion as the person giving such notice shall think it reasonable to claim; and if the person receiving such notice shall neither join in making or repairing such fence or enclosure, nor contribute to the expense thereof in such proportion as shall have been demanded of him, then it shall be lawful for the person having given such notice, and having made or repaired such fence or enclosure, to bring his action at Law, after the expiration of three months from the service of notice as aforesaid, against the occupant of such adjacent lands, to compel him to contribute his just proportion towards the expense of making or repairing such fence or enclosure, and that such action shall lie as upon an implied assumpsit, and that a jury shall and may, under the direction of the Court, give such verdict therein as to them may seem just under the evidence brought before them.—Provided always nevertheless, that no person shall be compelled to contribute more than one half of the charge of making or repairing any such fence or enclosure as aforesaid, and that a larger sum than after the rate of two shillings and six pence per rod shall not be given in damages against any person under this Act.

" II. And be it further enacted by the authority aforesaid, That it shall be competent to the several District Courts in this Province to take Cognizance of any Action for contribution under this Statute, so that the damages claimed do not exceed Forty Pounds, and that nothing herein contained shall prevent the granting a new trial in such Actions, where Justice shall require it.

" III. And be it further enacted by the authority aforesaid, That in all cases in which the damages claimed shall not exceed Five Pounds, they shall be sued for, and may be recovered, according to the justice of the case, before the Court of Requests for the division in which the

*Monday, 8th February, 1830.*

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

Defendant resides, proof being first given of the service of the notice hereinbefore required.

“IV. And be it further enacted by the authority aforesaid; That from and after the passing of this Act it shall not be lawful for any person to remove any Fence or Enclosure separating his land from the lands of the next occupant, or any of the materials of such Fence or Enclosure, unless the same were wholly made or repaired by the person so taking away such Fence, or the materials thereof, and that an action of Trespass shall lie for any such removal, contrary to this Act.”

Press. 7, line 21.—Expunge “15” and insert “V.”

“ “ “ 26.—After the word “notwithstanding” expunge the remainder of the Bill, and insert, “VI. And whereas it is expedient to provide for the opening of Water Courses, when the same are required for letting off water from swamps or wet lands, be it therefore enacted by the authority aforesaid, That from and after the passing of this Act in all cases in which Ditches are necessary in order to enable the owner or occupier of wet or sunken land to cultivate and use the same, it shall be the duty of adjoining occupants severally to open a just and fair share of such ditch or water course in proportion to their respective interests in the same: and that it shall be lawful for any person finding it necessary to make or repair any ditch for the purposes aforesaid, when he shall conceive that he has a just claim upon the occupant of adjoining lands to contribute to the same, to proceed in all respects for the compelling such contribution in the manner directed by this Act with respect to division fences; and that damages may be given according to a just and equitable proportion, having due regard to the interest which each of the parties shall have to the opening of such ditch or water course.

“VII. And be it further enacted by the authority aforesaid, That when it shall be necessary to open a ditch across the lands of any adjoining proprietor who shall neglect, upon reasonable notice, to make a sufficient ditch, it shall be lawful for the proprietor of the adjacent lands, which require to be drained for the purposes of agriculture, to enter upon his neighbour's lands for that purpose, and to make or repair such ditch, doing as little damage as may be, and not making such ditch through any orchard, yard or garden, unless in case of absolute necessity.”

The said Amendments being read a second time, and the question of concurrence being 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 Bill as amended read a third time to-morrow.

Pursuant to the order of the day, the Bill entitled “An Act for the Relief of Indigent Debtors,” was read a second time, and it was— Indigent Debtors relief Bill read second time.

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

Pursuant to the order of the day, the House was again put into a Committee of the whole on the Bill entitled, “An Act to declare the Boundaries of the County of Norfolk, and to erect the same into a separate District.” Norfolk separation Bill re-committed.

Mr. Jones 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 Bill be referred to the Select Committee appointed to report upon the present division of the Province into Districts and Counties, &c. Reported, and referred to the Select Committee on the division of the Province.

Ordered that the Report be received, and—

Ordered, that the Bill be referred to the said Select Committee to report thereon by amendment or otherwise.

Pursuant to the order of the day, the House was put into a Committee of the whole on the Bill entitled “An Act for the recovery of Debts to Indians.” Indians protection Bill committed.

Mr. Dickson took the Chair.

After some time the House resumed.

8th &amp; 9th February, 1830.

## SECOND SESSION, 10th PROVINCIAL PARLIAMENT, 11th GEORGE IV.

Reported, and leave given to sit again on Wednesday 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 Wednesday next.

Petition of Thomas McCormick and others presented.

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

Mr. Dickson brought up the Petition of Thomas McCormick and others, which was laid on the Table.

On motion made and seconded, the House adjourned.

Tuesday, 9th February, 1830.

The House met pursuant to adjournment.

## PRESENT,

<i>The Honorable</i> JOHN B. ROBINSON, <i>Speaker,</i>	<i>The Hon. Messrs.</i> DUNCAN CAMERON,
<i>The Hon. Messrs.</i> JAMES BABY,	" " WILLIAM ALLAN,
" " JOHN M'GILL,	<i>The Hon.</i> SIR WILLIAM CAMPBELL,
" " WILLIAM DICKSON,	<i>The Hon. Messrs.</i> PETER ROBINSON.
" " GEORGE CROOKSHANK,	" " CHARLES JONES.
" " JOSEPH WELLS,	

*Prayers were read.*

The Minutes of yesterday were read.

Line Fence Bill, as amended, read third time and passed.

Pursuant to the order of the day, the Bill entitled "An Act to provide for the erection of Line or Division Fences in this Province, and for the construction of Water Courses in the Eastern and Western Districts," 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—

Amendments signed.

Bill as amended sent to 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 amendments to which they desire the concurrence of the Assembly.

Kingston Female benevolent Society's aid Bill brought up.

A Deputation from the Commons House of Assembly brought up a Bill entitled, "An Act granting one hundred pounds in aid of the funds of the Female Benevolent Society of Kingston," to which they requested the concurrence of this House and withdrew.

Read first time.

The said Bill was read, and the same was—

Provincial Commissioners appointment Bill read second time.

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

Pursuant to the order of the day the Bill entitled, "An Act to appoint Commissioners on the part of this Province to treat with Commissioners on the part of Lower Canada on matters of mutual interest," was read a second time, and it was—

Randal's relief Bill read second time.

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

Pursuant to the order of the day, the Bill entitled, "An Act for the Relief of Robert Randal Esquire," was read a second time, and it was—

War loss indemnity Bill read second time.

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

Pursuant to the order of the day the Bill entitled, "An Act for the Relief of the Sufferers who sustained loss during the late War with the United States of America." was read a second time, and it was—

Week's relief Bill re-committed.

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

Pursuant to the order of the day, the House was again put into a Committee of the whole on the Bill entitled, "An Act for the relief of Henry Weeks."

Mr. Wells 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.

Committee appointed.

Ordered, that the Report be received, and—

Ordered, that Messrs. Wells, Allan and Robinson, be appointed the Committee for that purpose.

Sheriff's ineligibility Bill committed.

Pursuant to the order of the day, the House was put into a Committee of the whole on the Bill entitled, "An Act to render Sheriffs and their Deputies ineligible to a seat in the House of Assembly in certain cases."

9th & 10th February, 1830.

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

Mr. Robinson 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 this day three months. Reported, and leave given to sit again in three months.

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

The Honorable and Venerable the Archdeacon of York enters.

A Member enters the House.

Pursuant to the order of the day, the House was put into a Committee of the whole on the Bill entitled, "An Act for the Relief of Indigent Debtors." Indigent Debtors relief Bill committed.

The Honorable and Venerable the Archdeacon of York took the Chair.

After some time the House resumed.

The Chairman reported that the Committee had taken the said Bill into consideration, had made an amendment thereto, which they recommended to the adoption of the House. Amendment reported.

Ordered, that the Report be received.

The said Amendment was then read as follows:—

Press. 1. line 17.—After the word "Bedding" insert "in actual use by the members." Read first time.

The said Amendment being read a second time, and the question of concurrence being put it was agreed to by the House, and the same was— Read second time, and adopted.

Ordered, to be engrossed, and the Bill as amended read a third time to-morrow.

His Honor the Speaker announced to the House that he had been informed by a Communication from Mr. Secretary Mudge, that it is the intention of His Excellency the Lieutenant Governor to close the present Session of Parliament on the second day of March next. Speaker announces the receipt of a communication from Mr. Secretary Mudge stating the time fixed for closing the present Session.

On motion made and seconded, it was—

Ordered, that the Petition of the United Presbytery of Upper Canada, praying that the Education of the Presbyterian Youth in the said Province may be provided for, be referred to a Select Committee, with power to send for persons and papers, and to Report upon the allegations set forth in the said Petition. Petition of the United Presbytery, on the subject of Education, referred to a Select Committee.

Ordered, that Messrs. Dickson and Crookshank be appointed the Committee for that purpose. Committee appointed.

Mr. Jones gave notice that he will, on Thursday next, bring in a Bill entitled, "An Act to confirm British Subjects in their titles to Real Estates in this Province derived from or through Aliens." Notice given of bringing in Alien Estates Confirmation Bill.

On motion made and seconded, the House adjourned.

Wednesday, 10th February, 1830.

The House met pursuant to adjournment.

PRESENT,

The Honorable JOHN B. ROBINSON, *Speaker.* The Hon. Messrs. JOSEPH WELLS,  
The Hon. Messrs. JAMES BABY, " " DUNCAN CAMERON,  
" " JOHN M'GILL, " " CHARLES JONES.  
" " WILLIAM DICKSON,

*Prayers were read.*

The Minutes of yesterday were read.

The Petition of W. L. Whiting and others, praying that the conduct of the Collector of Customs at Coteau du lac in exacting illegal fees, may be inquired of, was read. Petition on the subject of the conduct of the Collector at Coteau du lac, read.

The Petition of Thomas McCormick and others, praying for a settlement of the line of the West or Garrison Road in the Township of Niagara, was read. Petition praying for a settlement of the line of the West or Garrison road in the Township of Niagara, read.

Pursuant to the order of the day, the Bill entitled "An Act for the Relief of Indigent Debtors," 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— Indigent Debtors relief Bill read third time as amended, and passed.

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 amendment to which they desire the concurrence of the Assembly. Amendments signed. Bill as amended sent to Assembly for concurrence.

Pursuant to the order of the day, the Bill entitled, "An Act granting One Hundred Pounds in aid of the funds of the Female Benevolent Society of Kingston," was read a second time, and the same was— Kingston Female Benevolent Society's aid Bill read second time.

N

*Wednesday, 10th February, 1830.*

SECOND SESSION, 10th PROVINCIAL PARLIAMENT, 11th GEORGE IV.

Members enter the House.  
Provincial Commissioners appointment Bill committed.

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

The Honorable Sir William Campbell, and the Honorable Mr. Allan enter.

Pursuant to the order of the day, the House was put into a Committee of the whole on the Bill entitled, "An Act to appoint Commissioners on the part of this Province to treat with Commissioners on the part of Lower Canada on matters of mutual interest."

Sir William Campbell took the Chair.

After some time the House resumed.

Reported, and leave given to sit again to-morrow.

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.

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

Members enter the House.

The Honorable Mr. Crookshank and the Honorable and Venerable the Archdeacon of York enter.

A Member enters the House.

The Honorable Mr. Robinson enters.

Randal's relief Bill committed.

Pursuant to the order of the day, the House was put into a Committee of the whole on the Bill entitled, "An Act for the Relief of Robert Randal Esquire."

Mr. Allan took the Chair.

After some time the House resumed.

Reported, and leave given to sit again to-morrow.

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.

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

War loss indemnity Bill committed.

Pursuant to the order of the day the House was put into a Committee of the whole on the Bill entitled, "An Act for the Relief of the Sufferers who sustained loss during the late War with the United States of America."

Mr. Robinson took the Chair.

After some time the House resumed.

Reported, and leave given to sit again to-morrow.

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.

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

Report of Select Committee on Road and Bridge Grant Bill.

Mr. Wells from the Select Committee to whom was referred the Bill entitled "An Act granting to His Majesty a sum of money for the improvement of the Roads and Bridges in this Province," presented their Report, which was read as follows:—

Read.

The Select Committee to whom was referred the consideration of the Bill entitled, "An Act granting to His Majesty a sum of money for the improvement of the Roads and Bridges of this Province," have examined the said Bill, and beg leave to Report—

That the said Bill grants, out of the unappropriated Revenues of this Province, the sum of thirteen thousand, six hundred and fifty pounds, to be expended in making and repairing Roads and Bridges in the several Districts.

That no provision is made by this Bill for the creation of any new fund, out of which the said sum of thirteen thousand, six hundred and fifty pounds, is to be defrayed, nor is any authority given by it for contracting a loan, with protracted periods of payment, leaving the interest only immediately chargeable upon the Revenues of the Province.

That it appears by the public accounts now before the Legislature, that of the sums heretofore borrowed on the credit of the public Revenue, to enable the Government to pay Militia Pensioners, to aid the Burlington Bay Canal, and Welland Canal, there remains due the sum of one hundred and two thousand, seven hundred and twenty two pounds, four shillings and five pence, to repay which no additional taxes have been imposed, nor any specific portion of the Revenue set apart, but the public Creditors have advanced their several loans solely on the credit of the general existing Revenues applicable by the Legislature, and relying upon their sufficiency for the gradual liquidation of their Debts after paying the necessary and ordinary appropriations for the public service.

That in the Acts authorising these several loans they are expressly made chargeable upon the general Revenues of the Province, and therefore, unless in each year there is found to be a surplus above the ordinary expenditure more than sufficient to redeem the Debentures which fall due in that year, it cannot in strictness be said that there is any unappropriated Revenue in the Public Chest.

That although the Legislature have not always acted so strictly under a sense of this truth as to hold themselves thereby disabled from voting small sums for public purposes without making provision for additional loan, or for an increase of revenue to meet them, yet it will be

*Wednesday, 10th February, 1830.*

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

found that during the whole period since loans were contracted, and while but a small proportion of them was demandable of the Receiver General according to the terms of the several Debentures, the Legislature have felt it proper to make no grant of any considerable sum of money without authorising a specific loan for raising such money, by which means the present redemption of such Debentures as might be due could not be materially interfered with, as the funds for such new purpose were in effect to be taken out of the public revenues some years hence, when it might be presumed their increase would afford the means of payment, and not appointed to be taken immediately because there was in reality no money to take, or none at least that did not stand distinctly pledged, and indeed actually appropriated to the payment of Debts, some of which were due, and others were soon to become due.

That accordingly when it was found necessary to lend twenty-five thousand pounds to the Welland Canal, and eight thousand pounds at one time, and four thousand five hundred pounds at another, to the Burlington Bay Canal, provision was made for additional loans, although in both those instances the interest of the Debt was not to be chargeable to the Province, and the expenditure was in the nature of advances rather than of grants; and so also when seven thousand pounds was appropriated for Buildings for the Legislature a separate loan was authorised.

That of the loans authorised by Acts of the Legislature thirty nine thousand, two hundred and twenty two Pounds, four shillings and five pence, is at this moment due, and Debentures to that amount are outstanding in various sums from five thousand pounds to one hundred pounds, all or any of which may be at any moment presented to the Receiver General, and payment demanded.

That hitherto the Debentures have been gradually redeemed by the application of surplus revenue, and twenty eight thousand, seven hundred and seventy seven pounds, fifteen shillings, and six pence half-penny, of Debt has been in this manner extinguished: but it appears by the Public Accounts that if this Bill should pass for applying thirteen thousand, six hundred and fifty pounds in the manner proposed, so far from its being in the power of the Government to apply any surplus revenue towards the redemption of the Debentures now due, there is not in the Treasury a sum sufficient, after paying the ordinary charges, to enable the Receiver General to meet this proposed grant.

That if it is observed by the public Creditor that when a balance remains in the Receiver General's hands, above the necessary and permanent charges, it is wholly applied to new objects, contrary to the terms of former Acts of the Legislature, it is possible that his confidence in the only security he possesses may be diminished, and if a dissatisfaction at such a course, or any sudden commercial embarrassment, should induce the holders of Debentures to present them in any considerable number for payment, the Government may be placed in the disreputable situation of having to break its positive engagements.

That with the exception of some grants made for opening roads in new Townships, and for remedying the impassable state of some roads in the new settlements, to which appropriations the Legislative Council would be happy to be able to assent, the money applied by this Bill would be chiefly expended in such partial improvements as we fear would be little felt, and but for a short period, thereby following up, at this late day, a system in which the Legislative Council has hitherto concurred, but which does not now seem to them to have been expedient, under which nearly seventy thousand pounds has been at various times expended on the highways, without making what deserves to be called a good road in any part of the Province; while it is conceived that less than half that sum raised by a specific Act of the Legislature, and applied at once in effectual improvements, would give an excellent stage road from one extremity of this Province to the other.

That if this measure were thus accomplished by an independent provision it might be easy to devise means for the making and repairing, annually, some portions of the other roads in the Province; and if nothing so effectual is attempted, still the bad economy of these partial and temporary repairs of old roads appears to us so clear that we should deem it a wiser course to devote the whole thirteen thousand, six hundred and fifty pounds, (if such sum were at the disposal of the Legislature,) in making perfectly and permanently good some few public roads that are now intolerable, as for instance the road from Perth to By-town, or from the Delaware to the Moravian-town, or some one or ten of the leading roads in the interior.

That the attempt thus to spread a small sum over the whole Province, while it renders the expenditure in a great measure useless, must we fear, be found not to give satisfaction, inasmuch

10th & 11th February, 1830.

SECOND SESSION, 10th PROVINCIAL PARLIAMENT, 11th GEORGE IV.

as it cannot serve, to be split into such small sums as ten pounds and fifteen pounds, to meet the views of all, and accordingly a Petition, numerously signed, has been presented from the District of Gore complaining of the intended distribution, and praying that it may not be assented to.

That the appointing a great number of Commissioners, not less than two hundred and fifty, by naming them in the Bill, is a departure from former usage in the application of road money, and leaves no alternative to the Legislative Council, if they should ultimately disagree in opinion with the House of Assembly as to the fitness of any of the persons appointed, but to surrender their judgment, or wholly to reject the Bill, as usage prevents their amending Bills for raising or granting monies.

That it also follows from such a mode of appointment, that if any of these numerous Commissioners should decline to act, or die, or remove, or if any should be found to be acting unfaithfully in their trust, no authority will exist for superseding the appointment, or for supplying the vacancies.

All which is respectfully submitted.

[Signed]

JOSEPH WELLS,  
CHAIRMAN.

Ordered that the Report be received, and—

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

Mr. Robinson brought up the Petition of Richard Markall and others; also the Petition of John Papst and others, which were laid on the Table.

Mr. Allan brought up the Petition of Thomas Mears and others, which was laid on the Table.

On motion made and seconded the House adjourned.

Thursday, 11th February, 1830.

The House met pursuant to adjournment.

PRESENT,

<i>The Honorable</i> JOHN B. ROBINSON, <i>Speaker,</i>	<i>The Hon. Messrs.</i> JOSEPH WELLS.
<i>The Hon. Messrs.</i> JAMES BABY,	“ “ GEORGE H. MARKLAND,
“ “ JOHN M'GILL,	“ “ WILLIAM ALLAN,
“ “ WILLIAM DICKSON,	“ “ PETER ROBINSON,
<i>The Hon. &amp; Ven. the</i> ARCHDEACON OF YORK,	“ “ CHARLES JONES.

*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 on the Bill entitled “An Act granting one hundred pounds in aid of the funds of the Female Benevolent Society of Kingston.”

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 amendment, to the adoption of the House.

Ordered, that the report be received, and—

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

Pursuant to the order of the day the House was again put into a Committee of the whole on the Bill entitled, “An Act to appoint Commissioners on the part of this Province to treat with Commissioners on the part of Lower Canada on matters of mutual interest.”

Mr. Robinson 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, entitled “An Act assigning Yards for the benefit of the health of Debtors confined in the respective Gaols of this Province,” to which they requested the concurrence of this House and withdrew.

The House was then again put into a Committee of the whole on the Bill entitled, “An Act to appoint Commissioners on the part of this Province to treat with Commissioners on the part of Lower Canada on matters of mutual interest.”

Mr. Robinson took the Chair.

After some time the House resumed.

Petition of Richard Markall and others; and the Petition of John Papst and others, presented. Petition of Thomas Mears and others, presented.

Kingston Female Benevolent Society's aid Bill Committed.

Reported.

Adopted.

Provincial Commissioners appointment Bill recommitted.

Gaol Yards assignment Bill brought up.

Provincial Commissioners appointment Bill recommitted.

*Thursday, 11th February, 1830.*

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

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 given to sit again to-morrow.

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

Pursuant to the order of the day, the House was again put into a Committee of the whole on the Bill entitled, "An Act for the Relief of Robert Randal Esquire." Randal's Relief Bill recommitted.

Mr. Allan took the Chair.

After some time the House resumed.

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

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

The Bill entitled "An Act assigning Yards for the benefit of the health of Debtors confined in the respective Gaols of this Province," was read, and it was— Goal Yards assignment Bill read first time.

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

Mr. Wells from the Select Committee to whom was referred the consideration of the Bill entitled "An Act for the Relief of Henry Weeks," presented their report. Report of Select Committee on Week's relief Bill.

Ordered, that the report be received, and the same was then read as follows:—

The Select Committee to whom was referred the Bill for the Relief of Henry Weeks, have considered the matter referred to them, and have agreed to the following Report: Read.

That it appears to Your Committee that Henry Weeks should be put in possession of Lot number Nineteen, the lot on which he was formerly settled, and on which he made extensive improvements, and they respectfully recommend, that the Bill for his relief be adopted by Your Honorable House.

All which is respectfully submitted.

[Signed]

JOSEPH WELLS,  
CHAIRMAN.

*Legislative Council Committee Room,  
11th February, 1830.*

Ordered, that the House be again put into a Committee of the whole, to-morrow, on the Bill entitled, "An Act for the Relief of Henry Weeks," and the Report of the Select Committee thereon.

Pursuant to the order of the day the House was again put into a Committee of the whole on the Bill entitled "An Act for the Relief of the Sufferers who sustained loss during the late War with the United States of America." War loss indemnity Bill recommitted.

Mr. Robinson took the Chair.

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

Two Messages from His Excellency the Lieutenant Governor were delivered by Mr. Secretary Mudge, who being retired, the Speaker read the same, and they were again read by the Clerk as follows, together with documents accompanying them:— Two Messages from His Excellency the Lt. Governor delivered.

J. COLBORNE,

The Lieutenant Governor transmits for the favorable consideration of the Legislative Council an extract of a Letter from Mr. Markland, who was sent in 1828 to Lower Canada as Arbitrator to establish the proportion of Revenue to be paid to this Province. Transmitting an extract of a letter from Mr. Markland.

*Government House,  
11th February, 1830.*

Extract from a Letter from the Honorable George H. Markland, to Z. Mudge Esquire, Secretary to the Lieutenant Governor, dated 9th February, 1830. The Extract.

"May I take the liberty of requesting that you will be kind enough to call the attention of His Excellency the Lieutenant Governor to the circumstance of the Arbitrator for Upper Canada being still unpaid for his services in proceeding to Lower Canada, by order of His Excellency Sir Peregrine Maitland, to establish the proportion of Revenue due to this Province, which has since received several instalments under that agreement."

J. COLBORNE.

The Lieutenant Governor transmits to the Legislative Council a communication from Mr. John Claus of Niagara, in which he states, that he will not afford any information or explanation. Transmitting a communication from Mr. John Claus on

*Thursday, 11th February, 1830.*

SECOND SESSION, 10th PROVINCIAL PARLIAMENT, 11th GEORGE IV.

the subject of a trust  
committed to him by  
the Indians of the  
Six Nations.

tion on the subject of a trust committed to him by the Indians of the Six Nations, till the the Government confirm by Patent a certain tract of Land, surrendered by the Indians for the benefit of his Father and heirs.

As the Lieutenant Governor finds that Mr. Claus cannot be compelled by Law to give an account of the trust which has been committed to him, nor to pay to the Indians the balance of the annual rents which appears to be in his hands, it is submitted to the consideration of the House, whether some Act ought not to be passed which will protect the interests of the Indians generally in similar cases.

The annexed correspondence will shew the grounds on which the Commander-in-Chief objected to confirm the grant alluded to in Colonel Claus' statement.

*Government House,  
11th February, 1830.*

(Copy)

*Niagara, 16th November, 1826.*

SIR,

I conceive it my duty, to state to you, that by the directions of my late Father, I received by his power of Attorney from His Majesty's Receiver General, some few days since, thirty-five pounds C'y. upon the Commissioners award to the Grand River Indian claims for losses sustained by them during the late war; and also his instructions to pay it over to the proper individuals concerned, but his late illness prevented my doing so.

I beg leave further to state, that I spent some time at the Grand River, collecting these claims and arranging them to lay before the Commissioners at York; this business being so far transacted by me, I beg His Excellency the Lieutenant Governor may deem it proper that I should continue to pay the money over.

The place which my late Father filled, as Trustee to the Six Nations of Indians, has become vacant, I beg leave to say, that it is my most anxious wish to do that duty, not from motives of emolument, for there is no salary attached thereto, but from the gratification it gave my deceased Parent, to hear the body of the Six Nations declare publicly it was their wish, which may be seen by a reference to the minutes of the General Council held at this place on the third and fourth of August last, all of which I most humbly submit to the favorable consideration of His Excellency the Lieutenant Governor, and with the hope, as no emolument is attached to what I ask, he may think me not extravagant in my request.

I have &c. &c. &c.

[Signed]

JOHN CLAUS.

MAJOR HILLIER,

*Secretary, &c. &c. &c.*

*Military Secretary's Office,*

*Quebec, 3th December, 1826.*

SIR,

I did not fail to lay before the Commander of the Forces your letter of the 18th September, accompanying the proceeding of a Council of the Six Nation Indians at Fort George, making over to the late Colonel Claus a piece of land in remuneration for his services as their Trustee.

His Lordship having given this subject every consideration has directed me to say, that it is painful to him in the extreme to object to this grant; but the trust vested in him as Governor-in-Chief and Commander of the Forces, requires that he should watch over the interests generally of the Indian Nations, and of each separately, and he considers it equally the duty of the Chiefs to attend to this object, as to Command the Tribes in War.

Consistently with this obligation, His Lordship does not consider it in the power of the Chiefs to give away any part of the Lands which are the property of the whole Nation; but if they are so disposed, it becomes his duty as their Chief Guardian, and responsible to the King for the trust reposed in him, to object to such a measure. An additional reason with His Lordship for disapproving of this Act, is, that if once permitted towards one Officer of the Indian Department, it may not only be expected, but be asked for by others, and thus lead to great diminution of the Public Lands.

Correspondence on  
same subject.

*Thursday, 11th February, 1830.*

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

The Officers of the Indian Department are moreover liberally paid for their services, and in His Lordship's opinion, should not look for remuneration from those whom they are bound to protect.

The recent death of Colonel Claus, and the general estimation in which he was held amongst the Indians, as well as in more enlightened society, added to his long services, would have been a strong inducement with His Lordship for assenting to this grant in his favour did he not conscientiously consider himself bound to object to it; which He not only does in this first instance, but he will also on every similar occasion in future.

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

[Signed]

H. C. DARLING,  
*Military Secretary.*

THE HONORABLE SIR JOHN JOHNSON Bt.  
*Superintendent Gen'l. of Indian Affairs.*

*Government House,*  
*4th June, 1830.*

SIR,

With reference to your Letter of the 20th ultimo, and the Memorial of Mr. Claus, I have to acquaint you, for the information of the Commander of the Forces, that as the Chiefs of the Six Nations could not be warranted in surrendering the Lands of their Tribes to the late Colonel Claus, and as some of the Chiefs now object to the claim which has been brought forward, I cannot find that there are any reasons, sufficiently strong, to induce His Majesty's Government to confirm the grant in question.

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

[Signed]

J. COLBORNE.

LIEUTENANT COLONEL COOPER,  
*Military Secretary, &c. &c. &c.*

[Copy]

*Niagara, 2nd January, 1830.*

SIR,

I have the honor to acknowledge the receipt of yours of the 10th December, 1829, stating the commands which you had received from His Excellency the Lieutenant Governor requesting my attendance upon Council on the ninth of January, and that I should come prepared to give the Council all such information as may shew the trust funds received for the use of the Five Nations of Indians from the sale of part of their Lands on the Grand River.

In reply thereto I beg leave to state, for the information of His Excellency, that an imperious regard which I owe to the interests of my Fathers' family and my own, constrains me to decline affording any information or explanation whatever on the subject of the trust unsolicitedly committed by the Indians to my charge; and whenever the Executive Government of Upper Canada shall see proper to confirm by Patent a certain tract of Land, situated on the Grand River, surrendered by the Indians for the benefit of my Father and his heirs, I shall cheerfully resign a situation which has only been prolific of trouble, ingratitude and misrepresentation.

I am Sir, &c. &c. &c.

[Signed]

JOHN SMALL, ESQ.  
*&c. &c. &c.*

JOHN CLAUS.

The House was then again put into a Committee of the whole on the Bill entitled, "An Act for the Relief of the Sufferers who sustained loss during the late War with the United States of America."

War loss Indemnity  
Bill recommitted.

Mr. Robinson took the Chair.

After some time the House resumed.

The Chairman Reported that the Committee had taken the said Bill into consideration, and had agreed to a Resolution, which they recommended to the adoption of the House—and asked leave to sit again to-morrow on the said Bill.

Resolution reported.

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

The said Resolution was then read as follows:—

*Thursday, 11th February, 1830.*

SECOND SESSION, 10th PROVINCIAL PARLIAMENT, 11th GEORGE IV.

- Read.** *Resolved*, That it is the opinion of this Committee that it is expedient that a Conference should be requested with the Assembly upon the Bill entitled, "An Act for the Relief of the Sufferers who sustained loss during the late War with the United States of America."
- Adopted.** The question of concurrence being put, the said Resolution was agreed to by the House, and it was—
- Conference ordered to be asked with Assembly on the Bill.** Ordered, that the Master in Chancery do go down to the Assembly and acquaint that House that the Legislative Council desire a conference on the subject matter of the Bill entitled, "An Act for the Relief of the Sufferers who sustained loss during the late War with the United States of America," and have appointed the Honorable Messrs. Baby and Allan, to be the Conferees on the part of this House, who will be ready to meet the Conferees on the part of the Commons House of Assembly for that purpose, in the Committee Room of the Legislative Council, at four of the clock P.M. to-morrow.
- Conferees appointed, and Assembly acquainted of same.** Pursuant to the order of the day, the House was put into a Committee of the whole on the Report of the Select Committee on the Bill entitled, "An Act granting to His Majesty a sum of money for the improvement of the Roads and Bridges in this Province."
- Report of Select Committee on Road and Bridge Grant Bill committed.** Mr. Markland took the Chair.
- Reported.** After some time the House resumed.
- The Chairman reported that the Committee had taken the said Report into consideration, and recommended the same to the adoption of the House.
- Adopted.** Ordered that the Report be received.
- Conference ordered to be asked with Assembly on the Bill.** Ordered, that a conference be asked with the Commons House of Assembly on the subject matter of the Bill entitled, "An Act granting to His Majesty a sum of money for the improvement of the Roads and Bridges in this Province."
- Conferees appointed.** Ordered, that Messrs. Dickson and Markland be appointed the conferees on the part of this House, and—
- Assembly acquainted of same.** Ordered, that the Master in Chancery do go down to the Assembly and acquaint that House that the Legislative Council desire a conference on the subject matter of the Bill entitled, "An Act granting to His Majesty a sum of money for the improvement of the Roads and Bridges in this Province," and have appointed the Honorable Messrs. Dickson and Markland to manage the conference on the part of this House, who will be ready to meet the conferees on the part of the Commons House of Assembly for that purpose, in the Committee Room of the Legislative Council, on Monday next, at four of the clock P.M.
- Petition of John McKenzie and others; and the Petition of Robert Stephens and others presented.** Mr. Dickson brought up the Petition of John McKenzie and others; and also the Petition of Robert Stephens and others, which were laid on the Table.
- Report of Select Committee on Contingency Covering Bill.** Mr. Baby from the Select Committee to whom was referred the consideration of the Bill entitled, "An Act to make good certain monies advanced by His Majesty for the Contingencies of the two Houses of the Legislature of this Province," presented their Report.
- Read.** Ordered, that the Report be received, and the same was then read as follows:—
- The Select Committee to whom was referred the Bill sent from the Assembly entitled, "An Act to make good certain monies advanced by His Majesty for the Contingencies of the two Houses of the Legislature of this Province," respectfully Report:
- That by reference to the Public Accounts, and the Journals of last Session, it appears that the sum of twenty-eight pounds, two shillings and six pence, has, since the last Session, been advanced by the Lieutenant Governor, in compliance with the recommendation of the Executive Council, to the Clerk of this House, to enable him to pay the several sums of twenty pounds to the Door-keeper, and eight pounds two shillings and six pence, a balance due for Wood in a former Session, which had been voted by this House and accidentally omitted in the amount sent to the Assembly for insertion in their address.
- As this advance seems to rest precisely on the same footing as the sum of two hundred and thirty-seven pounds, four shillings and ten pence half-penny, acknowledged and covered by this Bill, your Committee recommend that a conference be asked with the Assembly in order that the omission may be rectified.
- Alien Estates Confirmation Bill brought in. Read first time.** Ordered, that the House be put into a Committee of the whole to-morrow on the same.
- Pursuant to notice, Mr. Jones brought in a Bill to confirm the titles to British Subjects of Real Estates derived from or through Aliens, which was read, and it was—
- Ordered that the same be read a second time to-morrow.
- On motion made and seconded the House adjourned.

*Friday, 11th February, 1830.*

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

*Friday, 12th February, 1830.*

The House met pursuant to adjournment.

PRESENT,

*The Honorable* JOHN B. ROBINSON, *Speaker,* *The Hon. Messrs.* JOHN H. DUNN,  
*The Hon. Messrs.* JOHN M'GILL, " " WILLIAM ALLAN,  
 " " WILLIAM DICKSON, " " CHARLES JONES.  
 " " JOSEPH WELLS,

*Prayers were read.*

The Minutes of yesterday were read.

A Deputation from the Commons House of Assembly brought up a Bill entitled, "An Act concerning the Law of Libel," to which they requested the concurrence of this House.—  
 The same Deputation brought up and delivered at the Bar of this House a Message, and then withdrew.

Libel Law Bill brought up.

The said Bill was read, and the same was—

Read first time.

Ordered, to be read a second time on Monday next.

The Message was then read in the following words:—

MR. SPEAKER,

The Commons House of Assembly accedes to the request of the Honorable the Legislative Council for a conference on the subject matter of the Bill entitled, "An Act for the Relief of the Sufferers who sustained loss during the late War with the United States of America," and have appointed a Committee of four of its Members, who will be ready to meet the conferees on the part of your Honorable House at the time and place appointed.

Message from Assembly acceding to a Conference on War Loss Indemnity Bill.

[Signed]

MARSHALL S. BIDWELL,  
SPEAKER.

*Commons House of Assembly,*  
12th February, 1830.

A Deputation from the Commons House of Assembly brought up a Bill entitled, "An Act the better to provide for the return and empannelling of Juries," and also a Bill entitled "An Act to declare and define the duties of Steward," to which they requested the concurrence of this House and withdrew.

Jury Bill brought up.  
Stewards duty definition Bill brought up.

The Petition of Richard Markall and others, praying that Patents issued to certain Nominations of the Crown now resident without the Province may be cancelled in favour of their assignees, was read.

Petition praying that certain Patents may be cancelled in favour of Specific Assignees, read.

The Petition of John Papst and others, praying for the establishment of the boundary of the Fifth Concession of the Township of Cornwall, was read.

Petition praying for the establishment of the boundary of fifth Concession of Cornwall, read.

The Petition of Thomas Mears and others, praying for aid for the improvement of the Roads in the Ottawa District, was read.

Petition praying for aid for the improvement of Roads in the Ottawa District, read. Members enter the House,

The Honorable James Baby, and the Hon. and Venerable the Archdeacon of York, enter.

Instructions to Conferees of this House on War Loss Indemnity Bill.

Ordered, that the Committee of conference on the part of this House be instructed to communicate to the House of Assembly, that the Legislative Council fully concurring with the Assembly in the desire to afford relief to those who suffered losses in this Province in consequence of the late war have lost no time in proceeding upon the Bill sent up to them, and having examined its several provisions they have desired this conference in the hope of obviating some difficulties which they fear may otherwise prevent the Bill from affording that effectual relief which the Assembly doubtless intended; and to that end this Committee of conference are instructed to represent—

*First.* That the Legislative Council finds no authority given by this Bill to the Government of this Province to contract a loan on the credit of the Duties on Salt and Whiskey; that without such provision the Legislative Council fear no immediate relief will be afforded to the Sufferers, as it is positively declared that His Majesty's Government will make no further advance until the sum of fifty-seven thousand, four hundred and twelve pounds, ten shillings, Sterling, has been paid by this Province; and it appears to the Legislative Council that the paying over of these duties as they accrue to the claimants for losses, which is all the present

*Friday, 12th February, 1830.*

SECOND SESSION, 10th PROVINCIAL PARLIAMENT, 11th GEORGE IV.

Bill expresses, would not serve to liquidate the sum above mentioned in a very long series of years. The Legislative Council, however, are fully aware, that this provision authorising a loan for the immediate relief of the claimants may be made by a separate Bill, if the Assembly shall so think fit, and they would therefore not have felt it necessary to remark upon it if it were not that the word "interest" occurs several times in the Bill as payable on the said sum of fifty-seven thousand, four hundred and twelve pounds, ten shillings, and that in the absence of any provision for a loan, or any allusion to it contained in the Bill, the Legislative Council apprehends that the term "interest" can only be construed to have reference to the principal sum as due and payable to the claimants themselves out of those duties, and they are doubtful whether the Assembly meant that such should be the effect of the Bill.

*Second.* The Legislative Council presumes it was intended by the Bill to provide for the payment of fifty-seven thousand, four hundred and twelve pounds, ten shillings, sterling money of Great Britain, and that by a clerical error only, the Bill is so framed as to authorise, according to common legal construction, the payment of such sum in Provincial currency. The Legislative Council beg to be understood as raising no objection on this ground, but inasmuch as it may appear to His Majesty's Government that the terms they have stated are not strictly complied with, a difficulty or delay might occur on that ground which the House of Assembly may think it desirable to avoid.

*Third.* The Legislative Council are not certain what may have been meant by the words in the third clause of the Bill appropriating the "duties already levied and collected on Salt and Whiskey," but suppose they were meant to authorise the Government to appropriate to the purposes of this Bill whatever duties the Receiver General may "now have in his hands" arising upon those articles being collected within the last year.

*Fourth.* The Legislative Council finds in the second clause this proviso, "Provided always that His Majesty's Government shall pay an equal sum for the relief of the said Sufferers," which they fear may give rise to misunderstanding and difficulty; because His Majesty has already paid fifty-seven thousand, four hundred and twelve pounds, ten shillings, and more, to the Sufferers, and has explicitly declared, through His Secretary of State in several public despatches, that when this Province shall have raised an equal sum, a further sum of fifty-seven thousand, four hundred and twelve pounds ten shillings, will be paid by His Majesty. If this distinct pledge is not deemed sufficient, and it is intended by the proviso above quoted to insist upon the third dividend being actually paid by His Majesty before this Province pays the second, the Legislative Council fears that such a stipulation would render the Act wholly nugatory. They are at a loss to know whether the proviso was meant to extend so far, and are therefore fearful that it may occasion doubt and difficulty in those who are to carry the Bill into effect.

*Fifth.* The proviso in the fifth clause, if it is to have any effect, is at variance with the appropriation of the proceeds of Forfeited Estates made by Act of this Legislature in 1819, under which they would continue to be applied as they hitherto have been in liquidation of the gross amount of the losses. They were so applied in consequence of His present Majesty having, as Prince Regent, graciously made that appropriation of them in the exercise of His Royal prerogative. The Provincial Statute of 1819 was passed in consequence of that appropriation, and it appears to the Legislative Council, that however insignificant the remaining proceeds of these Estates may be, it may not be thought gracious towards His Majesty, or consistent with the former Acts of this Legislature, as to alter the appropriation already made, or to apply them exclusively on account of the dividend of losses to be contributed by this Province; and they fear also, that such a deviation from the express terms of His Majesty's declaration respecting the payment of the losses may occasion difficulty when the matter is of small value. That the Legislative Council are fully disposed to concur in the grant made by the Assembly to the Sufferers, and agree to the provision making the same payable out of the duties specified, and it is their desire that this relief may be certainly and effectually afforded according to the intention of the House of Assembly that has led them to state the difficulty which they fear may be found in the way of the measure as it at present stands, and which difficulty they heartily desire to see removed.

The Honorable Mr. Robinson enters.

The Bill entitled "An Act the better to provide for the return and empannelling of Juries," was read, and the same was—

A Member enters the House.

Jury Bill read first time, and ordered to be printed.

*Friday, 12th February, 1830.*

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

Ordered to be read a second time on Monday next, and that in the mean time it be printed.

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

Message from Lt. Governor delivered.

J. COLBORNE,

The Lieutenant Governor transmits to the Legislative Council a copy of a Report recently received from the Commissioners appointed under the authority of an Act of the Legislature providing for the erection of a Light House on Long Point, in Lake Erie.

Transmitting a copy of a Report from the Commissioners for erecting a Light-house on Long Point, in Lake Erie.

*Government House,  
12th February, 1830.*

(Copy.)

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

The Copy of Report.

We the undersigned Commissioners, appointed under an authority of an Act of the last Session of the Provincial Legislature entitled, "An Act to provide for the erection of a Light House on Long Point, in Lake Erie,"

RESPECTFULLY REPORT:—

That after we became apprised of the duties imposed on us by the said Act we advertised for tenders for furnishing materials and building the Tower of the Light House, and proposals were accordingly received on the first day of May, at Vittoria; but upon due examination of these tenders we found that we could not accede to them, for had we accepted any of the offers then submitted, we should have been deprived of the means necessary to pay for constructing the Lantern and furnishing the Lighting apparatus, (we being by the Act restricted to the sum of one thousand pounds for the completion of the whole work.)

We next proceeded to give further notice from that time for fresh tenders, in the hope of obtaining the whole work to be completed within the sum specified in the Act, and it was not until the month of June that we were enabled to obtain an offer to that effect.

On the tenth day of June we received a proposal from Mr. Joseph VanNorman and Brothers, for the entire building and completing of the Light house and furnishing Lighting apparatus, for the sum of nine hundred and twenty-five pounds, and an agreement was accordingly entered into with them upon these conditions, (namely,)—the Contractors binding themselves to do the whole work and furnish all materials, according to the specifications subjoined, for that sum, and to have the whole completed by the first of June ensuing, on the scale selected for the purpose, near the Eastern extremity of Long Point.

The necessary arrangements having been made the work was commenced and prosecuted with promptness under the immediate inspection of one of the Commissioners who remained there during the time the work was in progress: however, owing to the Summer season being far advanced before operations were commenced, and it being necessary to bring all materials from a distance of nearly thirty miles, to which we may add, that the vessels employed for the occasion were sometimes detained by unfavorable weather, it was found impossible to finish the Light House this season.

The contractors have succeeded in building the Tower to the height of twenty feet, and the materials for the Lantern have been obtained, and we look forward with a degree of confidence to the completion of the whole work in the early part of next Summer; and it may be desirable to provide for the purchase of oil and the maintaining of the light, when it is completed.

We have paid to the contractors the sum of four hundred pounds, being for the work already performed and to procure the lighting apparatus and copper for the dome or roof of the Light House; the remainder of the amount to be paid on the contract (namely,) five hundred and twenty-five pounds, they are to receive from time to time as the work progresses.

Respecting the subject, which by the provisions of the Act we are required to notice in this Report, (that is) to what tonnage or other duties upon all vessels navigating Lake Erie will in our opinion be sufficient to defray the charge of maintaining the said Light house, and to defray the sum of one thousand pounds, with interest accruing thereon, and in what manner, and in what place, the said duties might be most conveniently collected, we would observe, that considering the small number of British vessels navigating Lake Erie, there being only twelve,

*Friday, 12th February, 1830.*

SECOND SESSION, 10th PROVINCIAL PARLIAMENT, 11th GEORGE IV.

and the total of their tonnage being about seven hundred tons, and as the vessels of the adjacent States but seldom enter our Ports, it is not to be expected that such amount of revenue can be derived from any duties that may be imposed for that purpose as would be sufficient to defray the charge of maintaining the Light House, keeping out of view the amount expended in the erection of it. However, in order to provide a fund in aid of maintaining the Light House, we are of opinion that British vessels might navigate the Lake by being licensed for the season, in case the owners or masters thought it advisable to take out such license, which might be issued by any Collector of Customs or proper Officer, upon payment by the party applying of perhaps one shilling per ton for decked vessels for fifty tons and under, and six pence per ton for every ton which any vessel might contain beyond fifty; and that Foreign vessels and British vessels not provided with such a license might be required to pay a duty on entering the Ports of this Lake, (to wit,) vessels under fifty tons a duty of two pence per ton, and vessels exceeding fifty tons two pence per ton for the first fifty tons, and one penny for every ton which they measure beyond fifty.

We have estimated that the revenue to be derived from such a regulation or enactment would be nearly as follows:—

Amount per annum on Licenses,	-	-	-	-	£30	0	0
do. do. on Duties,	-	-	-	-	20	0	0
					<hr/>		
					£50	0	0
					<hr/>		

We do not anticipate that much additional revenue is likely to be derived from any increase of Trade on Lake Erie in consequence of facilities to be afforded by transportation through the Welland Canal for a considerable time to come.

We have to say that we were indebted to the Commissioners for erecting the Light-house on the False Ducks Island for much useful information relative to the manner of constructing the Light-house which they readily communicated.

All which is respectfully submitted.

[Signed]

DUNCAN McCALL,  
THOMAS CROSS,  
FRANCIS L. WALSH.

The Commissioners for building the Light-house on Long Point in Lake Erie,  
To Joseph Van Norman and Brothers, Dr.

To amount due on the contract for the work now performed—  
Building the Tower and providing the Materials for the  
Light-house - - - - - £400 0 0.

*Charlottetown, 31st December, 1829.*

Received from Duncan McCall, Thomas Cross and Francis L. Walsh, Commissioners for building the Light-house on Long Point, the above mentioned sum of four hundred pounds currency, on the contract for building the said Light-house, having signed triplicate receipts.

[Signed]

JOSEPH VAN NORMAN,  
BENJAMIN VAN NORMAN,  
WHITNEY F. VAN NORMAN.

#### SPECIFICATIONS.

Specifications for erecting a Light-house near the end of the Long Point, in the County of Norfolk, viz:—

The Tower to be built of Stone, and to be fifty feet high from the ground line to the bottom or under the side of the stone landing or floor of the Lantern.

The ground plan to be circular, and eighteen feet in diameter, in the clear of the walls.

The walls to be five feet thick at the ground line, and two feet thick at the top.

The foundation below the ground line to be properly excavated, so that the upper part or tier of the foundation timbers shall be sunk to the level of the surface of the Lake when the waters are low, or to the depth required for the preservation of the timbers, or to secure a durable foundation thirty feet square, to be formed of two tiers or platforms of squared Oak or

*Friday, 12th February, 1830.*

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

Pine timbers laid cross-wise, each tier to be at least one foot in thickness; the timbers to be properly formed and fitted together.

The space opened by excavation from the platform or timbers nearly or quite to the entrance or threshold, to be filled up within the walls with dry mason-work.

The walls below the ground line to be six feet thick of good large and solid stones, all to be well bonded and bedded in good strong lime and sand mortar; the same is required with respect to the other parts of the Tower which is not to be filled up with rubbish, but to be built up throughout with good large solid stones well bonded and bedded.

The floor to be paved with squared and well pointed flagging in a substantial manner.

The walls or the inside of the Tower to be carried up plumb and fair throughout.

The outside face of the building to have a regular batter of three feet from the ground line to the projecting courses at the top and to be carried up straight and fair in all its parts; all to be neatly hammer dressed.

The door-way to have a good and sufficient hammer dressed arch turned over it.

There are to be five windows in the whole height of the Tower of two lights each, 7 by 9 glass set into cut stone reveals and well splayed on the inside.

The sills of each window to be well weathered down, each window to be set in its proper place, so that the ends of the stairs do not interfere with it.

It is to be observed that the joints through the thickness of the wall are to be well broke, every course with good long heading, not less in length than two-thirds of the thickness of the wall they are put into, and that particular attention must be paid that they are all well bedded in every part with good mortar, and that all building stones are laid on their natural beds.

To put in a strong wrought and rabbitted Door-case to the entrance, with a proper rail and fan-light over it; the door to be made in two inch thicknesses, well nailed together, wrought and tongued and grooved; the door to be hung with stout T hinges and good stock-lock to be put on it.

The fan-light to be glazed and made complete; to prepare and put in the five windows and all to be glazed and fixed in security.

To put up a Newel-post from a good solid foundation to the top, fifteen inches in diameter, the lower end to be well charred before it is set in its place.

To put up a substantial Stair-case, with steps made of two inch risers and of one and a half inch pine plank, wrought with noscing and properly fixed; each step and riser to have an inch and a half of bearing at the wide ends in the wall by leaving indents for each step and riser as the work goes up; the riser of each step to be about seven inches and three quarters; there are to be two half spaces up the stairs, made of two inch plank with proper joists about four inches by nine at proper distances, (as shewn on the plan.)

To provide and build proper iron work into the walls, to the depth of five feet towards the top of the Tower, for fixing and securing the Lantern.

To put up and turn a brick and a half arch, substantially filled in behind, with a trap door-way left through the same about two feet square in the clear; also to put up a cut stone landing or deck on the top about fourteen feet six inches in the clear; all of which out side of the Lantern to be sunk down a little from each joint, that is, about three quarters of an inch on each side of the joints to be left high but a little weathered; then from the joints towards the middle or centre of each stone to be well sunk out or guttered, and all to be well tooled; all the joints to be wrought or formed stiff on the inside, then all the joints to be filled in with suitable cement that will keep out the water and stand the weather; the said deck or stone landing not to be less than six inches thick throughout, and to be made secure in every part, and to run over the edge of the trap door frame, and be rabbitted one inch on, and half an inch deep all round from the door.

To put a two inch wood frame to come in underneath the stone landing, but half an inch from the front edge of the stone floor; to put up a proper wood step-ladder from the landing at the top of the stairs to the aforesaid trap door-way through the arch, with an iron hand-rail fixed round the landing.

To provide and fit in all iron work where required in the said Tower, or stone deck or landing, and sufficient stone anchors, and to make and leave three ventiducts or openings standing downwards through the said floor or landing, and every part to be done in a complete manner.

*Friday, 12th February, 1830.*

SECOND SESSION, 10th PROVINCIAL PARLIAMENT, 11th GEORGE IV.

All the iron work to be well fastened with lead run in, so as to render the same secure and substantial.

The posts or stays for securing the Lantern and supporting the roof to be of wrought iron properly worked, and made of suitable size and dimensions, (according to the plan,) and not to be less than eight feet and an half in height, or sufficient to contain a lantern or iron frame with sash or place for one hundred and sixty eight panes 12 by 14 inches.

To make, prepare and fit in, the iron frame of the Lantern, and proper rim, sock, bar, stop, door, bars, rafters, cross-bars, standard, braces and railing; all to be of good workmanship and properly fixed and fitted in a complete and substantial manner, (according to the plan or the directions given by the Commissioners or their superintendent in that behalf,) and to provide, make, put on and secure, a good and sufficient copper covering or roof over the building, and paint the upper works, or top of the Light-house, in such manner as the Commissioners shall approve.

To provide and set in twenty-four copper sheets in the lower tier of the Lantern, of the size above mentioned, 12 by 14 inches; and to provide and fit in one hundred and forty four panes of double crown glass of the same dimensions; and a space of the Lantern to be fixed on hinges to pass out of the Lantern to the gallery or outward railing.

To provide twelve good and sufficient lamps furnished with tube glasses; and twelve good and sufficient sixteen inch reflectors, and the same number of heaters, the lamps and reflectors to be well selected and of the best kind in use in the most approved Light-houses in this Country.

And to furnish a proper stove and funnel ventilator, and a proper frame or chandelier for the lamps, the spindle or swivel for the same, and the iron placed across the top of the lantern for the spindle to play upon, all to be properly fixed and secured; the whole to be accomplished in a complete, durable and substantial manner, for the purpose of making a good and sufficient Light-house.

The outside of the Tower to be rough-cast from the bottom to the projecting courses near the top in a neat and durable manner.

To provide and fix to the said Light-house a sufficient electric or lightening-rod, the point thereof to be such as the Commissioners, or their superintendent, shall approve.

The whole to be formed, fitted, fastened, and effectually secured.

The Bill entitled, "An Act to declare and define the duties of Steward," was read, and the same was—

Ordered to be read a second time on Monday next, and that in the mean time it be printed.

Pursuant to the order of the day the Bill entitled "An Act granting one hundred pounds in aid of the funds of the Female Benevolent Society of Kingston," 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.

Pursuant to the order of the day, the House was put into a Committee of the whole on the Bill for the recovery of Debts to Indians.

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 asked leave to sit again on Monday next.

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

Pursuant to the order of the day, the House was again put into a Committee of the whole on the Bill entitled, "An Act to appoint Commissioners on the part of this Province to treat with Commissioners on the part of Lower Canada on matters of mutual interest."

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 and delivered at the Bar of this House a Message, and then withdrew.

The House was then again put into a Committee of the whole on the Bill entitled, "An Act to appoint Commissioners on the part of this Province to treat with Commissioners on the part of Lower Canada on matters of mutual interest."

Mr. Wells took the Chair.

After some time the House resumed.

Stewart's duty definition Bill read first time and ordered to be printed.

Kingston Female Benevolent Society's aid Bill read third time passed and signed.

Assembly acquainted of same.

Indians protection Bill committed.

Reported and leave given to sit again on Monday next.

Provincial Commissioners Appointment Bill re-committed.

Message from Assembly brought up.

Provincial Commissioners Appointment Bill re-committed.

12th & 15th February, 1830.

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

The Chairman Reported that the Committee had taken the said Bill into consideration, and had agreed to a Resolution, which they recommended to the adoption of the House. Resolution reported.

Ordered, that the Report be received, and—

The said Resolution was then read as follows:—

*Resolved*, That it is the opinion of this Committee that a conference be requested with the Commons House of Assembly on the subject matter of the Bill entitled, "An Act to appoint Commissioners on the part of this Province to treat with Commissioners on the part of Lower Canada on matters of mutual interest." Read.

The question of concurrence being put, the said Resolution was agreed to by the House, and it was— Adopted.

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 entitled, "An Act to appoint Commissioners on the part of this Province to treat with Commissioners on the part of Lower Canada on matters of mutual interest," and have appointed the Honorable Messrs. Baby and Dickson to manage the conference on the part of the Legislative Council, who will be ready to meet the Conferees on the part of the Commons House of Assembly for that purpose, in the Committee Room of the Legislative Council, on Tuesday next, at the hour of three of the clock P.M. A Conference on the Bill ordered  
Assembly acquainted of same.  
Conferees appointed.

The last message received from the Commons House of Assembly this day was then read, and is as follows:—

MR. SPEAKER,

The Commons House of Assembly accedes to the request of the Honorable the Legislative Council for a conference on the subject matter of the Bill entitled, "An Act granting to His Majesty a sum of money for the improvement of the Roads and Bridges in this Province," and have appointed a Committee of four of its Members, who will be ready to meet the Conferees on the part of the Honorable the Legislative Council at the time and place appointed. Message from Assembly acceding to a Conference on Road and Bridge grant Bill, read.

[Signed]

MARSHALL S. BIDWELL,  
SPEAKER.

*Commons House of Assembly,  
12th February, 1830.*

Pursuant to the order of the day the House was again put into a Committee of the whole on the Bill entitled, "An Act for the Relief of Henry Weeks," as also the Report of the Select Committee thereon. Weeks' relief Bill re-committed; as also the report of Select Committee on same.

The Honorable and Venerable the Archdeacon of York took the Chair.

After some time the House resumed.

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

Ordered, that the report be received, and—

Ordered, that the said Bill be read a third time on Monday next. Adopted.

Mr. Dickson brought up the Petition of John Dennis and others, which was laid on the Table. Petition of John Dennis and others presented.

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

*Monday, 15th February, 1830.*

The House met pursuant to adjournment.

PRESENT,

*The Honorable JOHN B. ROBINSON, Speaker, The Hon. Messrs. DUNCAN CAMERON,  
The Hon. Mr. WILLIAM DICKSON, " " GEORGE H. MARKLAND,  
The Hon. & Ven. the ARCHDEACON OF YORK, " " WILLIAM ALLAN,  
The Hon. Mr. JOSEPH WELLS, The Hon. SIR WILLIAM CAMPBELL,*

*Prayers were read.*

The Minutes of Friday were read.

Mr. Markland brought up the Petition of Hiram Spafford, which was laid on the Table. Petition of Hiram Spafford brought up.

The Petition of John McKenzie and others, praying that the County of Glengary may be erected into a separate District, was read. Petition, praying that the County of Glengary may be erected into a separate District, read.

*Monday, 15th February, 1830.*

SECOND SESSION, 10th PROVINCIAL PARLIAMENT, 11th GEORGE IV.

Petition praying that the Townships of Nepean Gloucester &c. may be set off into a separate District, read.

The Petition of Robert Stephens and others praying that the Townships of Nepean, Gloucester, Osgood, North, Goulbourn, March, Huntley, Thorbolton, Fitzroy, Pakenham, McNab and Horton, may be set off into a Separate District, to be called the District of Wellington, was read.

Petition praying for non-repeal of the Act authorising the construction of a Parliament House on Simcoe Place read.

The Petition of John Dennis and others, praying that the Act appropriating a certain sum of money for the construction of a Parliament House, to be erected on Simcoe Place, in the Town of York, may not be repealed, was read.

Forty-eighth rule dispensed with as regards the Petition of Hiram Spafford praying that Counsel may be heard against the passing of Week's Relief Bill. Petition read.

Ordered, that the forty-eighth Rule of this House be dispensed with in the present case, and that the Petition of Hiram Spafford, praying that Petitioner's Counsel may be heard at the Bar of the House against the passing of the Bill entitled, "An Act for the Relief of Henry Weeks," be now read.

Order of the day for third reading of said Bill discharged.

The said Petition was then read accordingly.

The order of the day for the third reading of the Bill entitled "An Act for the Relief of Henry Weeks," being read, it was—

Randal's relief Bill re-committed.

Ordered, that it be discharged and that the same stand for to-morrow.

Pursuant to the order of the day, the House was again put into a Committee of the whole on the Bill entitled, "An Act for the Relief of Robert Randal Esquire."

Mr. Allan took the Chair.

After some time the House resumed.

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

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 three months.

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

Goal Yards assignment Bill read 2nd time.

Pursuant to the order of the day, the Bill entitled "An Act assigning Yards for the benefit of the health of Debtors confined in the respective Gaols of this Province," was read a second time, and it was—

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

A Member enters the House.

The Honorable Mr. Baby enters.

Contingency Covering Bill committed.

Pursuant to the order of the day the House was put into a Committee of the whole on the Report of the Select Committee on the Bill entitled, "An Act to make good certain monies advanced by His Majesty for the Contingencies of the two Houses of the Legislature of this Province."

Mr. Markland took the Chair.

After some time the House resumed.

Resolution reported.

The Chairman reported that the Committee had taken the said Report of the Select Committee into consideration, and had agreed to a Resolution, which they recommended to the adoption of the House.

Ordered that the Report be received, and—

The said Resolution was then read as follows:—

Read.

*Resolved*, That it is the opinion of this Committee that a conference should be asked of the House of Assembly upon the subject of this Bill.

Adopted.

The question of concurrence being put, the said Resolution was agreed to by the House, and it was—

Conference on the Bill ordered. Assembly acquainted of same.

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 entitled, "An Act to make good certain monies advanced by His Majesty for the Contingencies of the two Houses of the Legislature of this Province," and have appointed the Honorable Messrs. Baby and Wells to manage the conference on the part of the Legislative Council, who will be ready to meet the conferees of the Commons House of Assembly for that purpose, in the Committee Room of the Legislative Council, to-morrow at four of the clock P.M.

Conferees appointed.

Alien Estates Confirmation Bill read second time.

Pursuant to the order of the day, the Bill to confirm the titles to British Subjects of Real Estates derived from or through Aliens, was read a second time, and it was—

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

Libel Law Bill read second time.

Pursuant to the order of the day, the Bill entitled "An Act concerning the Law of Libel," was read a second time, and it was—

Ordered, that the House be put into a Committee of the whole on the same on Wednesday next.

*Monday, 15th February, 1830.*

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

Pursuant to the order of the day, the Bill entitled "An Act the better to provide for the return and empannelling of Juries," was read a second time, and it was—

Jury Bill read second time.

Ordered, that the House be put into a Committee of the whole on the same on Wednesday next.

Pursuant to the order of the day, the Bill entitled "An Act to declare and define the duties of Steward," was read a second time, and it was—

Stewards duty definition Bill read second time.

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

Pursuant to the order of the day, the House was again put into a Committee of the whole on the Bill for the recovery of Debts to Indians.

Indians protection Bill re-committed.

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 asked leave to sit again to-morrow.

Reported and leave given to sit again to-morrow.

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

Ordered, that the Committee of conference on the part of the Legislative Council be instructed to communicate to the House of Assembly, that the Council is extremely anxious to concur in any measure which can result in so great a public benefit as the improvement of the Roads and Bridges of this Province, and have therefore turned their earnest attention to the examination of the Bill now before them, and have instructed their Conferrees to state the following observations:—

Instructions to Conferrees of this House on Road and Bridge Grant Bill.

That the said Bill grants, out of the unappropriated revenues of this Province, the sum of thirteen thousand, six hundred and fifty pounds, to be expended in making and repairing Roads and Bridges in the several Districts.

That no provision is made by this Bill for the creation of any new fund, out of which the said sum of thirteen thousand, six hundred and fifty pounds is to be defrayed, nor is any authority given by it for contracting a loan, with protracted periods of payment, leaving the interest only immediately chargeable upon the revenues of the Province.

That it appears by the Public Accounts now before the Legislature, that of the sums heretofore borrowed on the credit of the Public Revenue, to enable the Government to pay Militia Pensions, to aid the Burlington Bay Canal, and Welland Canal, there remains due the sum of one hundred and two thousand, seven hundred and twenty-two pounds, four shillings and five pence, to repay which no additional taxes have been imposed, nor any specific portion of the Revenue set apart, but the public Creditors have advanced their several loans solely on the credit of the general existing revenues applicable by the Legislature, and relying upon their sufficiency for the gradual liquidation of their Debts after paying the necessary and ordinary appropriations for the public.

That in the Acts authorising these several loans they are expressly made chargeable on the general revenues of the Province, and therefore, unless in each year there is found to be a surplus above the ordinary expenditure more than sufficient to redeem the Debentures which fall due in that year, it cannot in strictness be said that there is any unappropriated revenue in the Public Chest.

That though the Legislature have not always acted so strictly under a sense of this truth as to hold themselves thereby disabled from voting small sums for public purposes without making provision for additional loan, or increase of revenue to meet them, yet it will be found, that during the whole period some loans were contracted, and while a small proportion of them was demandable of the Receiver General according to the terms of the several Debentures, the Legislature have felt it proper to make no grant of any considerable sum of money without authorising a specific loan for raising such money, by which means the present redemption of such Debentures as might be due could not materially be interfered with, as the funds for such new purpose were in effect to be taken out of the public revenues some years hence, when it might be presumed their increase would afford the means of payment, and not appointed to be taken immediately, because there was in reality no money to take, or none at least that did not stand distinctly pledged, and indeed actually appropriated, to the payment of Debts, some of which were due, and others were soon to become due.

That accordingly when it was found necessary to lend twenty-five thousand pounds to the Welland Canal; and eight thousand pounds at one time, and four thousand five hundred pounds at another, to the Burlington Bay Canal, provision was made for additional loans, although in both these instances the interest of the Debt was not to be chargeable to the Province, and

*Monday, 15th February, 1830.*

SECOND SESSION, 10th PROVINCIAL PARLIAMENT, 11th GEORGE IV.

the expenditure was in the nature of advances rather than of grants ; and so also when seven thousand pounds was appropriated for Buildings for the Legislature a separate loan was authorised.

That of the loans authorised by Acts of the Legislature thirty-nine thousand, two hundred and twenty-two pounds, four shillings and five pence, is at this moment due, and Debentures to that amount are outstanding in various sums from five thousand pounds to one hundred pounds, all or any of which may at any moment be presented to the Receiver General, and payment demanded.

That hitherto the Debentures have been gradually redeemed by the application of surplus revenue. Twenty-eight thousand, seven hundred and seventy-seven pounds, fifteen shillings, and six pence half-penny, of Debt has in this manner been extinguished ; but it appears by the Public Accounts that if this Bill should pass for applying thirteen thousand, six hundred and fifty pounds in the manner proposed, so far from its being in the power of the Government to apply any surplus revenue towards the redemption of the Debentures now due, there is not in the Treasury a sum sufficient, after paying the ordinary charges, to enable the Receiver General to meet this proposed grant.

That if it is observed by the public Creditor that when a balance remains in the Receiver General's hands, above the necessary and permanent charges, it is wholly applied to new objects, contrary to the terms of former Acts of the Legislature, it is possible that his confidence in the only security he possesses may be diminished, and if a dissatisfaction at such a course, or any sudden commercial embarrassment, should induce the holders of Debentures to present them in any considerable number for payment, the Government may be placed in the disreputable situation of having to break its positive engagements.

That with the exception of some grants made for opening Roads in new Townships recently laid out, and for remedying the impassible state of the Roads in new Settlements, to which the Council would be happy to be able to give their assent, they perceive that the money applied by this Bill would be chiefly laid out in partial improvements by the temporary repairs of old Roads, which their experience, after having seen nearly seventy thousand pounds at various times expended on the highways, leads them to believe will be little felt, and but for a short period, while a system under which the work should be perfectly done, and a portion of it annually completed, would, in their opinion, for a less amount, give an excellent Stage-road from one extremity of the Province to the other.

That the attempt to spread a small sum over the whole Province, while it renders the expenditure less useful, would, as the Council has reason to apprehend, not be found to give satisfaction, inasmuch as it cannot serve to meet the views of all, and accordingly a Petition numerously signed has been presented complaining of part of the distribution, and praying that it may not be assented to.

That the Council consider the appointing a great number of Commissioners, not less than two hundred and fifty, by naming them in the Bill, to be a departure from former usage in the application of road money, and leaves no alternative to the Legislative Council, if they should ultimately disagree in opinion with the House of Assembly as to the fitness of any of the persons appointed, but to surrender their judgement or wholly reject the Bill, as usage prevents their amending Bills for raising or granting money.

That it also follows from such a mode of appointment, that if any of these numerous Commissioners should decline to act, or should die, or remove ; or if any should be found to be acting unfaithfully in their trust, no authority will exist for suspending the appointments or supplying the vacancies.

York Second Market Bill brought up.

A Deputation from the Commons House of Assembly brought up a Bill, entitled "An Act to establish a second Market in the Town of York," to which they requested the concurrence of this House and withdrew.

Tenth Concession of Windham re-Survey Bill brought up.

A Deputation from the Commons House of Assembly brought up a Bill, entitled "An Act to authorise a re-survey of the Tenth Concession of the Township of Windham," to which they requested the concurrence of this House and withdrew.

Set Off Law extension Bill brought up.

A Deputation from the Commons House of Assembly brought up a Bill entitled, "An Act to extend the provisions of the Law of Set off, and to prevent unnecessary and vexatious law suits," to which they requested the concurrence of this House and withdrew.

Theal's Relief Bill brought up.

A Deputation from the Commons House of Assembly brought up a Bill entitled, "An Act for the Relief of Samuel Theal," to which they requested the concurrence of this House.

15th & 16th February, 1830.

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

The same Deputation returned the Bill entitled, "An Act for the Relief of Indigent Debtors," and acquainted this House that the Commons House of Assembly had agreed to the Amendments made to the same by the Legislative Council, the Deputation then withdrew.

Amendments to Indigent Debtors relief Bill concurred in by Assembly.

The Honorable Mr. Robinson enters.

A Member enters the House.

Mr. Markland brought up the Petition of Thomas Markland and others, which was laid on the Table.

Petition of Thomas Markland and others presented.

Mr. Wells brought up the Petition of Jordan Post, which was laid on the Table.

Petition of Jordan Post presented.

Mr. Dickson brought up the Petition of J. Marks and others, which was laid on the Table.

Petition of J. Marks and others presented.

The Bill entitled "An Act to establish a second Market in the Town of York," was read, and it was—

York Second Market Bill read first time.

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

The Bill entitled "An Act to authorise a re-survey of the Tenth Concession of the Township of Windham," was read, and it was—

Tenth Concession of Windham re-Survey Bill read first time.

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

The Bill entitled "An Act to extend the provisions of the Law of Set off, and to prevent unnecessary and vexatious law suits," was read, and it was—

Set off Law extension Bill read first time.

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

The Bill entitled "An Act for the Relief of Samuel Theal," was read, and it was—

Theal's relief Bill read first time.

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

On motion made and seconded, the House adjourned.

Tuesday, 16th February, 1830.

The House met pursuant to adjournment.

PRESENT,

The Honorable JOHN B. ROBINSON, *Speaker.* The Hon. Messrs. JOHN H. DUNN,  
The Hon. Messrs. JOHN M'GILL, " " WILLIAM ALLAN,  
" " WILLIAM DICKSON, The Hon. SIR WILLIAM CAMPBELL,  
" " JOSEPH WELLS, The Hon. Mr. PETER ROBINSON.

Prayers were read.

The Minutes of yesterday were read.

Pursuant to the order of the day, the Bill entitled, "An Act for the Relief of Henry Weeks," was read a third time and passed, whereupon the Speaker signed the same, and it was—

Weeks' relief Bill read Third time passed and signed.

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

Assembly acquainted of same.

Pursuant to the order of the day, the House was put into a Committee of the whole on the Bill entitled "An Act assigning Yards for the benefit of the health of Debtors confined in the respective Gaols of this Province."

Gaol Yards assignment Bill committed.

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 asked leave to sit again this day three months.

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

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 on the Bill to confirm the titles to British Subjects of Real Estates derived from or through Aliens.

Alien Estates Confirmation Bill committed.

Mr. Robinson 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.

Reported, and leave given to sit again.

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

Pursuant to the order of the day, the Bill entitled "An Act to establish a second Market in the Town of York," was read a second time, and it was—

York second Market Bill read second time.

Ordered, that the House be put into a Committee of the whole on the same this day three Months.

To be committed in three months.

Pursuant to the order of the day, the Bill entitled "An Act to authorise a re-survey of the Tenth Concession of the Township of Windham," was read a second time, and it was—

Tenth Concession of Windham re-Survey Bill read second time.

16th & 17th February, 1830.

SECOND SESSION, 10th PROVINCIAL PARLIAMENT, 11th GEORGE IV.

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

Members enter the House.

The Honorable James Baby, and the Hon. and Venerable the Archdeacon of York, enter.

Set off Law extension Bill read second time.

Pursuant to the order of the day, the Bill entitled "An Act to extend the provisions of the Law of Set off, and to prevent unnecessary and vexatious law suits," was read a second time, and it was—

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

Theal's Relief Bill read second time.

Pursuant to the order of the day, the Bill entitled "An Act for the Relief of Samuel Theal," was read a second time, and it was—

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

Indians protection Bill re-committed.

Pursuant to the order of the day, the House was again put into a Committee of the whole on the Bill for the recovery of Debts to Indians.

Mr. Dickson took the Chair.

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

Hornor's Patent Bill brought up.

A Deputation from the Commons House of Assembly brought up a Bill entitled, "An Act to secure to Thomas Hornor a Patent right in a new invented Threshing Machine," to which they requested the concurrence of this House and withdrew.

Indians Protection Bill re-committed.

The House was then again put into a Committee of the whole on the Bill for the recovery of Debts to Indians.

Mr. Dickson took the Chair.

After some time the House resumed.

Amendments reported and Adopted.

The Chairman reported that the Committee had taken the said Bill into consideration, had made some Amendments thereto, and recommended the same to the adoption of the House.

Ordered, that the Report be received, and—

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

Hornor's Patent Bill read first time.

The Bill entitled, "An Act to secure to Thomas Hornor a Patent right in a new invented Threshing Machine," was read, and it was—

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

On motion made and seconded, the House adjourned.

Wednesday, 17th February, 1830.

The House met pursuant to adjournment.

PRESENT,

The Honorable JOHN B. ROBINSON, *Speaker*, The Hon. Messrs. JOHN H. DUNN,  
The Hon. Messrs. JOHN M'GILL, " " WILLIAM ALLAN,  
" " WILLIAM DICKSON, The Hon. SIR WILLIAM CAMPBELL,  
" " JOSEPH WELLS, The Hon. Mr. PETER ROBINSON.

*Prayers were read.*

The Minutes of yesterday were read.

Petition praying to be established as a Banking Company in Kingston, read.

The Petition of Thomas Markland and others, praying to be established as a Banking Company, in the Town of Kingston, under the name of the "Commercial Bank of Upper Canada," was read.

Petition praying for a suppression of Orange Meetings, read.

The Petition of J. Macaulay and others, praying for a suppression of Orange Meetings and Processions, was read.

Indians protection Bill Read third time, passed, signed and sent to Assembly for concurrence.

Pursuant to the order of the day, the Bill entitled "An Act for protecting the interests of certain bodies of Indians in this Province," was read a third time and passed, whereupon the Speaker signed the same, and it was—

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

Libel Law Bill committed.

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

Sir William Campbell 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:—

*Wednesday, 17th February, 1830.*

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

MR. SPEAKER,

The Commons House of Assembly has acceded to the request of the Honorable the Legislative Council for a conference on the subject matter of the Bill entitled, "An Act to appoint Commissioners on the part of this Province to treat with Commissioners on the part of Lower Canada on matters of mutual interest," and beg leave to acquaint Your Honorable House that this House was prevented by extraordinary business from appointing Conferees before the time named for the conference by Your Honorable House, but have now appointed four of its Members, for that purpose, who will be ready to meet the Conferees of the Honorable the Legislative Council at such time and place as that Honorable House may be pleased to appoint.

Message from Assembly acceding to a Conference on Commissioners appointment Bill.

[Signed]

MARSHALL S. BIDWELL,  
SPEAKER.

*Commons House of Assembly,  
16th February, 1830.*

Ordered, that the Master in Chancery do go down to the Assembly and acquaint that House, that the Committee of conference on the part of the Legislative Council on the subject matter of the Bill entitled, "An Act to appoint Commissioners on the part of this Province to treat with Commissioners on the part of Lower Canada on matters of mutual interest," will be ready to meet the conferees on the part of the Commons House of Assembly, at the place before named, at four of the clock this afternoon.

Assembly again acquainted of the time and place for holding above Conference.

A Deputation from the Commons House of Assembly brought up a Bill entitled, "An Act to repeal and amend the Laws now in force respecting the Limits of the respective Gaols in this Province," to which they requested the concurrence of this House and withdrew.

Second Gaol Limits Bill brought up.

A Deputation from the Commons House of Assembly brought up a Bill entitled "An Act to require the Justices of the Peace and the Treasurers in the several Districts of this Province to publish their District Accounts," to which they requested the concurrence of this House and withdrew.

District accounts Publication Bill brought up.

The Honorable Mr. Baby enters.

A Member enters the House.

The House was then again put into a Committee of the whole on the Bill entitled, "An Act concerning the Law of Libel."

Libel Law recommitted.

Sir William Campbell took the Chair.

After some time the House resumed.

The Chairman reported that the Committee had risen, and asked leave to sit again this day three Months.

Reported and leave given to sit again in three months.

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

The Bill entitled "An Act to repeal and amend the Laws now in force respecting the Limits of the respective Gaols in this Province," was read, and it was—

Second Gaol Limits Bill read first time.

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

The Bill entitled, "An Act to require the Justices of the Peace and the Treasurers in the several Districts of this Province to publish their District Accounts," was read, and it was—

District accounts publication Bill 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 on the Bill entitled "An Act the better to provide for the return and empannelling of Juries."

Jury Bill committed.

Mr. Baby 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 this day.

Reported, and leave given to sit again to-day.

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

Ordered, that the Committee of conference on the part of this House upon the Bill sent up from the Assembly entitled, "An Act to appoint Commissioners on the part of this Province to treat with Commissioners on the part of Lower Canada on matters of mutual interest," be instructed to represent :—

Instructions to conferees on Provincial Commissioners appointment Bill.

That the Legislative Council bears in mind that upon every occasion hitherto in which it has been necessary to send Commissioners to Lower Canada to treat upon any matters affecting this Province, such Commissioners have been appointed by the Crown under a power given by the Legislature, but have not been named in any Act of the Legislature.

*Wednesday, 17th February, 1830.*

SECOND SESSION, 10th PROVINCIAL PARLIAMENT, 11th GEORGE IV.

That the Legislative Council is not aware that it has been the practice in Great Britain to delegate, otherwise than by Royal Commission, a power of negotiation to be executed by any of the King's Subjects in another Country.

That if it is found desirable to make further provision than already exists for treating upon matters of common concern between the Provinces of Upper and Lower Canada, the Legislative Council will be happy to concur in making such provision in the manner that has been always hitherto accustomed.

Jury Bill re-committed.

Pursuant to the order of the House, the House was again put into a Committee of the whole on the Bill entitled "An Act the better to provide for the return and empannelling of Juries."

Mr. Baby 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:—

MR. SPEAKER,

Message from Assembly acceding to a Conference on contingency covering Bill.

The Commons House of Assembly has acceded to the request of the Honorable the Legislative Council for a Conference on the subject matter of the Bill entitled, "An Act to make good certain monies advanced by His Majesty for the Contingencies of the two Houses of the Legislature of this Province," and beg leave to acquaint Your Honorable House that this House was prevented by extraordinary business from appointing conferees before the time named for the conference by Your Honorable House, but have now appointed four of its Members for that purpose, who will be ready to meet the conferees of the Honorable Legislative Council at such time and place as that Honorable House may be pleased to appoint.

[Signed]

MARSHALL S. BIDWELL,  
SPEAKER.

*Commons House of Assembly,  
17th February, 1830.*

Assembly again acquainted of the time and place for holding above Conference.

Ordered, that the Master in Chancery do go down the Assembly and acquaint that House that the Committee of conference, on the part of the Legislative Council, on the subject matter of the Bill entitled, "An Act to make good certain monies advanced by His Majesty for the Contingencies of the two Houses of the Legislature of this Province," will be ready to meet the conferees on the part of the Commons House of Assembly at the place before named, at half past four of the clock this afternoon.

Instructions to the last mentioned Conferees.

Ordered, that the conferees on the part of the Legislative Council be instructed to communicate to the conferees on the part of the House of Assembly, that by reference to the public Accounts it appears that the sum of twenty-eight pounds two shillings and six pence, has since the last Session been advanced by the Lieutenant Governor in compliance with the recommendation of the Executive Council to the Clerk of this House, which had been voted by this House, and accidentally omitted in the amount sent to the Assembly for insertion in their address.

As this advance seems to rest precisely on the same footing as the sum of two hundred and thirty-seven pounds, four shillings and ten pence half-penny, acknowledged and covered by the Bill, the Legislative Council are persuaded that the omission has been accidental, and that the House of Assembly will not hesitate to rectify it.

Jury Bill re-committed.

The House was then again put into a Committee of the whole on the Bill entitled, "An Act the better to provide for the return and empannelling of Juries."

Mr. Baby took the Chair.

After some time the House resumed.

Reported Committee had risen.

The Chairman reported that the Committee had taken the said Bill into consideration, and had risen.

Ordered, that the Report be received.

Set off Law extension Bill committed

Pursuant to the order of the day, the House was put into a Committee of the whole on the Bill entitled "An Act to extend the provisions of the Law of Set off, and to prevent unnecessary and vexatious law suits."

Mr. Robinson took the Chair.

After some time the House resumed.

Reported, and leave given to sit again on Friday 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 Friday next.

17th & 18th February, 1830.

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

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

Pursuant to the order of the day, the Bill entitled "An Act to secure to Thomas Hornor a Patent right in a new invented Threshing Machine," was read a second time, and it was—

Hornor's Patent Bill read second time.

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

Mr. Robinson brought up the Petition of B. Macon and others, which was laid on the Table.

Petition of B. Macon & others, presented.

On motion made and seconded, the House adjourned.

Thursday, 18th February, 1830.

The House met pursuant to adjournment.

PRESENT,

The Honorable JOHN B. ROBINSON, *Speaker*, The Hon. & Ven. the ARCHDEACON OF YORK,  
The Hon. Messrs. JOHN M'GILL, The Hon. Messrs. GEORGE H. MARKLAND.  
" " WILLIAM DICKSON, " " WILLIAM ALLAN,  
" " GEORGE CROOKSHANK, The Hon. SIR WILLIAM CAMPBELL,

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 on the Bill entitled "An Act to declare and define the duties of Steward."

Steward's Definition Bill committed,

Mr. Crookshank took the Chair.

After some time the House resumed.

The Chairman reported that the Committee had taken the said Bill into consideration, and had made some progress therein.

Reported,

Ordered, that the report be received.

The Honorable Mr. Wells enters.

A Member enters the House.

Pursuant to the order of the day, the House was put into a Committee of the whole on the Bill entitled "An Act to authorise a re-survey of the Tenth Concession of the Township of Windham."

Tenth Concession of Windham re-Survey Bill committed,

Mr. Markland took the Chair.

After some time the House resumed.

The Chairman reported that the Committee had taken the said Bill into consideration, and had made some progress therein.

Reported.

Ordered, that the Report be received.

The Honorable Mr. Baby enters.

A Member enters the House.

Pursuant to the order of the day, the House was put into a Committee of the whole on the Bill entitled "An Act for the Relief of Samuel Theal."

Theal's Relief Bill committed.

Mr. Crookshank took the Chair.

After some time the House resumed.

The Chairman Reported that the Committee had taken the said Bill into consideration, and recommended the Bill without amendment to the adoption of the House.

Reported.

Ordered, that the Report be received, and—

Adopted.

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

Pursuant to the order of the day, the Bill entitled "An Act to repeal and amend the Laws now in force for establishing the Limits of the respective Gaols in this Province," was read a second time, and it was—

Second Gaol Limits Bill read second time.

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

Pursuant to the order of the day, the Bill entitled "An Act to require the Justices of the Peace and the Treasurers in the several Districts of this Province to publish their District Accounts," was read a second time, and it was—

District accounts publication Bill read second time.

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

Pursuant to the order of the day, the House was put into a Committee of the whole on the Bill entitled "An Act to secure to Thomas Hornor a Patent right in a new invented Threshing Machine."

Hornor's Patent Bill committed.

Mr. Dickson took the Chair.

After some time the House resumed.

The Chairman reported that the Committee had taken the said Bill into consideration, and had made an Amendment thereto, which they recommended to the adoption of the House.

Amendment reported.

18th & 19th February, 1830.

SECOND SESSION, 10th PROVINCIAL PARLIAMENT, 11th GEORGE IV.

Ordered that the Report be received.

The said Amendment was then read as follows:—

Read first time,

Press. 1, line 23—After improvement, expunge the words „ or joint prepietor thereof.”

Read second time  
and adopted,

The said Amendment being read a second time, and the question of concurrence being put, 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.

Notice given of bring-  
ing in Market Lots  
Trustee Bill,

Mr. Allan gave notice that he will on Saturday next bring in a Bill to vest the Market Lots in the Town of York in the hands of Trustees.

Notice of bringing  
in Commissioners of  
Customs jurisdiction  
Bill,

Mr. Dickson gave notice that he will on Saturday next bring in a Bill to remove doubts with respect to the jurisdiction of Commissioners of Customs.

On motion made and seconded, it was—

Ordered, that the House be again put into a Committee of the whole, on the Bill entitled, “An Act to make valid certain Marriages heretofore contracted, and to provide for the future Solemnization of Matrimony in this Province.” and that the same do stand upon the order of the day for to-morrow.

On motion made and seconded, it was—

Ordered, that the Bill entitled, “An Act to allow persons tried for Felony the benefit of full defence by Counsel,” be read a second time, and that the same do stand upon the order of the day for to-morrow.

On motion made and seconded, the House adjourned.

Friday, 19th February, 1830.

The House met pursuant to adjournment.

PRESENT,

The Honorable JOHN B. ROBINSON, *Speaker*, The Hon. Messrs. JOSEPH WELLS.  
The Hon. Messrs. JOHN M'GILL, “ “ JOHN H. DUNN,  
“ “ WILLIAM DICKSON, The Hon. SIR WILLIAM CAMPBELL,  
“ “ GEORGE CROOKSHANK, The Hon. Mr. WILLIAM ALLAN,

*Prayers were read.*

The Minutes of yesterday were read.

Petition praying that  
joint tenants &c resi-  
dent without the Pro-  
vince may procure a  
division of devised  
lands, read,  
Theals' Relief Bill  
read third time,  
passed, signed and  
Assembly acquainted  
of same,

The Petition of B. Macon and others, praying that joint tenants, or tenants in common with infants, or persons resident without the Province, may be enabled to procure a division of such Lands as may have been devised to them, was read.

Pursuant to the order of the day, the Bill entitled “An Act for the Relief of Samuel Theal,” 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 have passed this Bill without amendment.

Hornor's Patent Bill  
as amended, read  
third time and  
passed,

Pursuant to the order of the day, the Bill entitled “An Act to secure to Thomas Hornor a Patent right in a new invented Threshing Machine,” was read a third time as amended, 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—

Amendment 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 amendment, to which they desire the concurrence of the Assembly.

Petition of Samuel P.  
Jarvis, Esquire pre-  
sented,

Mr. Dunn brought up the Petition of Samuel P. Jarvis Esquire, which was laid on the Table.

Petition of Eastwood  
& Skinner presented,  
A Member enters the  
House,

Mr. Allan brought up the Petition of John Eastwood and Colin Skinner, which was laid on the Table.

Set Off Law exten-  
sion Bill committed,

The Honorable Mr. Robinson enters.

Pursuant to the order of the day the House was again put into a Committee of the whole on the Bill entitled “An Act to extend the provisions of the Law of Set off, and to prevent unnecessary and vexatious law suits.”

Mr. Allan took the Chair.

After some time the House resumed.

Amendments report-  
ed.

The Chairman reported that the Committee had taken the said Bill into consideration, had made some amendments thereto, and recommended the same to the adoption of the House.

Ordered, that the Report be received.

*Friday 19th February, 1830.*

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

The said Amendments were then read by the Clerk as follows :—

Press, 1, line 3.—After “him” expunge the remainder of the preamble.

Read first time.

“ —Expunge the second clause.

“ —Expunge the third clause.

“ 2, line 4.—Expunge “IV” and insert “II.”

“ “ “ 9.—After “Defendant” insert “Provided always nevertheless, that such Court shall not have power to take cognizance of any demand advanced on the part of the Defendant which from its nature or amount would not come within the jurisdiction of such Court if brought forward on the part of the Plaintiff.”

“ —Expunge the fifth clause.

The said Amendments being read a second time, and the question of concurrence being 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 Honorable Mr. Markland enters.

A Member enters the House.

Pursuant to the order of the day, the House was put into a Committee of the whole on the Bill entitled “An Act to repeal and amend the Laws now in force respecting the Limits of the respective Gaols in this Province.”

Second Gaol Limits Bill committed,

Mr. Markland took the Chair.

After some time the House resumed.

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

Reported and leave given to sit again on Monday next.

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

The Honorable and Venerable the Archdeacon of York enters.

A Member enters the House.

Pursuant to the order of the day, the House was put into a Committee of the whole on the Bill entitled “An Act to require the Justices of the Peace and the Treasurers in the several Districts of this Province to publish their District Accounts.”

District accounts publication Bill committed,

Mr. Wells took the Chair.

After some time the House resumed.

The Chairman reported that the Committee had taken the said Bill into consideration, and had made some progress therein.

Reported,

Ordered, that the report be received.

Pursuant to the order of the day, the House was put into a Committee of the whole on the Bill entitled “An Act to make valid certain Marriages heretofore contracted, and to provide for the future Solemnization of Matrimony in this Province.”

Marriage Solemnization Bill committed,

Mr. Robinson took the Chair.

After some time the House resumed.

The Chairman reported that the Committee had taken the said Bill into consideration, and had agreed to a Resolution, which they recommended to the adoption of the House.

Resolution reported,

Ordered, that the Report be received.

The said Resolution was then read as follows :—

Read.

*Resolved.* That it is the opinion of this Committee that a conference be requested with the Commons House of Assembly upon the Bill sent up from that House entitled, “An Act to make valid certain Marriages heretofore contracted, and to provide for the future Solemnization of Matrimony in this Province.”

The question of concurrence being put, the said Resolution was agreed to by the House.

Adopted.

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 make valid certain Marriages heretofore contracted and to provide for the future Solemnization of Matrimony in this Province,” and have appointed the Honorable Messrs. Wells and Markland to manage the same on the part of the Legislative Council, who will be ready to meet a Committee of the Commons House of Assembly for that purpose, in the Committee Room of the Legislative Council, on Tuesday next, at three of the clock P.M.

Conference ordered on the Bill and Assembly acquainted of same.

Conferees appointed,

Pursuant to the order of the day, the Bill entitled, “An Act to allow persons tried for Felony the benefit of full defence by Counsel,” was read a second time, and it was—

Felons' Counsel Bill read second time,

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

T

*Friday, 19th February, 1830.*

SECOND SESSION, 10th PROVINCIAL PARLIAMENT, 11th GEORGE IV.

Report of Select  
Committee on the  
Petition of the United  
Presbytery, of Upper  
Canada, presented.

Mr. Dickson from the Select Committee appointed to consider and report upon the Petition of the United Presbytery of Upper Canada, presented their Report.

Ordered, that the Report be received.

The same was then read and is as follows :—

Same read,

The Select Committee appointed to examine into and report upon the subject matter of a Petition from the United Presbytery of Upper Canada have made inquiry into the allegations contained in the said Petition, and beg leave to Report :—

That the Petition sets forth, “ that from the manner in which your Petitioners stand connected, in their Ministerial capacity, with a very large portion of His Majesty’s Subjects in this Province, they have the means of knowing, and it is with deep regret they are compelled to say, that the state of Education is in general in a deplorable condition. Although for many years a liberal provision has been made for the Education of youth in this Province, yet the benevolent designs of the Legislature have failed in effecting the object they had in view. The appointment of Trustees from one Communion alone has occasioned a jealousy in the minds of the people, and destroyed that confidence which should ever be placed in the Public Institutions of our Country. It might have been expected, that as all classes of the community, and all denominations of Christians have to bear the expenses of these Institutions, that the interests of all would have been consulted, and that persons of intelligence and education, of all denominations, would have been allowed to participate in their superintendance. Your Petitioners, with deep regret, find that this is not the case.” For these allegations your Committee, after the minutest inquiry, have discovered that there is not the slightest foundation; and they think it a matter much to be regretted, that a body of men acting under so respectable a name as the “ United Presbytery of Upper Canada,” should have advanced statements so entirely unsupported by facts, especially as these statements are of a nature calculated to excite jealousies and discontent, when none ought in justice to exist.

The Act of 1807, under which the District Schools were established, has nothing exclusive in any of its provisions. It authorises the Government to appoint not less than five *fit* and *discreet* persons in each District to be Trustees of the District School; these Trustees in each District are to nominate a *fit* and *discreet* person to be the Teacher, and to examine into his moral character, learning and capacity; and the Governor may affirm or disaffirm their nomination. It will thus be seen that the Law exacts no conformity to any particular creed or worship, either in the Trustees or Teacher. Fitness, discretion, moral character, learning and capacity, are the only qualifications the Statute speaks of.

But the complaint is, that the Statute has not been carried into effect in a liberal spirit.— That an exclusive system has been adopted, under which, it is stated, that the benefits intended have been enjoyed but in a very partial manner, “ except by the followers of one Church,” meaning no doubt, the Church of England.

The District Schools, with respect to which the allegation is made, have been established for twenty-two years. Your Committee are aware, that in those Schools most of the youth of the Province have been educated who now fill the several professions in this Province, and of whom many do credit to their respective Teachers. They are also aware, that the opportunities which these Schools have afforded have been ever open equally to the youth of every Religious denomination, that the Parents of all have appeared equally desirous that their children should profit by those opportunities; and this is the first occasion, within the knowledge of your Committee, in which it has ever been intimated that the inhabitants of this Country did not equally participate in the advantages of those Schools without question as to their religious faith, or without a distinction of any kind founded on that principle. It is asserted in the Petition, “ that the Trustees of these Institutions, which ought to be impartially managed, for the benefit of all, have been almost exclusively appointed from one denomination of Christians, and consequently your Petitioners, and their Congregations, as well as others in similar circumstances, have been deprived of that benefit which they had a right to expect would have arisen from them.” On reference to a list of the Trustees appointed on the 13th March, 1807, soon after the passing of the Act, it appears that they were selected by the Executive Government from among the most respectable Inhabitants of the several Districts, without any regard to their religious opinions, for Roman Catholics and Presbyterians, as well as Members of the Church of England, are found among the number, and in the District of Newcastle, there was at first, only one out of six Trustees, a Member of the established Church.

*Friday, 19th February, 1830.*

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

But if this assertion of the Petitioners were correct, as it most certainly is not, it could be of little moment as the Trustees have nothing to do with the education of the Children, unless it could be shewn that in consequence of such a selection of Trustees the Teachers have been exclusively taken from this one favoured denomination, and that those opportunities of education have in consequence been either denied to other denominations or that a system of education has been pursued which might materially render them disinclined to send their children. No complaint of the kind last supposed is even insinuated, and we are convinced that it could not be advanced with any degree of justice.

It remains therefore to examine in what spirit the Law has been acted upon in the appointment of Teachers.

To enable your Honorable House to pronounce upon that point, your Committee submit the following list of Gentlemen who have had charge of the several District Schools from their commencement to the present period; and they have stated to what religious denomination they believe the several Gentlemen to have belonged.

In some very few cases their information is not positive, but they are only in doubt with respect to two or three. That a difficulty of this kind should be found in any case arises from the fact that in the selecting Teachers no rule such as has been imputed has been observed.

Rev. Samuel Armour.—An ordained Minister of the Presbyterian Church when appointed and while he held the School; has since taken orders in the Church of England.

Rev. W. D. Baldwin.—Clergyman of the Church of England.

Mr. George Baxter.—A Presbyterian.

Rev. John Bethune.—Clergyman of the Church of England.

Rev. William Brown.—Clergyman of the Church of England.

Mr. John Burns.—Presbyterian.

Mr. Hugh Bushby.—Church of England.

Mr. E. Chadwick.—Congregationalist.

Mr. Rich'd. Cockrell.—Believed to be a Presbyterian.

Rev. Thomas Creen.—Presbyterian Minister, has since taken orders in the Church of England

Rev. R. Elms.—Clergyman of the Church of England.

Mr. James Fulton.—Church of England.

Mr. Henry James.—Church of England.

Rev. Joseph Johnson.—Presbyterian.

Mr. — Johnson.—Presbyterian when appointed, has since taken orders in the Church of England.

Mr. John Law.—Presbyterian.

Rev. John Leeds.—Clergyman of the Church of England.

Rev. Harry Leith.—Clergyman of the Church of England.

Rev. Ralph Leeming.—Clergyman of the Church of England.

Rev. Wm. Macaulay.—Clergyman of the Church of England.

Rev. Alex. McIntosh.—Clergyman of the Church of England.

Rev. John McLaurin.—Clergyman of the Church of Scotland.

Mr. William Merrill.—Church of England.

Mr. James Mitchell.—Church of Scotland.

Mr. David Ovans.—Believed Church of England.

Mr. James Padfield.—Methodist when appointed.

Mr. William Pitt.—Church of England.

Mr. Alex. Pringle.—Presbyterian.

Rev. Tho's. Phillips.—Clergyman Church of England.

Mr. Stephen Randall.—Church of England.

Mr. David Robertson.—Presbyterian when appointed and while he held the School; has since taken orders in the Church of England.

Mr. George Ryerson.—Church of England when appointed, now a Methodist Minister.

Mr. John Stewart.—Believed a Presbyterian.

Rev. Geo. O. Stuart.—Clergyman Church of England.

Rev. John Strachan.—Clergyman Church of England.

Rev. Hugh Urquhart.—Clergyman Church of Scotland.

19th & 20th February, 1830.

SECOND SESSION, 10th PROVINCIAL PARLIAMENT, 11th GEORGE IV.

Rev. John Wilson.—Clergyman Church of England.

Mr. John Whitelaw.—Presbyterian.

It appears, therefore, that according to this list, which we believe to be correct, twenty of the Teachers appointed during the whole period have been members of the Church of England, and eighteen have been members of other religious persuasions, including in those eighteen sixteen Presbyterians, and six of these in Holy orders.

It is also observable that those who held the situations for the longest periods of time, are :

OF THE CHURCH OF ENGLAND.	YEARS.	OF PRESBYTERIANS.	YEARS.
Dr. Strachan, - - - - -	15	Mr. Whitelaw, - - - - -	9
Rev. John Wilson, - - - - -	7	Mr. Mitchell, - - - - -	9
		Mr. Burns, - - - - -	8

And it is also but just to state, that for a long time and in several of the Districts the resident Clergyman of the Church of England was the only Gentleman either able or desirous to take charge of a Classical School, and that these being selected in such cases certainly affords no proof of an illiberal spirit. When to these facts it is added, from information afforded to the Committee by an Honorable Member of this House, that on the occasion of a vacancy occurring in the District of Johnstown the Reverend Mr. Smart, the very Gentleman who in the capacity of Moderator of the Presbyterians signs the Petition referred to us, might have obtained the situation of Teacher of the District School of that District, in which he then resided and still resides, and that he declined undertaking the charge—Your Committee think it unnecessary to go into other details to shew how little the allegations in the Petition correspond with the facts.

Your Committee cannot but express deep regret that the sanction of any respectable signature should have been given to statements calculated to mislead public opinion, and to create an excitement injurious to the peace of society.

[Signed]

WILLIAM DICKSON,  
CHAIRMAN.

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

On motion made and seconded, it was—

Ordered, the Bill entitled "An Act for the Relief of John Eastwood and Colin Skinner," be read a second time, and that the same do stand upon the order of the day for Monday next.

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

Saturday, 20th February, 1830.

The House met pursuant to adjournment.

PRESENT,

The Honorable JOHN B. ROBINSON, Speaker. The Hon. Messrs. JOSEPH WELLS.  
The Hon. Messrs. JAMES BABY, " " JOHN H. DUNN,  
" " JOHN M'GILL, " " WILLIAM ALLAN.  
" " WILLIAM DICKSON, " " PETER ROBINSON,  
" " GEORGE CROOKSHANK,

Prayers were read.

The Minutes of yesterday were read.

Pursuant to the order of the day the Bill entitled "An Act to extend the provisions of the Law of Set off, and to prevent unnecessary and vexatious law suits," 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 amendments, to which they desire the concurrence of the Assembly.

Pursuant to the order of the day, the House was put into a Committee of the whole on the Report of the Select Committee on the Petition of the United Presbytery of Upper Canada.

Mr. Crookshank took the Chair.

Set off law extension Bill as amended, read third time and passed.

Amendments signed.

Bill as amended sent to Assembly for concurrence.

Report of Select Committee on Petition of the United Presbytery committed.

20th & 22nd February, 1830.

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

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, entitled "An Act to remunerate Robert Randall Esquire for valuable services rendered this Province while in England," to which they requested the concurrence of this House.

Randall's remuneration Bill brought up.

The same Deputation returned the Bill entitled "An Act to incorporate the Trustees of the Grantham Academy," and acquainted this House that the Commons House of Assembly had agreed to the amendments made to the same by the Legislative Council—the Deputation then withdrew.

Amendments to Grantham Academy Trustee Bill concurred in by Assembly.

The House was then again put into a Committee of the whole on the Report of the Select Committee on the Petition of the United Presbytery of Upper Canada.

Report of Select Committee on Petition of the United Presbytery of Upper Canada, recommitted.

Mr. Crookshank took the Chair.

After some time the House resumed.

The Chairman reported that the Committee had taken the said Report of the Select Committee into consideration, and had agreed to a Resolution which they recommended to the adoption of the House.

Resolution Reported.

Ordered that the Report be received.

The said Resolution was then read as follows:—

*Resolved.* That it is the opinion of this Committee that the Report be again referred to the same Select Committee with instructions to reconsider the same, in order that all the statements may be carefully ascertained to correspond with the facts, and in particular avoiding the designation "Church of Scotland," as distinguished from "Presbyterians" when they are not certain that the Teacher belonged to that Church.

Read.

The question of concurrence being put, the said Resolution was agreed to by the House.

Adopted.

The Bill entitled, "An Act to remunerate Robert Randall Esquire for valuable services rendered this Province while in England," was read, and the same was—

Randall's remuneration Bill read first time.

Ordered, to be read a second time on Monday next.

On motion made and seconded, the House adjourned.

Monday, 22nd February, 1830.

The House met pursuant to adjournment.

PRESENT,

The Honorable JOHN B. ROBINSON, *Speaker,* The Hon. Messrs. JOSEPH WELLS,  
The Hon. Messrs. JAMES BABY, " " JOHN H. DUNN,  
" " WILLIAM DICKSON, " " WILLIAM ALLAN,  
" " GEORGE CROOKSHANK, " " PETER ROBINSON,

*Prayers were read.*

The Minutes of Saturday were read.

The Petition of Samuel P. Jarvis, praying for a revival of the Act authorising the payment of fifty pounds per annum to the Clerk of the Crown in Chancery, and also arrears since the year 1824, was read.

Petition praying for a revival of the Act authorising the payment of £50 per annum to the Clerk of the Crown in Chancery read.

The Petition of John Eastwood and Colin Skinner, praying for relief, was read.

Petition of Eastwood and Skinner praying for relief read.

Pursuant to notice Mr. Allan brought in a Bill to vest the Market Lots in the Town of York in the hands of Trustees, which was read, and it was—

Market Lots Trustee Bill presented and read first time.

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

Pursuant to the order of the day, the House was again put into a Committee of the whole on the Bill entitled "An Act to repeal and amend the Laws now in force respecting the Limits of the respective Gaols in this Province."

Second Gaol Limits Bill recommitted.

Mr. Wells took the Chair.

After some time the House resumed.

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

Reported and leave given to sit again to-morrow.

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

The Honorable Mr. Markland enters.

A Member enters the House.

Pursuant to the order of the day the Bill entitled "An Act for the Relief of John Eastwood and Colin Skinner," was read a second time, and it was—

Eastwood and Skinner relief Bill read second time.

## 22nd &amp; 23rd February, 1830.

## SECOND SESSION, 10th PROVINCIAL PARLIAMENT, 11th GEORGE IV.

Forty-fourth Rule  
dispensed with as re-  
gards same  
Bill committed.

Ordered that the Forty-fourth Rule of this House be dispensed with as regards this Bill, and that the House be put into a Committee of the whole on the same this day.

Pursuant to the above order the House was put into a Committee of the whole on the said Bill. 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, and recommended the same without amendment to the adoption of the House.

Adopted.

Ordered, that the Report be received, and—

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

Randall's remunera-  
tion Bill read second  
time.

Pursuant to the order of the day the Bill entitled "An Act to remunerate Robert Randall Esquire for valuable services rendered this Province while in England," was read a second time.

Petition of Hiram  
Nelson and others  
presented,  
Petition of John Roe  
and others presented.

Mr. Dickson brought up the Petition of Hiram Nelson and others which was laid on the Table.

Mr. Wells brought up the Petition of John Roe and others, which was laid on the Table.

On motion made and seconded, the House adjourned until four of the clock P.M. this day.

The House met pursuant to adjournment.

## PRESENT,

*The Honorable* JOHN B. ROBINSON, *Speaker,* *The Hon. Messrs.* JOSEPH WELLS,  
*The Hon. Messrs.* JAMES BABY, " " WILLIAM ALLAN,  
" " WILLIAM DICKSON, " " PETER ROBINSON,

Adjourned for want  
of a quorum.

At five of the clock P.M. His Honor the Speaker declared the House adjourned for want of a quorum.

*Tuesday, 23rd February, 1830.*

The House met pursuant to adjournment.

## PRESENT,

*The Honorable* JOHN B. ROBINSON, *Speaker,* *The Hon. Messrs.* JOSEPH WELLS,  
*The Hon. Messrs.* JAMES BABY, " " JOHN H. DUNN,  
" " JOHN M'GILL, " " WILLIAM ALLAN,  
" " WILLIAM DICKSON, *The Hon.* SIR WILLIAM CAMPBELL,

*Prayers were read.*

The Minutes of yesterday were read.

Eastwood and Skin-  
ners' Relief Bill read  
third time passed and  
signed

Pursuant to the order of the day the Bill entitled, "An Act for the Relief of John Eastwood and Colin Skinner," was read a third time and passed, whereupon the Speaker signed the same, and it was—

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 passed this Bill, without amendment.

Salmon preservation  
Bill brought up.

A Deputation from the Commons House of Assembly brought up a Bill, entitled "An Act for the better preservation of Salmon within this Province,"—and also a Bill entitled, "An Act to Repeal an Act passed in the forty-ninth year of His late Majesty's Reign entitled, 'An Act to encourage the destroying of Wolves in this Province, and to make more effectual provision for exterminating those destructive animals,'" to which they requested the concurrence of this House and withdrew.

Wolfe extermination  
Bill brought up.

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

MR. SPEAKER,

Message from Assem-  
bly acceding to a  
Conference on Mar-  
riage Solemnization  
Bill.

The Commons House of Assembly accedes to the request of the Honorable the Legislative Council for a conference on the subject matter of the Bill sent up from this House entitled, "An Act to make valid certain Marriages heretofore contracted, and to provide for the future Solemnization of Matrimony in this Province," and have appointed four of its Members who will be ready to meet the conferees on the part of the Honorable the Legislative Council, at the time and place appointed.

[Signed]

MARSHALL S. BIDWELL,  
SPEAKER.

*Commons House of Assembly,*  
*19th February, 1830.*

*Tuesday, 23rd February, 1830.*

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

- The same Deputation brought up a Bill entitled "An Act to Pension Charlotte Pomeroy, Widow of the late Timothy Conklin Pomeroy," to which they requested the concurrence of this House and withdrew. Widow Pomeroy's relief Bill brought up.
- The Honorable Mr. Robinson enters. A Member enters the House.
- The Bill entitled "An Act for the better preservation of Salmon within this Province," was read, and it was— Salmon preservation Bill read first time.
- Ordered, that the same be read a second time on Thursday next.
- A Deputation from the Commons House of Assembly brought up a Bill entitled "An Act to borrow a sum of Money in England at a reduced rate of Interest to cancel the Public Debt of this Province,"—and also a Bill entitled "An Act to confirm the Survey of a part of the Concession line between the Seventh and Eighth Concessions of the Township of Cornwall," to which they requested the concurrence of this House and withdrew. English Loan Bill brought up.  
Township of Cornwall Concession line Survey Bill brought up.
- The Bill entitled "An Act to Repeal an Act passed in the forty-ninth year of His late Majesty's Reign entitled, 'An Act to encourage the destroying of Wolves in this Province, and to make more effectual provision for exterminating those destructive animals,'" was read, and it was— Wolfe extermination Bill read first time.
- Ordered, that the same be read a second time to-morrow.
- The Bill entitled, "An Act to Pension Charlotte Pomeroy, Widow of the late Timothy Conklin Pomeroy," was read, and it was— Widow Pomeroy's relief Bill read first time.
- Ordered, that the Forty-fourth Rule of the House be dispensed with as regards this Bill, and that the same be read a second time to day. Forty fourth rule of the House dispensed with as regards same.
- The Bill entitled "An Act to borrow a sum of Money in England at a reduced rate of Interest to cancel the Public Debt of this Province," was read, and it was— English loan Bill read first time.
- Ordered, that the same be read a second time to-morrow.
- A Deputation from the Commons House of Assembly brought up a Bill entitled, "An Act to exclude the Judges from the Legislative and Executive Councils," to which they requested the concurrence of this House and withdrew. Judges exclusion Bill brought up.
- The Bill entitled "An Act to confirm the Survey of a part of the Concession line between the Seventh and Eighth Concessions of the Township of Cornwall was read, and it was— Cornwall Concession line Survey Bill read first time.
- Ordered, that the same be read a second time to-morrow.
- The Bill entitled "An Act to exclude the Judges from the Legislative and Executive Councils," was read, and it was— Judges exclusion Bill 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 on the Bill entitled, "An Act to allow persons tried for Felony the benefit of full defence by Counsel." Felon's Counsel Bill committed.
- Mr. Baby 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 this day three months. Reported and leave given to sit again in three months.
- Ordered, that the Report be received, and leave granted accordingly.
- The Hon. and Venerable the Archdeacon of York, and the Honorable Mr. Markland, enter. Members enter the House.
- Pursuant to the order of the day, the Bill for vesting the Market Lots in the Town of York in the hands of Trustees, was read a second time, and it was— Market Lots Trustees bill read second time.
- Ordered, that the House be put into a Committee of the whole on the same to-morrow.
- Ordered, that the Conferees appointed by this House to confer with the Conferees on the part of the House of Assembly upon the subject of a Bill sent up from that House, entitled "An Act to make valid certain Marriages heretofore contracted, and to provide for the future Solemnization of Matrimony in this Province," be instructed to represent :
- That the Legislative Council perceives the said Bill to be the same in all its parts with a Bill which during the last Session was passed by the two Houses and was reserved by His Excellency the Lieutenant Governor for the consideration of His Majesty.
- That the Legislative Council has not been made aware, by His Excellency, that the pleasure of His Majesty has been signified thereon.
- That as from His Excellency's Speech at the opening of the present Session it has been announced, that the various subjects which have been submitted from this Province to His Majesty's Government are still under consideration, it is deemed inexpedient by the Legislative Council to press any of those subjects again upon their attention until the expiration of the constitutional period within which the Royal pleasure can be signified.

*Tuesday 23rd, February, 1830.*

SECOND SESSION, 10th PROVINCIAL PARLIAMENT, 11th GEORGE IV.

Road and Bridge Commissioners vacancy supply Bill brought up.

A Deputation from the Commons House of Assembly brought up a Bill entitled, "An Act to provide for filling vacancies that may occur by the death, removal, or neglect or refusal to act, by any of the Commissioners appointed by an Act passed in this present Session of Parliament, entitled, "An Act granting to His Majesty a Sum of Money for the improvement of the Roads and Bridges in this Province." And also a Bill entitled, "An Act for the relief of Synthe Vandyek," to which they requested the concurrence of this House and withdrew.

Vandyek's relief Bill brought up

Road and Bridge Commissioners vacancy supply Bill read first time.

The Bill entitled "An Act to provide for filling vacancies that may occur by the death, removal, or neglect or refusal to Act, by any of the Commissioners appointed by an Act passed in this present Session of Parliament, entitled, "An Act granting to His Majesty a Sum of Money for the improvement of the Roads and Bridges in this Province, was read, and it was--

Forty-fourth rule of the House dispensed with as regards same. Vandyek's relief Bill read first time.

Ordered, that the Forty-fourth Rule of the House be dispensed with as regards this Bill, and that the same be read a second time this day.

The Bill entitled "An Act for the relief of Synthe Vandyek," was read, and it was--

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

Petition of Synthe Vandyek presented.

Mr. Markland brought up the Petition of Synthe Vandyek, which was laid on the Table.

Report of Committee of Conference on Marriage Solemnization Bill.

Mr. Wells, from the Committee of Conference appointed by this House, on the subject matter of the Bill entitled "An Act to make valid certain Marriages heretofore contracted, and to provide for the future Solemnization of Matrimony in this Province," reported that they had met the Conferees of the Commons House of Assembly, and delivered to them their instructions.

Second Gaol Limits Bill recommitted.

Pursuant to the order of the day, the House was again put into a Committee of the whole on the Bill entitled "An Act to repeal and amend the Laws now in force respecting the Limits of the respective Gaols in this Province."

Mr. Markland took the Chair.

After some time the House resumed.

Reported and leave given to sit again on Thursday 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 Thursday next.

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

Widow Pomeroy's relief Bill read second time.

Pursuant to the order of the House, the Bill entitled "An Act to Pension Charlotte Pomeroy, widow of the late Timothy Conklin Pomeroy, was read a second time, and it was--

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

Road and Bridge Commissioners vacancy supply Bill read second time.

Pursuant to the order of the House, the Bill entitled "An Act to provide for filling vacancies that may occur by the death, removal, or neglect or refusal to act, by any of the Commissioners appointed by an Act passed in this present Session of Parliament, entitled, "An Act granting to His Majesty a sum of money for the improvement of the Roads and Bridges in this Province," was read a second time, and it was--

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

On motion made and seconded, it was--

Ordered, that the House be again put into a Committee of the whole, on the Bill entitled, "An Act granting to His Majesty a sum of money for the improvement of the Roads and Bridges in this Province," and that the same do stand upon the order of the day for Thursday next.

Notice of moving certain resolutions on the subject of Education.

The Honorable and Venerable the Archdeacon of York gave notice, that on Thursday next he will move certain Resolutions on the subject of Education in this Province.

Report of Select Committee on Intestate distribution Bill.

Mr. Dickson from the Select Committee to whom was referred the consideration of the Bill entitled, "An Act for the more equal distribution of the property of persons dying Intestate," presented their Report.

Ordered, that the Report be received, which was then read, and is as follows:--

Read

The Select Committee to whom was referred the Bill sent up from the Assembly, entitled, "An Act for the more equal distribution of the Property of persons Dying Intestate," have examined the said Bill, and beg leave to Report--

That the proposed objects of the Bill are,—1st. To abolish the right of primogeniture, by making Lands distributable like Goods and Chattels, and—2nd. "To render the rules of "descent, and for the distribution of Intestate Estates, more simple, and uniform, and to "specify them in a Provincial Statute."

With respect to the latter object, the Committee beg to remark, that the distribution of Personal Estate made by the Law of England, in cases of Intestacy, is simple, and well

*Tuesday, 23rd February, 1830.*

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

settled. It does not indeed seem to have been intended to make any alteration in this branch of the Law by the Bill referred to us, but rather to declare, for general convenience, what the Law is.

To carry this intention into effect, it would be necessary to examine the subject very carefully, in order that the Act might give all the information intended to be given. We find the Bill before us not sufficiently comprehensive to serve as a rule: for instance, it makes no provision for the case in which the Intestate leaves a Mother, but no Father, Brother or Sister, or Brother's or Sister's Child: nor for a case in which neither Father nor Mother survives, but the Intestate leaves Brothers and Sisters only. If it be thought desirable to save the necessity of referring to those Books which contain the Law of England respecting the distribution of the Estates of persons dying Intestate, then the enactment, which is to supersede those authorities, must necessarily be very comprehensive and minute: but when it is considered that no Administrator can venture to proceed in his duty in paying debts, and in various other points, without informing himself of many matters which can only be learned by referring to the proper books, or to persons conversant with them, it may be questioned whether much is gained by attempting to supersede the necessity of consulting the same sources of information upon the particular point of distribution. It is further to be observed, that although this Bill does not profess to make any alteration in the law of distribution of personal estates, it would have the effect of introducing changes, because it omits some of the qualifications of general rules, which the Law of England provides: as for instance, by the Law of England no representation is to be admitted among collaterals after Brothers's and Sister's Children, and this express Statutory provision may in many cases be important in its application. This Bill would in that instance make a distinct alteration in the Law of England, upon the propriety of which there may be different opinions.

With respect to the Bill as it concerns the descent of Real Estate, Your Committee have not felt it necessary to give much consideration to its details from a conviction, that the proposition for making Real Estates distributable like Goods and Chattels is such a departure from one of the first principles of the Laws of England as is never likely to be sanctioned.

But we deem it proper to state with respect to the clauses which are connected with this branch of the subject, that the provision contained in the Bill for compelling a partition is, in our opinion, by no means well suited to the ends of Justice. It is evident that, if the law were to be so changed as to admit of Real Property descending like Goods and Chattels in case of Intestacy to all the Children equally, and in many instances to a great number of collateral kindred, some provision must be made for dividing those interests which if held jointly would be of little use to any one. To form such a division is the object of the fourth clause of this Bill; but the enactment appears to Your Committee exceedingly defective, and such as would be found neither equitable nor satisfactory in practice. In comparing the method proposed by the Bill for compelling a partition with the provisions of the Law of England respecting the partition of Estates held in parcenary, and in particular with the Statute 8th and 9th, William 3rd, Chap. 31, a want of due caution will be found in the proposed enactments in several important particulars.

Instead of a Jury of twelve men, against whose verdict, if found unjust, relief may be had by a new partition, it is proposed, that any *three Freeholders, appointed by the Surrogate Judge*, are to perform the important duty of assigning to each person his proportion of the Estate: no provision is made for ascertaining by any previous proceeding or judgement of a court, *who* are the persons entitled to share, which is the point first to be determined, and which may involve questions of more difficulty, and of greater consequence to the parties, than the mode of making the partition, which is to follow the division. The validity of a marriage, the legitimacy of children, the death of intervening claimants, the legal presumption of the death of others according to the circumstances, the time and place of birth, in some cases, may, each of them, produce questions not easy to be decided, and yet, on their decision it may depend whether the Estate is to be divided into two parts, or ten. The Law of England is such as to secure an investigation of these matters by a competent tribunal, with a power of revision if the judgement is complained of. By the Bill referred to us three Freeholders, who may not be very intelligent, (and whom the the parties may not be able to challenge,) would be entrusted with the decision of all these points, and their decision would be final.—

*Tuesday 23rd, February, 1830.*

SECOND SESSION, 10th PROVINCIAL PARLIAMENT, 11th GEORGE IV.

This decision also may be made after a months notice, published in a newspaper, of an application by any of the persons entitled to share ; and thus, the legal claim of a Son, or Brother, resident in the United Kingdom, or in a more distant part of the world, and of whose existence the three Freeholders might be unconscious, might be entirely defeated. It is taken for granted that the partition when made, as this Bill proposes, is intended to be final, because nothing is said of a second proceeding, nor any appeal provided for, and because it is required by the Bill, that the award of partition when made shall be recorded in the Registrar's office of the County, of course for the purpose of giving information to the public, in order that purchasers may know when they are safe. Unless, therefore, it is intended that such decision is to be final, the registering it would have the effect of misleading the public. Doubtful questions may also arise as to the endowment alledged to have been made to Children, in anticipation of their shares, and these must also, as it appears to your Committee, be necessarily decided by the same three Freeholders, as the Bill now stands.

It is provided by this Bill, that when the Intestate had Estates in more than one District, the Judge of Probate, and not the Surrogate Judge, of any District shall carry the proposed proceedings into effect, by appointing three Freeholders to make the partition. But whether these three Freeholders are to be appointed in the District in which the Probate Court is held, with power to make partition of the whole Real Estate throughout the Province, or whether three Freeholders are to be chosen for each Township or District in which there are Lands of the Estate, with power to divide the Lands within their locality, does not clearly appear to us. For any thing that is said to the contrary, it may perhaps have been meant, that three Freeholders shall divide the whole, and if so, when it is recollected that there is no relief from their decision, little or no security against the existence of an undue partiality, of which the Judge selecting them may not be aware, and no sufficient assurance of their competency to the task, and when it is further considered that they may know nothing of the value of large estates in remote Districts, which they are to have the power of distributing, it seems to your Committee that the provision is by no means adequate to the ends of Justice. If it was intended that separate partitions should be made by separate Juries of three Freeholders for each Township or District, then it appears to your Committee that such an arrangement carried into effect, in such general terms as the Bill proposes, would be productive of great inconvenience and injury, inasmuch as to make a just partition of Lands in one Township it might be necessary to have regard to the partition which had been made of Estates in other Townships, because, to proceed upon the principle of subdividing equally and distinctly each parcel of land, however small, would be frequently very injurious to the interests of all concerned, and with respect to some estates as Houses, Mills, &c. it would not be practicable.

The 3th and 9th, William 3rd, Chap. 31, shews clearly with how much prudence it is necessary to guard against injuries to persons absent, and against the probability of doing wrong by giving effect to an unjust demand.

In the opinion of your Committee the last clause of the Bill shews in a strong light the inconveniences which such a change in our Laws, as is here proposed, would certainly entail upon the people of this Country. By the Statute 5th Geo. 2nd, Chap. 7, Lands and Tenements in this Province are subject to be Sold in execution for the payment of debts. When the Personal Estate has been exhausted recourse may be had to the Real Estate, and as the Law now is, the person who in case of Intestacy succeeds to the whole Estate, is justly enough burthened with the whole debt. If he allows execution to go against him his Estate is sold, the debt deducted, and he receives the surplus. But when it is proposed, as by this Bill, to provide that the Real Estate of the Intestate instead of going to the male heir shall go in equal parts to all his Children, perhaps six or eight, or even more in number, or be distributed among a much greater number of collateral kindred, it becomes necessary to consider how the Statute 5th Geo. 2nd, is to be applied under these new circumstances. The creditor who has judgement for the debt of the ancestor, must either take a part of each persons share, which would be found an inconvenient and most injurious method of proceeding, or he must take the whole share of one, or of more, till his debt is covered, leaving the other shares untouched. The latter mode is thought (as it appears) to be the most convenient, and accordingly the Sheriff is left by this Bill to proceed at his pleasure in that way ; and for remedying the injustice of one heir losing the whole of his patrimony, when the debt was no more a debt of his than his coparceners, it is provided by the last clause, that he may have

*Tuesday, 23rd February, 1830.*

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

his action on the case, for contribution against all the others. Thus, if the whole portion of one, and part of the portion of another should be taken, while the Estates of five or six other members of a family were suffered to escape, each one of the two whose shares were taken in execution in unequal proportions, must, in case of disagreement, bring his separate action for contribution against each of his five or six Brothers and Sisters, a course not very congenial to the peace of families, or conducive, as it seems to your Committee, to the welfare of society. It may be said that this multiplied litigation need not be apprehended as likely to occur, inasmuch as the children liable to contribute would pay their proportions voluntarily and thus avoid an action. But in very many instances half the children, or more, would be minors, having no means, and no discretion to apply them, and thus there might be no alternative but that the portion of one must be wholly sacrificed for a debt in effect due by them all; while the remedy for contribution may be delayed for many years, possibly for twenty.— And if a case is supposed in which the proprietor of an estate owes a debt of fifty pounds, and dies Intestate, leaving one hundred acres of Land worth one hundred pounds, and seven or eight children, or other persons entitled to share the same equally among them, all being of full age, unless they should possess some other means of paying their several proportions of the debt than they could realize from their separate portions of ten or twelve acres of land, very little could be expected from their voluntary contributions, however just their intentions might be.

We beg also to remark, that if the Law were to stand upon the footing on which the Bill which has been referred to us would place it, the Statute 5th Geo. 2nd Chap. 7, would in a great many cases be almost inoperative. It has been repeatedly decided, and is now considered to be the Law, (as such decisions are not yet appealed from) that the Lands of a deceased debtor cannot be sold under an execution against his administrator, but that judgement must be obtained against the heir. That heir is not unfrequently a minor, and, even as the Law now stands, creditors are in many cases delayed in their remedy from that circumstance. It need scarcely be noticed how much this difficulty must be increased when the whole estate cannot be sold until every child comes of age, and when among the co-heirs may be all the children of a deceased Brother, thus going one generation lower. Considering how large a portion of our present population has emigrated from other countries, leaving behind them children, brothers, or other kindred, who, in case of Intestacy, would be entitled to share in their property, without whose concurrence no title could be perfected, and against whom judgement must be obtained before a creditor could have an effectual remedy for the recovery of his debt; it appears to your Committee that the greatest inconvenience and confusion must speedily follow such a system of Law as this Bill would establish.

It is very possible that by proper provisions some of these evils might be prevented, or at least modified. Your Committee however cannot but remark, that they perceive nothing in this Bill calculated to guard against such evils, or to prevent their accruing in their fullest extent, and they deem it unnecessary to inquire what ought to be the details of any measure that would go so far towards destroying the English character of our Constitution and Laws, because they are persuaded that in the opinion of the Legislative Council no such change is desirable as this Bill is intended to introduce, and that all the difficulties spoken of will be best avoided by leaving our excellent system of tenures as it stands.

The Law of Primogeniture has been the Law of England for a period antecedent to the date of Magna Charta. It may have been dictated at first by considerations having reference principally to the feudal system, but it would not have been suffered so long to survive the total abolition of Military tenures, if experience had not shewn it to be best adapted to the stability, and general welfare of Society, and most congenial to our admirable form of constitution.

Having this rule for the descent of real property as one of the most prominent and influential parts of her system of Laws, Great Britain has attained to a height of power, and a degree of civilization never yet surpassed, and in the moral condition of her people, in freedom and independence of character; the general diffusion of happiness and intelligence; the accumulation of national and individual wealth, and the application of ingenuity and enterprise, her people, to speak within bounds, are exceeded by none, while the business of Commerce and Agriculture is no where more industriously and successfully pursued.

These being the results of the English system of tenures, your Committee are at a loss to find any inducement of sound policy that should lead us to depart from it. In the preamble

*Tuesday, 23rd February, 1830.*

SECOND SESSION, 10th PROVINCIAL PARLIAMENT, 11th GEORGE IV.

of this Bill it is stated, that the principles of the Common Law respecting the descent of real Estates are "not well adapted to the circumstances of His Majesty's Subjects *and the state of Society in this Province.*"—What is precisely meant by the reference to the state of Society in this Province, Your Committee may not clearly apprehend—but as they consider it to be very certain that our state of Society is not beyond that of our fellow subjects in the United Kingdom, in any of those particulars which contribute to the happiness of mankind; and as they think it equally certain that there is no country in the world to which we need look for a standard, that as men and British Subjects it is more desirable we should conform to, Your Committee cannot but cherish the opinion that whatever difference exists between the state of Society here and in Great Britain, we shall better consult our happiness and welfare, by striving to approximate, than by effacing the resemblances which exist.

It is the opinion of your Committee that if the proposed innovation of substituting an equal partibility of Real Estates for the Law of Primogeniture, which in our Mother Country has prevailed for centuries, be considered in reference to its effects upon the public interests, there is every reason for deprecating it, and no sound argument to recommend it. It is remarkable that in Great Britain no desire for such a change seems ever to have manifested itself among the people, or to have been proposed either by Statesmen or Legislators; on the contrary, at this moment there is a commission, composed of men of the highest learning and character, appointed under the authority of Parliament to revise the whole system of the English Law of Real Estates, in order to expose defects, remedy abuses in practice, and suggest beneficial changes. They are taking the most comprehensive range in their inquiries, and of course their leading object is to accommodate to the existing state of things, such principles and provisions as may from the lapse of ages have become unsuitable. Accordingly they are suggesting some very material alterations, not restrained by any superstitious veneration for useless forms of institutions. They were appointed by Royal Commission in June 1828, and having made most laborious inquiries, and collected information, and received suggestions from the most eminent and experienced men, they presented, on the eleventh of May 1829, their first report; in which they discuss at length the expediency or in expediency of many parts of the English Law of Estates, and propose some extensive changes, rather respecting forms than principles; but with regard to the law of Primogeniture, that law which it is proposed by this Bill wholly to disregard, they express in the outset their conviction that it ought to be regarded as an inseparable part of our system. They seem neither to have contemplated any change in that respect, nor to have imagined that it could have been thought advisable by others; and they therefore promptly and finally dismiss that part of the inquiry committed to them in these few and emphatic words:—"Where no disposition is made by Will, the whole Landed Estate descends to the eldest Son, or other heir male. This, which is called the law of Primogeniture, appears far better adapted to the constitution and habits of this kingdom than the opposite law of equal partibility, which, in a few generations, would break down the aristocracy of the country, and by the endless subdivision of the soil must be ultimately unfavorable to Agriculture, and injurious to the best interests of the State."

The lapse of nearly two centuries had seemed only to confirm the view taken of this leading principle in the English Law of descent by the great and good Sir Matthew Hale, who expresses himself thus eloquently in his History of the Common Law of England, (speaking of the time when lands were partible)—

"This equal division of inheritances among all the children was found to be very inconvenient, for, first, it weakened the strength of the kingdom, for by frequent parcelling and subdividing of inheritances, in process of time they became so divided and crumbled that there were few persons of able estates left to undergo public charges and offices.

Second—"It did by degrees bring the inhabitants to a low kind of country living, and families were broken, and the younger Sons, which had they not had these little parcels of land to apply themselves to, would have betaken themselves to trades, or to civil or military or ecclesiastical employments; neglecting those opportunities, wholly applied themselves to these small divisions of lands, whereby they neglected the opportunity of greater advantage of enriching themselves and the kingdom."

It would be tedious to advert to the many convincing arguments which have been advanced in very modern times, and by public writers in England, (whose views of political questions were in other respects widely different) tending to prove the evils of an equal partibility of real estate; and illustrating their position by reference to other countries, and by comparison of

*Tuesday, 23rd February, 1830.*

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

the past and present state of some parts of Europe, in which a different system in this respect has obtained at different times. The Quarterly and Edinburgh Reviews, the leading literary and political Journals of the day, are not at variance on this interesting question; on the contrary, both are equally strenuous in enforcing the superior advantages of the Law of England in this very particular; both candidly appreciate and equally exult in their enjoyment of the very system of descent which this Bill now before us would wholly destroy. It is affirmed that in those parts of Scotland in which Freeholds are split into the smallest parcels, the state of Agriculture is inferior to that which prevails in other parts; and reasons are given why such effects *must* follow, that appear to us incontrovertable. Most intelligent travellers who have recently visited Normandy, and other parts of France, and travellers whose political tenets were notoriously of the least biggotted cast, have painted in strong colours the disadvantages daily becoming more striking of their modern adoption of the law of partibility. If the evils of this minute subdivision of real property have not been seriously or generally felt in the Republic near us, they have yet been perceived, and their effects described as visible in some of the oldest States, and it has been remarked that the effects of such minute subdivisions of Land upon Agriculture, and upon the general condition of society, is in a great measure averted at present by the peculiar condition of that immense country, which still presents a boundless pace for emigration.

Your Committee are aware that in the County of Kent, in England, the Gavel kind tenure still subsists, which directs the descent of real property to the male heirs in equal proportions, and that in some other Counties in England, though to an extent exceedingly limited, the Law of Primogeniture is excluded by ancient customs applying to particular estates. But, although in Kent the law of Gavel kind is, properly speaking, the general rule, it is by no means general in its application. The proprietors of the principal estates have carefully guarded against this distribution of them, by settlements and devises; and with respect to a great proportion of the lands they have been at some time or other disgavelled by Acts of Parliament, passed upon the petition of the proprietors. Still the existence of such a custom in any part of England is felt as an inconvenience that should be remedied, and although it applies so very partially, that it can have little or no effect upon the general state of things, yet the abolition of it is thought to be an object worthy of the attention of the Nation. Accordingly the Commissioners above referred to have with that view directed their inquiries very minutely to this Gavel kind tenure, and the information they have elicited displays the inconvenience of such a partition of Real Estate.

One witness states that he has known it to be necessary to procure the concurrence of forty heirs in order to make a title,—and another states that he has known Estates so divided in consequence of the Gavel kind tenure, that it came in one instance to the half of a seventy second, and the title was amazingly complicated: and that he had another instance in his professional practice when there were twenty-nine parties interested in property worth about three hundred pounds.

It is obvious that whatever inconveniences of this description have arisen from the Gavel kind tenure in Kent, must, upon the ordinary principles of calculation, be generally doubled in this Province under such a law as that now referred to us; for Gavel kind directs a partition amongst the *male* heirs only, while this Bill would make lands distributable among *all* the children, or collateral kindred, *both male and female*, thereby, it must be presumed, generally doubling the number of shares into which the freehold would be divided. This difference, together with the application of the Statute 5th Geo. 2nd, Chap. 7, to this Province, must inevitably make the adoption of the proposed system of tenure here produce more numerous and perplexing inconveniences, than can follow from the Gavel kind tenure in Kent. And while in England they are at this day, after centuries of experience, studying to relieve themselves wholly from the evil of partibility of estates, by abolishing ancient usages which have prevailed only partially, and which from their antiquity are probably preferred by the people who have grown up under them, it would seem strange that we should propose by one fatal and irretrievable Act to impose upon ourselves in their fullest extent, and indeed in greater degree, all those difficulties and disadvantages from which our fellow subjects in the Mother Country are endeavouring to escape.

The injurious effects of such a measure in a public point of view would be found, from the

*Tuesday, 23rd February, 1830.*

SECOND SESSION, 10th PROVINCIAL PARLIAMENT, 11th GEORGE IV.

manner in which this Province has been settled, to apply to an embarrassing extent within a very short period.

In Kent, where Gavel kind prevails the most, the freehold of the soil is not, as in this Province, vested in almost every Farmer who cultivates the ground. In England and Scotland the lands are generally held in large estates by noblemen, or other great proprietors, who are careful to prevent by settlements and entails their being split into small parcels; and if this care were not used, and several such proprietors were to die in succession without making a Will, it would take generations before the property would be reduced by subdivision to such small portions as to produce the mischief that would arise here almost instantly. In Upper Canada the great bulk of the lands are held in separate freeholds of two hundred acres, or one hundred acres. Since the year 1816 thousands of persons have been annually settled by the Government upon lots of one hundred acres each, and a great number have received gratuitous grants of fifty acres each. Now it is to be considered that besides the undoubted fact that the proprietors of single farms of two hundred acres, or less, form by far the greater proportion of our agricultural population; it is also certain, for other reasons, that of those who die Intestate, and to whose estates this Bill would apply, infinitely the greater number will be persons having a single freehold property of one or two hundred acres.

The proprietor of many and large estates is generally found sufficiently provident to dispose of them by Will, which in this Province every person may do as he pleases. He is more impressed with the importance of leaving a Will, because he has more to dispose of, and he is generally more conversant in business. The proprietors of single lots, on the contrary, are seldom so attentive and provident, they are more frequently without the education that might enable them to make their Will, and when they do attempt it, their Wills are frequently invalid, from their unacquaintance with those forms and solemnities which the law has deemed prudent to prescribe. In addition to this, they are from their pursuits more exposed to casualties leading to sudden death, and they frequently die under circumstances and in situations that render it impossible for them to procure the assistance and advice they require. From these causes it happens that the number of cases in which Wills are made by the people of this Province is exceedingly small in proportion; so much so, that in the District of Bathurst, containing many thousand inhabitants, we have heard that it was some years before the Surrogate Judge had a single Will brought to him, and we have no doubt that we are much within the truth when we suppose, that five proprietors of single lots die Intestate for one that makes a valid Will. It is therefore to be borne in mind that, it is with respect to those persons who compose the great mass of our population that the provisions of this Bill would take effect, the proprietors of large estates being less numerous and less likely to die Intestate.—Then it is to be considered how such a system would operate when applied to the medium case of the proprietor of one hundred acres, of whom there are many thousands, and of which description of settlers indeed some whole Townships are almost exclusively composed.

We will suppose, first, a case more unfavorable than the average, but still by no means an extreme case, or one not likely to occur:—The owner of one hundred acres dies without a Will, leaving seven Children, some of them minors, and the two youngest under six years of age, having had also another Son or Daughter who married, and died, leaving four Children. By this Act the one hundred acres which, while undivided, supported the whole family in comfort, would be split into eight shares of twelve acres and a half each, and one of those shares into four lesser portions of three acres and one-eighth each. Then the Widow's claim to dower, when there was a Widow, would in fact leave but two-thirds to be divided instead of the whole; and how this lot is to be cut up so as to give to each a proper share of the few acres of wood, at one end of it, and access to his portion, and making due allowances for inequality of soil and other natural differences, and giving to each a sufficiency of rail timber, must be determined by the three Freeholders according to one of the clauses of this Bill; and before this division has been long made perhaps one of the children dies, and his portion, (if the Mother be not living) is to be equally divided among his brothers and sisters; his twelve and a half acres into six equal parts. If the estate owes debts of thirty pounds or forty pounds, no one child has a sufficient interest in the land to justify his paying them, or to enable him to pay them; and in its subdivided state, with half the proprietors minors, nothing could be raised upon the credit of the property, execution goes against such of the heirs as are of age the creditor being delayed in his remedy against the others; the one or two shares of those who are the eldest and best able to support the younger children are taken wholly from them.

*Tuesday, 23rd February, 1830.*

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

they must console themselves with the reflection that, if they can manage to live till all their brothers and sisters come of age they can immediately prosecute them in actions at Law, under the provision in the last clause of this Bill, and drive them in their turn from the paternal property, on which all might have grown up in independence and comfort, if the estate had been suffered to remain undivided. It may be said that some of the children must buy of the others, but when all may wish to avoid selling, and none are able to buy, although efforts of this kind may be made, and may greatly disturb the harmony of families, by introducing quarrels and litigation, it would seldom be found an effectual remedy. When the Father, who owned the lot, had perhaps not yet paid for it, and died poor, whence are his children to have at once the power of purchasing?—the eldest might be able to buy, but the youngest being infants could not sell—the eldest again might be willing to sell, but the others wholly incapable of buying. No stranger could become the purchaser of the whole estate for the benefit of all, because, so long as any child is under age no title can be made; and when the shares go to collateral kindred, it may be necessary in a country settled as this has been, to hunt about the world for them; besides it is found in other countries to be the natural effects of such a system that there is no disposition to sell, but all cling to the wretched fraction of a freehold so long as it will afford them a bare subsistence, and become an inferior race of Farmers, and ultimately a degraded and dependant population.

An adequate capital is not employed in Agriculture, and cannot be under such circumstances, for no person has individually a sufficient interest at stake, and hence it is that it is felt and assumed in England that to make real estates partible would tend to the depression of Agriculture.

But the inconvenience of this minute subdivision happens it is to be remembered in the first generation, and on the first occasion of Intestacy. What would be the state of the one hundred acre lot when the greater part of the proprietors of the twelve and a half acres shall in their turn die intestate, leaving their portions to be divided again into six or eight shares, some burthened with dower, and others with tenancy by the curtesy?—And what kind of Agricultural population should we have after one of the fifty acre grants has passed through two such descents? It would soon be nearly as impossible to collect the scattered fragments of interest in the estate, and to make a perfect title to it, as it would be to gather chaff that had been scattered to the winds.

There are not wanting instances in this Province which tend to illustrate this certain inconvenience, for though it cannot occur in cases of Intestacy under our law as it now exists, yet from injudicious disposition of property by Will, it *has* now and then happened that the interest in an estate has been so subdivided, that either from the difficulty of finding some of the heirs, or from their disagreement among themselves, a property which in the hands of one or two proprietors would have been useful to the community, has lain for years unproductive to the State, and doing good to no one; that cannot in our opinion be a desirable measure which must multiply these cases of inconvenience. We are aware it may be said that all these dreaded evils may be avoided by the simple process of making a Will; but in the first place the making a Will in regard to real estate is not a simple process, and in the next place if it were ever so simple, it is nevertheless certain to be neglected in thousands of instances; all experience shews this; and indeed were it otherwise, then this Bill now in question would become a matter of no importance, because it may with the same reason be said that all who dislike the principles of primogeniture can easily prevent its application by making a Will, and giving to each child five or ten acres of land if he preferred such a distribution.

The truth obviously is, that neither the Law of England, nor any law that can be passed there or here, can make exactly such a disposition of the real estate of an Intestate as he would himself have made, if he had used the privilege which the law gives him of making a Will.

The number of Acres he possessed, the ages, number, and moral character of his Children, the manner in which some of them had been already advanced by him—and numberless other circumstances which the Law cannot anticipate, or provide for, would lead every testator to depart, more or less, from any general rule that, the ingenuity of man could lay down. It is impossible that a Law can be framed that would suit the inclinations of every proprietor, or meet the circumstances of every family; all that can be done, is to approximate, and to lay down such a rule as being most consistent with the welfare of the State,

*Tuesday 23rd, February, 1830.*

SECOND SESSION, 10th PROVINCIAL PARLIAMENT, 11th GEORGE IV.

and the general good of Society, will be likely to suit in the greatest number of cases, leaving it incumbent upon parents and others, when they may wish to make their case an exception to the general rule, to take the ordinary means for that purpose.

Whether the distribution which this Bill would occasion in cases of Intestacy is such as the proprietor of a single Lot of Land would think it judicious to make, may be seen by referring to the Surrogate Offices in the several Districts, where we much doubt whether many Wills are to be found dividing a lot of one hundred, or even of two hundred Acres, in equal proportions among six or eight children. On the contrary, it will, we are convinced, be discovered by such a search, that the more ordinary course is to leave the homestead in the possession of some one member of the family, charging him with payments to be made to his brothers and sisters. By such a disposition of the property the evils we have stated are avoided, and the several members of the family are more conveniently provided for.

However plausible may appear the general reasoning in favour of an equal division of Real Property, and however easy it may be to gain from the greater number of men a hasty assent to a measure of this description, for want of reflecting sufficiently upon its consequences, we are persuaded it will be found that when the proprietor of a single farm comes to act, and to exercise his judgment in his own particular case, he rarely, if ever, divides his one hundred Acres into eight or ten parts.

We are therefore not of opinion, that the proposed Bill would make such a disposition of Real Property as would generally be consistent with the intentions of the deceased owner—and on all other grounds we think that experience, and a regard for our Constitution, forbid us from venturing on such a change.

It may be satisfactory to your Honorable House to find how strongly the view taken by your Committee, of the principal features of this Bill is confirmed by the opinions of men of the greatest experience, recently given to the Commissioners for inquiring into the Law of Real Property in England. We therefore subjoin a few extracts, beginning with the evidence of the celebrated Charles Butler, Esq. whose knowledge and experience in that branch of the Law have long entitled him to be considered as one of the highest authorities in his profession—and it is to be remembered in reading those extracts, that when the witnesses are describing the effects of the Law of Gavel kind, they are speaking of a rule of descent under which the Real Estate of an Intestate is distributed equally among the *male* heirs only, and not, as this Bill proposes, among *all* the children, or other heirs, both *male* and *female*.

CHARLES BUTLER, Esq.—“I have had frequent means of observing how tenure in Gavel kind operates. Instances have occurred to me in which great uncertainty has prevailed whether certain lands were or were not held by Gavel kind tenure. In practice I have found many inconveniencies to arise from this uncertainty. Some also, when from the minority, or foreign residence, or embarrassed title of some of the parceners, or from the unwillingness of some to concur in sales or other dispositions of the property, dealing with it has been expensive, difficult, litigious or impracticable; and the shares of the parceners have been greatly reduced in value.

“Whatever adds to the number of trustees, or Cestui Que trusts of the same property, particularly when the interests are different, and sometimes discordant, necessarily adds to the difficulties and embarrassments attending alienation, management, and every other dealing with the property; it also multiplies questions of Law and Equity. I am not aware of any method by which these inconveniences can be avoided or lessened while the tenure remains.

“Some disadvantages I have mentioned, the disadvantages which it generates are numerous; I am not apprised of any substantial advantage which arises from it which is not counterbalanced by a greater disadvantage.

“As far as my experience goes the owners of Gavel kind property wish to have it settled by their Deeds or Wills in a course of devolution, totally contrary to that of Gavel kind tenure. I have never seen an instance in which a person has appeared to me to feel a partiality for it.

“I see no objection to the total abolition of it.”

WILLIAM E. TAUNTON, Esq.—*King's Counsel*—“Gavel kind prevails in so small a proportion of the Kingdom, that in a practical view, it is not easy to estimate its advantages or disadvantages. As I have before observed, I should consider it to be incompatible

*Tuesday, 23rd February, 1830.*

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

“with the British Constitution if it prevailed to a general extent; but as it is, it is not worth while to meddle with it.”

In another place, speaking of the English Law of descent generally, MR. TAUNTON says:—  
“The Law of descents in England, from long usage, is familiarized to the affections and understandings of the people, and I do not think that any alteration in it, except in the part which relates to the half blood, would operate as an improvement. The rules on this subject are altogether *positivi Juris*, and there is no standard of perfection by which they can be weighed. Amongst speculative men there will always exist a diversity of opinion, and each man will naturally think his own the best, so that after you have altered and modified ever so much there will be just as many as ever who will deem the system imperfect. These rules moreover are so interwoven with, and dependant on each other, that if you break in upon one you will disturb all the others, and the whole machine will be put out of order.”

MR. SERGEANT PEAKE.—“I cannot help again expressing my objection to any thing like a general abolition of the rules of tenure, or descent, and I think the alteration less necessary, as in the case of descent the party in possession may always provide against any inconvenience by a testamentary nomination of his heir, and where he does not do so, I think it of much more consequence that a rule, coeval with the Constitution itself, should continue, than that changes should from time to time prevail, which, in the end, will render all rules of property and descent fluctuating and uncertain.”

(*Note.*—Mr. Sergeant Peake does not say this with any particular reference to the Law of Primogeniture, for the abolition of that Law is not proposed or hinted at by the Commissioners, in any of their questions. He expresses himself in these general terms, in answer to interrogations respecting the expediency of other changes of a much less serious character.)

WILLIAM WEATHERLY Esq.—(In answer to several questions respecting Gavel kind tenure)—“I decline to answer these questions having but very little practical experience of Gavel kind tenure; but I beg leave to quote the following passage from Mr. Watkin’s 141st note to Gilbert’s tenures—

“In some manors where the custom is for lands to descend after the manner of Gavel kind, it often occurs in practice, that the heir will not accept the portion, as not being worth the fines and fees. The estate becomes at length so divided and subdivided, as to be frequently frittered into trifles, and the share of the individual unworthy of acceptance, under the accustomed dues.”

“Theoretically speaking, I see no objection to the abolition of Gavel kind tenures altogether, as well in freehold as in copyhold lands.”

ALEXANDER RADCLIFFE SIDEBOTTOM Esq.—(Answers that he has been almost twenty years at the Bar.)—“I have not had a great deal of practice in Gavel kind, but I have met with a great deal of inconvenience. I have more than once had titles before me, in which it was almost impossible to ascertain with accuracy how far the estate was divided.—I know it did come to the half of a seventy-second in one instance, and it was amazingly complicated. I have had several times great difficulty in deducing the title on account of subdivisions of the estate. I had one instance where there were twenty-nine parties interested in a property that was not worth three hundred pounds. But it is a singular thing, that in Kent the large Baronial Estates have been kept together as well as in other Counties, but that has been by Settlements and Wills. Being aware of it, and knowing how necessary it was to guard against it—they have guarded against it—but that is not the case with individuals having small property.

“I see no advantages in the tenure; the disadvantages are, great additional expense and complexity of title, and frequently rendering a small property of no actual value to the owners when they are numerous.”

GEORGE HARRISON Esq.—“I think the great object in Law is, that we should have certainty; the happiness of the people depends mainly upon it; and as I look upon the Law of descent, as it now stands, to be perfectly certain, I would not disturb it.

“I am attached to the Law as it now stands for this reason simply, that it is well understood and clear.”

*Tuesday, 23rd February, 1830.*

SECOND SESSION, 10th PROVINCIAL PARLIAMENT, 11th GEORGE IV.

JOHN TYRRELL Esq.—“I think it very desirable, if it be practicable, to abolish the tenures of Gavel kind, and Borough English, and there does not appear to me to be any sufficient reason why they should be continued.

“The modes of descent in Gavel kind and Borough English are much less convenient than the general Law of Primogeniture, and in every case the complete power of disposition by Will renders the manner of descent of little importance. *Intestacy but rarely happens* when there is property to give, and the owner of it has a family of relations for whom he is anxious to provide; and it would be impossible by a general Law to make a general distribution, applicable to all the different circumstances arising from the Estate, ages, and rank of the family, and the nature and value of the property. The general Law is well adapted to the great classes of society engaged in professions and trades, where an Intestate, who has real estate, has usually personal property of much greater value, which is divided among all the children. With a great part of the aristocracy and yeomanry it leaves but little provision for the younger children; but the care of them devolves, with the estate, upon the eldest brother, who usually considers himself bound to provide for them. The Law, however, is as just as that of Gavel kind, which excludes all the daughters, or that of Borough English, which gives the whole to the youngest son, while it renders titles more simple and secure; because it is much less difficult to prove who is the eldest son, than to obtain satisfactory evidence that there was not more than a stated number of sons, or that there was not a younger son. A descent in Gavel kind most frequently occurs in an estate vested in a trustee or mortgagee, and the persons beneficially entitled are often put to great trouble and expense in getting in the legal estate in the shares vested in the different co-heirs, of whom some are frequently infants.

“When the Intestacy of the owner of an estate held in Gavel kind does happen, it occasions great inconveniences, for it is generally important to some of the sons to have their shares converted into money, in order to enable them to embark in trades and professions; and no sale, nor a complete partition, nor even a valid lease, can be made of the estates until the youngest son attains the age of fifteen years. It is said that a strong feeling prevails among the people in Kent in favour of Gavel kind tenure; but it is to be hoped that such a prejudice will not prevent an alteration, which would evidently be beneficial to them.”

Leaving unnoticed more numerous and stronger testimonies against the Gavel kind tenure, and in favour of Primogeniture, than are sufficient to counterbalance opinions, which two or three witnesses advance very faintly, and in a qualified manner, in vindication of Gavel kind, your Committee beg to conclude with the following very satisfactory passage of the Report recently presented by the Commissioners upon the Law of Real Property:—

“With a view of collecting information, and of affording an opportunity to all persons conversant with the Law of Real Property, to point out any defects under which it may be supposed to labour, or improvements of which it may be susceptible, we early caused a letter to be generally circulated, stating the nature of this Commission, and soliciting suggestions on any of the subjects within the scope of it.

“We have in consequence received various communications from different parts of the Country, many of which are distinguished by considerable ability. Some of these we have thought it right to subjoin in the appendix to this report, as more immediately relating to the topics embraced in it; and we shall probably feel it our duty to add others to subsequent reports.

“Our next proceeding was to prepare a series of written questions upon some of the subjects to which we proposed in the first instance to direct our attention, and to send them to all persons from whom they were likely to draw forth useful information, with an intimation that we requested answers either in writing, or by viva voce examinations, as might be most agreeable to those to whom they were addressed.

“From some Gentlemen we received written answers of great value, and others attended us personally, submitting to long examinations, which afforded us the opportunity of fully canvassing the topics under discussion with men of profound learning, and distinguished talent.

“With such helps we have proceeded to examine the existing state of the Law of Real Property in this Country, and to consider how far it may be corrected and improved in its two great divisions of *Enjoyment* and *Transfer*.

“We have the satisfaction to report, that the Law of Real Property seems to us to require very few essential alterations; and, that those which we shall feel it our duty to suggest, are

23rd & 25th February, 1830.

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

“chiefly modal; when the object of transactions respecting Land is accomplished, and the Estates and Interests in it which are recognized are actually created and secured, the Law of England, except in a few comparatively unimportant particulars, appears to come almost as near to perfection as can be expected in any human institutions. The owner of the soil is, we think, vested with exactly the dominion and power of disposition of it, required for the public good, and landed property in England is admirably made to answer all the purposes to which it is applicable.”

WILLIAM DICKSON,  
CHAIRMAN.

Ordered, that the House be put into a Committee of the whole on the above Report on Thursday next, and that in the mean time it be Printed. Report ordered to be printed.

On motion made and seconded the House adjourned until Thursday next.

Thursday, 25th February, 1830.

The House met pursuant to adjournment.

PRESENT,

The Honorable JOHN B. ROBINSON, *Speaker*, The Hon. Messrs. JOSEPH WELLS,  
The Hon. Messrs. JOHN M'GILL, “ “ GEORGE CROOKSHANK,  
“ “ WILLIAM DICKSON, “ “ JOHN H. DUNN,  
The Hon. & Ven. the ARCHDEACON OF YORK, “ “ WILLIAM ALLAN,

*Prayers were read.*

The Minutes of Tuesday were read.

The Petition of certain Mechanics of this Province, praying for a reduction of the duty on such Timber as is usually made use of for the manufacture of Furniture imported into this Province from the United States, was read. Petition praying for a reduction of the duty on certain Timber imported from the United States read.

The Petition of Synthe Vandyck, praying that the entail of certain Lands may be cut off and the same be held in fee simple, was read. Petition praying that the entail of certain lands may be cut off read.

Pursuant to the order of the day, the Bill entitled “An Act to repeal an Act passed in the Forty-ninth year of His late Majesty's Reign entitled, ‘An Act to encourage the destroying of Wolves in this Province, and to make more effectual provision for exterminating those destructive animals,’” was read a second time, and it was— Wolfe extermination Bill read second time.

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

Pursuant to the order of the day, the Bill entitled “An Act to borrow a sum of Money in England at a reduced rate of Interest to cancel the Public Debt of this Province,” was read a second time and it was— English loan Bill read second time.

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

The Honorable Mr. Robinson enters.

Pursuant to the order of the day, the Bill entitled, “An Act to confirm the Survey of a part of the Concession Lines of the Township of Cornwall,” was read a second time, and it was— A Member enters the House.  
Cornwall Concession line survey bill read second time.

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

Pursuant to the order of the day, the Bill entitled, “An Act to exclude the Judges from the Legislative and Executive Councils,” was read a second time. Judges exclusion Bill read second time.

Pursuant to the order of the day, the House was put into a Committee of the whole on the Bill for vesting the Market Lots in the Town of York in the hands of Trustees. Market Lots Trustee Bill committed.

Mr. Dunn took the Chair.

After some time the House Resumed.

The Chairman reported that the Committee had taken the said Bill into consideration, and had risen. Reported Committee had risen.

Ordered, that the report be received.

Pursuant to the order of the day, the Bill entitled, “An Act for the better preservation of Salmon within this Province,” was read a second time, and it was— Salmon preservation Bill read second time.

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

Pursuant to the order of the day, the Bill entitled “An Act for the relief of Synthe Vandyck,” was read a second time, and it was— Vandyck's relief Bill read second time.

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

Pursuant to the order of the day, the House was again put into a Committee of the whole on Second Gaol Limits Bill recommitted.

*Thursday 25th, February, 1830.*

SECOND SESSION, 10th PROVINCIAL PARLIAMENT, 11th GEORGE IV.

the Bill entitled, "An Act to repeal and amend the Laws now in force respecting the Limits of the respective Gaols in this Province."

Mr. Wells took the Chair.

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

Agricultural Societies establishment bill brought up.

A Deputation from the Commons House of Assembly brought up a Bill entitled, "An Act to encourage the establishment of Agricultural Societies in the several Districts of this Province," to which they requested the concurrence of this House and withdrew.

Amendments to Hornor's patent bill acceded to by Assembly.

A Deputation from the Commons House of Assembly returned the Bill entitled "An Act to secure to Thomas Hornor a patent right in a new invented Threshing Machine," and acquainted this House that the Commons House of Assembly had adopted the amendments made by the Legislative Council in and to the same.

Second Gaol Limits Bill recommitted.

The House was then again put into a Committee of the whole on the Bill entitled, "An Act to repeal and amend the Laws now in force respecting the Limits of the respective Gaols in this Province."

Mr. Wells took the Chair.

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

Pacification Courts establishment Bill brought up.

A Deputation from the Commons House of Assembly brought up a Bill entitled, "An Act to preserve good understanding between neighbours, and to lessen the number of expensive Law-suits, by establishing Courts of Pacification in this Province," to which they requested the concurrence of this House and withdrew.

Insane destitute persons relief Bill brought up.

A Deputation from the Commons House of Assembly brought up a Bill entitled, "An Act to authorise the Quarter Sessions of the Home District to provide for the relief of Insane destitute persons in that District," to which they requested the concurrence of this House and withdrew.

Second Gaol limits Bill recommitted.

The House was then again put into a Committee of the whole on the Bill entitled, "An Act to repeal and amend the Laws now in force respecting the Limits of the respective Gaols in this Province."

Mr. Wells took the Chair.

After some time the House resumed.

Reported Committee had risen.

The Chairman reported that the Committee had taken the said Bill into consideration, and had risen.

Ordered, that the report be received.

Agricultural Societies establishment Bill read first time.

The Bill entitled "An Act to encourage the establishment of Agricultural Societies in the several Districts of this Province," was read, and it was—

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

Pacification Courts establishment Bill read first time.

The Bill entitled "An Act to preserve good understanding among neighbours, and to lessen the number of expensive Lawsuits by establishing Courts of Pacification in this Province," was read, and it was—

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

Members enter the House.

The Honorable Messrs. Baby and Markland enter.

Insane destitute persons relief Bill read first time.

The Bill entitled "An Act to authorise the Quarter Sessions of the Home District to provide for the relief of Insane destitute persons in that District" was read, and it was—

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

Widow Pomeroy's Pension Bill committed.

Pursuant to the order of the day, the House was put into a Committee of the whole on the Bill entitled "An Act to Pension Charlotte Pomeroy, Widow of the late Timothy Conklin Pomeroy."

Mr. Allan took the Chair.

After some time the House resumed.

Reported.

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

Adopted.

Ordered, that the report be received, and—

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

Commercial Bank of Upper Canada incorporation Bill brought up.

A Deputation from the Commons House of Assembly brought up a Bill entitled "An Act to incorporate sundry persons under the style and title of the President, Directors, and Company of the Commercial Bank of Upper Canada," to which they requested the concurrence of this House and withdrew.

Read first time.

The said Bill was then read, and it was—

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

*25th & 26th February, 1830.*

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

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,

The Commons House of Assembly request permission for the Honorable James Baby, a Member of your Honorable House, to attend and give evidence before a Select Committee of this House, to which has been referred the Report of the Trustees of the Western District School.

Message from Assembly requesting that the Hon Mr. Baby may be permitted to attend a Select Committee of that House.

[Signed]

MARSHALL S. BIDWELL,  
SPEAKER.

*Commons House of Assembly,  
25th February, 1830.*

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

Leave given for that purpose & Assembly acquainted thereof.

Pursuant to the order of the day, the House was put into a Committee of the whole on the Bill entitled "An Act to provide for filling vacancies that may occur by the death, removal, or neglect, or refusal to act, by any of the Commissioners appointed by an Act passed in this present Session of Parliament, entitled "An Act granting to His Majesty a Sum of Money for the improvement of the Roads and Bridges in this Province."

Road and Bridge Commissioners vacancy supply Bill committed.

The Honorable and Venerable the Archdeacon of York 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 this day three months.

Reported and leave given to sit again in three months.

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

Pursuant to the order of the day, the House was again put into a Committee of the whole on the Bill entitled "An Act granting to His Majesty a Sum of Money for the improvement of the Roads and Bridges in this Province."

Road and Bridge Grant Bill recommitted.

Mr. Markland, took the Chair.

After some time the House resumed.

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

Reported and leave given to sit again to-morrow.

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

Pursuant to notice, the Honorable and Venerable the Archdeacon of York laid on the Table certain Resolutions on the subject of Education, and it was—

Resolutions on Education laid on the table.

Ordered, that the same be taken into consideration on Saturday next.

Mr. Allan brought up the Petition of Israel Bowman, Stephen Bowman, and Daniel Ruttan, which was laid on the Table.

Petition of Israel Bowman and others presented.

On motion made and seconded the House adjourned.

*Friday, 26th February, 1830.*

The House met pursuant to adjournment.

PRESENT,

*The Honorable* JOHN B. ROBINSON, *Speaker.* *The Hon. Messrs.* JOSEPH WELLS,  
*The Hon. Messrs.* JAMES BABY, " " JOHN H. DUNN,  
" " WILLIAM DICKSON, " " WILLIAM ALLAN,  
" " GEORGE CROOKSHANK,

*Prayers were read.*

The Minutes of yesterday were read.

Pursuant to the order of the day, the Bill entitled "An Act to Pension Charlotte Pomeroy, Widow of the late Timothy Conklin Pomeroy," was read a third time and passed, whereupon the Speaker signed the same, and it was—

Widow Pomeroy's pension Bill read third time passed and signed.

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

Assembly acquainted of same.

The Honorable Mr. Markland, the Honorable and Venerable the Archdeacon of York, and the Honorable Sir William Campbell enter.

Members enters the House.

A a

*Friday, 26th February, 1830.*

SECOND SESSION, 10th PROVINCIAL PARLIAMENT, 11th GEORGE IV.

- Wolf extermination Bill committed.** Pursuant to the order of the day, the House was put into a Committee of the whole on the Bill entitled "An Act to repeal an Act passed in the Forty-ninth year of His late Majesty's Reign entitled, 'An Act to encourage the destroying of Wolves in this Province, and to make more effectual provision for exterminating those destructive animals.'" Mr. Dunn took the Chair. After some time the House resumed.
- Reported.** The Chairman reported that the Committee had gone through the Bill, and recommended the same without amendment to the adoption of the House.
- Adopted.** Ordered, that the report be received, and—  
Ordered, that the said Bill be read a third time to-morrow.
- A Member enters the House.** The Honorable Mr. Robinson enters.
- English loan Bill committed.** Pursuant to the order of the day, the House was put into a Committee of the whole on the Bill entitled, "An Act to borrow a sum of Money in England at a reduced rate of Interest to cancel the Public Debt of this Province." Mr. Baby took the Chair. After some time the House resumed.
- Reported.** The Chairman reported that the Committee had gone through the Bill, and recommended it without amendment to the adoption of the House.
- Adopted.** Ordered, that the report be received, and—  
Ordered, that the said Bill be read a third time to-morrow.
- Cornwall Concession line survey bill committed.** Pursuant to the order of the day, the House was put into a Committee of the whole on the Bill entitled, "An Act to confirm the Survey of a part of the Concession Line between the seventh and eighth concessions of the Township of Cornwall." Mr. Dickson 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, 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 Messrs. Wells and Markland be appointed the Committee for that purpose.
- Committee appointed. Salmon preservation Bill committed.** Pursuant to the order of the day, the House was put into a Committee of the whole on the Bill entitled, "An Act for the better preservation of Salmon within this Province." Mr. Wells took the Chair. After some time the House resumed.
- Reported, and leave given to sit again to-morrow.** 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.  
Ordered, that the report be received and leave granted accordingly.
- Snythe Vandyck's Bill committed.** Pursuant to the order of the day, the House was put into a Committee of the whole on the Bill entitled "An Act for the relief of Snythe Vandyck." 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, and had made some progress therein.  
Ordered, that the report be received.
- Agricultural Societies establishment Bill read second time.** Pursuant to the order of the day, the Bill entitled "An Act to encourage the establishment of Agricultural Societies in the several Districts of this Province," was read a second time and it was—  
Ordered, that the House be put into a Committee of the whole on the same to-morrow.
- Pacification Courts establishment Bill read second time.** Pursuant to the order of the day, the Bill entitled "An Act to preserve good understanding among neighbours, and to lessen the number of expensive Lawsuits, by establishing Courts of Pacification in this Province," was read a second time, and it was—  
Ordered, that the House be put into a Committee of the whole on the same to-morrow.
- Insane destitute persons relief Bill read second time.** Pursuant to the order of the day, the Bill entitled, "An Act to authorise the Quarter Sessions of the Home District to provide for the relief of Insane destitute persons in that District," was read a second time, and it was—  
Ordered, that the House be put into a Committee of the whole on the same to-morrow.

26th & 27th February, 1830.

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

Pursuant to the order of the day, the Bill entitled "An Act to incorporate sundry persons under the style and title of the President, Directors, and Company of the Commercial Bank of Upper Canada," was read a second time, and it was—

Commercial Bank of Upper Canada incorporation Bill read second time.

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

Pursuant to the order of the day, the House was again put into a Committee of the whole on the Bill entitled "An Act granting to His Majesty a Sum of Money for the improvement of the Roads and Bridges in this Province."

Road and Bridge Grant Bill re-committed.

Mr. Markland 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 entitled, "An Act to authorise the Receiver General of this Province to raise by Debenture, on the credit of certain duties therein mentioned, a sum of money for the relief of the sufferers during the late war with the United States," to which they requested the concurrence of this House and withdrew.

War Loss Loan Bill brought up.

The House was then again put into a Committee of the whole on the Bill entitled, "An Act granting to His Majesty a sum of Money for the improvement of the Roads and Bridges in this Province."

Road and Bridge Grant Bill re-committed.

Mr. Markland took the Chair.

After some time the House resumed.

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

Reported, and leave given to sit again to-morrow.

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

The Bill entitled "An Act to authorise the Receiver General of this Province to raise by debenture, on the credit of certain duties therein mentioned, a sum of money for the relief of the sufferers during the late war with the United States," was read, and it was—

War Loss Loan Bill read first time.

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

On motion made and seconded, it was—

Ordered, that the House be again put into a Committee of the whole on the Bill entitled, "An Act to repeal and amend the laws no in force respecting the Limits of the respective Gaols in this Province," and that the same do stand upon the order of the day for to-morrow.

On motion made and seconded the House adjourned.

Saturday, 27th February, 1830.

The House met pursuant to adjournment.

PRESENT,

<i>The Honorable</i> JOHN B. ROBINSON, <i>Speaker,</i>	<i>The Hon. &amp; Ven. the</i> ARCHDEACON OF YORK,
<i>The Hon. Messrs.</i> JAMES BABY,	<i>The Hon. Messrs.</i> JOSEPH WELLS,
" " JOHN M'GILL,	" " JOHN H. DUNN,
" " WILLIAM DICKSON,	" " WILLIAM ALLAN,
" " GEORGE CROOKSHANK,	" " PETER ROBINSON,

*Prayers were read.*

The Minutes of yesterday were read.

The Petition of Israel Bowman, Stephen Bowman, and Daniel Ruttan, praying for a loan of one thousand pounds to enable the petitioners to engage in the manufacture of Salt, was read.

Petition praying for a Loan, to be enabled to engage in the Manufacture of Salt, read.

A Deputation from the Commons House of Assembly brought up a Bill entitled, "An Act to raise by loan a certain sum of money to be expended on the public Highways within this Province,"—and also a Bill entitled "An Act to cover the payments by His Excellency the Lieutenant Governor of certain contingent expenses of the Legislature," to which they requested the concurrence of this House and withdrew.

Highway Loan Bill brought up.

Second Contingency covering Bill brought up.

The Bill entitled "An Act to raise by loan a certain sum of money to be expended on the public Highways within this Province," was read, and it was—

Highway Loan Bill read first time.

Ordered, that the Forty-fourth Rule of the House be dispensed with, as regards this Bill, and that the same be read a second time to-day.

Forty-fourth rule of the House dispensed with as regards same.

The Bill entitled "An Act to cover the payments by His Excellency the Lieutenant Governor of certain contingent expenses of the Legislature," was read, and it was—

Second Contingency covering Bill read first time.

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

*Saturday 27th, February, 1830.*

SECOND SESSION, 10th PROVINCIAL PARLIAMENT, 11th GEORGE IV.

Wolfe extermination  
Bill read third time,  
passed and signed.

Pursuant to the order of the day, the Bill entitled "An Act to repeal an Act passed in the forty-ninth year of His late Majesty's Reign entitled, 'An Act to encourage the destroying of Wolves in this Province, and to make more effectual provision for exterminating those destructive animals,'" was read a third time and passed, whereupon the Speaker signed the same. and it was—

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 passed this Bill without amendment.

English Loan Bill  
read third time,  
passed and signed.

Pursuant to the order of the day, the Bill entitled "An Act to borrow a sum of Money in England at a reduced rate of Interest to cancel the public Debt of this Province," was read a third time and passed, whereupon the Speaker signed the same, and it was—

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 passed this Bill without amendment.

War Loss indemnity  
Bill re-committed.

Pursuant to the order of the day, the House was again put into a Committee of the whole on the Bill entitled "An Act for the relief of the sufferers who sustained loss during the late war with the United States of America."

Mr. Robinson took the Chair.

After some time the House resumed.

Reported.

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

Adopted.

Ordered, that the report be received, and—

Ordered, that the same be read a third time on Tuesday next.

A Member enters  
the House.

The Honorable Sir William Campbell enters.

Resolutions on  
Education read.

Pursuant to the order of the day, the House took into consideration certain Resolutions on the subject of Education, which were read as follows:—

*Resolved*, That this House would do injustice to their feelings were they to suffer the present Session to terminate without an expression of their sentiments upon a subject of such deep interest to the Inhabitants of the Province, as that of Education.

*Resolved*, That this House has beheld with great satisfaction the successful issue of the exertions made by His Excellency, to establish in this Province a Classical School of so superior a description that it well merits the appellation of a College; and it is earnestly hoped, that it may receive on all hands that protection which is necessary to secure its stability, and to increase and perpetuate the inestimable benefits which it is at this moment conferring.

*Resolved*, That the Legislature of this Colony has not hitherto lost sight of the obligation they were under to provide for the diffusion of Education among all classes of the people.—From an early period a Classical Seminary has been established in each District of the Province, encouraged by a salary provided for the Teacher from the public revenue; and common Schools have, at a great charge, been maintained in most of the scalded Townships; and it is hoped that the increasing means of the Country will in a short time justify the Legislature in putting those valuable institutions, which have already been productive of much good, upon a still more respectable footing.

*Resolved*, That by an Act of Royal Munificence, justly appreciated, our Gracious Sovereign has liberally endowed an University, which, in the course of a very short time, will open to the youth of this Province the advantages of the highest branches of Knowledge, and a complete system of Education, not to be exceeded on this Continent, and afford them, in their native land, the opportunity of obtaining literary honors under the instruction of able Professors from our Mother Country.

*Resolved*, That to give the full benefit of such an Institution, by preserving the distinctive character of an University, it was wisely judged by His Excellency, that a great Public School, or College, ought to be established, in a situation the most convenient to the Province generally, in which the means might be afforded, at a very moderate charge, of advancing in Classical learning and the mathematics, upon an uniform system of instruction, commencing with the elements, and preparing the youth for entering the University well qualified to improve, to the utmost, the advantages which will then be opened to them.

*Resolved*, That what was only designed a few months ago is now most happily accomplished. We have at this moment in Upper Canada the very gratifying distinction of possessing means of education that leave to parents nothing to envy, or to desire, in comparing the advantages of instruction enjoyed in by their children with those which are presented by some of the first Public Schools in Great Britain. We find five Gentlemen, who have graduated in English

*Saturday 27th, February, 1830.*

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

Universities, superintending the classical and mathematical departments of the Upper Canada College, while instruction in the very desirable accomplishments of the French language and Drawing is given by Masters highly qualified for the charge.

*Resolved,* That this House is not surprised that this admirable provision for education should so rapidly have attracted attention, that there are now not less than ninety Pupils in the College, a flattering proof of the great extent to which its benefits will hereafter be felt.

*Resolved,* That this House cordially congratulate His Excellency upon the entire success which appears to have attended the judicious means employed in the selection of the Principal, and Masters, and we welcome their arrival in the Colony with the most sincere satisfaction, not questioning but that, in the very extended field which they will find open to their important labours, they will so exert themselves as to lay the foundation of incalculable good for future generations, and procure for themselves the gratitude of thousands, who by their instruction and example will be rendered virtuous and enlightened members of society.

*Resolved,* That this House is not insensible to the responsibility which His Excellency has assumed in thus promptly carrying into effect so very liberal a design, and in the humble hope that their testimony may contribute in some measure to relieve His Excellency from its weight, it is deemed proper to express the (unanimous) conviction of the Legislative Council, that every motive of sound policy concurs in pointing out the expediency of placing on a sure and permanent footing the Institution which has had so auspicious a commencement.

*Resolved,* That this House presumes not to suggest resources, nor to enter upon details, which His Excellency has doubtless duly considered, and will not fail to submit to the paternal consideration of His Majesty's Government, but content themselves with declaring their opinion, that so far from injuriously interfering with the University of King's College, this Institution will eminently conduce to its utility, and was necessary to prepare the way for its beneficial intention.

*Resolved,* That this House feels, that the zealous exertions of His Excellency, in so speedily effecting this great public object, has entitled His Excellency to the gratitude of the people of Upper Canada; and that this House is persuaded that His Majesty's Government will not fail to perceive the incalculable advantages which must result from giving the most liberal support to His Excellency's efforts in the cause of Education.

*Resolved,* That an humble Address, to the Lieutenant Governor, be founded on these Resolutions, and that the same be presented to His Excellency.

On motion made and seconded, it was—

Ordered, that the House be put into a Committee of the whole on the above Resolutions on Monday next.

Pursuant to the order of the day, the House was put into a Committee of the whole on the Bill entitled "An Act to encourage the establishment of Agricultural Societies in the several Districts of this Province." Agricultural Societies establishment Bill committed.

Mr. Allan took the Chair.

After some time the House resumed.

The Chairman reported that the Committee had taken the said Bill into consideration, had made some progress therein, and asked leave to sit again on Monday next. Reported, and leave given to sit again on Monday 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 on the Bill entitled "An Act to preserve good understanding among neighbours, and to lessen the number of expensive Lawsuits, by establishing Courts of Pacification in this Province." Pacification Courts establishment Bill committed.

Mr. Robinson took the Chair.

After some time the House resumed.

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

Ordered, that the report be received, and—

Ordered, that Messrs. Baby and Dickson be appointed the Committee for that purpose. Committee appointed.

Pursuant to the order of the day, the House was put into a Committee of the whole on the Bill entitled, "An Act to authorise the Quarter Sessions of the Home District to provide for the relief of Insane destitute persons in that District." Insane destitute persons relief Bill committed.

Mr. Wells took the Chair.

*Saturday, 27th February, 1830.*

SECOND SESSION, 10th PROVINCIAL PARLIAMENT, 11th GEORGE IV.

After some time the House resumed.

Reported.

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

Adopted.

Ordered, that the report be received, and—

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

Commercial Bank of Upper Canada Incorporation Bill committed.

Pursuant to the order of the day, the House was put into a Committee of the whole on the Bill entitled "An Act to incorporate sundry persons under the style and title of the President, Directors, and Company of the Commercial Bank of Upper Canada."

Mr. Crookshank took the Chair.

After some time the House resumed.

Reported, and leave given 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.

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

Members in Town Summoned.

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

Road and Bridge Grant Bill re-committed.

Pursuant to the order of the day, the House was again put into a Committee of the whole on the Bill entitled "An Act granting to His Majesty a Sum of Money for the improvement of the Roads and Bridges in this Province."

Mr. Wells took the Chair.

After some time the House resumed.

Reported.

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

Adopted.

Ordered, that the report be received.

A Member enters the House.

The Honorable Mr. Markland enters.

Ordered, that the Bill entitled "An Act granting to His Majesty a Sum of Money for the improvement of the Roads and Bridges in this Province," be read a third time on Tuesday next.

Pursuant to the order of the day, the Bill entitled "An Act to authorise the Receiver General of this Province to raise by Debenture, on the credit of certain duties therein mentioned, a sum of money for the relief of the sufferers during the late war with the United States," was read a second time, and it was—

War Loss Loan Bill read second time.

Ordered, that the Forty-fourth Rule of the House be dispensed with, as regards this Bill, and that the House be put into a Committee of the whole on the same this day.

Forty-fourth Rule dispensed with as regards same.

Pursuant to the order of the day, the House was again put into a Committee of the whole on the Bill entitled "An Act to repeal and amend the laws now in force respecting the Limits of the respective Gaols in this Province."

Second Gaol Limits Bill re-committed.

Mr. Markland took the Chair.

After some time the House resumed.

Amendments reported.

The Chairman reported that the Committee had taken the said Bill into consideration, and had made some amendments thereto, which they recommended to the adoption of the House.

Ordered, that the report be received.

The said amendments were then read as follows :—

Read first time.

Press. 2. line 1.—Expunge "and virtually."

" " " 4.—After "Province" insert "other than the District of Niagara."

" " " 6.—After "Act," expunge "wherein limits of boundaries for any Town are established by law."

" " " 3.—After "Province," expunge the remainder of the clause to the Proviso, and insert "other than the District of Niagara, not more than sixteen acres of ground contiguous to the said Gaols, and that after the establishment of such limits it shall and may be lawful for any Debtor or Debtors confined in such Gaols, to be and remain at any part or place within such limits, without subjecting the Sheriff or other Officer, in whose custody such Debtor or Debtors may be, to any action or suit for any escape from such Gaol limits."

" 3. " 15.—After "Debtors," insert "and whereas from the peculiar local situation of the Gaol of the District of Niagara, owing to the greater distance thereof from the Town, it is expedient that the area assigned as limits thereto should be more extensive than to others: Be it further enacted by the authority aforesaid, that the Justices of the said District of Niagara shall and may in manner and form aforesaid, assign as limits to the

*Saturday, 27th February, 1830.*

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

Press. 3. line 15.—said Gaol an extent of ground not exceeding twenty-six acres.”

The said amendments being read a second time, and the question of concurrence being 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 Bill as amended read a third time on Monday next.

Pursuant to the order of the day, the Bill entitled “An Act to raise by loan a certain sum of money to be expended on the public Highways within this Province,” was read a second time and it was— Highway Loan Bill read second time.

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

Pursuant to order, the House was put into a Committee of the whole on the Bill entitled “An Act to authorise the Receiver General of this Province to raise by debenture, on the credit of certain duties therein mentioned, a sum of money for the relief of the sufferers during the late war with the United States.” War Loss Loan Bill committed.

Mr. Baby 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 given to sit again on Monday next.

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

Mr. Dickson from the Select Committee to whom was referred the Petition of the United Presbytery, praying that the Education of the Presbyterian youth, in Upper Canada may be provided for, presented their Report. Second Report of Select Committee on the Petition of the United Presbytery of Upper Canada.

Ordered, that the Report be received.

The same was then read and is as follows :—

The Select Committee appointed to examine into and report upon the subject matter of a Petition from the United Presbytery of Upper Canada have made inquiry into the allegations contained in the said Petition, and beg leave to Report :— Read.

That the Petition sets forth, “that from the manner in which your Petitioners stand connected, in their Ministerial capacity, with a very large portion of His Majesty’s Subjects in this Province, they have the means of knowing, and it is with deep regret they are compelled to say, that the state of Education is in general in a deplorable condition. Although for many years a liberal provision has been made for the Education of youth in this Province, yet the benevolent designs of the Legislature have failed in effecting the object they had in view. The appointment of Trustees from one Communion alone has occasioned a jealousy in the minds of the people, and destroyed that confidence which should ever be placed in the Public Institutions of our Country. It might have been expected, that as all classes of the community, and all denominations of Christians have to bear the expenses of these Institutions, that the interests of all would have been consulted, and that persons of intelligence and education, of all denominations, would have been allowed to participate in their superintendance. Your Petitioners, with deep regret, find that this is not the case.” For these allegations your Committee, after the minutest inquiry, have discovered that there is not the slightest foundation; and they think it a matter much to be regretted, that a body of men acting under so respectable a name as the “United Presbytery of Upper Canada,” should have advanced statements so entirely unsupported by facts, especially as these statements are of a nature calculated to excite jealousies and discontent, when none ought in justice to exist.

The Act of 1807, under which the District Schools were established, has nothing exclusive in any of its provisions. It authorises the Government to appoint not less than five *fit* and *discreet* persons in each District to be Trustees of the District School; these Trustees in each District are to nominate a *fit* and *discreet* person to be the Teacher, and to examine into his moral character, learning and capacity; and the Governor may affirm or disaffirm their nomination. It will thus be seen that the Law exacts no conformity to any particular creed or worship, either in the Trustees or Teacher. Fitness, discretion, moral character, learning and capacity, are the only qualifications the Statute speaks of.

But the complaint is, that the Statute has not been carried into effect in a liberal spirit.—That an exclusive system has been adopted, under which, it is stated, that the benefits intended have been enjoyed but in a very partial manner, “except by the followers of one Church,” meaning no doubt, the Church of England.

The District Schools, with respect to which the allegation is made, have been established for twenty-two years. Your Committee are aware, that in those Schools most of the youth have been educated who now fill the several professions in this Province, and of whom many

*Saturday, 27th February, 1830.*

SECOND SESSION, 10th PROVINCIAL PARLIAMENT, 11th GEORGE IV.

do credit to their respective Teachers. They are also aware, that the opportunities which these Schools have afforded have been ever open equally to the youth of every Religious denomination, that the Parents of all have appeared equally desirous that their children should profit by those opportunities; and this is the first occasion, within the knowledge of your Committee, in which it has ever been intimated that the inhabitants of this Country did not equally participate in the advantages of those Schools without question as to their religious faith, or without a distinction of any kind founded on that principle. It is asserted in the Petition, "that the Trustees of these Institutions, which ought to be impartially managed, for the benefit of all, have been almost exclusively appointed from one denomination of Christians, and consequently your Petitioners, and their Congregations, as well as others in similar circumstances, have been deprived of that benefit which they had a right to expect would have arisen from them." On reference to a list of the Trustees appointed on the 13th March, 1807, soon after the passing of the Act, it appears that they were selected by the Executive Government from among the most respectable Inhabitants of the several Districts, without any regard to their religious opinions, for Roman Catholics and Presbyterians, as well as Members of the Church of England, are found among the number, and in the District of Newcastle, there was at first, only one out of six Trustees, a Member of the established Church.

Your Committee have no reason to suppose any other intention has governed in filling up the vacancies, whatever may happen to be the religious persuasion of the present Trustees in any of the Districts. But if this assertion of the Petitioners were correct, as it most certainly is not, it could be of little moment as the Trustees have nothing to do with the education of the Children, unless it could be shewn that in consequence of such a selection of Trustees the Teachers have been exclusively taken from this one favoured denomination, and that those opportunities of education have in consequence been either denied to other denominations, or that a system of education has been pursued which might materially render them disinclined to send their children. No complaint of the kind last supposed is even insinuated, and we are convinced that it could not be advanced with any degree of justice.

It remains therefore to examine in what spirit the Law has been acted upon in the appointment of Teachers.

To enable your Honorable House to pronounce upon that point, your Committee submit the following list of Gentlemen who have had charge of the several District Schools from their commencement to the present period; and they have stated to what religious denomination they believe the several Gentlemen to have belonged.

In some very few cases their information is not positive, but they are only in doubt with respect to two or three. That a difficulty of this kind should be found in any case arises from the fact that in the selecting Teachers no rule such as has been imputed has been observed.

Rev. Samuel Armour.—A Minister of the Presbyterian Church when appointed and while he held the School; has since taken orders in the Church of England.

Rev. W. D. Baldwin.—Clergyman of the Church of England.

Mr. George Baxter.—A Presbyterian.

Rev. John Bethune.—Clergyman of the Church of England.

Rev. William Brown.—Clergyman of the Church of England.

Mr. John Burns.—Presbyterian.

Mr. Hugh Bushby.—Church of England.

Mr. E. Chadwick.—Congregationalist Minister.

Mr. Rich'd. Cockrell.—Believed to be a Presbyterian.

Rev. Thomas Creen.—Presbyterian Minister, has since taken orders in the Church of England.

Rev. R. Elms.—Clergyman of the Church of England.

Mr. James Fulton.—Church of England.

Mr. Henry James.—Church of England.

Rev. Joseph Johnson.—Presbyterian Minister.

Mr. — Johnson.—Presbyterian when appointed, has since taken orders in the Church of England.

Mr. John Law.—Presbyterian.

Rev. John Leeds.—Clergyman of the Church of England.

Rev. Harry Leith.—Clergyman of the Church of Scotland.

*Saturday 27th, February, 1830.*

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

Rev. Ralph Leeming.—Clergyman of the Church of England.  
 Rev. Wm. Macaulay.—Clergyman of the Church of England.  
 Rev. Alex. McIntosh.—Clergyman of the Church of England.  
 Rev. John McLaurin.—Clergyman of the Church of Scotland.  
 Mr. William Merrill.—Church of England.  
 Mr. James Mitchell.—Church of Scotland.  
 Mr. David Ovans.—Believed Church of England.  
 Mr. James Padfield.—Church of England.  
 Mr. William Pitt.—Church of England.  
 Mr. Alex. Pringle.—Presbyterian.  
 Rev. Tho's. Phillips.—Clergyman of the Church of England.  
 Mr. Stephen Randall.—Church of England.  
 Mr. David Robertson.—Presbyterian when appointed and while he held the School ; has since taken orders in the Church of England.  
 Mr. George Ryerson.—Church of England when appointed, now a Methodist Minister.  
 Mr. John Stewart.—Believed a Presbyterian.  
 Rev. Geo. O. Stuart.—Clergyman of the Church of England.  
 Rev. John Strachan.—Clergyman of the Church of England.  
 Rev. Hugh Urquhart.—Clergyman of the Church of Scotland.  
 Rev. John Wilson.—Clergyman of the Church of England.  
 Mr. John Whitelaw.—Presbyterian.

It appears, therefore, that according to this list, which we believe to be correct, twenty-one of the Teachers appointed during the whole period have been members of the Church of England, and seventeen have been members of other religious persuasions, including in those seventeen sixteen Presbyterians, and eight of these in Holy orders.

It is also observable that those who held the situations for the longest periods of time, are :

OF THE CHURCH OF ENGLAND.	YEARS.	OF PRESBYTERIANS.	YEARS.
Dr. Strachan, - - - - -	15	Mr. Whitelaw, - - - - -	9
Rev. John Wilson, - - - - -	7	Mr. Mitchell, - - - - -	9
		Mr. Burns, - - - - -	8

And it is also but just to state, that for a long time and in several of the Districts the resident Clergyman of the Church of England was the only Gentleman either able or desirous to take charge of a Classical School, and that these being selected in such cases certainly affords no proof of an illiberal spirit. When to these facts it is added, from information afforded to the Committee by an Honorable Member of this House, that on the occasion of a vacancy occurring in the District of Johnstown, the Reverend Mr. Smart, the very Gentleman who in the capacity of Moderator of the Presbytery signs the Petition referred to us, might have obtained the situation of Teacher of the District School of that District, in which he then resided and still resides, and that he declined undertaking the charge—Your Committee think it unnecessary to go into other details to shew how little the allegations in the Petition correspond with the facts.

Your Committee cannot but express deep regret that the sanction of any respectable signature should have been given to statements calculated to mislead public opinion, and to create an excitement injurious to the peace of society.

[Signed]

WILLIAM DICKSON,  
CHAIRMAN.

On motion made and seconded, it was—

Ordered, that the above mentioned Petition, together with the Report on the same, be Printed.

On motion made and seconded, it was—

Ordered, that the House be again put into a Committee of the whole on the Bill entitled, "An Act to alter the times of sitting of the District Court and General Quarter Sessions in the Niagara District," and that the same do stand upon the order of the day for Monday next.

On motion made and seconded the House adjourned.

*Monday, 1st March, 1830.*

SECOND SESSION, 10th PROVINCIAL PARLIAMENT, 11th GEORGE IV.

*Monday, 1st March, 1830.*

The House met pursuant to adjournment.

**PRESENT,**

*The Honorable* JOHN B. ROBINSON, *Speaker,* *The Hon. Messrs.* JOSEPH WELLS.  
*The Hon. Messrs.* JOHN M'GILL, " " GEORGE H. MARKLAND,  
 " " WILLIAM DICKSON, " " JOHN H. DUNN,  
 " " WILLIAM D. POWELL, *The Hon.* SIR WILLIAM CAMPBELL,  
 " " GEORGE CROOKSHANK, *The Hon. Mr.* PETER ROBINSON.  
*The Hon. & Ven. the* ARCHDEACON OF YORK,

*Prayers were read.*

The Minutes of Saturday were read.

Insane destitute persons relief Bill read third time, passed and signed.

Pursuant to the order of the day, the Bill entitled "An Act to authorise the Quarter Sessions of the Home District to provide for the relief of Insane destitute persons in that District," was read a third time and passed, whereupon the Speaker signed the same, and it was—

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 passed this Bill without amendment.

Second Gaol limits Bill, as amended, read third time, but not passed.

Pursuant to the order of the day, the Bill entitled "An Act to repeal and amend the laws now in force respecting the Limits of the respective Gaols in this Province," was, as amended, read a third time, and it was—

Ordered, that this Bill do not now pass, and that the House be again put into a Committee of the whole on the same to-morrow.

Highway Loan Bill committed.

Pursuant to the order of the day, the House was put into a Committee of the whole on the Bill entitled "An Act to raise by loan a certain sum of money to be expended on the public Highways within this Province."

The Honorable and Venerable the Archdeacon of York took the Chair.

After some time the House resumed.

Reported.

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

Adopted.

Ordered, that the report be received, and—

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

Quaker's relief Bill brought up.

A Deputation from the Commons House of Assembly brought up a Bill entitled, "An Act to relieve the Quakers, Menonists and Tunkers, from the payment of Fines, or commutation money, in lieu of the performance of Militia duty in time of Peace,"—and also a Bill entitled "An Act to correct the survey of the Fifth Concession of Yonge," to which they requested the concurrence of this House and withdrew.

Fifth Concession Township of Yonge Survey Bill brought up.

The Honorable Mr. Baby enters.

A Member enters the House.

Quaker's Relief Bill read first time.

The Bill entitled, "An Act to relieve the Quakers, Menonists, and Tunkers, from the payment of Fines, or commutation money, in lieu of the performance of Militia duty in time of Peace," was read, and it was—

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

Fifth Concession Township of Yonge Survey Bill read first time.

The Bill entitled, "An Act to correct the survey of the Fifth Concession line of the Township of Yonge," was read, and it was—

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

Report of Select Committee on Intestate distribution Bill committed.

Pursuant to the order of the day, the House was put into a Committee of the whole on the Report of the Select Committee to whom was referred the Bill entitled, "An Act for the more equal distribution of the property of persons dying intestate."

Mr. Markland, took the Chair.

After some time the House resumed.

Resolution reported.

The Chairman reported that the Committee had taken the said Report of the Select Committee into consideration, and had agreed to a Resolution, which they recommended to the adoption of the House.

Ordered, that the report be received.

The said Resolution was then read as follows:—

Read.

*Resolved,* That the Report of the Select Committee, to whom was referred the Bill sent up from the Assembly entitled, "An Act for the more equal distribution of the property of persons dying intestate," be concurred in.

1st &amp; 2nd March, 1830.

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

The question of concurrence being put, the said Resolution was agreed to by the House. Adopted.

Pursuant to the order of the day, the Bill entitled "An Act to cover the payments by His Excellency the Lieutenant Governor of certain contingent expenses of the Legislature," was read a second time, and it was— Second Contingency covering Bill read second time.

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

Pursuant to the order of the day, the House was again put into a Committee of the whole on the Bill entitled, "An Act for the better preservation of Salmon within this Province." Salmon preservation Bill re-committed.

Mr. Wells took the Chair.

After some time the House resumed.

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

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 on the Resolutions on the subject of Education. Resolutions on Education committed.

Mr. Robinson took the Chair.

After some time the House resumed.

The Chairman reported that Committee had taken the Resolutions into consideration, and recommended them to the adoption of the House. Reported.

Ordered, that the report be received.

The question of concurrence being put on each, the said Resolutions were severally agreed to by the House, and it was— Adopted.

Ordered, that the Honorable Mr. Dickson, and the Honorable and Venerable the Archdeacon of York, be appointed a Committee to prepare an Address to His Excellency the Lieutenant Governor, founded on the foregoing Resolutions. Select Committee appointed to prepare Address to Lieut. Governor, founded on the above Resolutions.

Mr. Robinson brought up the the Petition of the Delaware Bridge Committee, which was laid on the Table. Petition of the Delaware Bridge Committee presented.

On motion made and seconded, it was—

Ordered, that the Members in Town be summoned to attend in their places to-morrow. Members in Town Summoned.

On motion made and seconded the House adjourned.

*Tuesday, 2nd March, 1830.*

The House met pursuant to adjournment.

### PRESENT,

*The Honorable* JOHN B. ROBINSON, *Speaker,* *The Hon. Messrs.* JOSEPH WELLS,  
*The Hon. Messrs.* JOHN M'GILL, " " JOHN H. DUNN,  
 " " WILLIAM DICKSON, " " WILLIAM ALLAN,  
 " " WILLIAM D. POWELL, *The Hon.* SIR WILLIAM CAMPBELL,  
 " " GEORGE CROOKSHANK, *The Hon.* Mr. PETER ROBINSON,

*Prayers were read.*

The Minutes of yesterday were read.

Mr. Dunn brought up the Petition of John Goesman, which was laid on the Table. Petition of John Goesman presented.

Pursuant to the order of the day, the Bill entitled "An Act for the relief of the sufferers who sustained loss during the late war with the United States of America," was read a third time and passed, whereupon the Speaker signed the same, and it was— War Loss indemnity Bill read third time, passed and signed.

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

The Honorable Mr. Markland enters. A Member enters the House.

Pursuant to the order of the day, the Bill entitled "An Act granting to His Majesty a sum of Money for the improvement of the Roads and Bridges in this Province," was read a third time and passed, whereupon the Speaker signed the same, and it was— Road and Bridge Grant Bill read third time, passed and signed.

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

Pursuant to the order of the day, the Bill entitled, "An Act to raise by loan a certain sum of money, to be expended on the Public Highways within this Province," was read a third time, and passed, whereupon the Speaker signed the same, and it was— Highway Loan Bill read third time, passed and signed.

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

*Tuesday, 2nd March, 1830.*

SECOND SESSION, 10th PROVINCIAL PARLIAMENT, 11th GEORGE IV.

Commercial Bank of Upper Canada Incorporation Bill re-committed.

Pursuant to the order of the day, the House was again put into a Committee of the whole on the Bill entitled "An Act to incorporate sundry persons under the style and title of the President, Directors, and Company of the Commercial Bank of Upper Canada."

Mr. Crookshank took the Chair.

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

Coins Regulation Bill brought up.

A Deputation from the Commons House of Assembly brought up a Bill entitled, "An Act to repeal part of an Act passed in the thirty-sixth year of His late Majesty's Reign, entitled, "An Act for the better regulation of certain Coins current in this Province," to which they requested the concurrence of this House, and withdrew.

A Member enters the House.

The Honorable and Venerable the Archdeacon of York enters.

Commercial Bank of Upper Canada Incorporation Bill re-committed.

The House was again put into a Committee of the whole on the Bill entitled, "An Act to Incorporate sundry persons under the style and title of the President, Directors and Company of the Commercial Bank of Upper Canada."

Mr. Crookshank took the Chair.

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

College establishment Bill brought up.

A Deputation from the Commons House of Assembly brought up a Bill entitled "An Act to establish Upper Canada College," to which they requested the concurrence of this House and withdrew.

Commercial Bank of Upper Canada Incorporation Bill re-committed.

The House was again put into a Committee of the whole on the Bill entitled, "An Act to Incorporate sundry persons under the style and title of the President, Directors and Company of the Commercial Bank of Upper Canada."

Mr. Crookshank took the Chair.

After some time the House resumed.

Reported Committee risen.

The Chairman reported that the Committee had taken the said Bill into consideration, and had risen.

Ordered, that the report be received.

Coins regulation Bill read first time.

The Bill entitled, "An Act to repeal part of an Act passed in the thirty-sixth year of His late Majesty's Reign, entitled, "An Act for the better regulation of certain Coins current in this Province," was read, and it was—

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

College establishment Bill read first time.

The Bill entitled, "An Act to establish Upper Canada College," was read, and it was—

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

Agricultural Societies establishment bill re-committed.

Pursuant to the order of the day, the House was again put into a Committee of the whole on the Bill entitled "An Act to encourage the establishment of Agricultural Societies in the several Districts of this Province."

Mr. Allan took the Chair.

After some time the House resumed.

Reported.

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

Adopted.

Ordered, that the report be received, and—

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

War Loss Loan Bill re-committed.

Pursuant to the order of the day, the House was again put into a Committee of the whole on the Bill entitled, "An Act to authorise the Receiver General of this Province to raise by debenture, on the credit of certain duties therein mentioned, a sum of money for the relief of the sufferers during the late war with the United States."

Mr. Baby took the Chair.

After some time the House resumed.

Reported.

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

Adopted.

Ordered, that the report be received, and—

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

Niagara District Court Bill re-committed.

Pursuant to the order of the day, the House was again put into a Committee of the whole on the Bill entitled, "An Act to alter the times of sitting of the District Court, and General Quarter Sessions in the Niagara District."

Mr. Robinson took the Chair.

After some time the House resumed.

Amendments reported.

The Chairman reported that the Committee had taken the said Bill into consideration, and had made some amendments thereto, which they recommended to the adoption of the House.

**Tuesday, 2nd March, 1830.**

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

Ordered, that the report be received.

The said Amendments were then read by the Clerk as follows :—

Read first time.

In the title.—Expunge “the District Court and.”

Press. 1. line 17.—After the word “same,” expunge the remainder of the Bill, and insert  
“on the fourth Tuesday in January and March, the second Tuesday in  
July, and the third Tuesday in October, in each and every year.”

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 Bill as amended read a third time to-morrow.

Second Gaol Limits  
Bill re-committed.

Pursuant to the order of the day, the House was again put into a Committee of the whole on the Bill entitled “An Act to repeal and amend the laws now in force respecting the Limits of the respective Gaols in this Province.”

Mr. Wells took the Chair.

After some time the House resumed.

Further amendment  
reported.

The Chairman reported that the Committee had taken the said Bill into consideration, and had made further amendment thereto, which they recommended to the adoption of the House.

Ordered, that the report be received.

The said Amendment was then read by the Clerk as follows :—

Read first time,

Press. 5.—After the last line insert “XII And be it further enacted by the authority aforesaid, that notwithstanding any thing contained in this Act, every person now in Execution for Debt, and enjoying the privilege of the present Gaol Limits in any District of this Province, shall continue to enjoy such Limits between the time which shall elapse after the passing of this Act and the establishment of enlarged Limits under the provisions herein contained ; and shall further in like manner continue to enjoy such Limits as heretofore established, subject to the several provisions in this Act contained, until such new security shall be given by such person respectively, as will be sufficient, under this Act, to afford the party the benefit of the Limits hereby authorised.”

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

Read second time,  
and adopted.

Ordered to be engrossed, and the Bill as further amended read a third time to-morrow.

Pursuant to the order of the day, the Bill entitled, “An Act to relieve the Quakers, Menonists, and Tunkers, from the payment of Fines, or commutation money, in lieu of the performance of Militia duty in time of Peace,” was read a second time, and it was—

Quakers relief Bill  
read second time.

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

Pursuant to the order of the day, the Bill entitled “An Act to correct the survey of the Fifth Concession line of the Township of Yonge,” was read a second time, and it was—

Fifth Concession  
Township of Yonge  
Survey Bill read  
second time,

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

Pursuant to the order of the day, the House was put into a Committee of the whole on the Bill entitled “An Act to cover the payments by His Excellency the Lieutenant Governor of certain contingent expenses of the Legislature.”

Second Contingency  
covering Bill com-  
mitted.

Mr. Allan took the Chair.

After some time the House resumed.

Reported,

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

Adopted,

Ordered, that the report be received, and—

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

Salmon preservation  
Bill re-committed.

Pursuant to the order of the day, the House was again put into a Committee of the whole on the Bill entitled, “An Act for the better preservation of Salmon within this Province.”

Mr. Wells took the Chair.

After some time the House resumed.

Reported and leave  
given to sit again in  
three months.

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 three months.

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

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

*Wednesday, 3rd March, 1830.*

SECOND SESSION, 10th PROVINCIAL PARLIAMENT, 11th GEORGE IV.

*Wednesday, 3rd March, 1830.*

The House met pursuant to adjournment.

PRESENT,

*The Honorable JOHN B. ROBINSON, Speaker, The Hon. Messrs. JOHN H. DUNN,  
The Hon. Messrs. JAMES BABY, " " WILLIAM ALLAN,  
" " JOHN M'GILL, The Hon. SIR WILLIAM CAMPBELL,  
" " WILLIAM DICKSON, The Hon. Mr. PETER ROBINSON.*

*Prayers were read.*

The Minutes of yesterday were read.

Burlington Bay  
Canal aid Bill  
brought up.

Militia Pension Bill  
brought up.

Strowbridge's relief  
Bill brought up.

Members enter the  
House.

Burlington Bay  
Canal aid Bill read  
first time.

Forty-fourth Rule  
discharged as  
regards same.

Militia Pension Bill  
read first time.

Forty-fourth Rule  
discharged as  
regards same.

Strowbridge's relief  
Bill read first time.

Forty-fourth Rule  
discharged as  
regards same.

Agricultural Societies  
establishment Bill  
read third time,  
passed and signed.

Assembly acquainted  
of same.

War Loss Loan Bill  
read third time,  
passed, and signed.

Assembly acquainted  
of same.

Niagara District  
Court Bill, as amend-  
ed, read third time,  
and passed.

Amendments signed.  
Bill as amended sent  
to Assembly for con-  
currence.

Second Gaol Limits  
Bill, as further  
amended, read third  
time, and passed.

Amendments signed.

Bill as further  
amended sent to  
Assembly for con-  
currence.

A Deputation from the Commons House of Assembly brought up a Bill entitled, "An Act to afford further aid to complete the Burlington Bay Canal, and for other purposes relating to the said Canal,"—also a Bill entitled "An Act to revive and continue an Act passed in the seventh year of His Majesty's Reign entitled, 'An Act to repeal part of, amend, and continue the Laws now in force for the payment of Militia Pensions,'"—and also a Bill entitled, "An Act for the relief of James Gordon Strowbridge, late Contractor of the Burlington Bay Harbour," to which they requested the concurrence of this House and withdrew.

The Honorable Messrs. Wells and Crookshank enter.

The Bill entitled "An Act to afford further aid to complete the Burlington Bay Canal, and for other purposes relating to the said Canal," was read, and it was—

Ordered, that the Forty-fourth Rule of the House be dispensed with, as regards this Bill, and that the same be read a second time this day.

The Bill entitled, "An Act to revive and continue an Act passed in the seventh year of His Majesty's Reign, entitled 'An Act to repeal part of, amend, and continue the Laws now in force for the payment of Militia Pensions,'" was read, and it was—

Ordered, that the Forty-fourth Rule of the House be dispensed with, as regards this Bill, and that the same be read a second time to-day.

The Bill entitled "An Act for the relief of James Gordon Strowbridge, late Contractor of the Burlington Bay Harbour," was read, and it was—

Ordered, that the Forty-fourth Rule of the House be dispensed with, as regards this Bill, and that the same be read a second time this day.

Pursuant to the order of the day, the Bill entitled "An Act to encourage the establishment of Agricultural Societies in the several Districts of 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 have passed this Bill without amendment.

Pursuant to the order of the day, the Bill entitled, "An Act to authorise the Receiver General of this Province to raise by debenture, on the credit of certain duties therein mentioned, a sum of money for the relief of the sufferers during the late war with the United States," 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 have passed this Bill without amendment.

Pursuant to the order of the day, the Bill entitled, "An Act to alter the times of sitting of the District Court and General Quarter Sessions in the Niagara District," was, as amended, read a third time, and the question being put, whether this Bill as amended should pass, it was carried in the affirmative, 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 amendments, to which they desire the concurrence of the Assembly.

Pursuant to the order of the day, the Bill entitled "An Act to repeal and amend the Laws now in force respecting the Limits of the respective Gaols in this Province," was, as further amended, read a third time and 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—

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

*Wednesday, 3rd March, 1830.*

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

Pursuant to the order of the day, the Bill entitled "An Act to cover the payments by His Excellency the Lieutenant Governor of certain contingent expenses of the Legislature," was read a third time and passed, whereupon the Speaker signed the same, and it was—

Second contingency covering Bill read third time, passed and signed.

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

Assembly acquainted of same.

The Select Committee, to whom was referred the consideration of the present Division of the Province into Districts and Counties, presented their Report.

Report of Select Committee on the division of the Province.

Ordered, that the Report be received, and the same was then read as follows :—

The Select Committee ordered to inquire into and report upon the present Division of the Province into Districts and Counties, &c.

Read.

**MOST RESPECTFULLY REPORT—**

That the Province is at present divided into Eleven Districts. In the year one thousand seven hundred and ninety-eight, it consisted of Eight ; since that time three separate Districts have been formed ; the Gore, Bathurst and Ottawa. The Population returns from most of these appear defective and erroneous, and no relative numerical abstract can, with correctness, be submitted to your Honorable House.

Petitions from the Inhabitants of Prince Edward, to be separated from the Midland District, and to be formed into a new one, have, during several past Sessions of Parliament, been presented to both Branches of the Legislature, and Bills embracing the object have repeatedly been sent up from the House of Assembly for a concurrence in that measure, which have not been assented to by your Honorable House ; and now a similar Bill, for the same measure, is again sent up.

Part of the Inhabitants of the London District consider the removal of the District Town from Vittoria to London as a measure of surprise on the Country, and unwarranted by the rules and usage of the Provincial Parliament.

A Bill to divide the District is now before your Honorable House, sent up this Session from the House of Assembly for your concurrence. A Petition is also on your Table from certain Inhabitants of the District of Bathurst, praying that the Townships of Nepean, Gloucester, Osgood, North Gower, Marlborough, Goulbourn, March, Huntly, Torbolton, Fitzroy, Pakenham, McNab and Horton, may be separated from the District of Ottawa and Bathurst, and to form a new District by the name of Wellington, and that the District Town may be at By-Town.

There is also a Petition from the Inhabitants of Glengary praying that the County of Glengary may constitute the Eastern District.

Your Committee have perused these several Petitions, and observe a great feeling and anxiety in the several Petitioners to have their object realized.

The abstract principle of the policy and general benefit, after a lapse of thirty years, in again subdividing certain Districts, became a primary consideration with your Committee.

When a District is divided the Inhabitants who form the new one forego all the advantages of the monies hitherto paid and collected by the assessments for the Public uses of the Districts, and burthen themselves with erecting a new Gaol and Court House, and the consequential contingencies required by law when organized as a District ; and when all these have been completed and paid for by the old District, a diminution of the general assessment, by an estimate of an aliquot part takes place, but continues in the new District for a protracted time a full rate. The dereliction of such advantages nevertheless may seem to weaken the security of the creditors of the old District, who have advanced their monies on the faith of the Provincial Statutes. This may or may not be imaginary according to each respective case, and the means now in operation for the sale of Lands under the present Assessment Law may place the public creditor in a more favorable situation than he was aware of at the time of the loan being made.

The only Provincial demand from the new District will be the annual salary of one hundred pounds for the School Master, with the advantage of the Common School fund in an augmented population, and the salary to the new appointed Sheriff.

A District Town must be constituted by law, and the several Courts for the due administration of Justice must be held there. Additional Commissions of General Gaol delivery, Assize and Nisi Prius, must issue, and the Judges of the superior Courts of Civil and Criminal jurisdiction, will evidently and necessarily occupy much more of their time in travelling, &c.

*Wednesday, 3rd March, 1830.*

SECOND SESSION, 10th PROVINCIAL PARLIAMENT, 11th GEORGE IV.

than usual ; yet an additional Judge in the superior Courts would obviate all objections arising out of a more extended sphere for the administration of Justice.

Your Committee are sensible, and it has not escaped their observation, that in dividing a District, not numbers, not extent, not acres, ought always to be the paramount consideration, but locality to the settled parts of the Province, the presence of an intelligent yeomanry, the prospect of an efficient and respectable Magistracy, as well as persons of property and consideration giving countenance to the institutions of the Province.

Whether the foregoing considerations have for a long time weighed with the Legislative Council as objectionable to a further division of the Province your Committee do not know ; but your Honorable House has hitherto discountenanced all partial divisions by rejecting Bills sent up from the House of Assembly.

It is said in behalf of division, that Jurors, Witnesses and Jailors, are put to long, extraordinary, and irksome journies, and are unable to meet the expense ; that other of His Majesty's Subjects have advantages over them in being contiguous to the Courts ; that bad roads, local difficulties, and embarrassment arise, and subject them to the caprice of litigants in the distant Courts, by increasing fines and penalties attached to contempts ; such are felt and known by those who have to leave their families for weeks together, and encounter fatiguing juornies of fifty, sixty, or one hundred miles, thereby diminishing the aggregate labour of the husbandman, and consequently the agricultural improvement and productions of the Province. That the Members of the House of Assembly have been favorable to the division, but your Honorable House have rejected them.

That the Petitioners respectfully hope and trust that upon a more enlarged view of the subject, and under the existing circumstances of the Province, the Legislative Council will agree to the wishes of those who contribute mainly to the means of the general resources and the expenditure of the Province.

It is also alleged, that on the division of a District the land in the new District becomes immediately more valuable ; the building a Court House and Gaol creates a Nucleus for other buildings ; a Judge of the District Court, a Sheriff, a Registrar of Deeds, a Lawyer and a Doctor, form a village, whilst Mechanics find a comfortable subsistence ; Schools and other Institutions arise, a Church is built, and a Clergyman administers the consolations of Religion to the numerous Inhabitants around, diffusing happiness amongst the Farmers in the neighbourhood.

It was asked what was York, Niagara, or Kingston, thirty years ago ; what is now Goderich and Penetanguishine ?

Upper Canada is an Agricultural Country ; the children of the peasantry, of the humble and industrious farmer, will thereby rise in the scale of society, and in every District feel the influence and expansion of those Institutions and means of Education formed at York so lately, so promptly unfolded by the energies and intelligence of a benevolent mind.

Your Committee therefore, in prosecution of the matters referred to them, met at such times as could be devoted to the consideration of a general division of the Province into Counties and Districts, with a view of embodying the several into one general Act, but your Committee soon found it was a task which required much time, laborious investigation, and local knowledge, to warrant, at this time of the Session, any such general recommendation from your Committee, other than at an early period of the next Session that a Committee of both Houses should consider of this necessary measure.

All which is humbly submitted.

[Signed]

WILLIAM DICKSON,

Ordered, that the report be adopted.

Pursuant to the order of the day, the Bill entitled, "An Act to repeal part of an Act passed in the thirty-sixth year of His late Majesty's Reign, entitled, "An Act for the better regulation of certain Coins current in this Province," was read a second time, and it was—

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

Pursuant to the order of the day, the Bill entitled "An Act to establish Upper Canada College," was read a second time, and it was—

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

Pursuant to the order of the day, the House was put into a Committee of the whole on the Bill entitled "An Act to relieve the Quakers, Menonists and Tunkers, from the payment of

Report adopted.  
Coins repeal Bill  
read second time.

College establish-  
ment Bill read  
second time.

Quakers relief Bill  
committed.

*Wednesday, 3rd March, 1830.*

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

Fines, or commutation money, in lieu of the performance of Militia duty in time of Peace."

Mr. Dickson took the Chair.

After some time the House resumed.

The Chairman reported that the Committee had taken the said Bill into consideration, and had risen. Reported Committee risen.

Ordered, that the report be received.

Pursuant to the order of the day, the House was put into a Committee of the whole on the Bill entitled "An Act to correct the survey of the Fifth Concession of the Township of Yonge." Fifth Concession Township of Yonge Survey Bill committed.

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 amendment to the adoption of the House. Reported.

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

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

Pursuant to order, the Bill entitled "An Act to afford further aid to complete the Burlington Bay Canal, and for other purposes relative to the said Canal," was read a second time, and it was— Burlington Bay Canal aid Bill read second time.

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

Pursuant to order, the Bill entitled "An Act to revive and continue an Act passed in the seventh year of His Majesty's Reign entitled, 'An Act to repeal part of, amend, and continue the Laws now in force for the payment of Militia Pensions,'" was read a second time, and it was— Militia Pension Bill read second time.

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

Mr. Crookshank took the Chair.

After some time the House resumed.

The Chairman reported that the Committee had taken the said Bill into consideration, and had agreed to a Resolution, which they recommended to the adoption of the House. Resolution reported for a conference on same.

Ordered, that the report be received.

The said Resolution was then read as follows:—

*Resolved*, That a Conference be requested with the Assembly upon the Bill entitled, "An Act to revive and continue an Act passed in the seventh year of His Majesty's Reign, entitled 'An Act to repeal part of, amend, and continue the Laws now in force for the payment of Militia Pensions.'" Read.

The question of concurrence being put, the said Resolution was agreed to by the House, and it was— Adopted.

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 revive and continue An Act passed in seventh year of His Majesty's Reign, entitled 'An Act to repeal part of, amend, and continue the laws now in force for the payment of Militia Pensions,'" and have appointed the Honorable Messrs. Dickson and Wells to manage the same on the part of the Legislative Council, who will be ready to meet a Committee of the Commons House of Assembly, presently for that purpose, in the Committee Room of the Legislative Council. Conference desired.

Pursuant to order, the Bill entitled "An Act for the relief of James Gordon Strowbridge, late Contractor of the Burlington Bay Harbour," was read a second time, and it was— Strowbridge's relief Bill read second time.

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

On motion made and seconded, it was—

Ordered, that the House be again put into a Committee of the whole on the Bill entitled, "An Act for the relief of Synthe Vandyck," and that the same do stand upon the order of the day for to-morrow.

The Honorable Mr. Baby, from the Select Committee to whom was referred the consideration of the Bill entitled "An Act to preserve good understanding among neighbours, and to lessen the number of expensive Lawsuits by establishing Courts of Pacification in this Province," presented their Report. Report of Select Committee on Pacification Courts establishment Bill.

Ordered, that the report be received,

E c

*3rd & 4th March, 1830.*

SECOND SESSION, 10th PROVINCIAL PARLIAMENT, 11th GEORGE IV.

The same was then read, and adopted, as follows :—

Read and adopted.

Your Committee, to whom was referred the consideration of the Bill from the House of Assembly entitled "An Act to preserve good understanding among neighbours, and to lessen the number of expensive Lawsuits, by establishing Courts of Pacification in this Province." beg leave to Report :—

That in minutely examining into the consequences of passing such a Bill, your Committee are persuaded it would have the contrary effect to that which is intended by its title.

That it would rather tend to disseminate strife and discord, and sap the very foundation of the jurisprudence of this Province.

It erects new Courts of Justice in every Township, with unlimited powers, and without appeal.

It sanctions the appointment of Judges without the King's Commission, and gives to a popular meeting the appointment of these Judges, who though householders, may be Foreigners.

Your Committee might enlarge on the other eccentric features of the Bill, which are self-evident to any well informed mind, and can only regret that it is their duty thus much to comment upon the Bill sent up to your Honorable House.

All which is humbly submitted.

[Signed]

JAMES BABY.

Petition, praying for a grant of money for discharging a balance due the Builders of the Delaware Bridge, read.

The Petition of the Delaware Bridge Committee, praying for a grant of money to be applied in discharging a balance due to the builders of the said Bridge, was read.

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,

Message from Assembly, acceding to a conference on Militia Pension Bill.

The Commons House of Assembly accedes to the request of the Honorable the Legislative Council for a Conference on the Bill entitled "An Act to revive and continue an Act passed in the seventh year of His Majesty's reign, entitled 'An Act to repeal part of, amend, and continue the laws now in force for the payment of Militia Pensions,'" and have appointed a Committee of four of its Members, who will meet the Conferees on the part of the Honorable the Legislative Council, at the time and place appointed.

[Signed]

MARSHALL S. BIDWELL,  
SPEAKER.

*Commons House of Assembly,  
3rd day of March, 1830.*

Instructions to conferees of this House on same.

Ordered, that it be an instruction to the Committee of Conference to acquaint the Assembly, that by the title and preamble of the Bill entitled "An Act to revive and continue an Act passed in the seventh year of His Majesty's reign, entitled 'An Act to repeal part of, amend, and continue the laws now in force for the payment of Militia Pensions,'" it appears to have been intended to revive the Act which has expired, but that there are no corresponding words in the enacting part of the Bill, and the Legislative Council apprehend it may have escaped the notice of the House of Assembly, that the Bill if passed in its present form would not cover what may have been done since the Act expired.

Report of above Conferees.

The Honorable Mr. Wells, from the Committee of Conference, reported the delivery of the above instructions.

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

*Thursday, 4th March, 1830.*

The House met pursuant to adjournment.

PRESENT,

<i>The Honorable</i> JOHN B. ROBINSON, <i>Speaker.</i>	<i>The Hon. &amp; Ven. the</i> ARCHDEACON OF YORK,
<i>The Hon. Messrs.</i> JAMES BABY,	<i>The Hon. Messrs.</i> JOSEPH WELLS.
" " JOHN M'GILL,	" " WILLIAM ALLAN,
" " WILLIAM DICKSON,	" " PETER ROBINSON,
" " GEORGE CROOKSHANK,	

*Prayers were read.*

The Minutes of yesterday were read.

Thursday, 4th March, 1830.

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

The Petition of John Goesman, Agent to the Home District Farmers Company, praying that the said Company may be incorporated, was read.

Petition praying that the Home District Farmer's Company may be incorporated, read.

Pursuant to the order of the day, the Bill entitled "An Act to correct the survey of the Fifth Concession line of the Township of Yonge," was read a third time and passed, whereupon the Speaker signed the same, and it was—

Fifth Concession line of Yonge Survey Bill read third time, passed and signed.

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

Assembly acquainted thereof.

It was moved and seconded, that it be—

*Resolved*, That it is expedient to address His Excellency the Lieutenant Governor for the purpose of acquainting His Excellency, that a Clerical error has been perceived in a Bill sent up from the Assembly and passed by the Legislative Council during this Session, entitled "An Act for the relief of Henry Weeks," and that in consequence of the discovery of such error the Legislative Council has concurred with the Assembly in passing another Bill, having the same object in view, and entitled "An Act to correct the survey of the Fifth Concession line of the Township of Yonge."

Two Resolutions moved on the subject of passing Week's relief Bill, and fifth Concession line of Yonge Survey Bill, and of addressing His Excellency thereupon.

*Resolved*, That they have done this merely for the correction of a manifest error, and that they deem it proper to make His Excellency aware of the occasion of their passing two Bills apparently for the same purpose in the same Session.

The question of concurrence being put the said Resolutions were agreed to by the House, and it was—

Question put, and carried.

Ordered, that Messrs. Baby and Allan do present the said Address.

Committee appointed to present said Address.

The Honorable Mr. Dickson, from the Select Committee appointed to prepare an Address to His Excellency the Lieutenant Governor, founded on certain Resolutions on the subject of Education, reported a draft thereof, which he read in his place.

Draft of Address to His Excellency, on Education, reported, and read first time.

Ordered, that the report be received.

The said draft was then read by the Clerk.

Read second time.

On motion made and seconded, it was—

Ordered, that the House be now put into a Committee of the whole to take the said address into consideration.

Committed.

Mr. Robinson took the Chair.

After some time the House resumed.

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

Reported.

Ordered, that the report be received, and—

Adopted.

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

Pursuant to the order of the day, the House was put into a Committee of the whole on the Bill entitled "An Act to repeal part of an Act passed in the thirty-sixth year of His late Majesty's Reign, entitled, 'An Act for the better regulation of certain Coins current in this Province.'"

Coins regulation Bill committed.

The Honorable and Venerable the Archdeacon of York took the Chair.

After some time the House resumed.

The Chairman reported that the Committee had taken the said Bill into consideration, and recommended that a Conference be desired with the Commons House of Assembly on the same.

Reported, and a conference recommended.

The Honorable Mr. Dunn enters.

A Member enters the House.

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 repeal part of an Act passed in the thirty-sixth year of His late Majesty's Reign, entitled, 'An Act for the better regulation of certain Coins current in this Province,'" and have appointed the Honorable Messrs. Dunn and Allan to manage the Conference on the part of this House, who will be ready to meet a Committee of the Commons House of Assembly, for that purpose, in the Committee Room of the Legislative Council at five of the clock P. M. this day.

Conference ordered on the above Bill, and Assembly acquainted of same.

Conferees appointed.

Pursuant to the order of the day, the House was put into a Committee of the whole on the Bill entitled "An Act to establish Upper Canada College."

College establishment Bill committed.

Mr. Wells took the Chair.

After some time the House resumed.

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

Reported and leave given to sit again in three months.

*Thursday, 4th March, 1830.*

SECOND SESSION, 10th PROVINCIAL PARLIAMENT, 11th GEORGE IV.

Burlington Bay  
Canal aid Bill com-  
mitted.

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 on the Bill entitled, "An Act to afford further aid to complete the Burlington Bay Canal, and for other purposes relative to the said Canal."

Mr. Baby took the Chair.

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

Don and Humber  
Bridge erection  
covering Bill brought  
up.

A Deputation from the Commons House of Assembly brought up a Bill entitled, "An Act to make good certain monies advanced by His Excellency the Lieutenant Governor to erect the Don and Humber Bridges,"—also a Bill entitled, "An Act to reimburse the Honorable John Henry Dunn, for monies advanced by him to the Commissioners for the Burlington Bay Canal,"—also a Bill entitled, "An Act to provide for the erection of a House for the Light-keeper, and for keeping and maintaining the Light-House, on Long Point in Lake Erie, for the present year,"—and also a Bill entitled, "An Act to repeal an Act passed in the fifty-sixth year of the Reign of His late Majesty, entitled 'An Act for granting to His Majesty a sum of money towards defraying the expense of the Civil administration of the Government of this Province,' to which they requested the concurrence of this House, and withdrew.

The Honorable Mr. Markland enters.

The House was again put into a Committee of the whole on the Bill entitled, "An Act to afford further aid to complete the Burlington Bay Canal, and for other purposes relative to the said Canal."

Mr. Baby, took the Chair.

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

Tavern Licence re-  
vival Bill brought up.

A Deputation from the Commons House of Assembly brought up a Bill entitled "An Act to revive and continue with certain modifications an Act passed in the fifty-ninth year of His late Majesty's Reign, entitled "An Act to alter the laws now in force for granting Licences to Inn-keepers, and to give to the Justices of the Peace, in General Quarter Sessions assembled for their respective Districts, authority to regulate the duties hereafter to be paid on such Licences,"—and also a Bill entitled "An Act to grant a further loan to the Welland Canal Company, and to regulate their further operations," to which they requested the concurrence of this House, and withdrew.

The House was again put into a Committee of the whole on the Bill entitled, "An Act to afford further aid to complete the Burlington Bay Canal, and for other purposes relative to the said Canal."

Mr. Baby took the Chair.

After some time the House resumed.

Reported,

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

Adopted,

Ordered, that the report be received, and—

Ordered, that the said Bill be read a third time this day.

Don and Humber  
Bridge erection  
covering Bill read  
first time.

The Bill entitled "An Act to make good certain monies advanced by His Excellency the Lieutenant Governor to erect the Don and Humber Bridges," was read, and it was—

Forty-fourth Rule  
of the House dis-  
charged as respects  
same.

Ordered, that the Forty-fourth Rule of the House be dispensed with, as regards this Bill, and that the same be read a second time to-day.

Same Rule dis-  
charged for remain-  
der of the Session.

Ordered, that the Forty-fourth Rule of the House be dispensed with during the Session.

Dunn's reimburse-  
ment Bill read first  
time.

The Bill entitled "An Act to reimburse the Honorable John Henry Dunn for monies advanced by him to the Commissioners for the Burlington Bay Canal," was read and it was—

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

Long Point Light  
House maintenance  
Bill read first time.

The Bill entitled "An Act to provide for the Light-keeper, and for keeping and maintaining the Light-House on Long Point in Lake Erie for the present year," was read, and it was—

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

Civil List grant Bill  
read first time.

The Bill entitled "An Act to repeal an Act passed in the fifty-sixth year of the Reign of His late Majesty entitled, 'An Act for granting to His Majesty a sum of money towards defraying the Civil administration of the Government of this Province,'" was read and it was—

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

Tavern Licence re-  
vival Bill read first  
time.

The Bill entitled, "An Act to revive and continue, with certain modifications, an Act passed in the fifty-ninth year of His late Majesty's Reign, entitled 'An Act to alter the laws now in force for granting Licences to Inn-keepers, and to give to the Justices of the Peace, in

*Thursday, 4th March, 1830.*

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

General Quarter Sessions assembled for their respective Districts, authority to regulate the duties hereafter to be paid on such Licences," was read, and it was—

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

The Bill entitled, "An Act to grant a further loan to the Welland Canal Company, and to regulate their further operations," was read, and it was—

Welland Canal loan Bill read first time.

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

The Honorable Mr. Wells from the Select Committee to whom was referred the Bill entitled, "An Act to confirm the Survey of a part of the Concession Line between the seventh and eighth concessions of the Township of Cornwall," presented their Report.

Report of Select Committee on Cornwall Concession line Survey Bill.

Ordered, that the report be received.

The same was then read as follows:—

The Select Committee to whom was referred the Bill sent up from the Assembly entitled "An Act to confirm the Survey of a part of the Concession line between the seventh and eighth Concessions of the Township of Cornwall," beg leave to Report:—

Read.

That they have attentively investigated the grounds of the Petition on which the said Bill is founded, as well as the documents brought forward in support of them, consisting of the certificates of the two Deputy Surveyors named in the Bill, and a diagram explanatory of the same, all of which clearly prove to your Committee that the prayer of the Petition should be granted by passing the Bill in question; and your Committee are the more strongly induced to recommend the measure, in consequence of the information obtained from the acting Surveyor General, to whom the matter was referred, and who stated that he had himself in the autumn of last year, by a personal inspection, fully satisfied himself that the original line in question, run by Mr. McNiff, was erroneous, and that by correcting it according to the late survey of Mr. D. McDonnell, as proposed by the Bill in question, it will be the means of preventing the Settlers upon the Eighth Concession, otherwise known as the Fifth Concession from the River Saint Lawrence, from being deprived of the fronts of their lots, upon which they have erected their Houses and Barns, and will only take from the rear of the lots of the Seventh Concession, otherwise known as the Fourth Concession from the River Saint Lawrence, that excess of wild land which had been erroneously given to them by the first imperfect survey, and will thus leave to both parties their just proportion of land.

All which is respectfully submitted.

[Signed]

JOSEPH WELLS,  
CHAIRMAN.

Ordered, that the report just read be adopted.

On motion made and seconded, it was—

Adopted.

Ordered, that the Bill entitled "An Act to confirm the Survey of a part of the Concession lines between the seventh and eighth Concessions of the Township of Cornwall," be read a third time to-morrow.

Mr. Allan brought up the Petition of the President, Directors, and Company of the Bank of Upper Canada, which was laid on the Table, and—

Petition of the President, &c of the Bank of Upper Canada brought up.

On motion made and seconded, it was—

Ordered, that the Forty-eighth Rule of the House be dispensed with in the present case, and that the said Petition be now read.

Forty-eighth Rule dispensed with, and the said Petition, praying to be protected from loss in the event of a change in the currency of certain Coins being made, read.

The Petition praying to be protected from loss in the event of a change in the currency of certain coins being made, was then read accordingly.

Strowbridge's relief Bill committed.

Pursuant to the order of the day, the House was put into a Committee of the whole on the Bill entitled "An Act for the relief of James Gordon Strowbridge, late Contractor of the Burlington Bay Harbour."

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 a Conference be desired with the Commons House of Assembly on the same.

Reported, and a conference recommended.

Ordered, that the report be received, and—

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

Conference ordered, and Assembly acquainted of same.

*Thursday, 4th March, 1830.*

SECOND SESSION, 10th PROVINCIAL PARLIAMENT, 11th GEORGE IV.

- on the subject matter of the Bill sent up from that House, entitled, "An Act for the relief of James Gordon Strowbridge, late Contractor of the Burlington Bay Harbour," and have appointed the Honorable Messrs. Wells and Robinson to manage the same on the part of this House, who will be ready to meet a Committee of the Commons House of Assembly for that purpose, in the Committee Room of the Legislative Council, to-morrow at twelve of the clock at noon.
- Conferees appointed.**
- Pursuant to the order of the day, the House was again put into a Committee of the whole on the Bill entitled, "An Act for the relief of Synthe Vandyck."
- Vandyck's relief Bill re-committed.**
- Mr. Crookshank took the Chair.
- After some time the House resumed.
- The Chairman reported that the Committee had taken the said Bill into consideration, and had agreed to a Resolution, which they recommended to the adoption of the House.
- Resolution reported for referring the Bill to the consideration of the two Puisne Judges of the Court of King's Bench.**
- Ordered, that the report be received.
- The said Resolution was then read as follows:—
- Same read.**
- Resolved*, That it is the opinion of this Committee that a reference be made to the Puisne Judges of His Majesty's Court of Kings Bench, to consider and report upon the Bill for the relief of Synthe Vandyck.
- First*—Whether no means at present exist of breaking an entail in this Province otherwise than by the interposition of the Legislature.
- Second*—Whether if an entail can in no other manner be barred, it is on that account proper that the Legislature should interpose in a particular case, and by a private Act accomplish the object desired.
- Third*—Whether, supposing such an interposition may be proper, there is sufficient evidence of facts and of the concurrence of parties to warrant the passing a private Act, as prayed for by the Petitioner.
- Fourth*—Whether the Bill sent up from the Assembly is sufficient and proper in its present form.
- The question of concurrence being put, the above Resolution was agreed to by the House, and it was—
- Adopted.**
- Ordered, that the Clerk do transmit a copy of the same to each of the Puisne Judges of the Court of King's Bench of this Province, together with a copy of the Bill and Petition.
- Pursuant to order, the Bill entitled "An Act to afford further aid to complete the Burlington Bay Canal, and for other purposes relative to the said Canal," 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 have passed this Bill without amendment.
- Pursuant to order, the Bill entitled "An Act to make good certain monies advanced by His Excellency the Lieutenant Governor to erect the Don and Humber Bridges," was read a second time, and it was—
- Don and Humber Bridge erection covering Bill read second time.**
- Ordered, that the House be now put into a Committee of the whole to take the same into consideration.
- Committed.**
- Mr. Markland took the Chair.
- After some time the House resumed.
- The Chairman reported that the Committee had gone through the Bill, and recommended the same without amendment to the adoption of the House.
- Reported.**
- Ordered, that the report be received, and—
- Ordered, that the said Bill be read a third time this day.
- Adopted.**
- Pursuant to order, the Bill entitled, "An Act to reimburse the Honorable John Henry Dunn, for monies advanced by him to the Commissioners for the Burlington Bay Canal," was read a second time, and it was—
- Dunn's reimbursement Bill read second time.**
- Ordered, that the House be now put into a Committee of the whole to take the same into consideration.
- Committed.**
- Mr. Allan took the Chair.
- After some time the House resumed.
- The Chairman reported that the Committee had gone through the Bill, and recommended the same without amendment to the adoption of the House.
- Reported.**
- Ordered, that the report be received, and—
- Adopted.**
- Ordered, that the said Bill be read a third time this day.

*Thursday, 4th March, 1830.*

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

Pursuant to order, the Bill entitled "An Act to provide for the erection of a House for the Light-keeper, and for keeping and maintaining the Light-House, on Long Point in Lake Eric, for the present year," was read a second time, and it was—

Long Point Light House maintenance Bill read second time.

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

Committed.

Mr. Robinson took the Chair.

After some time the House resumed.

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

Reported.

Ordered, that the report be received, and—

Adopted.

Ordered, that the said Bill be read a third time this day.

Pursuant to order, the Bill entitled, "An Act to repeal an Act passed in the fifty-sixth year of the Reign of His late Majesty, entitled 'An Act for granting to His Majesty a sum of money towards defraying the expense of the Civil administration of the Government of this Province,'" was read a second time, and it was—

Civil List grant Bill read second time.

Moved and seconded, that the House be now put into a Committee of the whole on the same.

Motion for committing same.

The question of concurrence being put, the same was carried in the negative.

Negatived.

Pursuant to order, the Bill entitled "An Act to revive and continue with certain modifications an Act passed in the fifty-ninth year of His late Majesty's Reign, entitled 'An Act to alter the laws now in force for granting Licences to Inn-keepers, and to give to the Justices of the Peace, in General Quarter Sessions assembled for their respective Districts, authority to regulate the duties hereafter to be paid on such Licences,'" was read a second time and it was—

Tavern Licence Bill read second time.

Ordered, that the House be put into a Committee of the whole on the same this day.

A Deputation from the Commons House of Assembly brought up a Bill entitled "An Act to provide for the service of Process, and other legal proceedings, upon certain persons carrying on business in this Province under the name and stile of the Canada Company,"—and also a Bill entitled "An Act to provide for the payment of Militia Pensions, by reviving and continuing for a limited time the Law for that purpose which has recently expired," to which they requested the concurrence of this House, and withdrew.

Canada Company process service Bill brought up.

Second Militia Pension Bill brought up.

The House was then put into a Committee of the whole on the Bill entitled, "An Act to revive and continue, with certain modifications, an Act passed in the fifty-ninth year of His late Majesty's Reign, entitled 'An Act to alter the laws now in force for granting Licences to Inn-keepers, and to give to the Justices of the Peace, in General Quarter Sessions assembled for their respective Districts, authority to regulate the duties hereafter to be paid on such Licences.'"

Tavern Licence revival Bill committed.

Mr. Dickson, took the Chair.

After some time the House resumed.

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

Reported.

Ordered, that the report be received and—

Adopted.

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

The Bill entitled "An Act to provide for the service of Process, and other legal proceedings, upon certain persons carrying on business in this Province under the name and stile of the Canada Company," was read, and it was—

Canada Company process service Bill read first time.

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

The Bill entitled, "An Act to provide for the payment of Militia Pensions, by reviving and continuing for a limited time the Law for that purpose which has recently expired," was read, and it was—

Second Militia Pension Bill read first time.

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

Pursuant to order, the Bill entitled "An Act to grant a further loan to the Welland Canal Company, and to regulate their further operations," was read a second time, and it was—

Welland Canal loan Bill read second time.

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

Committed.

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 and delivered at the Bar of this House a Message in the following words, and then withdrew:—

Message from Assembly.

*Thursday 4th March, 1830.*

SECOND SESSION, 10th PROVINCIAL PARLIAMENT, 11th GEORGE IV.

Acceding to a conference on Coins repeal Bill.

MR. SPEAKER,

The Commons House of Assembly accedes to the request of the Honorable the Legislative Council for a Conference on the subject matter of the Bill entitled, "An Act to repeal part of an Act passed in the thirty-sixth year of His late Majesty's Reign, entitled, 'An Act for the better regulation of certain Coins current in this Province,'" and have appointed a Committee of four of its Members, who will be ready to meet the Conferees of the Honorable the Legislative Council at the time and place appointed.

[Signed]

MARSHALL S. BIDWELL,  
SPEAKER.

*Commons House of Assembly,  
4th day of March, 1830.*

Welland Canal loan Bill re-committed.

The House was then again put into a Committee of the whole on the Bill entitled, "An Act to grant a further loan to the Welland Canal Company, and to regulate their further operations."

Mr. Wells took the Chair.

After some time the House resumed.

Reported and leave given to sit again to-day.

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-day.

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

Ordered, that the Committee of Conference on the part of this House be instructed to represent:—

Instructions to conferees of this House on Coins repeal Bill.

That the Legislative Council have proceeded upon the Bill entitled, "An Act to repeal part of an Act passed in the thirty-sixth year of His late Majesty's Reign entitled, 'An Act for the better regulation of certain Coins current in this Province,'" as early as possible after the same was sent up from the Assmby, being fully aware of the importance of the subject, and of the necessity of some Legislative provision in respect of the same.

That they deem it important that an Act for a purpose of such delicacy and consequence as the regulation of the Coinage should be as little as possible open to exception, and should be clear and explicit in its provisions.

That they submit to the consideration of the Assembly that the Gold and Silver Coins of Great Britain are of right current in this Province as part of His Majesty's Dominions; and they apprehend it would not be proper in a Colonial Legislature to pass a law excluding them as a legal currency, though they may pass such Acts as may be necessary to give them their just value in the lawful money of account of the Province, according to their intrinsic value.

That setting aside this doubt entertained by the Legislative Council, they perceive by this Bill that "old English Half Crowns," and the lower denominations thereof, are declared not to be a legal tender, while nothing is said in regard to the Crown, which of course cannot be included in the term "lower denominations."

They also perceive that the enactment of this Bill provides, that so much of the Act passed in the thirty-sixth year of His late Majesty's Reign as establishes the value of "old English half Crowns and Shillings" shall be repealed; but the Legislative Council do not find in the Act recited, or in any Law of this Province, any Coins designated by the name old English half Crowns or Shillings, nor are they aware of any legal authority under which it could be judicially declared in any civil or criminal proceeding, what shall be considered old English half crowns or shillings.

The Legislative Council are aware of the great importance of some new provision respecting French Crowns and Spanish Pistareens, and the lower denominations of those coins, but how far it may be just, without compensation to the holders, and by an Act which is to go into immediate effect, to deprive of their legal value coins, which the holders may not have had an option in taking, but which under a positive Act of this Province they were compelled to receive as a legal tender in payment of Debts, the Legislative Council have great doubts, and would be happy to receive information of any facts bearing upon that question which the Assembly may have it in their power to communicate.

The Legislative Council further submit, whether the provisions of the Act, thirty-sixth George third, are highly penal, and extending even to the punishment of death, for counterfeiting the coins enumerated in this Bill ought to remain without alteration, when these coins are to be no longer current.

*Thursday, 4th March, 1830.*

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

Pursuant to order, the House was again put into a Committee of the whole on the Bill entitled "An Act to grant a further loan to the Welland Canal Company, and to regulate their further operations." Welland Canal loan Bill re-committed.

Mr. Wells took the Chair.

After some time the House resumed.

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

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

Pursuant to order, the Bill entitled "An Act to make good certain monies advanced by His Excellency the Lieutenant Governor to erect the Don and Humber Bridges," was read a third time and passed, whereupon the Speaker signed the same, and it was— Don and Humber Bridge erection covering Bill read third time, passed, and signed.

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

Pursuant to order, the Bill entitled, "An Act to reimburse the Honorable John Henry Dunn, for monies advanced by him to the Commissioners for the Burlington Bay Canal," was read a third time and passed, whereupon the Speaker signed the same, and it was— Dunn's reimbursement Bill read third time, passed and signed.

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

Pursuant to order, the Bill entitled "An Act to provide for the erection of a House for the Light-keeper, and for keeping and maintaining the Light-House, on Long Point in Lake Erie, for the present year," was read a third time and passed, whereupon the Speaker signed the same, and it was— Long Point Light-house maintenance Bill read third time, passed and signed.

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

Pursuant to order, the Bill entitled "An Act to revive and continue with certain modifications an Act passed in the fifty-ninth year of His late Majesty's Reign, entitled 'An Act to alter the laws now in force for granting Licences to Inn-keepers, and to give to the Justices of the Peace, in General Quarter Sessions assembled for their respective Districts, authority to regulate the duties hereafter to be paid on such Licences,'" was read a third time and passed, whereupon the Speaker signed the same, and it was— Tavern license revival Bill read third time, passed and signed.

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

Pursuant to order, the Address to His Excellency the Lieutenant Governor on the subject of Education was read a third time and passed as follows:— Address to His Excellency read third time and passed, (on the subject of Education.)

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

**MAY IT PLEASE YOUR EXCELLENCY:**

We, His Majesty's dutiful and loyal Subjects, the Legislative Council of Upper Canada, in Provincial Parliament assembled, beg leave to assure Your Excellency, that we should do injustice to our feelings if we were to suffer the present Session to terminate without an expression of our sentiments upon a subject of so deep interest to the inhabitants of this Province, as that of Education.

We have beheld with great satisfaction the successful issue of the exertions made by your Excellency, to establish in this Province a Classical School of so superior a description that it well merits the appellation of a College; and we earnestly hope that it may receive on all hands the protection which is necessary to ensure its stability, and to encrease and perpetuate the inestimable benefits which it is at this moment conferring.

The Legislature of this Colony has not hitherto lost sight of the obligation to provide for the diffusion of Education among all classes of the people.

From an early period a Classical Seminary has been established in each District of the Province, encouraged by a moderate Salary provided for the Teacher from the Public Revenue; and Common Schools have been maintained at the Public charge in most of the settled Townships.

It is hoped that the encreasing means of the Country will very soon justify the Legislature in putting those valuable Institutions, which have been already productive of much good, upon a still more respectable footing.

*Thursday 4th March, 1830.*

SECOND SESSION, 10th PROVINCIAL PARLIAMENT, 11th GEORGE IV.

By an Act of Royal Munificence, justly appreciated, our gracious Sovereign has liberally endowed an University, which in the course of a very short time will open to the youth of this Province the advantages of the higher branches of knowledge, and complete a system of Education not to be exceeded on this Continent, and afford them in their native Country the opportunity of obtaining literary honours, under the instruction of able Professors from our Mother Country.

To give to us the full benefit of such an Institution, by preserving to it the distinctive character of an University, it was wisely judged by your Excellency that a great Public School, or College, ought to be established, in a situation the most convenient to the Province generally, in which the means might be afforded, at a very moderate charge, of advancing in Classical learning and the Mathematics upon an uniform system of instruction, commencing with the elements, and preparing the youth for entering the University well qualified to improve to the utmost the advantages which will then be opened to them.

What was only designed a few months ago is now most happily accomplished; we have at this moment in Upper Canada the very gratifying distinction of possessing means of Education, that leaves the parents nothing to envy or desire in comparing the advantages of instruction enjoyed by their children with those which are presented by some of the first public schools in Great Britain.

We find five Gentlemen, who have graduated in English Universities, superintending the Classical and Mathematical departments of Upper Canada College, while instruction in the very desirable accomplishments of the French language, and Drawing, is given by Masters highly qualified for the Charge.

It is not surprising that this admirable provision for education should so rapidly have attracted attention, that there are even now not less than ninety pupils in the College; a flattering proof of the great extent to which its benefits will hereafter be felt.

We have no doubt that we may cordially congratulate your Excellency upon the entire success of the judicious measures employed in the selection of the Principal and Masters, and we welcome their arrival among us with the most sincere satisfaction; not questioning but that, in the very extended field which they will find open to their important labours, they will so exert themselves as to lay the foundation of incalculable good for future generations, and procure to themselves the gratitude of thousands, who by their instruction and example will be rendered virtuous and enlightened members of society.

We are not insensible to the responsibility which your Excellency must have assumed in thus promptly carrying into effect so very liberal a design, and in the humble hope that our testimony may contribute in some measure to relieve your Excellency from its weight, we have now approached your Excellency to express the unanimous conviction of the Legislative Council, that every motive of sound policy concurs in pointing out the expediency of placing on a sure and permanent footing, an Institution which has had so auspicious a commencement.

We presume not to suggest resources, nor to enter into details which your Excellency has doubtless duly considered, and will not fail to submit to the Paternal consideration of His Majesty's Government, but content ourselves with declaring our opinion that, so far from injuriously interfering with the University of King's College, this Institution will eminently conduce to its utility, and was necessary to prepare the way for its beneficial introduction.

We feel that the zealous exertions of your Excellency in so speedily effecting this great public object, has entitled your Excellency to the gratitude of the people of Upper Canada; and we persuade ourselves, that His Majesty's Government will not fail to perceive the incalculable advantage which must result from giving the most liberal support to your Excellency's efforts in the cause of Education.

On motion made and seconded, it was—

Ordered, that the Honorable Mr. Dickson and the Honorable and Venerable the Archdeacon of York, be appointed a Committee to wait on His Excellency the Lieutenant Governor to know when he will be pleased to receive this House with their Address.

Pursuant to order, the Bill entitled, "An Act to provide for the payment of Militia Pensions, by reviving and continuing for a limited time the Law for that purpose which has recently expired," was read a second time, and it was—

Ordered, that the House be now put into a Committee of the whole on the same.

Mr. Crookshank took the Chair.

After some time the House resumed.

Select Committee appointed to know when His Excellency will receive this House with their address.  
Second Militia Pension Bill read second time.

Committed.

4th & 5th March, 1830.

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

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

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

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

Ordered, that the Contingent Accounts of this House for the present Session be laid on the Table to-morrow. Contingent accounts to be laid on the Table.

On motion made and seconded, it was—

Ordered, that the House be put into a Committee of the whole on the Bill entitled, "An Act to remunerate Robert Randal, Esquire, for valuable services rendered this Province while in England," and that the same do stand upon the order of the day for to-morrow.

The Honorable Mr. Dunn reported that the Honorable Mr. Allan and himself had attended the conference desired by this House on the subject matter of the Bill entitled "An Act to repeal part of an Act passed in the thirty-sixth year of His late Majesty's reign, entitled, "An Act for the better regulation of certain coins current in this Province," and delivered their Instructions. Report of Conferrees on Coins repeal Bill.

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

Friday, 5th March, 1830.

The House met pursuant to adjournment.

PRESENT,

<i>The Honorable</i> JOHN B. ROBINSON, <i>Speaker.</i>	<i>The Hon. Messrs.</i> JOSEPH WELLS.
<i>The Hon. Messrs.</i> JAMES BABY,	" " JOHN H. DUNN,
" " JOHN M'GILL,	" " WILLIAM ALLAN,
" " WILLIAM DICKSON,	" " PETER ROBINSON,
" " GEORGE CROOKSHANK,	

*Prayers were read.*

The Minutes of yesterday were read.

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 Assembly.

MR. SPEAKER,

The Commons House of Assembly accedes to the request of the Honorable the Legislative Council for a conference on the subject of the Bill entitled, "An Act for the relief of James Gordon Strowbridge, late Contractor of the Burlington Bay Harbour," and have appointed a Committee of four of its Members, who will be ready to meet the Conferrees of the Honorable the Legislative Council at the time and place appointed. Acceding to a Conference on Strowbridge's relief Bill.

[Signed]

MARSHALL S. BIDWELL,  
SPEAKER.

*Commons House of Assembly,  
5th day of March, 1830.*

The Honorable and Venerable the Archdeacon of York, and the Honorable Mr. Markland, Members enter the House.  
enter.

On motion made and seconded, it was—

Ordered, that the House be now put into a Committee of the whole for the purpose of preparing Instructions for the Conferrees appointed by this House on the subject matter of the Bill entitled "An Act for the relief of James Gordon Strowbridge, late Contractor of the Burlington Bay Harbour." Instructions to Conferrees on Strowbridge's relief Bill.

Mr. Markland took the Chair.

After some time the House resumed. Committed.

The Chairman reported that the Committee had prepared certain Instructions for the Conferrees on said Bill, and recommended the same to the adoption of the House. Reported.

Ordered, that the report be received.

The Instructions were then read as follows:—

That the Legislative Council, without having come to any conclusion in respect to the merits of Mr. Strowbridge's claim to so large a sum from the Public Revenue, in addition Instructions read.

*Friday, 5th March, 1830.*

SECOND SESSION, 10th PROVINCIAL PARLIAMENT, 11th GEORGE IV.

to former grants, deem it, nevertheless, proper to make the House of Assembly aware that upon comparing the amount of grants made during the present Session with the monies remaining in the Receiver General's hands unappropriated, the Legislative Council finds it to be evident that no present relief would be afforded to the applicant by passing any Bill which did not contain provisions for raising the funds to meet it, and that the want of any such provision, together with the allowance of interest upon a supposed claim of this nature, appear to the Legislative Council to be strong objections to the Bill now before them, independently of any question as to the claim itself.

Adopted.

The question of concurrence being put, the said Instructions were agreed to by the House.

River Aux Perches road grant Bill brought up.

A Deputation from the Commons House of Assembly brought up a Bill entitled "An Act to grant a certain sum of money towards opening a Road from the River Aux Perches, on Lake Huron, in the Western District, to Townsends, in the London District"; and also a Bill entitled "An Act to authorise the Magistrates of the Eastern District to borrow a certain sum of money for the building of a Gaol and Court House therein," to which they requested the concurrence of this House, and withdrew.

Eastern District Gaol and Court-house loan Bill brought up.

The Bill entitled "An Act to grant a sum of money towards opening a Road from the River Aux Perches on Lake Huron, in the Western District, to Townsends, in the London District," was read, and it was—

River Aux Perches road grant Bill read first time.

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

Eastern District Gaol and Court-house loan Bill read first time.

The Bill entitled "An Act to authorise the Magistrates of the Eastern District to borrow a certain sum of money for the building of a Gaol and Court House therein," was read, and it was—

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

Petition of William H. Draper presented.

Mr. Robinson brought up the Petition of William H. Draper, praying against passing the Bill for loaning a sum of money to complete a new Gaol and Court House in the District of Newcastle, which was laid on the Table.

Cornwall concession line survey bill read third time, passed and signed.

Pursuant to the order of the day, the Bill entitled, "An Act to confirm the Survey of a part of the Concession Line between the seventh and eighth concessions of the Township of Cornwall," was read a third time and passed, whereupon the Speaker signed the same, and it was—

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 passed this Bill without amendment.

Second Militia Pension Bill read third time, passed and signed.

Pursuant to the order of the day, the Bill entitled "An Act to provide for the payment of Militia Pensions, by reviving and continuing for a limited time the Law for that purpose, which has recently expired," was read a third time and passed, whereupon the Speaker signed the same, and it was—

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 passed this Bill without amendment.

Canada Company process service Bill read second time.

Pursuant to the order of the day, the Bill entitled "An Act to provide for the service of Process, and other legal proceedings, upon certain persons carrying on business in this Province under the name and style of the Canada Company," was read a second time, and it was—

Committed.

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

Mr. Baby took the Chair.

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

Second Gaol limits Bill (as amended) returned by Assembly with amendments acceded to.

A Deputation from the Commons House of Assembly returned the Bill entitled, "An Act to repeal and amend the laws now in force respecting the Limits of the respective Gaols in this Province," and acquainted this House that the Commons House of Assembly had adopted the Amendments made by the Legislative Council in and to the same.

Canada Company process service Bill recommitted.

The House was then again put into a Committee of the whole on the Bill entitled, "An Act to provide for the service of Process, and other legal proceedings, upon certain persons carrying on business in this Province under the name and style of the Canada Company."

Mr. Baby took the Chair.

After some time the House resumed.

Reported and leave given to sit again to-day.

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.

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

*Friday, 5th March, 1830.*

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

Pursuant to the order of the day, the House was again put into a Committee of the whole on the Bill entitled, "An Act to grant a further loan to the Welland Canal Company, and to regulate their further operations."

Welland Canal loan Bill re-committed.

Mr. Wells took the Chair.

After some time the House resumed.

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

Reported and leave given to sit again to-day.

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 on the Bill entitled "An Act to remunerate Robert Randal, Esquire, for valuable services rendered this Province while in England."

Randal's remuneration Bill committed.

Mr. Daun 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 this day three months.

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

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

Pursuant to order, the Bill entitled "An Act to grant a sum of money towards opening a Road from the River Aux Perches, on Lake Huron, in the Western District, to Townsends, in the London District," was read a second time, and it was—

River Aux Perches road grant Bill read second time.

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

Mr. Robinson took the Chair.

Committed.

After some time the House resumed.

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

Reported.

Ordered, that the report be received, and—

Adopted.

Ordered, that the said Bill be now read a third time.

The said Bill was then read a third time and passed, whereupon the Speaker signed the same, and it was—

Read third time, passed, and signed.

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

Assembly acquainted of same.

Pursuant to order, the Bill entitled "An Act to authorise the Magistrates of the Eastern District to borrow a certain sum of money for the building of a Gaol and Court House therein," was read a second time, and it was—

Eastern District Gaol and Court-house loan Bill read second time.

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

Mr. Dickson took the Chair.

Committed.

After some time the House resumed.

The Chairman reported that the Committee had gone through the 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 now read a third time.

The said Bill was then read a third time and passed, whereupon the Speaker signed the same, and it was—

Read third time, passed and signed.

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

Assembly acquainted of same.

Pursuant to order, the House was again put into a Committee of the whole on the Bill entitled, "An Act to grant a further loan to the Welland Canal Company, and to regulate their further operations,"

Welland Canal loan Bill re-committed.

Mr. Wells took the Chair.

After some time the House resumed.

The Chairman reported that the Committee had taken the said Bill into consideration, and recommended that a Conference be desired with the Commons House of Assembly on the same.

Reported, and a Conference recommended.

Ordered, that the report be received and—

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

Conference desired with Assembly.

*Friday, 5th March, 1830.*

SECOND SESSION, 10th PROVINCIAL PARLIAMENT, 11th GEORGE IV.

the subject matter of the Bill entitled, "An Act to grant a further loan to the Welland Canal Company, and to regulate their further operations," and have appointed the Honorable Messrs. Markland and Wells to manage the same on the part of this House, who will be ready to meet the Conferrees on the part of the Commons House of Assembly, presently, in the Committee Room of the Legislative Council.

Conferrees appointed.

On motion made and seconded, it was—

Instructions to the above Conferrees committed.

Ordered, that the House be now put into a Committee of the whole for the purpose of preparing Instructions for the Conferrees appointed by this House on the subject matter of the Bill entitled "An Act to grant a further loan to the Welland Canal Company, and to regulate their further operations.

Mr. Allan took the Chair.

After some time the House resumed.

Reported.

The Chairman reported that the Committee had prepared certain Instructions for the Conferrees on the said Bill, and recommended the same to the adoption of the House.

Ordered, that the report be received.

The Instructions were then read as follows:—

Read.

That the Committee of Conference be instructed to represent to the Committee of Conference on the part of the House of Assembly, that although the Legislative Council cannot entertain the idea that such an effect was intended, they are nevertheless extremely apprehensive that the eleventh clause of the Bill is capable of construction which would subject the Legislature to the charge of having infringed a charter granted by several express Statutes, and of having broken their faith with His Majesty's Government, with the Government of Lower Canada, and with individual Stockholders, who in perfect reliance upon the Acts of the Legislature have invested monies in this great Provincial work.

That the Legislative Council fully concur with the House of Assembly in deeming it expedient that, the public aid intended to be so liberally granted to the Welland Canal, at this critical juncture, should be all applied exclusively to the navigation between Lake Ontario and the Niagara River by the Chippawa, putting that in a state to be used as soon as the season shall open, and leaving it to the Company to accomplish the remainder of the design whenever an enlarged capital, procured from other sources, may put it in their power; and if it were merely intended by this clause to confine the application of this loan from the public revenue to the Canal between Lake Ontario and the Niagara River, the Legislative Council would be happy that such an intention should have been more clearly expressed.

As the Bill now stands it may perhaps be better to declare that, the Welland Canal Company shall not, even with their own funds, (unless the Legislature shall hereafter permit them) complete that Canal which is the object of their charter and of the several Acts, upon the faith of which they have invested their money.

It is obvious to the Legislative Council that, until a Schooner Navigation is effected by the Grand River, the Canal will be comparatively an unimportant and unproductive work.— They feel no assurance that upon any other plan the public or individuals would have embarked their money in the undertaking; and they are so much persuaded of this, that they cannot imagine it could have been intended to attempt a change in this stage of the work, which might occasion the ruin of individuals and destroy public confidence in the Acts of the Legislature, and virtually annul securities given under their express sanction.

The Legislative Council nevertheless do not feel that they can take upon themselves the responsibility of rejecting a Bill which provides an aid, at this moment indispensable to the completion of the work, but they have felt it proper to express their view of the clause in question, in order that, if time will permit, the House of Assembly may take such steps as may relieve the other branches of the Legislature from all doubt on this subject.

Adopted.

The question of concurrence being put, the said Instructions were agreed to by the House.

It was moved and seconded that it be—

Two Resolutions moved for limiting the time in future of receiving private Bills from the Assembly, and also Petitions therefore, and that such intention be communicated by Message to the Assembly, and published in the Upper Canada Gazette.

*Resolved*—That to prevent surprise, and to afford time for proper investigation in matters that may affect the private rights of individuals, it is expedient to make it a standing order of the Legislative Council, that no Petition for a private Bill which can affect the vested right, interest or convenience of any person or persons other than the Petitioner or Petitioners, shall be received after the twentieth day of the Session; and that no private Bill of the nature above described which may come up from the Assembly after the twentieth day of the Session shall be proceeded upon in the Legislative Council.

*Friday 5th March, 1830.*

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

*Resolved*—That a copy of the above Resolution be communicated by Message to the House of Assembly, and that the same be published in the Upper Canada Gazette once in each month until the next meeting of the Legislature, and in each succeeding year in the same number of the Gazette which shall contain the Proclamation Summoning the Legislature for the despatch of business.

The question of concurrence being put, the said Resolutions were agreed to by the House.

It was moved and seconded, that the Nineteenth Rule of this House be dispensed with, to give leave for the introduction of certain Resolutions on the subject of the West India Trade.

The question of concurrence being put, the said motion was carried in the affirmative.

Then it was moved and seconded that it be—

*Resolved*—That in the opinion of this Committee it is expedient that the Legislative Council should Address His Majesty to assure His Majesty that we are impelled by a sense of that duty which we owe to our fellow subjects in this Colony, to Address His Majesty on matters of the greatest consequence to our prosperity.

*Resolved*—That we have heard with much concern that negotiations are pending between His Majesty's Government and the Ministers from the United States of America, which have for their objects the removal of the present restrictions upon the Trade between the United States and the Islands in the West Indies belonging to His Majesty; and also the admission of the Citizens of the United States to the free Navigation of the River Saint Lawrence, from the Lakes to the Ocean.

*Resolved*—That we have neither desired nor expected, that any propositions of this nature which may be advanced on the part of the United States should be received and discussed, otherwise than in that spirit of amity and courtesy which becomes the present friendly relations happily subsisting between His Majesty and that Country, and the experience we have ever had of the paternal regard with which His Majesty watches over the welfare of these Colonies, forbids us to entertain any desponding fear of the result. But when negotiations affecting the vital interests of Upper Canada are known to be depending, we cannot but acknowledge a feeling of anxiety lest the continued importunity of a friendly power, and the plausible exposition of probable advantages to other portions of His Majesty's Dominions, may lead to some change in the system under which the British North American Provinces are now most happily prospering.

*Resolved*—That we are desirous of impressing upon His Majesty that this valuable and extensive Colony possesses a soil and climate remarkably favorable to the production of grain, and that with the encouragement which a command of the West India Market would ensure, our agriculture must inevitably prosper so rapidly, and to such an extent, as to enable the people of this Province to become very considerable importers of the Manufactures of Great Britain. The Population of Upper Canada at present exceeds two hundred thousand, and is chiefly engaged in Agriculture: the climate is such as to render a failure in the harvests an event of rare occurrence, and the natural facilities for internal Navigation, aided by several great improvements now in progress, concur to place this Province in a situation to avail herself fully of the advantages which the present Commercial regulations of the Empire are well calculated to extend. When it is further considered how great a portion of the Agricultural productions of those American States which border on Lake Erie will naturally seek a channel to our Markets by the Welland Canal, descending through the waters of these Provinces to the Ports of Montreal and Quebec, there is that assurance of an ample supply of corn for His Majesty's Colonies in the West Indies that may lead them soon to rely securely upon the resources to be derived from these Provinces. That such an intercourse must ultimately be more beneficial to our fellow Subjects in the West Indies than the obtaining their supplies of provisions from the United States, seems evident from the fact that the climate of the Southern and Western States enables them to furnish the people of the Republic with those articles which form the staple productions of the West Indies.

*Resolved*—That in regard to the claim to the free Navigation of the River Saint Lawrence to the Ocean we feel less anxiety, being firmly persuaded that, until it can be shewn that the subjects of a Foreign State have, by the established law of Nations, a right to use as their own a Navigable Water lying wholly within the territory of another Power, the vast advantage which the British Empire now enjoys in possessing exclusively this great outlet for the productions of this Continent, are not likely to be surrendered.

Adopted.

Motion for dispensing with the Nineteenth Rule to give leave for introduction of certain Resolutions on West India Trade. Question put and carried.

Resolutions moved for Addressing His Majesty upon the same subject.

*Friday 5th March, 1830.*

SECOND SESSION, 10th PROVINCIAL PARLIAMENT, 11th GEORGE IV.

*Resolved*—That we do not doubt that His Majesty is duly impressed with the importance of preserving to the Nation those advantages of Commerce and Navigation, which in a few years have raised the Port of Quebec to that degree of importance, that more than eight hundred sail of British shipping are now employed in its trade.

*Resolved*—That if indeed those advantages could not be enjoyed but at the expense of some actual right, or natural privilege of our Neighbours, we should not hope to retain them; for we are aware that His Majesty's Councils must be governed by Justice; and we are too deeply concerned in the maintenance of a good understanding with the United States not to desire, most earnestly, that it may be cordial and permanent.

*Resolved*—That those States, however, have fully asserted and exercised their right to promote their own interests by such regulations of trade as are meant, in a great measure, to prohibit the principal Manufactures of Great Britain; and if they shall now relax these regulations it will clearly be in deference to the remonstrances of their own Citizens, and not in order to accommodate themselves to the views or circumstances of their friendly rival in Commerce.

*Resolved*—That they cannot, therefore, with justice expect that Great Britain will surrender her unquestionable right so to adjust the Trade of her own Colonies, as to make it as much as possible subservient to the general welfare of the Nation.

*Resolved*—That we are not unmindful that, it has been sometimes attempted to mislead public opinion by inculcating the belief that, in fostering these Provinces at any sacrifice of National interest or commerce, His Majesty is but contributing to the growth of Colonies which will make an ungrateful return for the protection of their Parent State.

*Resolved*—That we leave it to our fellow Subjects of the other British American Provinces to vindicate themselves from imputations both ungenerous and unjust; but we cannot forbear to urge the claim of His Majesty's Subject in Upper Canada to the entire confidence of His Majesty against any such injurious surmises, whether proceeding from speculative politicians, or from interested competitors.

*Resolved*—That the people of Upper Canada are most faithfully and warmly attached to His Majesty's person and Government, and they have shewn in times of great difficulty that their inclinations, not less than their duty and interest, bind them to His Majesty's Crown.

*Resolved*—That though separated by a narrow boundary from the United States, and mingling more freely with their people, from a similarity of language and laws, they still regard them as a Nation distinctly foreign; but with whom it is both desirable and agreeable that they should cultivate the most friendly intercourse.

*Resolved*—That we cannot, in thus addressing ourselves to His Majesty, enter into a more detailed consideration of the two great subjects which are understood to be now under discussion between the Ministers of His Majesty and of the United States of America, but we know that the Mercantile Body generally in these Provinces, and men of extended views, deprecate the concessions desired by our neighbours, as an impolitic transfer of a great carrying Trade to the Citizens of the United States, as a manifest sacrifice of the interests of British Ship-owners, as an unrequited surrender of immense Commercial advantages just opening to British enterprise, and as threatening an injurious blow to the maritime supremacy of Britain.

*Resolved*—That we beg to renew on this occasion our humble assurances of entire devotion to His Majesty's Person and Government.

The question of concurrence being put on each, the said Resolutions were severally agreed to by the House, and it was—

Ordered, that Messrs. Dickson and Markland be appointed a Committee to prepare an Address to His Majesty, founded on the above Resolutions.

The Honorable Mr. Dickson, from the Select Committee appointed to wait on His Excellency the Lieutenant Governor to know when this House would be received with their Address on the subject of Education, reported that they had done so, and that His Excellency had appointed to-morrow at ten of the clock A. M. for that purpose.

The Honorable Mr. Dickson from the Select Committee appointed to prepare an Address to His Majesty on the subject of the West India Trade, reported that they had prepared a draft, which they were ready to submit whenever the House would receive it.

Ordered, that the report be now received.

The Draft was then read by the Clerk, and—

Ordered to be read a second time to-day.

Question put and carried.

Select Committee appointed to prepare same Address.

Report of Select Committee appointed to know when Lieut. Governor would receive this House with their Address on the subject of Education.

Draft of Address to His Majesty on the subject of the West India Trade, reported.

Read first time.

*Friday, 5th March, 1830.*

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

The same was then read a second time accordingly and adopted, and it was—	Read second time, and adopted.
Ordered to be engrossed, and read a third time this day.	
Pursuant to order, the House was again put into a Committee of the whole on the Bill entitled "An Act to grant a further loan to the Welland Canal Company, and to regulate their further operations."	Welland Canal loan Bill re-committed.
Mr. Wells took the Chair.	
After some time the House resumed.	
The Chairman reported that the Committee had gone through the Bill, and recommended the same without amendment to the adoption of the House.	Reported.
Ordered, that the report be received, and—	Adopted.
Ordered, that the said Bill be read a third time to-day.	
Ordered, that Messrs. Wells, Allan and Robinson, be appointed a Committee to examine and report upon the Contingent Accounts of the present Session.	Select Committee appointed to examine Contingent Accounts.
A Deputation from the Commons House of Assembly brought up a Bill entitled "An Act to impose an additional duty on Shop Licences, and to revive and continue, with modifications, for a limited time, the Law which has recently expired for imposing a duty on Licences to sell by wholesale Wine, Brandy, and other Spirituous Liquors,"—and also a Bill entitled "An Act to grant a sum of Money to His Majesty in aid of the York Hospital," to which they requested the concurrence of this House, and withdrew.	Shop Licence Bill brought up. York Hospital aid Bill brought up.
The Bill entitled "An Act to impose an additional duty on Shop Licences, and to revive and continue, with modifications, for a limited time, the Law which has recently expired for imposing a duty on Licences to sell by wholesale Wine, Brandy, and other Spirituous Liquors," was read, and the same was—	Shop Licence Bill read first time.
Ordered to be read a second time to-day.	
The Bill entitled "An Act to grant a sum of Money to His Majesty in aid of the York Hospital," was read, and the same was—	York Hospital aid Bill read first time.
Ordered to be read a second time to-day.	
Pursuant to order, the Bill entitled "An Act to impose an additional duty on Shop Licences, and to revive and continue, with modifications, for a limited time, the Law which has recently expired for imposing a duty on Licences to sell by wholesale Wine, Brandy, and other Spirituous Liquors," was read a second time and it was—	Shop Licence Bill read second time.
Ordered, that the House be now put into a Committee of the whole to take the same into consideration.	
Mr. Dunn took the Chair.	Committed.
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 Assembly.
<b>MR. SPEAKER,</b>	
The Commons House of Assembly accedes to the request of the Honorable the Legislative Council for a Conference on the subject matter of the Bill entitled, "An Act to grant a further loan to the Welland Canal Company, and to regulate their further operations," and have appointed four of its Members who will be ready to meet the Conferees of the Honorable the Legislative Council, at the time and place appointed for that purpose.	Acceding to a Conference on Welland Canal loan Bill.
[Signed]	
	MARSHALL S. BIDWELL, SPEAKER.
<i>Commons House of Assembly, fifth day of March, 1830.</i>	
The House was then again put into a Committee of the whole on the Bill entitled, "An Act to impose an additional duty on Shop Licences, and to revive and continue, with modifications, for a limited time, the Law which has recently expired for imposing a duty on Licences to sell by wholesale Wine, Brandy, and other Spirituous Liquors."	Shop Licence Bill re-committed.
Mr. Dunn took the Chair.	
After some time the House resumed.	
The Chairman reported that the Committee had gone through the Bill, and recommended the same to the adoption of the House.	Reported.
Ordered, that the report be received, and—	Adopted.

*Friday 5th March, 1830.*

SECOND SESSION, 10th PROVINCIAL PARLIAMENT, 11th GEORGE IV.

- Ordered, that the same be read a third time this day.
- Read third time, passed and signed. Pursuant to the above order, the said Bill was then read a third time and passed, whereupon the Speaker signed the same, and it was—
- 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 passed this Bill without amendment.
- York Hospital aid Bill read second time. Pursuant to order, the Bill entitled "An Act to grant a sum of Money to His Majesty in aid of the York Hospital" was read a second time, and it was—
- Ordered, that the House be now put into a Committee of the whole to take the same into consideration.
- Committed. Mr. Markland took the Chair.
- After some time the House resumed.
- Reported. The Chairman reported that the Committee had gone through the Bill, and recommended the same without amendment to the adoption of the House.
- Adopted. Ordered, that the report be received, and—
- Ordered, that the said Bill be now read a third time.
- Read third time, passed, and signed. The same was then read a third time and passed, whereupon the Speaker signed the Bill, and it was—
- 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 passed this Bill without amendment.
- Currency regulation Bill brought up. A Deputation from the Commons House of Assembly brought up a Bill entitled, "An Act for the better regulation of the Currency," to which they requested the concurrence of this House and withdrew.
- Read first time. The Bill was then read, and it was—
- Ordered, that the same be now read a second time.
- Read second time. The said Bill was then read a second time accordingly, and it was—
- Ordered, that the House be now put into a Committee of the whole to take the same into consideration.
- Committed. The Honorable and Venerable the Archdeacon of York took the Chair.
- After some time the House resumed.
- Reported. The Chairman reported that the Committee had gone through the Bill, and recommended the same without amendment to the adoption of the House.
- Adopted. Ordered, that the report be received, and—
- Ordered, that the said Bill be read a third time this day.
- Welland Canal loan Bill read third time, passed and signed. Pursuant to order, the Bill entitled, "An Act to grant a further loan to the Welland Canal Company, and to regulate their further operations," was read a third time and passed, whereupon the Speaker signed the same, and it was—
- 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 passed this Bill without amendment.
- Currency regulation Bill read third time, passed and signed. Pursuant to order, the Bill entitled "An Act for the better regulation of the Currency," was read a third time and passed, whereupon the Speaker signed the same, and it was—
- 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 passed this Bill without amendment.
- Report of Select Committee on Contingent Accounts. Mr. Wells from the Select Committee to whom was referred the consideration of the Contingent Accounts of the present Session, presented their Report.
- Ordered, that the report be received.
- Same read, and adopted. The same was then read and adopted as follows:—
- The Committee to whom was referred the Contingent Accounts of the present Session of this House, beg leave respectfully to Report—
- That the Accounts of the Clerk and Usher of the Black Rod have been carefully examined, the former amounting to the sum of Eight hundred and eighty pounds, twelve shillings and five pence, and the latter to the sum of Two hundred and seventeen pounds, fourteen shillings, are found to be correct. They therefore recommend that the several sums of Eight hundred and eighty pounds, twelve shillings and five pence, and Two hundred and seventeen pounds fourteen shillings, be directed to be paid.
- The Committee think it their duty to notice to the House that the hitherto charge of fifteen shillings per day to the copying Clerks for the days they are employed during the recess, appears to the Committee to be high, as compared with the Salaries allowed to the Clerks in Public Offices, and they therefore recommend that in future the allowance should be reduced

*Friday 5th March, 1830.*

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

to ten shillings per day while so employed.

All which is respectfully submitted.

[Signed]

JOSEPH WELLS,

CHAIRMAN.

Ordered, that the Journals of the present Session be printed, and that a copy thereof be sent to the Clerk of the Assembly, for each Member of that House, and that one hundred pounds be allowed to the Clerk of this House as a compensation for superintending the same.

The Honorable Mr. Baby, from the Select Committee appointed to wait upon His Excellency the Lieutenant Governor with the Address of this House on the subject of the Bill entitled "An Act for the relief of Henry Weeks," and also the Bill entitled "An Act to correct the Survey of the fifth Concession of the Township of Yonge," reported that they had done so.

Pursuant to order, the Address to His Majesty on the subject of the West India Trade was read a third time and passed as follows:—

TO THE KING'S MOST EXCELLENT MAJESTY:

MAY IT PLEASE YOUR MAJESTY.

We, Your Majesty's dutiful and loyal Subjects, the Legislative Council of Upper Canada, in Provincial Parliament assembled, are impelled by a sense of that duty which we owe to our fellow subjects in this Colony, to Address Your Majesty on matters of the greatest consequence to their prosperity.

We have heard with much concern that negotiations are pending between Your Majesty's Government and the Ministers from the United States of America, which have for their objects the removal of the present restrictions upon the Trade between the United States and the Islands in the West Indies belonging to Your Majesty; and also the admission of the Citizens of the United States to the free Navigation of the River Saint Lawrence, from the Lakes to the Ocean.

We have neither desired nor expected, that any propositions of this nature which may be advanced on the part of the United States should be received or discussed, otherwise than in that spirit of amity and courtesy which becomes the present friendly relations happily subsisting between Your Majesty and that Country, and the experience we have ever had of the paternal regard with which Your Majesty watches over the welfare of these Colonies, forbids us to entertain any desponding fear of the result. But when negotiations affecting the vital interests of Upper Canada are known to be depending, we cannot but acknowledge a feeling of anxiety lest the continued importunity of a friendly power, and the plausible exposition of probable advantages to other portions of Your Majesty's Dominions, may lead to some change in the system under which the British North American Provinces are now most happily prospering.

We are desirous of impressing upon Your Majesty that this valuable and extensive Colony possesses a soil and climate remarkably favorable to the production of grain, and that with the encouragement which a command of the West India Market would ensure, our Agriculture must inevitably prosper so rapidly, and to such an extent, as to enable the people of this Province to become very considerable importers of the Manufactures of Great Britain.

The Population of Upper Canada at present exceeds two hundred thousand, and is chiefly engaged in Agriculture: the climate is such as to render a failure in the harvests an event of rare occurrence, and the natural facilities for internal Navigation, aided by several great improvements now in progress, concur to place this Province in a situation to avail herself fully of the advantages which the present Commercial regulations of the Empire are well calculated to extend.

When it is further considered how great a portion of the Agricultural productions of those American States which border on Lake Erie will naturally seek a channel to our Markets by the Welland Canal, descending through the waters of these Provinces to the Ports of Montreal and Quebec, there is that assurance of an ample supply of corn for Your Majesty's Colonies in the West Indies that may lead them soon to rely securely upon the resources to be derived from these Provinces.

That such an intercourse must ultimately be more beneficial to our fellow Subjects in the West Indies than the obtaining their supplies of provisions from the United States, seems

Journals to be printed; and each Member of Assembly to receive a copy thereof. Allowance to Clerk for superintending the printing of same.

Report of Select Committee appointed to wait on Lieutenant Governor with Address, respecting the passing of Week's relief Bill, and Fifth Concession of Yonge Survey Bill.

Address to the King on the West India Trade, read third time and passed.

*Friday, 5th March, 1830.*

SECOND SESSION, 10th PROVINCIAL PARLIAMENT, 11th GEORGE IV.

evident from the fact that the climate of the Southern and Western States enables them to furnish the people of the Republic with those articles which form the staple productions of the West Indies.

In regard to the claim to the free Navigation of the River Saint Lawrence to the Ocean we feel less anxiety, being firmly persuaded that, until it can be shewn that the subjects of a Foreign State have, by the established law of Nations, a right to use as their own a Navigable Water lying wholly within the territory of another Power, the vast advantage which the British Empire now enjoys in possessing exclusively this great outlet for the productions of this Continent, are not likely to be surrendered.

We do not doubt that Your Majesty is duly impressed with the importance of preserving to the Nation those advantages of Commerce and Navigation, which in a few years have raised the Port of Quebec to that degree of importance, that more than eight hundred sail of British shipping are now employed in its trade.

If indeed those advantages could not be enjoyed but at the expense of some actual right, or natural privilege of our Neighbours, we should not hope to retain them; for we are aware that Your Majesty's Councils must be governed by Justice; and we are too deeply concerned in the maintenance of a good understanding with the United States not to desire, most earnestly, that it may be cordial and permanent.

Those States, however, have fully asserted and exercised their right to promote their own interests by such regulations of trade as are meant, in a great measure, to prohibit the principal Manufactures of Great Britain; and if they shall now relax these regulations it will clearly be in deference to the remonstrances of their own Citizens, and not in order to accommodate themselves to the views or circumstances of their friendly rival in Commerce.

They cannot, therefore, with justice expect that Great Britain will surrender her unquestionable right so to adjust the Trade of her own Colonies, as to make it as much as possible subservient to the general welfare of the Nation.

We are not unmindful that, it has been sometimes attempted to mislead public opinion by inculcating the belief that, in fostering these Provinces at any sacrifice of National interest or convenience, His Majesty is but contributing to the growth of Colonies which will make an ungrateful return for the protection of their Parent State.

We leave it to our fellow Subjects of the other British American Provinces to vindicate themselves from imputations both ungenerous and unjust; but we cannot forbear to urge the claim of Your Majesty's Subject in Upper Canada to the entire confidence of Your Majesty against any such injurious surmises, whether proceeding from speculative politicians, or from interested competitors.

The people of Upper Canada are most faithfully and warmly attached to Your Majesty's person and Government, and they have shewn in times of great difficulty that their inclinations, not less than their duty and interest, bind them to Your Majesty's Crown. Though separated by a narrow boundary from the United States, and mingling more freely with their people, from a similarity of language and laws, they still regard them as a Nation distinctly foreign; but with whom it is both desirable and agreeable that they should cultivate the most friendly intercourse.

We cannot, in thus addressing ourselves to Your Majesty, enter into a more detailed consideration of the two great subjects which are understood to be now under discussion between the Ministers of Your Majesty and of the United States of America, but we know that the Mercantile Body generally in these Provinces, and men of extended views, deprecate the concessions desired by our neighbours, as an impolitic transfer of a great carrying Trade to the Citizens of the United States, as a manifest sacrifice of the interests of British Ship-owners, as an unrequited surrender of immense Commercial advantages just opening to British enterprise, and as threatening an injurious blow to the maritime supremacy of Britain.

We beg to renew on this occasion our humble assurances of entire devotion to Your Majesty's Person and Government.

[Signed]

JOHN B. ROBINSON,  
SPEAKER.

*Legislative Council Chamber,  
fifth day of March, 1830.*

5th & 6th March, 1830.

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

Ordered, that an Address be presented to His Excellency the Lieutenant Governor, as follows:—

Address to Lieut. Governor passed, requesting him to cause the foregoing Address to the King to be laid at the foot of the Throne.

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

MAY IT PLEASE YOUR EXCELLENCY:

We, His Majesty's most dutiful and loyal Subjects, the Legislative Council of Upper Canada, have passed an Address to His Majesty on the subject of our West India Trade, which we respectfully request your Excellency will transmit, that it may be humbly laid at the foot of the Throne.

[Signed]

JOHN B. ROBINSON,  
SPEAKER.

*Legislative Council Chamber,  
fifth day of March, 1830.*

Pursuant to order, the House was again put into a Committee of the whole on the Bill entitled "An Act to provide for the service of Process, and other legal proceedings, upon certain persons carrying on business in this Province under the name and style of the Canada Company."

Canada Company process service Bill recommitted.

Mr. Baby took the Chair.

After some time the House resumed.

The Chairman reported that the Committee had taken the said Bill into consideration, and had risen.

Reported Committee had risen.

Ordered, that the report be received.

Ordered, that the Honorable Mr. Dickson, and the Honorable and Venerable the Archdeacon of York, be appointed a Committee to wait upon His Excellency the Lieutenant Governor, to know when this House would be received with their Address requesting that the Address to His Majesty on the subject of the West India Trade may be laid at the foot of the Throne.

Select Committee appointed to know when Lieutenant Governor would receive this House with their last mentioned Address.

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

*Saturday, 6th March, 1830.*

The House met pursuant to adjournment.

PRESENT,

<i>The Honorable</i> JOHN B. ROBINSON, <i>Speaker.</i>	<i>The Hon. Messrs.</i> JOSEPH WELLS.
<i>The Hon. Messrs.</i> JAMES BABY,	" " GEORGE H. MARKLAND,
" " JOHN M'GILL,	" " JOHN H. DUNN,
" " WILLIAM DICKSON,	" " WILLIAM ALLAN,
<i>The Hon. &amp; Ven. the</i> ARCHDEACON OF YORK,	" " PETER ROBINSON.

*Prayers were read.*

The Clerk submitted to their Honors that the necessity of preparing the several Bills which passed at a late hour yesterday for receiving the Royal Assent, had so exclusively occupied the Clerks in his Office the greater part of the night that it had not been practicable to transcribe the Minutes of yesterday in a correct shape, and prayed that he might be excused from reading them.

Reading of the Minutes dispensed with.

Ordered, that for the above cause, the reading of the Minutes of yesterday's proceedings be dispensed with.

The Honorable Mr. Dickson, from the Select Committee last mentioned, reported that they had waited upon His Excellency the Lieutenant Governor, who had appointed the hour of ten o'clock, A. M. this day for receiving this House with their Address on the subject of the West India Trade.

Report of Select Committee appointed to wait on His Excellency to know when he would receive this House with their Address on the subject of the West India Trade.

A Deputation from the Commons House of Assembly brought up a Bill entitled "An Act to continue for a limited time, an Act passed in the fourth year of His Majesty's Reign, en-

Cider and Beer duty Bill brought up.

*Saturday, 6th March, 1830.*

SECOND SESSION, 10th PROVINCIAL PARLIAMENT, 11th GEORGE IV.

Strowbridge's loan  
Bill brought up.

Amendments to  
Niagara District  
Court Bill concurred  
in by Assembly.

Amendments to  
Set-off Law extension  
Bill concurred in by  
Assembly.

The House proceeds  
with its Address to  
His Majesty, and  
the Addresses to  
Lieutenant Governor.

Lieut. Governor's  
reply on the subject  
of Education.

Lieut. Governor's  
reply on the subject  
of Address to the  
King on the West  
India Trade.

Cider and Beer duty  
Bill read first time.

Strowbridge's loan  
Bill read first time.

Cider and Beer duty  
Bill read second time,  
and ordered for  
commitment in three  
months.

Lieutenant Governor  
comes to the House  
and directs the at-  
tendance of Assem-  
bly.

Bills Assented to by  
Him.

titled 'An Act further to regulate by Law the Commercial intercourse of the Province of Upper Canada with the United States of America, so far as regards the duty imposed on Cider and Beer'; and also a Bill entitled "An Act to provide for a loan to enable the Government to pay to James Gordon Strowbridge a sum of money due to him for labour and materials employed in constructing the Burlington Bay Canal," to which they requested the concurrence of this House. The same Deputation returned the Bill entitled "An Act to alter the times of sitting of the District Court and General Quarter Sessions in the Niagara District,"—and also the Bill entitled "An Act to extend the provisions of the Law of Set-off, and to prevent unnecessary and vexatious Lawsuits," and acquainted this House that the Commons House of Assembly had adopted the Amendments made by the Legislative Council in and to the same—the Deputation then withdrew.

At the hour appointed their Honours waited upon His Excellency the Lieutenant Governor with the Address to the King and the Addresses to His Excellency, and having returned, the Speaker reported that His Excellency had been pleased to make the following replies:—

HONORABLE GENTLEMEN,

I thank the Legislative Council for this Address. I trust that the Seminary established at York, under very favourable circumstances, will be protected by His Majesty's Government, and receive continued encouragement from the Provincial Parliament.

HONORABLE GENTLEMEN,

In compliance with your request, I will forward this Address to the King to His Majesty's Secretary of State for the Colonies.

The Bill entitled "An Act to continue for a limited time an Act passed in the fourth year of His Majesty's Reign, entitled 'An Act further to regulate by Law the Commercial intercourse of the Province of Upper Canada with the United States of America, so far as regards the duty imposed on Cider and Beer,'" was read, and the same was—

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

The Bill entitled "An Act to provide for a loan to enable the Government to pay to James Gordon Strowbridge a sum of Money due to him for labour and materials employed in constructing the Burlington Bay Canal," was read.

Pursuant to order, the Bill entitled, "An Act to continue for a limited time an Act passed in the fourth year of His Majesty's Reign entitled, 'An Act further to regulate by law the Commercial intercourse of the Province of Upper Canada with the United States of America, so far as regards the duty imposed on Cider and Beer,'" was read a second time, and it was—

Ordered, that the House be put into a Committee of the whole on the same this day three months.

At twelve of the clock, at noon, 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 House of Assembly at the Bar of this House, and they being come up thereto, His Excellency was pleased, in His Majesty's name, to Assent to the following Bills:—

I.—An Act to provide for an increase of the number of Overseers of Highways, Pounds, and Pound Keepers, in the respective Townships throughout this Province.

II.—An Act granting to His Majesty a sum of Money for the improvement of the Roads and Bridges in this Province.

III.—An Act to Incorporate the Trustees of the Grantham Academy.

IV.—An Act to alter the times of sitting of the District Court and General Quarter Sessions in the Niagara District.

V.—An Act for the Relief of Indigent Debtors.

VI.—An Act for the Relief of John Eastwood and Colin Skinner.

VII.—An Act for the Relief of the Sufferers who sustained loss during the late War with the United States of America.

VIII.—An Act granting one hundred pounds in aid of the funds of the Female Benevolent Society of Kingston.

IX.—An Act to extend the provisions of the Law of Set-off, and to prevent unnecessary and vexatious Lawsuits.

X.—An Act for the Relief of Samuel Theal.

*Saturday 6th March, 1830.*

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

XI.—An Act to secure to Thomas Hornor a Patent Right in a new invented Threshing Machine.

XII.—An Act to Repeal and amend the Laws now in force respecting the Limits of the respective Gaols in this Province.

XIII.—An Act to Repeal an Act passed in the forty-ninth year of His late Majesty's Reign, entitled an Act to encourage the destroying of Wolves in this Province, and to make more effectual provision for exterminating those destructive animals.

XIV.—An Act to Pension Charlotte Pomeroy, Widow of the late Timothy Conklin Pomeroy.

XV.—An Act to borrow a sum of Money in England, at a reduced rate of Interest, to cancel the public debt of this Province.

XVI.—An Act to confirm the Survey of a part of the Concession line between the Seventh and Eighth Concessions of the Township of Cornwall.

XVII.—An Act to encourage the establishment of Agricultural Societies in the several Districts of this Province.

XVIII.—An Act to authorise the Quarter Sessions of the Home District to provide for the relief of Insane destitute persons in that District.

XIX.—An Act to authorise the Receiver General of this Province to raise by Debenture, on the credit of certain duties therein mentioned, a sum of money for the relief of the sufferers during the late War with the United States.

XX.—An Act to raise by loan a certain Sum of Money to be expended on the Public Highways within this Province.

XXI.—An Act to cover the payments by His Excellency the Lieutenant Governor of certain contingent expences of the Legislature.

XXII.—An Act to correct the Survey of the fifth Concession of the Township of Yonge.

XXIII.—An Act to afford further aid to complete the Burlington Bay Canal, and for other purposes relative to the said Canal.

XXIV.—An Act to make good certain monies advanced by His Excellency the Lieutenant Governor to erect the Don and Humber Bridges.

XXV.—An Act to reimburse the Honorable John Henry Dunn for monies advanced by him to the Commissioners of the Burlington Bay Canal.

XXVI.—An Act to provide for the erection of a house for the Light-keeper, and for keeping and maintaining the Light-House on Long Point in Lake Erie, for the present year.

XXVII.—An Act to revive and continue, with certain modifications, An Act passed in the fifty-ninth year of His late Majesty's Reign, entitled An Act to alter the Laws now in force for granting Licences to Inn-keepers, and to give to the Justices of the Peace in General Quarter Sessions assembled for their respective Districts, authority to regulate the Duties hereafter to be paid on such Licences.

XXVIII.—An Act to grant a further loan to the Welland Canal Company, and to regulate their further operations.

XXIX.—An Act to provide for the payment of Militia Pensions, by reviving and continuing for a limited time, the Law for that purpose, which has recently expired.

XXX.—An Act to grant a sum of money towards opening a Road from the River Aux Perches, on Lake Huron, in the Western District, to Townsends, in the London District.

XXXI.—An Act to authorise the Magistrates of the Eastern District to borrow a certain Sum of Money for the erection of a Gaol and Court House therein.

XXXII.—An Act to grant a Sum of Money to His Majesty in aid of the York Hospital.

XXXIII.—An Act for the better regulation of the Currency.

And His Excellency was pleased to reserve the following Bill for the signification of His Majesty's pleasure :—

I.—An Act to impose an additional Duty on Shop Licences, and to revive and continue, with modifications, for a limited time, the Law which has recently expired, for imposing a Duty on Licences to sell by wholesale Wine, Brandy, and other Spirituous Liquors.

Bill reserved for the Royal Assent.

And His Excellency was pleased to withhold the Royal Assent to the following Bill :—

I.—An Act for the relief of Henry Weeks.

Bill withheld from the Royal Assent.

*Saturday 6th March, 1830.*

SECOND SESSION, 10th PROVINCIAL PARLIAMENT, 11th GEORGE IV.

After which, His Excellency was pleased to address the two Houses of the Legislature in the following words :—

His Excellency's  
Speech at the close  
of the Session.

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

The assiduity with which the Public Business of this Session has been transacted now enables me to relieve you from your Legislative duties.

Among the Bills passed there are none which can afford more general satisfaction than those which secure the long expected remuneration for War losses ; the repair of Roads ; a convenient entrance to Burlington Bay, and the completion of the Welland Canal, a work as advantageous to the conjoint interests of the Province as it is peculiarly favorable to the Agricultural and Commercial prosperity of some of your finest Districts

I regret that the Bill for imposing an additional duty on Shop Licences must be necessarily reserved for the signification of His Majesty's pleasure, the usual accounting clause being omitted.

*Gentlemen of the House of Assembly :*

I thank you for the supplies which you have granted for the service of the Province, and for defraying the expence incurred in carrying on several Public Works.

*Honorable Gentlemen, and Gentlemen :*

We need only compare the actual state of the Province with its condition a few years since, to perceive how susceptible of rapid improvement it is at this period, by a judicious application of the means at the command of the Legislature.—From your individual exertions also, much benefit may be expected, by promoting measures to encourage in your respective Districts Moral and Industrious habits ; the sure path to that ease and independence, which every Settler in this productive Country can obtain by his own activity and perseverance.

Parliament pro-  
rogued.

His Honor the Speaker of the Legislative Council then said, it is His Excellency the Lieutenant Governor's will and pleasure that this Provincial Parliament be prorogued to Monday, the twelfth day of April next, to be then here holden, and this Provincial Parliament is Prorogued accordingly.

# INDEX.

<p><b>ACCOUNTS, <i>Public</i>,</b>  Presented by Mr. Secretary Cameron, .....</p> <p><b>ACCOUNTS—</b>with the Post Office,  To be opened for the Postage of Letters to and from Members, .....</p> <p><b>ACCOUNTS—<i>Contingent</i>,</b>  Ordered to be laid on the Table 119—Committee appointed to examine same 125—Their Report 126  read 126—Adopted, ..</p> <p><b>ADJOURNMENT—</b>of the House,  For want of a Quorum 32 .....</p> <p><b>ADDRESS—</b>to His Majesty,  On the subject of the West India Trade and the Navigation of the River Saint Lawrence.—Committee appointed to prepare same 124—Draft reported 124—Read first time 124—Read second time 125—Adopted 125—Read third time and passed 127—Address passed requesting Lieutenant Governor to cause the Address to the King to be laid at the foot of the Throne 129—Committee appointed to know when this House would be received with same 129—Reported 129—Address presented 130—Lieutenant Governor's Reply, .....</p> <p><b>ADDRESSES—</b>to the Lieutenant Governor,  Of thanks for His Speech at the opening of the Session.—Committee appointed to prepare same 7—Draft reported and read first time 8—Read second time 8—Committed 8—Reported 8—Adopted 8—Read third time and passed 9—the Address 9—same Presented 10—Reply thereto, .....</p> <p>Of thanks for His Messages of fifteenth January, .....</p> <p>Of thanks for His Messages of twenty-ninth January, .....</p> <p>Of thanks for His Messages of third February, .....</p> <p>On the subject of Education founded on certain Resolutions of this House.—Committee appointed to prepare same 103—Draft reported by them 111—Read first time 111—Read second time 111—Committed 111—Reported 111—Adopted 111—Read third time and passed 117—Committee appointed to know when His Excellency would receive this House with same 118—Reported 124—Address presented 130  Reply thereto, .....</p> <p>On the subject of passing Week's relief Bill, and fifth Concession line of Yonge Survey Bill.—Committee appointed to present same 111—Reported, .....</p> <p>Requesting him to cause the Address to the King on the subject of the West India Trade and the Navigation of the River Saint Lawrence to be laid at the foot of the Throne, .....</p> <p>Committee appointed to know when this House would be received with same 129.—Reported 129—Address presented 130—Lieutenant Governor's reply thereto, .....</p> <p><b>ALLAN, the Honorable William,</b>  Message from Assembly, requesting that he may be permitted to attend a Select Committee of that House, .....</p> <p>Leave given to him for the above purpose, .....</p> <p><b>BABY, the Honorable James,</b>  Message from Assembly, requesting that he may be permitted to attend a Select Committee of that House, .....</p> <p>Leave given to him for the above purpose, .....</p> <p><b>BILLS, Originating in this House,</b>  An Act for protecting the Interests of certain Bodies of Indians in this Province.—Notice of bringing in same 35—Brought in 40—Read first time 40—Read second time 43—Committed 47—Reported and leave given to sit again 48—Recommitted 62—Reported and leave given to sit again 62—recommitted 65—Reported and leave given to sit again 65—Recommitted 68—Amendments reported 68  Adopted 68—Bill as amended read third time passed and signed 68—sent to Assembly for concurrence 66</p> <p>For confirming the titles to British Subjects of Real Estates derived from or through Aliens.—Notice of bringing in same 49—brought in 56—Read first time 56—Read second time 64—Committed 67—Reported and leave given to sit again, .....</p> <p>For vesting the Market Lots in the Town of York in the hands of Trustees.—Notice of bringing in same 72  Brought in 77—Read first time 77—Read second time 79—Committed 91—Reported Committee had risen, .....</p> <p><b>BILLS, From the House of Assembly,</b>  An Act to provide for an increase of the number of Overseers of Highways and Pound Keepers in the respective Townships throughout this Province.—Brought up 10—read first time 10—read second time 11—committed 12—reported and leave given to sit again 12—re-committed 15—reported and leave given to sit again 15—re-committed 20—reported and leave given to sit again 20—re-committed 25—Reported and leave given to sit again 25—re-committed 26—amendments reported 26—read first time 26—read second time and adopted 27—Bill as amended read third time and passed 29—Amendments signed 29—Bill as amended sent to Assembly for concurrence 29—Amendments acceded to 45—Royal assent 130</p>	<p>23</p> <p>11</p> <p>126</p> <p>78</p> <p>130</p> <p>10</p> <p>12</p> <p>30</p> <p>38</p> <p>130</p> <p>127</p> <p>129</p> <p>130</p> <p>35</p> <p>38</p> <p>93</p> <p>93</p> <p>66</p> <p>67</p> <p>91</p> <p>130</p>
--	--

# INDEX.

## BILLS from the House of Assembly.

- An Act to repeal and amend the laws now in force for establishing the limits to the respective Gaols in this Province.--Brought up 11--read first time 11--read second time 13--Committed 13--Reported and leave given to sit again 13--Re-committed 14--Amendments to same reported 14--read first time 14 read second time and adopted 14--read third time passed and signed 15--Bill as amended sent to Assembly for concurrence 15--a conference requested by Assembly on Amendments made to the Bill 16--A Conference acceded to 17--Conferrees appointed 18--Assembly acquainted of same 18--Report of Conferrees 18--Resolution communicated by the Conferrees of Assembly, requesting a free conference on same subject 18--a free conference acceded to 19--Conferrees appointed 19--Assembly acquainted of same 19--Their report 21--same committed 22--reported Committee had risen 22--a free conference ordered by this House on the subject before named 22--Conferrees appointed 22--Assembly acquainted of same 22--second free conference acceded to by Assembly 23--Report of second free conference 25--Read 25--Amendments agreed to by Assembly, and a further Amendment sent to this House for concurrence 30--read first time 30--Forty-fourth rule dispensed with as regards same 30--read second time 30--Committed 31--Reported 31--Adopted 31--Bill as further amended read third time and passed 31--further amendment signed 31--Assembly acquainted of same 31--Royal assent . . . . . 32
- An Act to make valid certain Marriages heretofore contracted and to provide for the future solemnization of Matrimony in this Province.--Brought up 11--read first time 11--read second time 13--Committed 20--Reported Committee had risen 20--Re-committed 73--Resolution reported 73--Read 73--Adopted 73--A Conference ordered on the Bill 73--Conferrees appointed 73--Assembly acquainted of same 73--A Conference acceded to 78--Instructions to the Conferrees of this House 79--Their report . . . . . 80
- An Act granting to His Majesty a sum of money for the improvement of the Roads and Bridges in this Province.--Brought up 12--Speaker reports same 12--read first time 12--read second time 13--Committed 14--Reported and leave given to sit again 14--Re-committed 20--Reported and leave given to sit again 20--Re-committed 35--Reported and leave given to sit again 35--Re-committed 41--Reported and referred to a Select Committee 42--Their report 50--read 50--Committed 56--Reported 56--Adopted 56--A conference ordered on the Bill 56--Conferrees appointed 56--Assembly acquainted of same 56--A conference acceded to 63--Instructions to the Conferrees of this House 65 Bill re-committed 93--Reported and leave given to sit again 93--Re-committed 95--Reported and leave given to sit again 95--Re-committed 98--Reported 98--Adopted 98--Bill read third time passed and signed 103--Assembly acquainted of same 103--Royal assent . . . . . 130
- An Act to provide for the erection of Line or Division Fences in this Province, and for the construction of Water Courses in the Eastern and Western Districts.--Brought up 12--Speaker reports same 12--read first time 12--Ordered to be printed 12--read second time 20--Committed 20--Reported and leave given to sit again 20--Re-committed 34--Reported and leave given to sit again 34--re-committed 41--Reported and leave given to sit again 41--re-committed 46--Amendments reported 46--read first time 46--read second time and adopted 47--Bill as amended read third time and passed 48 Amendments signed 48--Bill as amended sent to Assembly for concurrence . . . . . 48
- An Act to erect the County of Prince Edward into a separate District.--Brought up 12--read first time 12 read second time 16--Committed 24--Resolution reported 24--read 25--Adopted 25--Bill referred to a Select Committee as also the present division of the Province into Districts and Counties 25--Committee appointed 25--Reported 107--Report read 107--Adopted . . . . . 109
- An Act for the relief of Henry Weeks.--Brought up 14--Speaker reports same 14--read first time 14--read second time 41--Committed 43--Reported 43--Adopted 43--read third time but not passed 45--re-committed 48--Reported and referred to a Select Committee 48--Their report 53--read 53--Bill recommitted and the report of Select Committee on same 63--Reported 63--Adopted 63--Petition of Hiram Spafford presented, praying that Counsel might be heard at the Bar of the House against the passing of the Bill 63--Forty-eighth rule dispensed with as regards said Petition 64--Petition read 64--Order of the Day discharged as regards the third reading of Bill 64--Bill read third time passed and signed 67--Assembly acquainted of same 67--Two Resolutions moved respecting the passing of this Bill, as also the Fifth Concession line of Yonge Survey Bill, and of addressing the Lieutenant Governor on the subject 111--Question put and carried 111--Committee appointed to present the Address 111--Their report 127--Royal Assent withheld from the Bill . . . . . 131
- An Act to Incorporate the Trustees of the Grantham Academy.--Brought up 17--read first time 18--read second time 25--Committed 26--Reported and leave given to sit again 26--re-committed 29--Reported and leave given to sit again 30--re-committed 31--Reported and leave given to sit again 31 re-committed 32--Amendments reported 32--Read first time 32--read second time 33--Adopted 33 Bill as amended read third time and passed 34--Amendments signed 34--Bill as amended sent to Assembly for concurrence 34--Amendments acceded to 77--Royal Assent . . . . . 130
- An Act to repeal part of and amend the Laws now in force for preventing the Sale of Spirituous Liquors by Retail without License.--Brought up 18--Read first time 18--read second time 22--Committed 23 Reported and leave given to sit again 23--re-committed 24--Reported and leave given to sit again 24 re-committed 25--Reported and leave given to sit again 25--re-committed 27--Reported and leave given to sit again 27--re-committed 33--Amendments reported 33--Read first time 33--read second time and adopted 33--Bill as amended read third time and passed 34--Amendments signed 34--Bill as amended sent to Assembly for concurrence . . . . . 34

# INDEX.

## BILLS from the House of Assembly.

An Act to direct the Appropriation of Fines in certain cases.—Brought up 18—Read first time 18—read second time 22—Committed 26—Reported 26—Adopted 26—read third time passed and signed 29 Assembly acquainted of same 29—Royal Assent .....	32
An Act for the more equal Distribution of the Property of Persons dying Intestate.—Brought up 18—Read first time 18—read second time 23—Committed 23—Resolution reported 23—read 23—Adopted 23 Bill referred to a Select Committee 23—Committee appointed 23—Their report 30—same read 30 Ordered to be printed 31—Report committed 102—Resolution for its adoption reported 102—read 102—adopted .....	103
An Act to repeal the Law now in force granting a Salary to the Chaplain of the House of Assembly.— Brought up 20—Speaker reports same 20—Read first time 20—ordered to be read second time in three Months .....	20
An Act to allow persons tried for Felony the benefit of full defence by Counsel.—Brought up 26—Speaker reports same 27—Read first time 27—read second time 73—Committed 79—reported and leave given to sit again in three months .....	79
An Act to incorporate certain persons by the style and title of the Associated Farmers Company of the Home District and parts adjacent.—Brought up 29—Read first time .....	29
An Act to make good certain Monies advanced by His Majesty for the Contingencies of the two Houses of the Legislature of this Province.—Brought up 31—Speaker reports same 32—Read first time 32— read second time 35—Committed 35—Reported and referred to a Select Committee 35—Their report 56—read 56—Report committed 64—Resolution reported 64—read 64—Adopted 64—a conference ordered 64—Conferrees appointed 64—Assembly acquainted of same 64—a conference acceded to 70 —Assembly again acquainted of the time and place for holding the same 70—Instructions to the Conferrees of this House .....	70
An Act to provide for registering of Deeds and other Conveyances within this Province, the same being executed in Foreign Countries. Brought up 34; read first time 34; read second time 36; Com- mitted 41; Reported and leave given to sit again 41; re-committed 45; Reported and leave given to sit again in three months .....	46
An Act to provide for the Survey of the Concession Lines of the Gore of Fredericksburgh.—Brought up 34; read first time 35; read second time 36; Committed 38; Reported, and referred to a Select Committee .....	38
An Act for the regulation of District Officers in this Province.—Brought up 34; read first time 35; read second time 36; Committed 39; Reported and leave given to sit again 39; re-committed 41; reported and leave given to sit again 41; re-committed 43; Amendments reported 43; read first time 43; read second time, and adopted 44; read third time and passed 45; Amendments signed 45; Bill as amended sent to Assembly for concurrence .....	45
An Act to provide for the disposal of a part of the Clergy Reserves in this Province.—Brought up 34; read first time .....	35
An Act to alter the times of sitting of the District Court and General Quarter Sessions in the Niagara District.—Brought up 34; read first time 35; read second time 36; Committed 39; Reported and leave given to sit again 39; re-committed 42; Resolution reported 42; Read 42; Adopted 42; a Conference on the Bill ordered 42; Conferrees appointed 42; Assembly acquainted of same 42; A Conference acceded to 44; Instructions to Conferrees of this House 44; Bill re-committed 104; Amendments reported 104; read first time 105; read second time and adopted 105; Bill as amended read third time and passed 106; Amendments signed 106; Bill as amended sent to As- sembly for concurrence 106; Amendments acceded to 130; Royal Assent .....	130
An Act to render Sheriffs and their Deputies ineligible to a seat in the House of Assembly in certain cases.—Brought up 40; Read first time 40; read second time 45; Committed 48; reported and leave given to sit again in three months. ....	49
An Act to declare the Boundaries of the County of Norfolk and to erect the same into a separate District. Brought up 40; read first time 40; read second time 42; Committed 42; Reported and leave given to sit again 42; re-committed 47; Reported and referred to the Select Committee on the division of the Province 47; Their report 107; read 107; adopted .....	108
An Act for the relief of Indigent Debtors.—Brought up 41; Read first time 42; Read second time 47; Committed 49; Amendments reported 49; read first time 49; read second time and adopted 49; Bill as amended read third time and passed 49; Amendments signed 49; Bill as amended sent to Assembly for concurrence 49; Amendments acceded to 67; Royal assent .....	130
An Act to appoint Commissioners on the part of this Province to treat with Commissioners on the part of Lower Canada on matters of mutual interest.—Brought up 45; read first time 45; read second time 48; Committed 50; reported and leave given to sit again 50; re-committed 52; reported and leave given to sit again 53; re-committed 62; Resolution reported 63; read 63; adopted 63; a conference ordered 63; Conferrees appointed 63; Assembly acquainted of same 63; a conference acceded to 69; Assembly again acquainted of the time and place for holding same 69; Instructions to Conferrees of this House .....	69
An Act for the relief of John Eastwood and Colin Skinner.—Brought up 45—Read first time 45; read second time 77; Forty-fourth rule dispensed with as regards same 78; Bill committed 78; Report- ed 78; Adopted 78; read third time passed and signed 78; Assembly acquainted of same 78; Royal Assent .....	130

# INDEX.

## BILLS from the House of Assembly.

- An Act for the relief of Robert Randal Esquire.—Brought up 45; Read first time 45; Read second time 48; Committed 50; Reported and leave given to sit again 50; Re-committed 53; Reported and leave given to sit again 53; Re-committed 64; Reported and leave given to sit again in Three months ..... 64
- An Act for the relief of the Sufferers who sustained loss during the late War with the United States of America.—Brought up 45; Read first time 45; Read second time 48; Committed 50; Reported and leave given to sit again 50; Re-committed 53; A Resolution Reported and leave given to sit again 55; Resolution read 56; Adopted 56; A Conference ordered 56; Conferrees appointed 56; Assembly acquainted of same 56; Conference acceded to 57; Instructions to Conferrees of this House 57; Bill re-committed 96; Reported 96; Adopted 96; Read third time passed and signed 103; Assembly acquainted of same 103; Royal Assent ..... 130
- An Act granting One Hundred Pounds in aid of the Funds of the Female Benevolent Society of Kingston. Brought up 48; read first time 48; read second time 49; Committed 52; Reported 52; Adopted 52; read third time, passed and signed 62; Assembly acquainted of same 62; Royal Assent .... 130
- An Act assigning Yards for the benefit of the health of Debtors confined in the respective Gaols of this Province.—Brought up 52; read first time 53; read second time 64; Committed 67; Reported and leave given to sit again in three months ..... 67
- An Act concerning the Law of Libel.—Brought up 57; read first time 57; read second time 64; Committed 68; Reported and leave given to sit again in three months ..... 69
- An Act the better to provide for the return and impannelling of Juries.—Brought up 57; read first time, and ordered to be printed 58; read second time 65; Committed 69; Reported and leave given to sit again 69; re-committed 70; Reported Committee had risen .... 70
- An Act to declare and define the duties of Steward.—Brought up 57; read first time, and ordered to be printed 62; read second time 65; Committed 71; Reported .... 71
- An Act to establish a second Market in the Town of York.—Brought up 66; Read first time 67; read second time 67; Ordered to be Committed in Three months .... 67
- An Act to authorise a re-survey of the Tenth Concession of the Township of Windham.—Brought up 66; Read first time 67; read second time 67; Committed 71; Reported ..... 71
- An Act to extend the provisions of the Law of Set-off, and to prevent unnecessary and vexatious Law-suits. Brought up 66; Read first time 67; read second time 68; Committed 70; Reported and leave given to sit again 70; Re-committed 72; Amendments reported 72; read first time 73; read second time and adopted 73; Bill as amended read third time and passed 76; Amendments signed 76; Bill as amended sent to Assembly for concurrence 76; Amendments acceded to 130; Royal Assent ..... 130
- An Act for the relief of Samuel Theal.—Brought up 66; Read first time 67; read second time 68; Committed 71; Reported 71; Adopted 71; Read third time passed and signed 72; Assembly acquainted of same 72; Royal Assent ..... 130
- An Act to secure to Thomas Hornor a Patent right in a new invented Threshing machine.—Brought up 68; Read first time 68; read second time 71; Committed 71; Amendment reported 71; read first time 72; read second time and adopted 72; Bill as amended read third time and passed 72; Amendments signed 72; Bill as amended sent to Assembly for concurrence 72; Amendments acceded to 92; Royal Assent ..... 131
- An Act to Repeal and Amend the Laws now in force respecting the Limits of the respective Gaols in this Province.—Brought up 69; read first time 69; read second time 71; Committed 73; Reported, and leave given to sit again 73; Re-committed 77; Reported and leave given to sit again 77; Re-committed 80; Reported and leave given to sit again 80; Re-committed 91; Reported Committee had risen 92; Re-committed 98; Amendments reported 98; Read first time 98; read second time and adopted 99; Bill as amended read third time but not passed 102; Re-committed 105; further Amendment reported 105; Read first time 105; read second time and adopted 105; further Amendment read third time passed and signed 106; Bill as further amended sent to Assembly for concurrence 106; Amendments acceded to 120; Royal Assent ..... 131
- An Act to require the Justices of the Peace and the Treasurers in the several Districts of this Province to publish their District Accounts.—Brought up 69; Read first time 69; Read second time 71; Committed 73; Reported, ..... 73
- An Act to remunerate Robert Randall, Esquire, for valuable services rendered this Province while in England.—Brought up 77; read first time 77; read second time 78; Committed 121; Reported and leave given to sit again in three months ..... 121
- An Act for the better preservation of Salmon within this Province.—Brought up 78; read first time 79; read second time 91; Committed 94; Reported and leave given to sit again 94; Re-committed 103; Reported and leave given to sit again 103; Re-committed 105; Reported and leave given to sit again in three months ..... 105
- An Act to Repeal an Act passed in the Forty-ninth year of His late Majesty's Reign, entitled, An Act to encourage the destroying of Wolves in this Province, and to make more effectual provision for exterminating those destructive animals.—Brought up 78; read first time 79; read second time 91; Committed 94; Reported 94; Adopted 94; read third time, passed and signed 96; Assembly acquainted of same 96; Royal Assent ..... 131

# INDEX.

## BILLS from the House of Assembly.

- An Act to Pension Charlotte Pomeroy, Widow of the late Timothy Couklin Pomeroy.—Brought up 79—read first time 79—Forty-fourth Rule dispensed with as regards same 79—Bill read second time 80—Committed 92—Reported 92—Adopted 92—read third time, passed and signed 93—Assembly acquainted of same 93—Royal Assent ..... 131
- An Act to borrow a sum of money in England, at a reduced rate of Interest, to cancel the Public Debt of this Province.—Brought up 79—read first time 79—read second time 91—Committed 94—Reported 94—Adopted 94—read third time, passed and signed 96—Assembly acquainted of same 96—Royal Assent ..... 131
- An Act to confirm the Survey of a part of the Concession Lines between the seventh and eighth Concessions of the Township of Cornwall.—Brought up 79—read first time 79—read second time 91—Committed 94—Reported and referred to a Select Committee 94—Committee appointed 94—their Report 113—same read 113—Adopted 113—Bill read third time, passed and signed 120—Assembly acquainted of same 120—Royal Assent ..... 131
- An Act to exclude the Judges from the Legislative and Executive Councils.—Brought up 79—read first time 79—read second time ..... 91
- An Act to provide for filling vacancies that may occur by the death, removal, or neglect or refusal to act, by any of the Commissioners appointed by an Act passed in this present Session of Parliament, entitled, An Act granting to His Majesty a sum of money for the improvement of the Roads and Bridges in this Province.—Brought up 80—read first time 80—Forty-fourth Rule dispensed with as regards same 80—Bill read second time 80—Committed 93—Reported and leave given to sit again in three months ..... 93
- An Act for the relief of Synthe Vandyck.—Brought up 80—read first time 80—read second time 91—Committed 94—Reported 94—re-committed 114—Resolution reported for referring the Bill to the consideration of the two Puisne Judges of the Court of King's Bench 114—same read 114—Adopted 114—Clerk ordered to transmit a copy of the said Resolution, together with the Bill and Petition, to each of the said Judges ..... 114
- An Act to encourage the establishment of Agricultural Societies in the several Districts of this Province.—Brought up 92—read first time 92—read second time 94—Committed 97—Reported and leave given to sit again 97—re-committed 104—Reported 104—Adopted 104—read third time, passed and signed 106—Assembly acquainted of same 106—Royal Assent ..... 131
- An Act to preserve good understanding among Neighbours, and to lessen the number of expensive Law-suits, by establishing Courts of Pacification in this Province.—Brought up 92—read first time 92—read second time 94—Committed 97—Reported and referred to a Select Committee 97—Committee appointed 97—their Report 109—read 110—Adopted ..... 110
- An Act to authorise the Quarter Sessions of the Home District to provide for the relief of Insane destitute persons in that District.—Brought up 92—read first time 92—read second time 94—Committed 97—Reported 98—Adopted 98—read third time passed and signed 102—Assembly acquainted of same 102—Royal Assent ..... 131
- An Act to Incorporate certain persons under the style and title of the President, Directors and Company of the Commercial Bank of Upper Canada.—Brought up 92—read first time 92—read second time 95—Committed 98—Reported and leave given to sit again 98—re-committed 104—Reported Committee had risen ..... 104
- An Act to authorise the Receiver General of this Province to raise by Debenture on the credit of certain duties therein mentioned, a sum of Money for the relief of the Sufferers during the late War with the United States.—Brought up 95—read first time 95—read second time 98—Forty-fourth rule dispensed with as respects same 98—Bill Committed 99—Reported and leave given to sit again 99—Re-committed 104—Reported 104—Adopted 104—read third time and passed 106—Assembly acquainted of same 106—Royal Assent ..... 131
- An Act to raise by Loan a certain sum of money to be expended on the Public Highways within this Province.—Brought up 95—read first time 95—Forty-fourth rule dispensed with as respects same 95—Bill read second time 99—Committed 102—Reported 102—Adopted 102—read third time passed and signed 103—Assembly acquainted of same 103—Royal Assent ..... 131
- An Act to cover the payments by His Excellency the Lieutenant Governor of certain contingent expences of the Legislature.—Brought up 95—read first time 95—read second time 103—Committed 105—Reported 105—Adopted 105—read third time passed and signed 107—Assembly acquainted of same 107—Royal Assent ..... 131
- An Act to relieve the Quakers Menonists and Tunkers from the payment of Fines or Commutation money in lieu of the performance of Militia duty in time of Peace.—Brought up 102—read first time 102—read second time 105—Committed 108—Reported Committee had risen ..... 109
- An Act to correct the Survey of the Fifth Concession line of the Township of Yonge.—Brought up 102—read first time 102—read second time 105—Committed 109—Reported 109—Adopted 109—read third time passed and signed 111—Assembly acquainted of same 111—Two resolutions moved respecting the passing of this Bill, as well as Week's relief Bill, and of addressing Lieutenant Governor on the subject 111—Question put and carried 111—Committee appointed to present the address 111—Their report 127—Royal Assent ..... 131

## INDEX.

### BILLS from the House of Assembly.

- An Act to repeal part of an Act passed in the Thirty-sixth year of His late Majesty's reign, entitled, An Act for the better regulation of certain Coins current in this Province.—Brought up 104—read first time 104—read second time 108—Committed 111—Reported and a Conference recommended 111 A Conference ordered 111—Conferrees appointed 111—Assembly acquainted of same 111— a conference acceded to 116—Instructions to Conferrees of this House 116—Their report . . . . . 119
- An Act to establish Upper Canada College.—Brought up 104—read first time 104—read second time 108 Committed 111—Reported and leave given to sit again in Three months . . . . . 111
- An Act to afford further aid to complete the Burlington Bay Canal and for other purposes relative to the said Canal.—Brought up 106—read first time 106—Forty-fourth rule discharged as regards same 106—Bill read second time 109—Committed 112—Reported 112—Adopted 112—read third time passed and signed 114—Assembly acquainted of same 114—Royal Assent . . . . . 131
- An Act to revive and continue an Act passed in the Seventh year of His Majesty's reign, entitled, An Act to repeal part of amend and continue the Laws now in force for the payment of Militia Pensions.— Brought up 106—read first time 106—Forty-fourth rule discharged as regards same 106—Bill read second time 109—Committed 109—Resolution reported for a Conference on same 109—read 109 Adopted 109—Conferrees appointed 109—Assembly acquainted of same 109—a conference acceded to 110—Instructions to the Conferrees of this House 110—Their report . . . . . 110
- An Act for the relief of James Gordon Strowbridge, late contractor of the Burlington Bay Harbour.— Brought up 106—read first time 106—Forty-fourth rule discharged as regards same 106—read second time 109—Committed 113—Reported and a Conference recommended 113—same ordered 113 Conferrees appointed 114—Assembly acquainted thereof 114—a Conference acceded to 119—In- structions to the conferrees of this House committed 119—Reported 119—same read 119—Adopted 120
- An Act to make good certain Monies advanced by His Excellency the Lieutenant Governor to erect the Don and Humber Bridges.—Brought up 112—read first time 112—Forty-fourth rule dispensed with as respects same 112—Bill read second time 114—Committed 114—Reported 114—Adopted 114—read third time passed and signed 117—Assembly acquainted of same 117—Royal assent . . . . . 131
- An Act to reimburse the Honorable John Henry Dunn for Monies advanced by him to the Commissioners for the Burlington Bay Canal.—Brought up 112—read first time 112—read second time 114; Committed 114—Reported 114—Adopted 114—read third time passed and signed 117—Assembly acquainted of same 117—Royal Assent . . . . . 131
- An Act to provide for the erection of a House for the Light keeper, and for keeping and maintaining the Light-house on Long-point in Lake Erie for the present year.—Brought up 112—read first time 112—read second time 115—Committed 115—Reported 115—Adopted 115—read third time passed and signed 117—Assembly acquainted of same 117—Royal Assent . . . . . 131
- An Act to repeal an Act passed in the fifty-sixth year of the reign of His late Majesty, entitled, An Act for granting to His Majesty a sum of Money towards defraying the expense of the Civil Administration of the Government of this Province.—Brought up 112—read first time 112—read second time 115; motion for committing same 115—question put and negatived . . . . . 115
- An Act to revive and continue with certain modifications an Act passed in the fifty-ninth year of His late Majesty's reign, entitled, An Act to alter the Laws now in force for granting licenses to Inn-keepers, and to give to the Justices of the Peace in General Quarter Sessions assembled, for their respective Districts, authority to regulate the duties hereafter to be paid on such Licenses.—Brought up 112; read first time 112—read second time 115—Committed 115—Reported 115—Adopted 115—read third time passed and signed 117—Assembly acquainted of same 117—Royal Assent . . . . . 131
- An Act to grant a further loan to the Welland Canal Company, and to regulate their further operations. Brought up 112—read first time 113—read second time 115—Committed 115—Reported and leave given to sit again 116—Re-committed 117—Reported and leave given to sit again 117—Re-committed 121—Reported and leave given to sit again 121—Re-committed 121—Reported and a conference recommended 121—Conferrees appointed 121—Assembly acquainted of same 121—Instruc- tions to the Conferrees of this House committed 122—Reported 122—read 122—Adopted 122; Bill re-committed 125—Reported 125—Adopted 125—a Conference acceded to 125—Bill read third time passed and signed 126—Assembly acquainted of same 126—Royal Assent, . . . . . 131
- An Act to provide for the service of process, and other legal proceedings, upon certain persons carrying on business in this Province, under the name and style of the Canada Company.—Brought up 115— read first time 115—read second time 120—Committed 120—Reported, and leave given to sit again 120—re-committed 129—Reported Committee had risen . . . . . 129
- An Act to provide for the payment of Militia Pensions, by reviving and continuing, for a limited time, the Law for that purpose which has recently expired.—Brought up 115—read first time 115—read second time 118—Committed 118—Reported 119—Adopted 119—read third time passed and signed 120—Assembly acquainted of same 120—Royal Assent . . . . . 131
- An Act to grant a certain sum of money towards opening a Road from the River Aux Perches, on Lake Huron, in the Western District, to Townsends, in the London District.—Brought up 120—read first time 120—read second time 121—Committed 121—Reported 121—Adopted 121—read third time passed and signed 121—Assembly acquainted of same 121—Royal Assent . . . . . 131

# INDEX.

## BILLS from the House of Assembly.

An Act to authorise the Magistrates of the Eastern District to borrow a certain sum of Money for the building of a Gaol and Court House therein.—Brought up 120—read first time 120—read second time 121; Committed 121—Reported 121—Adopted 121—read third time passed and signed 121—Assembly acquainted of same 121—Royal Assent	131
An Act to impose an additional duty on Shop Licences, and to revive and continue with modifications for a limited time, the law which has recently expired for imposing a duty on Licences to Sell by Wholesale Wine, Brandy and other Spirituous Liquors.—Brought up 125—read first time 125—read second time 125—Committed 125—Reported 125—Adopted 125—read third time passed and signed 126; Assembly acquainted of same 126—Reserved for the Royal Assent,	131
An Act to grant a sum of Money to His Majesty in aid of the York Hospital.—Brought up 125; read first time 125; read second time 126; Committed 126; Reported 126; Adopted 126; read third time passed and signed 126; Assembly acquainted of same 126; Royal Assent;	131
An Act for the better regulation of the Currency.—Brought up 126; read first time 126; read second time 126; Committed 126; Reported 126; Adopted 126; read third time passed and signed 126; Assembly acquainted of same 126; Royal Assent,	131
An Act to continue for a limited time an Act passed in the fourth year of His Majesty's Reign entitled, An Act further to regulate by law the Commercial intercourse of the Province of Upper Canada with the United States of America so far as regards the duty imposed on Cider and Beer.—Brought up 129—read first time 130; read second time, and ordered to be committed in three months;	130
An Act to provide for a loan to enable the Government to pay to James Gordon Strowbridge a sum of money due to him for labour and materials employed in constructing the Burlington Bay Canal.—Brought up 130; read first time,	130

## C

### CALL of the House.

Members present and absent at the,	15
------------------------------------	----

### CAMERON, Mr. Secretary,

Public accounts presented by,	23
-------------------------------	----

### CAMPBELL, The Honorable Sir William,

Oath prescribed by Statute 31st Geo. 3, Chap. 31st, administered to,	6
--	---

### CLERK of the Legislative Council,

Authorised to open an Account with the Post Office for the Postage of Letters to and from Members during the Session	11
--	----

Ordered to transmit a copy of Vandyck's relief Bill; together with the Petition and a Resolution respecting same, to each of the two Puisne Judges of the Court of King's Bench	114
---	-----

Compensation to the, for superintending the printing of the Journals	127
--	-----

Excused from reading the Minutes of the House	129
---	-----

### COMMISSION from His Excellency the Lieutenant Governor,

Presented by Mr. Chief Justice Robinson, appointing him Speaker of the Legislative Council 6; same read	6
---	---

### COMMITTEES, Select, appointed.

To prepare an Address to Lieutenant Governor, in answer to his Speech at the opening of the Session 7; Reported	8
---	---

To wait on Lieutenant Governor to know when this House would be received with the above Address 9; Reported	9
---	---

To present an Address to Lieutenant Governor, thanking him for his several Messages of fifteenth January	12
--	----

To report on the Resolutions adopted by Assembly on the subject matter of the West India Trade and the Navigation of the River Saint Lawrence 19; Addition to same 36; Reported,	39
--	----

To report on the Petition of Thomas Turpin and others, relating to the last mentioned subject,	39
--	----

To report on Intestate distribution Bill 23; Reported 60; same read 80; ordered to be Printed 91; the report Committed 102; a resolution reported for adopting the report of Select Committee 102; read 102; question put and carried,	103
--	-----

To report on Prince Edward Separation Bill, and also the present division of the Province into Districts and Counties 25; Reported 107; Report read 107; Adopted,	108
---	-----

To report on a question of Privilege,	25
---------------------------------------	----

To present an Address to Lieutenant Governor, thanking him for his several Messages of twenty-ninth January	30
---	----

To report on Contingent covering Bill 25; Reported,	56
---	----

To present an Address to Lieutenant Governor, thanking him for his several Messages of third February,	38
--	----

To report on Fredericksburgh concession line survey Bill,	38
---	----

To report on Road and Bridge grant Bill 42; Reported,	50
---	----

To report on Norfolk Separation Bill 47; Reported,	107
--	-----

To report on Weeks' relief Bill 48; Reported 53; Report Committed 63; Reported 63; Adopted,	63
---	----

To report on the Petition of the United Presbytery of Upper Canada 49; Reported 74; report read 74; Committed 76; a resolution reported 77; read and adopted 77; Petition again referred to the Select Committee 77; their second report 99; same read 99; Petition and second report ordered to be Printed,	101
--	-----

To report on Cornwall Concession line Survey Bill 94; reported 113; report read 113; Adopted	113
--	-----

To report on Pacification Courts establishment Bill 97; Reported	109
--	-----

# INDEX.

## COMMITTEES, Select appointed,

To prepare an Address to Lieutenant Governor founded on certain resolutions on the subject of Education 103; Draft reported 111; read first time 111; read second time 111; Committed 111; Reported 111; Adopted .....	111
To present an Address to Lieutenant Governor, founded on certain resolutions respecting the passing of Week's relief Bill, and Fifth Concession line of Yonge Survey Bill 111; Reported .....	127
To know when His Excellency would receive this House with their Address on the subject of Education 118; Reported .....	124
To prepare an Address to His Majesty, founded on certain resolutions on the subject of the West India Trade, and the Navigation of the River Saint Lawrence 124; Reported 124; Draft read first time 124; read second time 125; Adopted 125; read third time and passed .....	127
To examine into and report upon the Contingent Accounts of this Session 125; Reported 126; Report read 126, Adopted .....	126
To know when Lieutenant Governor would receive this House with their Address, requesting His Excellency to cause their Address to His Majesty on the subject of the West India Trade, and the Navigation of the River Saint Lawrence to be laid at the foot of the Throne 129; Reported .....	129

## COMMITTEES of Conference appointed

To confer with Assembly on the Amendments made to first Gaol limits Bill 18; Reported .....	18
To confer freely with Assembly on the last mentioned subject 19; 22; Reported 21 .....	28
To confer with Assembly on the subject matter, of appointing Commissioners for the improvement of the River Saint Lawrence 22; 27; Reported 24; Instructions to second Committee of Conference ..	31
To confer with Assembly on Niagara District Court Bill 42; Their Instructions .....	41
To confer with Assembly on War loss Indemnity Bill 56; Their instructions .....	57
To confer with Assembly on Road and Bridge grant Bill 56; Their instructions .....	65
To confer with Assembly on Provincial Commissioners appointment Bill 63; Their instructions .....	69
To confer with Assembly on Contingency covering Bill 64; Their instructions .....	70
To confer with Assembly on Marriage Solemnization Bill 73; Their instructions 79; Reported .....	80
To confer with Assembly on Militia Pension Bill 109; Their instructions reported .....	110
To confer with Assembly on Coins repeal Bill 111; Their instructions 116; Reported .....	119
To confer with Assembly on Stowbridges relief Bill 113; Their Instructions .....	119
To confer with Assembly on Welland Canal loan Bill 121; Their instructions .....	122

## COMMITTEES of the whole House.—(See Bills, Messages, Addresses, &c.)

### CONTINGENT Accounts;

Ordered to be laid on the Table 119; Committee appointed to examine same 125; Their report 126; read 126; Adopted .....	126
---	-----

### CROOKSHANK, the Honorable Mr.

Takes the Oath prescribed by Statute 31st Geo. 3, chap. 31st .....	34
--	----

## D

### DEPUTATIONS, from Assembly

10; 11; 12; 14; 16; 17; 18; 19; 20; 23; 26; 29; 30; 31; 34; 35; 40; 41; 44; 45; 48; 52; 57; 62; 66 68; 69; 70; 77; 78; 79; 80; 92; 95; 102; 104; 106; 112; 115; 119; 120; 125; 126, ... ..	129
--	-----

### DUNN, the Honorable John H.

Message from Assembly requesting that he may be permitted to attend a Select Committee of that House ..	35
A copy of the above Message ordered to be transmitted to .....	35
Leave given to him for the above purpose .....	38

## E

### EDUCATION,

Notice given of moving certain resolutions on the subject of .....	80
Resolutions laid on the Table on the subject of 93; read 96; Committed 103; Reported 103; Adopted 103; Committee appointed to prepare Address to Lieutenant Governor, founded on the Resolutions 103; a Draft reported by them 111; read first time 111; read second time 111; Committed 111; Reported 111; Adopted 111; Address read third time and passed 117; Committee appointed to know when Lieutenant Governor would receive the said Address 118; Reported 124; Presented 130; Lieutenant Governor's reply, ..	130

## F

## G

### GOVERNOR, Lieutenant,

Commission of, appointing Mr. Chief Justice Robinson Speaker of the Legislative Council, ....	6
Comes to the House and commands the attendance of Assembly 6; 32, .....	130
Speech of the, at the opening of the Session 6; same read, .....	6
Bills Assented to by the 32; 130, ..	131
Bill Reserved for the Royal Assent, by the .....	131
Bill withheld from the Royal Assent, by the, .....	131
Informs the House of the time fixed for closing the present Session of Parliament, ..	49
Replies to the Address of this House on the subject of Education, .....	130
Replies to the Address of this House on the subject of the Address to the King relative to the West India Trade and the Navigation of the River Saint Lawrence, ... ..	130

# INDEX.

## GOVERNOR, Lieutenant,

Speech of the, at the close of the Session, . . . . .	132
Messages of the, ( <i>See Messages.</i> ) . . . . .	
Addresses to the, ( <i>See Addresses.</i> ) . . . . .	

## H I

## INSTRUCTIONS,

To Conferrees on the subject of appointing Commissioners to treat with Commissioners on the part of Lower Canada regarding the improvement of the River Saint Lawrence, . . . . .	31
To Conferrees on the Niagara District Court and Quarter Sessions Bill, . . . . .	44
To Conferrees on War loss indemnity Bill, . . . . .	57
To Conferrees on Road and Bridge grant Bill, . . . . .	65
To Conferrees on Provincial Commissioners appointment Bill, . . . . .	69
To Conferrees on Contingent covering Bill, . . . . .	70
To Conferrees on Marriage Solemnization Bill, . . . . .	79
To Conferrees on Militia Pension Bill, . . . . .	110
To Conferrees on Coins repeal Bill, . . . . .	116
To Conferrees on Strowbridge's relief Bill, . . . . .	119
To Conferrees on Welland Canal Loan Bill, . . . . .	122

## J

## JOURNALS, of the House,

Ordered to be Printed, . . . . .	127
Members of Assembly to receive a copy of the, . . . . .	127
Compensation to Clerk for superintending the printing of the, . . . . .	127

## K L

## LEGISLATIVE Council,

Mr. Chief Justice Robinson presents His Majesty's Writ summoning him to a seat in the, . . . . .	5
Mr. Chief Justice Robinson presents His Excellency's Commission appointing him Speaker of the, . . . . .	6

## LETTERS to and from Members,

Clerk authorised to open an account with the Post Office for the postage of, . . . . .	11
--	----

## M

## MEMBERS,

In Town Summoned, 8; 16; 98, . . . . .	103
Present and absent at the Call of the House, . . . . .	15
Enter the House after the reading of Prayers, 10, 12, 14, 16, 18, 19, 20, 23, 24, 27, 29, 34, 39, 40, 41, 42, 45, 46, 49, 50, 57, 58, 64, 67, 68, 69, 71, 72, 73, 77, 79, 91, 92, 93, 94, 98, 102, 103, 104, 106, 111, 112, . . . . .	119
Take the oath prescribed by the Statute 31st Geo. 3rd, Chap. 31st. 6, . . . . .	34

## MESSAGES from the Lieutenant Governor,

Transmitting a copy of a report of the Commissioners of the Burlington Bay Canal, and also a copy of a letter from the Receiver General respecting a sum of money advanced to the said Commissioners 11; Committed 12—a resolution reported 12—read 12—Adopted, . . . . .	12
Acquainting this House that His Majesty's Secretary of State has acknowledged the receipt of the joint address of the two Houses of the Provincial Legislature on the subject of losses sustained during the late War with the United States 11—Committed 12—Resolution reported 12—read 12—Adopted, . . . . .	12
Transmitting copies of Population returns, . . . . .	29
Transmitting Assessment returns, . . . . .	29
Transmitting a statement of Debentures issued, . . . . .	30
Transmitting a report from the Commissioners of the False Ducks Light House, . . . . .	30
Transmitting a report from the Kingston Bank Commissioner, . . . . .	30
Laying before the Legislative Council an account of the expenses incurred in constructing the Don and Humber Bridges . . . . .	30
Transmitting a Petition from Charlotte Pomeroy, Widow of the late Timothy Conklin Pomeroy, for relief, . . . . .	37
Transmitting a report of the York Hospital, . . . . .	37
Transmitting an extract of a letter from Mr. Markland as arbitrator for this Province in 1828, on the subject of Revenue, . . . . .	53
Transmitting a communication from Mr. John Claus, on the subject of a trust committed to him by the Indians of the Six Nations 53—Correspondence regarding same, . . . . .	54
Transmitting a copy of a report from the Commissioners for erecting a Light House on Long Point in Lake Erie, . . . . .	59

## MESSAGES to Assembly,

Requesting the concurrence of that House to Amendments made to the first Gaol Limits Bill, . . . . .	15
Acceding to a conference as desired by that House on Amendments made to first Gaol Limits Bill, . . . . .	18
Acceding to a free conference as desired by that House on last mentioned subject, . . . . .	19
Requesting a second free conference on same subject, . . . . .	22

## C

## INDEX.

### MESSAGES, to Assembly,

Acceding to a conference as desired by that House on the subject matter of appointing Commissioners for the improvement of the River Saint Lawrence, .. .. .	22
Desiring another free conference on the last mentioned subject,.....	27
Acquainting that House of the passing of Fines appropriation Bill without amendment, ....	29
Requesting the concurrence of that House to Amendments made to Overseers of Highways and Pound Keepers Bill, .. .. .	29
Acquainting that House that the Legislative Council have passed the Amendments made by the Assembly in and to the amendments made by this House to the first Gaol Limits Bill, .. .. .	31
Requesting the concurrence of that House to the Amendments made to Spirituous Liquor Licence amendment Bill, .. .. .	34
Requesting the concurrence of that House to Amendments made to Grantham Academy Trustee Bill, ....	34
Acquainting that House of leave being given to the Honorable Messrs. Dunn and Allan to attend a Committee of Assembly, ....	35
Requesting a conference with that House on Niagara District Court Bill .. .. .	42
Requesting the concurrence of that House to the Amendments made by the Legislative Council to the Resolutions of Assembly on the subject of the West India Trade and the Navigation of the River Saint Lawrence, .. .. .	45
Requesting the concurrence of that House to Amendments made to District Officers regulation Bill, .. .. .	45
Requesting the concurrence of that House to Line Fence Bill, as Amended, .. .. .	48
Requesting the concurrence of that House to Indigent Debtors relief Bill, as Amended, .. .. .	49
Requesting a conference on War loss indemnity Bill, ...	56
Requesting a conference on Road and Bridge grant Bill, ...	56
Acquainting that House of the passing of Kingston Female Benevolent Society's aid Bill without amendment	62
Requesting a conference on Provincial Commissioners appointment Bill .. .. .	63
Requesting a conference on Contingency Covering Bill .. .. .	64
Acquainting that House of the passing of Week's relief Bill, without amendment .. .. .	67
Requesting the concurrence of that House to Indian's Protection Bill ...	68
Acquainting that House again of the time and place for holding the conference on Provincial Commissioners appointment Bill .. .. .	69
Acquainting that House again of the time and place for holding the conference on Contingency Covering Bill	70
Acquainting that House of the passing of Theal's relief Bill, without amendment .. .. .	72
Requesting the concurrence of that House to Hornor's Patent Bill, as amended .. .. .	72
Requesting a conference on Marriage Solemnization Bill .. .. .	73
Requesting the concurrence of that House to Set-off law extension Bill, as amended, .. .. .	76
Acquainting that House of the passing of Eastwood and Skinners relief Bill, without amendment, .. ..	78
Acquainting that House of leave being given to the Honorable Mr. Baby for the purpose of attending a Select Committee of Assembly, .. .. .	93
Acquainting that House of the passing of Widow Pomeroy's relief Bill, without amendment, .. ..	93
Acquainting that House of the passing of Wolfe extermination Bill, without amendment, .. ..	96
Acquainting that House of the passing of English loan Bill, without amendment .. ..	96
Acquainting that House of the passing of Insane destitute persons relief Bill, without amendment .. ..	102
Acquainting that House of the passing of War Loss Indemnity Bill, without amendment .. ..	103
Acquainting that House of the passing of Road and Bridge Grant Bill, without amendment .. ..	103
Acquainting that House of the passing of Highway Loan Bill, without amendment .. ..	103
Acquainting that House of the passing of Agricultural Societies Establishment Bill, without amendment .. ..	106
Acquainting that House of the passing of War Loss Loan Bill, without amendment .. ..	106
Requesting the concurrence of that House to Niagara District Court Bill, as amended .. ..	106
Requesting the concurrence of that House to Second Gaol Limits Bill, as amended, .. ..	106
Acquainting that House of the passing of second Contingent covering Bill, without amendment, .. ..	107
Requesting a conference on Militia Pension Bill, .. .. .	109
Acquainting that House of the passing fifth concession line of Yonge survey Bill, without amendment, .. ..	111
Requesting a conference on Coins repeal Bill, .. .. .	111
Requesting a conference on Strowbridge's relief Bill, .. .. .	113
Acquainting that House of the passing of Burlington Bay Canal aid Bill, without amendment, .. ..	114
Acquainting that House of the passing of Don and Humber Bridge erection covering Bill without amendment	117
Acquainting that House of the passing of Dunn's reimbursement Bill, without amendment, .. ..	117
Acquainting that House of the passing of Long Point Light-house maintenance Bill, without amendment, ..	117
Acquainting that House of the passing of Tavern Licence revival Bill, without amendment, .. ..	117
Acquainting that House of the passing of Cornwall Concession line Survey Bill, without amendment, .. ..	120
Acquainting that House of the passing of second Militia Pension Bill, without amendment, .. ..	120
Acquainting that House of the passing of River aux Perches Road grant Bill, without amendment, .. ..	121
Acquainting that House of the passing of Eastern District Gaol and Court house Bill without amendment	121
Requesting a Conference on Welland Canal Loan Bill .. .. .	121
Acquainting that House of limiting the future time for receiving Private Bills from the Assembly, and also Petitions therefore, and of publishing such intention in the Upper Canada Gazette .. ..	122
Acquainting that House of the passing of Shop License Bill without Amendment .. .. .	126

# INDEX.

<b>MESSAGES, to Assembly,</b>		
Acquainting that House of the passing of York Hospital Aid Bill, without Amendment	....	126
Acquainting that House of the passing of Welland Canal Loan Bill, without Amendment	....	126
Acquainting that House of the passing of Currency Regulation Bill, without Amendment	....	126
<b>MESSAGES from Assembly,</b>		
Requesting a Conference with this House on first Gaol Limits Bill	....	16
Communicating certain Resolutions passed by that House on the subject of the West India Trade; and the Navigation of the River Saint Lawrence, and requesting the concurrence of this House therein	..	16
Requesting a Conference on the subject of appointing Commissioners to meet the Commissioners appointed by the Legislature of Lower Canada, to take into consideration the improvement of the River Saint Lawrence 19—read 22—a Conference acceded to 22—Conferrees appointed 22—Assembly acquainted of same 22—Report of Conferrees	..	24
Acceding to the request of this House for another free Conference on the Amendments made to first Gaol Limits Bill	....	23
Agreeing to the Amendments made by this House to first Gaol Limits Bill, together with a further amendment, and requesting the concurrence of the Legislative Council therein	....	30
Acceding to the request of this House for another Conference on the subject of appointing Commissioners to treat with Commissioners on the part of Lower Canada, on the subject of the improvement of the River Saint Lawrence	....	31
Requesting that the Honorable Messrs. Allan and Dunn may be permitted to attend a Select Committee of that House	....	35
Acceding to a Conference on Niagara District Court Bill	..	44
Acceding to Amendments made by this House to Overseers of Highways and Pound-keeper's Bill	..	45
Acceding to a Conference on War loss indemnity Bill	..	57
Acceding to a Conference on Road and Bridge grant Bill	..	63
Agreeing to the Amendments made to Indigent Debtors relief Bill	..	67
Acceding to a Conference on Provincial Commissioners appointment Bill	..	69
Acceding to a Conference on Contingency Covering Bill	..	70
Agreeing to the Amendments made to Grantham Academy Trustee Bill	..	77
Acceding to a Conference on Marriage Solemnization Bill	..	78
Agreeing to the Amendments made to Hornor's Patent Bill	..	92
Requesting that the Honorable Mr. Baby may be permitted to attend a Select Committee of that House		93
Acceding to a Conference on Militia Pension Bill	..	110
Acceding to a Conference on Coin's repeal Bill	.....	116
Acceding to a Conference on Strowbridge's relief Bill	.....	119
Acceding to the second Gaol limits Bill as amended	.....	120
Acceding to a Conference on Welland Canal loan Bill	.....	125
Agreeing to the Amendments made to Niagara District Court Bill	.....	130
Agreeing to the Amendments made to Set-off Law extension Bill	.....	130
<b>MINUTES,</b>		
Reading of the, dispensed with	.....	129
<b>MOTIONS, made and seconded</b>		
Respecting the construction of the fourteenth rule of the House relating to privilege 8—Debated 8—same adjourned 8—renewed	.....	10
For not putting the question on the above motion of privilege 10—previous question put and carried	...	10
For reducing the quorum of the House 13—Question put and negatived	.....	13
For a Committee of privilege 25—question put and carried	.....	25
For adopting two Resolutions on the subject of passing Week's relief Bill, and Fifth Concession line of Yonge Survey Bill, and of Addressing the Lieutenant Governor thereupon 111—question put and carried 111—Committee appointed to present Address	.....	111
For putting the House into a Committee of the whole on the Civil List grant Bill 115—question put and negatived	.....	115
For adopting two Resolutions for limiting the time in future, of receiving private Bills from the Assembly, and also Petitions therefore, and that such intention be communicated by Message to the Assembly, and Published in the Upper Canada Gazette 122—Adopted	.....	123
For dispensing with the Nineteenth rule to give leave for the introduction of certain Resolutions on the West India Trade, and the Navigation of the River Saint Lawrence 123—question put and carried	.....	123
For adopting the last mentioned Resolutions, and of Addressing His Majesty on the subject matter thereof 123—question put and carried	.....	124
N		
<b>NOTICES given,</b>		
Of a Motion for reducing the quorum of the House	.....	11
Of bringing in a Bill for the protection of the interest of the Indians in this Province	.....	35
Of bringing in Foreign Banks restriction Bill	.....	44
Of bringing in Alien Estates Confirmation Bill	.....	49
Of bringing in York Market lots Trustee Bill	..	72
Of bringing in Commissioners of Customs Jurisdiction Bill	.....	72

# INDEX.

<b>NOTICES</b> given,		
Of moving certain Resolutions on the subject of Education	80	
<b>O</b>		
<b>OATH</b> , required by Statute 31st Geo. 3d chap. 31,		
Administered to Mr. Chief Justice Robinson	6	
Administered to the Honorable W. D. Powell	6	
Administered to the Honorable Sir William Campbell	6	
Administered to the Honorable George Crookshank	34	
<b>ORDER</b> of the Day discharged,		
As regards the third reading of Weeks relief Bill,	64	
<b>P</b>		
<b>PARLIAMENT</b> , Session of		
Convened	6	
Prorogued	132	
Lieutenant Governor announces through Mr. Secretary Mudge, the time fixed by him for closing this	49	
<b>PETITIONS</b> ,		
Of Thomas Creen and others, praying for an extension of the Niagara Gaol limits, presented 8—Read	15	
Of Samuel Walters and others, praying that the County of Prince Edward may be set off (without any division) into a separate District, presented 11—read	15	
Of the President Directors and Company of the Bank of Upper Canada praying that all Bodies Politic or Corporate, and all persons whatever may be restrained from carrying on any kind of Banking Business, except under the same restrictions limitations and conditions that affect the aforesaid Bank—Presented 13—Read	15	
Of the United Presbytery praying that the education of the Presbyterian Youth in Upper Canada may be provided for.—Presented 14—Read 16—referred to a Select Committee 49—Their report 74; same read 74—Committed 76—a resolution reported 77—read and adopted 77—Petition again referred to the Select Committee 77—Their second report 99—same read 99—Petition and second report ordered to be printed	101	
Of Thomas Markland and others praying for aid to the Kingston Hospital.—Presented 14—Read	16	
Of Seneca Ketchum and others, praying to be incorporated under the name of the Yonge Street Turnpike Company.—Presented 15—Read	19	
Of Thomas Turpin and others, praying that such steps may be taken as will preserve to the North American Colonies the present trade with the British West Indies as well as the exclusive Navigation of the River Saint Lawrence within Canadian Boundaries.—Presented 16—read 23—referred to the same Select Committee on the resolutions adopted by Assembly on same subject 23—Reported	39	
Of William Bergin, praying for an Act whereby the service of process on the agents of institutions shall be deemed good.—Presented 24—read	26	
Of the Chairman of the Quarter Sessions of the Home District, praying that the Legislature will provide an asylum for Lunatics, and funds to maintain same.—Presented 24—read	26	
Of the Magistrates of the District of Niagara, praying for an alteration of the sittings of the District Court and Quarter Sessions for that District.—Presented 29—read,	32	
Of the Magistrates of the District of Niagara, praying for an Act authorising the opening of a Public Highway from the Niagara Falls through divers Townships till it intersects Talbot Street, and also for the erection of a Bridge across the Grand River.—Presented 29—read,	32	
Of David Smart and others (Magistrates) of the District of Newcastle, praying for an Act authorising the erection of a Gaol and Court House in that District.—Presented 35—read,	36	
Of Jacob Smith, junior, and others, praying that the Gore of land between the Townships of Ernest-Town and Fredericksburgh may be annexed to the County of Lenox.—Presented 35—read,	36	
Of Henry Weeks, praying for relief from the circumstance of the lot of land settled upon by him having been erroneously numbered.—Presented 35—read,	36	
Of Robert Jones, and others, praying for a continuance of the Trade to the British West India Islands, and the Navigation of the River Saint Lawrence.—Presented 35—read,	37	
Of Allan McPherson and others, praying for a re-survey of the seventh Concession of the Township of Fredericksburgh.—Presented 35—read,	37	
Of Angus McDonell and others, praying against any alteration in the West India Trade.—Presented 36; read,	37	
Of Aaron Oliphant and others, praying to be incorporated for the purpose of making a Turnpike of the Lake Road leading from the Burlington Bay Canal through the Townships of Nelson, Trafalgar, Toronto, Etobicoke and York.—Presented 36—read,	37	
Of Charlotte Pomeroy, Widow of the late Timothy Conklin Pomeroy, praying for relief.—Transmitted by the Lieutenant Governor 37—read,	37	
Of Walter H. Dickson and others, praying for aid for the improvement of the Highway passing through the Townships of Beverley, Dumfries and Waterloo, &c.—Presented 39—read,	41	
Of John S. Baldwin and others, praying for an Act authorising the repair of the old Parliament Buildings; Presented 41—read,	44	
Of Samuel Theal, praying to be allowed to traverse an inquisition.—Presented 41—read,	44	
Of Joseph Ryerson and others, praying that the County of Norfolk may be erected into a separate District.		

# INDEX.

## PETITIONS,

Presented 41—read, . . . . .	44
Of William Backhouse and others, having the same prayer as the last.—Presented 41—read, . . . . .	44
Of Morris Sovereign and others, having the same prayer as the last.—Presented 41—read, . . . . .	44
Of W. L. Whiting and others, praying that the conduct of the Collector of Customs at Coteau du Lac in exacting illegal fees may be inquired of.—Presented 44—read, . . . . .	49
Of Thomas McCormick and others, praying for a settlement of the line of the West or Garrison Road in the Township of Niagara.—Presented 48—read, . . . . .	49
Of Richard Markall and others, praying that Patents issued to certain nominees of the Crown, now resident without the Province, may be cancelled in favour of their assignees.—Presented 52—read, . . . . .	57
Of John Papst and others, praying for the establishment of the boundary of the fifth Concession of the Township of Cornwall.—Presented 52—read, . . . . .	57
Of Thomas Mears and others, praying for aid for the improvement of the Roads in the Ottawa District.—Presented 52—read, . . . . .	57
Of John McKenzie and others, praying that the County of Glengary may be erected into a separate District.—Presented 56—read, . . . . .	63
Of Robert Stephens and others, praying that the Townships of Nepean, Gloucester, Osgood, North Gower, Goulbourn, March, Huntly, Torbolton, Fitzroy, Pakenham, McNab and Horton, may be set-off into a separate District.—Presented 56—read . . . . .	64
Of John Dennis and others, praying that the Act appropriating a certain sum of money for the construction of a Parliament House, to be erected on Simcoe place in the Town of York, may not be repealed.—Presented 63—read, . . . . .	64
Of Hiram Spafford, praying that Petitioner's Counsel may be heard at the Bar of the House against the passing of the Bill for the relief of Henry Weeks.—Presented 63—forty-eighth Rule dispensed with as regards same 64—read, . . . . .	64
Of Thomas Markland and others, praying to be established as a Banking Company in the Town of Kingston, under the name of the Commercial Bank of Upper Canada.—Presented 67—read, . . . . .	68
Of Jordan Post, praying for the establishment of a second Market in the Town of York.—Presented 67; (not read on account of the Bill which was founded on this Petition being ordered for Committal in three months.)	
Of J. Marks and others, praying for a suppression of Orange Meetings and Processions.—Presented 67; read	68
Of B. Macon and others, praying that joint tenants, or tenants in common with infants or orphans resident without the Province, may be enabled to procure a division of such lands as may have been devised to them.—Presented 71—read, . . . . .	72
Of Samuel P. Jarvis, praying for a revival of the Act authorising the payment of fifty pounds per annum to the Clerk of the Crown in Chancery, and also arrears since the year 1824.—Presented 72—read, . . . . .	77
Of John Eastwood and Colin Skinner, praying for relief.—Presented 72—read, . . . . .	77
Of Hiram Nelson and others, praying that the Counties of Hastings and Prince Edward may be set apart as a separate District.—Presented 78; (not read.)	
Of John Roe and others, Mechanics of this Province, praying for a reduction of the duty on such Timber as is usually made use of in the manufacture of Furniture imported into this Province from the United States.—Presented 78—read, . . . . .	91
Of Synthe Vandeyck, praying that the entail of certain lands may be cut off, and that the same may be held in fee simple.—Presented 80—read 91—referred along with the Bill on same subject to the consideration of the two Puisne Judges of the Court of King's Bench . . . . .	114
Of Israel Bowman and others, praying for an Act authorising the loan of £1000, to enable Petitioners to engage in the manufacture of Salt in this Province.—Presented 93—read . . . . .	95
Of the Delaware Bridge Committee, praying for a grant of money to be applied in discharging a balance due to the Builders of the said Bridge.—Presented 103—read . . . . .	110
Of John Goesman, praying that the Farmers Company of the Home District may be incorporated.—Presented 103—read . . . . .	111
Of the President, Directors and Company of the Bank of Upper Canada, praying to be protected from loss in the event of a change in the currency of certain Coins being made.—Presented 113—Forty-eighth Rule dispensed with as regards the Petition 113—same read . . . . .	113
Of William H. Draper, praying against passing the Bill for loaning a sum of money to complete a new Gaol and Court House in the District of Newcastle.—Presented . . . . .	120
<b>POSTAGE</b> of Letters to and from Members. . . . .	
Clerk authorised to open an Account with the Post-Office for the; . . . . .	11
<b>POWELL</b> , the Honorable William D. . . . .	
Oath prescribed by Statute 31st Geo. 3rd, Chap. 31st, administered to; . . . . .	6
Motion of, respecting the construction of the 14th Rule of the House, relating to privilege 8—Debated 8—same adjourned 8—renewed 10—Motion for not putting the question on the original motion 10—previous question put and carried . . . . .	10
<b>PRIVILEGE</b> , . . . . .	
Fourteenth Rule of the House, relating to, read . . . . .	8

# INDEX.

## PRIVILEGE,

Honorable William D. Powell's motion respecting the construction of same 8—Debated 8—Debate adjourned 8—same renewed 10—motion made for not putting the question on the original motion 10—previous question put and carried . . . . .	10
Motion for a Committee on the subject of 25—question put and carried . . . . .	25

## Q

## QUORUM of the House,

Notice of motion for reducing the . . . . .	11
Motion for reducing the 13—question put and negatived . . . . .	13
Adjournment, for want of a 32— . . . . .	78

## R

## REPORTS of Committees of Conference,

18—21—24—28—80—110— . . . . .	119
-------------------------------	-----

## REPORTS of Select Committees,

6—10—39—50—53—56—74—80—99—107—109—111—113—124—126—127 . . . . .	120
---	-----

## REPORTS, of Committees of the whole House,

8; 12; 13; 14; 15; 19; 20; 21; 22; 23; 24; 25; 26; 27; 30; 31; 32; 33; 34; 35; 38; 39; 40; 41; 42; 43; 46; 47; 48; 49; 50; 52; 53; 55; 56; 62; 63; 64; 65; 67; 68; 69; 70; 71; 72; 73; 74; 77; 78; 79; 80; 91; 92; 93; 94; 95; 96; 97; 98; 99; 102; 103; 104; 105; 109; 111; 112; 113; 114; 115; 116; 117; 119; 120; 121; 122; 125 . . . . .	120
--	-----

## REPLIES of the Lieutenant Governor,

To Address of this House in answer to his Speech at the opening of the Session . . . . .	10
To Address of this House on the subject of Education . . . . .	130
To Address of this House on the subject of the Address to the King, relative to the West India Trade, and the Navigation of the River Saint Lawrence . . . . .	130

## RESOLUTIONS of this House,

For presenting an Address to the Lieutenant Governor, thanking him for his several Messages transmitted to this House on the fifteenth of January 12—question put and carried . . . . .	12
For referring to a Select Committee the Resolutions sent up from the Assembly, regarding the Colonial Trade 19—Adopted . . . . .	19
For referring Intestate distribution Bill to a Select Committee 23—Adopted . . . . .	23
For referring Prince Edward separation Bill, together with the present division of the Province into Districts and Counties to a Select Committee 25—Adopted . . . . .	25
For appointing by an Act Commissioners on the subject of the improvement of the River Saint Lawrence 27—Adopted 27—a Conference ordered 27—Conferrees appointed 27—Assembly acquainted of same . . . . .	27
On the subject of the West India Trade, and the Navigation of the River Saint Lawrence 39—Committed 40—reported and leave given to sit again 40—Re-committed 42—Amendments to the Resolutions of Assembly on same subject reported 42—read first time 42—read second time and adopted 43; read third time and passed 45—Resolutions of Assembly as amendend sent to that House for concurrence . . . . .	45
For a conference on War loss indemnity Bill 55—read 56—Adopted 56—a conference ordered 56—Conferrees appointed 56—Assembly acquainted of same . . . . .	56
For a conference on Provincial Commissioners appointment Bill 63—read 63—Adopted 63—a conference ordered 63—Conferrees appointed 63—Assembly acquainted of same . . . . .	63
For a conference on Contingency covering Bill 64—read 64—Adopted 64—a conference ordered 64; Conferrees appointed 64—Assembly acquainted of same . . . . .	64
For a conference on Marriage Solemnization Bill 73—read 73—Adopted 73—a conference ordered 73; Conferrees appointed 73—Assembly acquainted of same . . . . .	73
For again referring to the Select Committee their first Report on the Petition of the United Presbytery of Upper Canada 77—read and adopted . . . . .	77
On the subject of Education, laid on the Table 93—read 96—Committed 103—Reported 103—Adopted 103—Committee appointed to prepare an Address to Lieutenant Governor, founded on the Resolutions 103—a Draft reported by them 111—read first time 111—read second time 111—Committed 111—Reported 111—Adopted 111—read third time and passed 117—Committee appointed to know when Lieutenant Governor would receive the said Address 118—Reported 124—presented 130; Lieutenant Governor's reply . . . . .	130
For concurring in the Report of Select Committee on Intestate Distribution Bill 102; Adopted . . . . .	103
For a Conference on Militia Pension Bill 109; Adopted 109; a conference ordered 109; conferrees appointed 109; Assembly acquainted of same, . . . . .	109
On the subject of passing Week's relief Bill, and fifth concession line of Yonge survey Bill, and for addressing His Excellency thereupon 111; question put and carried 111; Committee appointed to present address . . . . .	111
For referring Vandyk's relief Bill to the consideration of the two Puisne Judges of the Court of King's Bench 114; read 114; Adopted 114; Clerk ordered to transmit a copy of the resolution together with the Bill and Petition, to each of the said Judges . . . . .	114
For limiting the time in future of receiving private Bills from the Assembly, and Petitions therefore, and that such intention be communicated by Message to the Assembly, and published in the Upper Canada Gazette 122—Adopted . . . . .	123

# INDEX.

**RESOLUTIONS, of this House,**

For Addressing His Majesty on the subject of the West India Trade 123—Adopted 124—Committee appointed to prepare same 124—Reported 124—Draft read first time 124—read second time 125 ; Adopted 125—read third time and passed 127—Address passed requesting Lieutenant Governor to cause the Address to His Majesty to be laid at the foot of the Throne 129—Committee appointed to know when this House would be received with same 129—Reported 129—Presented 130—Lieutenant Governor's reply, . . . . . 130

**RESOLUTIONS from Assembly,**

Communicated by Message to this House for its concurrence on the subject of the West India Trade, and the Navigation of the River Saint Lawrence 16—Committed 19—a resolution of this House reported for referring same to a Select Committee 19—Read 19—Adopted 19—Committee appointed 19—addition to the Committee ordered 36—Resolutions reported by them 39—Committed 40—Reported and leave given to sit again 40—re-committed 42—Amendments to Resolutions of Assembly reported 42; read first time 42—read second time and adopted 43—read third time and passed 45—Resolutions of Assembly as amended sent to that House for concurrence, . . . . . 45

Communicated by the conferrees of that House requesting a free conference on amendments made to first Gaol Limits Bill, . . . . . 18

Communicated by the Conferrees of that House for appointing by an Act Commissioners on the subject of the improvement of the River Saint Lawrence 24—Committed 25—Reported and leave given to sit again 25—Re-committed 27—Reported and a resolution agreed to by the Committee 27—same read 27—Adopted 27—a Conference ordered 27—Conferrees appointed 27—Assembly acquainted of same, . . . . . 27

**ROBINSON, Mr. Chief Justice,**

Presents His Majesty's Writ summoning him to a seat in the Legislative Council 5—same read, . . . . . 5

Oath required by Statute 31st Geo. 3rd. Chap. 31st. administered to, . . . . . 6

Presents a Commission from His Excellency the Lieutenant Governor appointing him Speaker of the Legislative Council 6—same read, . . . . . 6

**RULES, of the House,**

Fourteenth read 8 ; Motion made respecting the consideration of same 8 ; Debated 8 ; Debate adjourned 8 ; same renewed 10 ; Motion made for not putting the question on original motion 10 ; previous question put and carried, . . . . . 10

Nineteenth dispensed with, . . . . . 123

Forty-fourth dispensed with in certain cases 30, 78, 79, 80, 95, 98, 106, . . . . . 112

Forty-fourth discharged for remainder of the Session, . . . . . 112

Forty-eighth dispensed with 64, . . . . . 113

S

**SPEAKER of the Legislative Council,**

Mr. Chief Justice Robinson appointed, . . . . . 6

Informs the House that he was in possession of a copy of Lieutenant Governor's Speech at the opening of the Session, . . . . . 6

Reports the receipt of Bills, &c. from Assembly, 12, 14, 19, 20, 23, 27, 31, . . . . . 32

Announces the receipt of a communication from Lieutenant Governor informing this House of the time fixed for closing the present Session of Parliament, . . . . . 49

**SPEECH, of Lieutenant Governor,**

At the opening of the Session 6 ; same read, . . . . . 6

At the close of the Session, . . . . . 132

**SUMMONS, His Majesty's Writ of,**

Presented by Mr. Chief Justice Robinson, appointing him to a seat in the Legislative Council, . . . . . 5

**SUMMONSES, of the House,**

Issued to Members in Town 8, 16, 98, . . . . . 108

T  
U  
V  
W  
X  
Y  
Z

BY ORDER OF THE HONORABLE THE LEGISLATIVE COUNCIL.

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